

# THE EQUALITIES REVIEW

## *Equalities in Great Britain, 1946-2006*

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# Executive Summary

## EQUALITIES IN GREAT BRITAIN, 1946-2006: THEN AND NOW

Pat Thane

Over the past 60 years or so there have been greater changes than at any time in British history in relation to equalities. In 1945, most forms of inequality – relating to age, race, religion, gender, sexual orientation or disability – were deep-rooted, taken-for-granted facts of British culture, rarely openly discussed, still less openly challenged by most of those who experienced inequality. Since then, there has been a remarkable growth in recognition of the dimensions of most of these inequalities, and some social groups have acquired legal rights, entitlements, social respect and cultural recognition to a degree unimaginable at the end of the Second World War. But not all groups have gained equally:

1. In 1945 older people were recognized as victims of poverty and were beginning to speak up against it. It was hardly at all recognized that they were treated inequitably in the workplace, the health care system and other services, and unjustly undervalued in society in general. Only in very recent years, as the numbers of articulate older people has grown and they have demanded equal treatment, and as their importance to the economy has become more obvious with declining numbers of younger workers, have they begun to gain some legal protection against unequal treatment in the workplace and elsewhere. Nevertheless age discrimination remains embedded in British culture and is only recently and slowly beginning to shift.
2. After the Second World War awareness of the persecution of the Jews in Europe increased public sensitivity to open expressions of anti-Semitic racism, but did not eliminate prejudice against Jews as a race and Judaism as a religion. At that time there were no legal barriers to discriminatory language or treatment concerning any racial or religious group, apart from the century old Blasphemy Act, which protected Christianity against abuse. With increasing immigration of people from a steadily widening range of cultures from the late 1940s, inequalities were increasingly pervasive and damaging to social cohesion and economic success. Inequalities that were initially identified with race were seen also to apply to religious groups, very openly following the experiences of Muslims after 9/11 but in reality for long before. A combination of pressure from representatives of those experiencing inequality, with support from sympathetic others and goodwill from governments (more from some than others), by 2006 had led to a situation where everyone, in principle, has the right to legal protection against abuse and unequal treatment based on race or religion. Legal change has probably moved faster than cultural change, in this as in other dimensions of inequality, but now, in contrast to 1945, legal rights exist to be invoked by those who experience inequality.

3. But all racial and religious groups still do not have equal life chances. Gypsies and Travellers fare worst of all on most key indicators, including health, educational attainment and employment, and they experience much overt prejudice. They have found it hardest of all to gain recognition of the inequalities they experience, partly because their migratory culture and relatively small numbers have made it difficult for them to connect with potential supporters in the wider community and to make their case known. Only very recently have their inequalities been clearly officially acknowledged, though they are far from being resolved.
4. Women are not a small minority but a majority of the population, many of them well connected to the wider community and to political groupings. After more than 100 years of campaigning, by 1945 women had the vote and improved access to public life, the law, education and the workplace, though massive gender inequalities remained in all spheres of life. By 2006, continued campaigning combined with gradual cultural shifts had brought changes in the law granting women legal protection against unequal treatment in most spheres and greater acceptance of the principle of gender equality. But substantial inequalities in opportunities and outcomes between males and females remain among all social and economic groups in all spheres, including the workplace, though in some otherwise particularly disadvantaged groups, such as Pakistani and Bangladeshi communities, women are closer than men to the educational attainment of the rest of the population.
5. If inequalities of race and gender were at least publicly acknowledged in 1945, 'homosexuals' were social outcasts, deemed to deserve punishment rather than equal rights. Theirs was indeed 'the love that dares not speak its name'. The notion that they might be regarded as Good As You, as activists began to propose in the 1970s, was unimaginable to most people twenty-five years earlier. Despite continuing instances of homophobia, the shift towards cultural acceptance and legal equality – from imprisonment to civil partnerships – since the 1960s when Lesbians and Gay men began to come-out and demand equality, has been dramatic.
6. As, in a quieter way, has been the transformed experience of the smaller number of Transsexual and Transgender people. Their situation was hardly at all acknowledged, or probably even known about, by most people in 1945. They now have at least formal legal rights to live equally with people of their lived gender, though these have been very recently acquired and serious problems of implementation remain. Again, these changes have been achieved as a result of pressure by articulate, highly educated Trans people on politicians in Britain and the European Union and in the law courts. The potential for change has been assisted by changes in medicine, and gradual changes in attitude in the medical profession, enabling those who wish and need it to receive appropriate treatment.

7. By contrast, many forms of physical and mental disability have been publicly well-known for centuries. Some have always been more sympathetically treated than others, generally, physical disabilities, such as being blind, deaf or dumb, more so than mental disabilities. For centuries there have been efforts, within the limitation of available resources, to enable physically disabled people to live their lives as fully as possible in the community, whilst large-scale institutionalization even of the seriously mentally ill, dates only from the 18th century. Nevertheless, in 1945 there were low expectations of what most disabled people could achieve. Since then, scientific change in various forms has changed the definitions and experience of disability. The range of conditions defined as 'disabilities' has grown, largely driven by developments in medical treatment and diagnosis. For example Depression and Attention Deficit Disorder were long regarded as essentially 'social' conditions: people 'feeling a bit low', children 'being naughty'. Now they can be medically defined and treated. At the same time, technological change has expanded the capacities of society to enable some disabled people to live like everyone else, aided by smart wheelchairs, adapted motor vehicles, computer technology and other innovations unimaginable to most people in 1945. And, as in all other areas of inequality, increasingly articulate demands by disabled people themselves have increased access to support and achieved legal and cultural changes which, at least in principle, protect them against long taken-for-granted attitudes which identified anyone with a 'disability' as inferior to everyone else.

'Good As You' could have been the campaign slogan of any of the groups whose experience in the recent past is surveyed in this report. This is what they have all aspired to, in different ways, on different timescales, and with different, though all, to some degree positive, outcomes. None has yet achieved the degree of cultural and legal equality they aspire to. But over the past 60 years they have come closer – some more than others – due to political leadership at local, UK and EU levels, broad social economic and cultural trends and, above all, by making their own voices heard as never before, using media opportunities unthinkable in 1946. This legacy of successfully speaking-up is perhaps their best guide for the future.

# Introduction

## Pat Thane

This report accepts the evidence of continuing disadvantage in Britain relating to gender, age, race and ethnicity, disability, religion and belief, gender identity and sexual orientation, as surveyed in the *Interim Report for Consultation* and research papers commissioned by the Equalities Review. We have also addressed the inequalities experienced by Gypsies and Travellers, as significantly disadvantaged ethnic minority groups. This report recognizes the continued salience of class disadvantage and its interaction with other forms of inequality, which also interact with one another and vary across and within the very broad social groups listed above.

The purpose of this study is:

- To assess what has and has not changed concerning the causes and experiences of inequality for these broad social groups over the period c.1945 to c.2006;
- To assess, insofar as time and data allow, which factors have promoted or impeded the lessening of the inequalities they have experienced; and
- To deliver conclusions concerning key drivers for change.

## Approach

We recognize that there is a diversity of experience within these very broad social groupings, and that they cannot be considered in isolation from one another. Clearly, the experience, for example, of a 70-year-old, disabled, Black woman, and of very many other people, belongs in more than one social group. Certain factors, such as change in the workplace, have impacted upon all the groups under consideration, though in different ways. This report seeks to analyse change relating to each group separately, as there have been significant differences in the trajectories of each over the past 60 years. The sheer bulk of the available data forces us to generalize about these broad groupings, though we introduce evidence of diversity where possible. There have been few serious attempts to survey the experience of inequality of these population groups over the 60 year time period. This Report is a first, unavoidably imperfect and tentative, attempt to draw together, in a relatively short space, the evidence relating to each of them. The evidence varies in amount and coverage across the population groups. The Conclusion considers the salient issues that cross-cut the broad population groupings.

What follows should be seen in the context of key aspects of change in Britain since 1946, including:

### 1) Demography

**1945 to early 1970s:** high birth-rate compared with the periods immediately before and after, falling death-rate, high marriage rate and low divorce and 'illegitimacy' rates, rising immigration, first from Europe then from the Commonwealth.

**Early 1970s to present:** falling birth-rate, falling marriage rate, rising divorce and 'illegitimacy' rates, rising life and health expectancy, substantial immigration from the Commonwealth, then increasingly from other European countries and from crisis-hit countries world-wide.

## 2) Work

**1945 to early 1970s:** full employment (for men), high, but falling, levels of industrial employment, increasing female employment, a high proportion of it part-time.

**Mid 1970s to present:** decline of heavy industry, increased service employment, differentiated between low-paid work (e.g. fast-food and call-centre industries) and high-paid (e.g. financial services).

**Early 1980s to mid 1990s:** high unemployment, particularly among men, older workers and some ethnic minority groups.

**1980s to present:** increased hours of work and reported stress at work, but not the extreme shift away from the 'job for life' towards short-term contracts often assumed, except in a few sectors.<sup>1</sup> Steadily expanding range of employment open to women (though much of it still part-time and with unequal pay, promotion and training opportunities compared to men) and members of some ethnic minority groups.

## 3) Education

**1945 to present:** increasing length of stay in formal education following rise in the minimum leaving age to 15 in 1947 and 16 in 1973. Steadily increasing numbers staying on in education and entering university, and increased numbers passing national examinations, particularly girls and members of some ethnic minority groups.

## 4) Social class

**Since 1945:** increased numbers identifying as 'middle class,' but a substantial, low-paid 'under-class' remains. Persistent differences related to economic situation remain among males and females and all ethnic groups, including White British people, in educational achievement, income, health and life expectancy.

## 5) Poverty

**1945 to early 1970s:** narrowing of the gap between the richest and poorest.

**1980s to present:** widening of the gap between the richest and poorest; with recent slight narrowing, particularly between poorest and middle incomes.

<sup>1</sup> For a useful survey of the research data: Robert Taylor *Britain's World of Work – Myths and Realities*. (Economic and Social Research Council, 2003).

## 6) Culture

**1960s to present:** a less deferential culture, more critical of government and knowledge elites (e.g. medical profession). Evidenced in a less deferential, more intrusive and critical media and more assertive activist groups. Increased access to a widening range of mass-media.

## 7) Travel

**1946 to present:** greater ease of movement around the world for pleasure and for work (legal and illegal), increasing awareness of and contact with other cultures.

This report consists of a narrative account of the history of each social group since c.1945, with brief surveys of previous history where we think this essential for understanding their post-1945 experience and to establish how very longstanding some forms of inequality are. We have chosen a narrative approach in the belief that this captures past experience most clearly and accessibly. The accounts are chronological in structure, each interweaving description and analysis of the experiences of inequality of the group in question with accounts of relevant legislation, the formation, tactics and effects of activist groups and of significant public events. For each group, conclusions are drawn as to the extent of change over the time period, the main triggers of disadvantage and drivers of improvement. Where appropriate, a statistical appendix is attached to each chapter to amplify the narrative, but in some chapters it has proved more helpful to integrate statistics into the text. A time-line is attached to each chapter and a composite time-line of key events from 1946 can be found at Annex A. A final Conclusion attempts to identify the key, long-term causes of disadvantage across the groups and the most effective means of driving change.

# Chapter 1: Age and Equality

Pat Thane

## Before 1945

Throughout British history older people have been a substantial presence in society. Even in 18th century England people over 60 constituted about 10 per cent of the population. Historically, this was not exceptional.<sup>2</sup> Throughout history many older people, especially older women, have experienced significant inequality, being one of the largest groups in poverty. Some experienced severe discrimination, at the most extreme the persecution of older women as witches in 17th century England and Scotland.

Modern campaigning by and on behalf of older people in Britain against various forms of inequality began in the 1930s, though since the late 19th century, the Trades Union Congress (TUC), individual trades unions and working class activist groups have campaigned, first, for state pensions (introduced in 1908) then for better pensions through the First World War and the 1920s and 30s.<sup>3</sup> The pension introduced in 1908 was very low, means-tested and not paid until age 70. It was primarily designed to meet the needs of older women, due to their high level of poverty, and they became the majority of the first pensioners.<sup>4</sup> The pension age was reduced to 65 in 1925, for (mainly male) workers in the national insurance scheme only. The pension remained very low.

The campaigns of the 1920s and 30s took place against the background of economic depression and high unemployment, and, like today, concern at the rising numbers of older people and shrinking numbers of younger people, with putatively damaging social and economic effects. This was because the birth-rate had fallen sharply while life expectancy was rising. Publications by William Beveridge, often described as the architect of the modern welfare state, and the economist John Maynard Keynes, as well as government reports, stressed the potential challenges for society and the economy which were expected to result.<sup>5</sup>

In 1935 Florence White formed, in Bradford, the **National Spinsters Pensions Association** (NSPA) to campaign for a lower pension age for women – 55 instead of 65 – on the grounds that older women found it difficult to enter or re-enter employment at younger ages than men and were also likely to be dismissed younger due to age-prejudice. There is strong evidence that both claims were well-founded. Many employers dismissed, or would not employ, women above a certain age because they were thought not 'decorative' enough or due to exaggerated assumptions about their capabilities and rates of sickness. The NSPA consisted of mainly working and lower-middle class, unmarried, working women,

2 Pat Thane, *Old Age in English History*, (Oxford University Press, 2000), pp.19-28.

3 Thane, *Old Age*. pp.194-215, 308-332.

4 Pat Thane 'The "scandal" of women's pensions in Britain: How did it come about?' in H. Pemberton, P. Thane, N. Whiteside (eds), *Britain's Pensions Crisis. History and Policy*. (Oxford University Press, 2006) pp.77-90.

5 Thane, *Old Age* pp.333-352.

including many textile factory workers. About 15 per cent of all women never married at this time. Their lobbying led to the appointment of the **Select Committee on Pensions for Unmarried Women**, which reported in 1939.<sup>6</sup>

1938 saw the founding of the **National Federation of Retirement Pensions Associations** (the NFRPA; later, and still, The National Federation of Old Age Pensions Associations, NFOAPA). This was formed and initiated by pensioners in Manchester concerned about the poverty of older people, the fact that unemployed older people found it harder to re-enter work than younger people, and pensioners struggling to live on the very low state pension. They gained press publicity and made contact with similar organizations being formed for the same reasons in London, mainly by working and lower middle class people, with support from churches.

In 1939 these activists from Manchester and London got together to demand, through lobbying, demonstrations and media publicity, that the government double the pension from 10s (50p) per week to £1, to relieve old age poverty. The Prime Minister, Neville Chamberlain, refused on the grounds that all government expenditure should be focused on the coming war. Chamberlain's response was widely criticized in the press. Within six weeks over 5 million signatures had been collected for a petition to double the pension and NFRPA members kept up pressure on local MPs.

In 1940 the pension age for women was reduced to 60, though the government did not fully admit that discrimination against older women occurred in the workplace. A means-tested supplementary pension now provided for the poorest pensioners. This was less stigmatizing than the Poor Law, previously the only alternative to the pension for destitute old people. One million pensioners received the new benefit, though not all who were eligible applied, leaving them still in poverty. The new benefit was up-rated in line with inflation throughout the Second World War, but still met only the most basic needs, and the NFRPA kept demonstrating through very active local branches for higher basic pensions.

Also in 1940 a government investigation into the living conditions of the new supplementary pensioners revealed their serious poverty. A meeting of government departments and voluntary organizations led to the formation of **The Committee for the Welfare of the Aged** (CWA, soon changed to the Old People's Welfare Committee, and in the 1970s to Age Concern, England). Its first chair was Eleanor Rathbone, the feminist Independent MP and campaigner for family allowances. The CWA developed voluntary services, especially residential homes, in close association with the National Council of Social Services and with a government subsidy. Its mission was to work for improvement in the health, welfare and pensions of the most deprived older people, rather than to encourage

6 Dulcie Groves, *Women and Occupational Pensions, 1870-1983*, (London University PhD, 1986).

action by them. Hardship among older people, especially those affected by the wartime blitz, led to the formation of another welfare organization, the **National Corporation for the Care of Old People** (NCCOP, re-named Centre for Policy on Ageing in 1980). In addition to voluntary action, the NCCOP achieved some improvements in publicly funded health and welfare services for older people during and after the war.

In 1942, the **Beveridge Report, *Social Insurance and Allied Services***, recommended the introduction, over twenty years, of adequate, subsistence level, pensions for all. It was to be gradual due to the high cost. Due to his concern about the ageing of the population and the contemporary evidence that many, but not all, people were fit to work beyond age 65, Beveridge also recommended a flexible pension age to discourage early retirement by providing significantly higher pensions for later retirement. In relation to health service reform, Beveridge's report took for granted that 'it is dangerous to be in any way lavish to old age until adequate provision has been assured for all other vital needs, such as the prevention of disease and the adequate nutrition of the young'.<sup>7</sup> This iconic – and now often misunderstood – social policy document took for granted discrimination against older people in health care, reflecting contemporary cultural assumptions. These had, however, been challenged in evidence to the Beveridge committee, for instance by the National Council of Social Services, who pointed out how poorly, compared with other groups, older people were served by medical services already. The NFRPA was very critical of Beveridge's proposal for the very slow introduction of subsistence level pensions, which, if introduced, would have left many to die in poverty during the 20-year transition period.

## 1945 – 1970s

The 1946 **National Insurance Act** differed in important respects from the Beveridge recommendations. It introduced higher, universal pensions, but with no arrangements to raise them to subsistence level, they remained very low. For the first time, retirement from work was a condition of receiving the pension. There was no serious attempt to provide incentives to delay retirement. Trades unions had long argued that after years of heavy labour, workers (mainly men) deserved retirement and a period of rest. In the eyes of the Labour government, this outweighed Beveridge's argument that the ageing of the population necessitated later retirement.

7 Cmd 6404, p.42.

The Act came into force in 1948. Almost immediately 1 million pensioners had to apply to the new **National Assistance Board** for a means-tested supplement to gain a subsistence income because the pension was so low. Many more in need did not apply, for a variety of reasons that are imperfectly understood. This has been the situation for millions of pensioners ever since. Most of them have been women, who have had unequal access to occupational pensions due to employment records broken by caring responsibilities and relatively low pay when in work.<sup>8</sup> Similar problems due to incomplete work and contribution records have been experienced by members of ethnic minority groups, immigrants, Gypsies and Travellers and people suffering from long-term disabilities. The failure of successive governments to introduce adequate basic pensions for all, comparable with those introduced in most west European countries since 1945, has been a major trigger of pensioner poverty.<sup>9</sup> Through the 1950s and early 60s, the NFOAPA continued to protest to MPs and Ministers, via large local meetings throughout the country, petitions to government and in the press, as already low pensions failed to keep up with inflation, further increasing pensioner poverty.<sup>10</sup> Four thousand old age pensioners took part in a rally in Central Hall, Westminster in 1953. In 1955, the NFOAPA had 350,000 subscribers, overwhelmingly pensioners.

The inauguration of the **National Health Service** in 1948 did much to help older people, including providing optical, dental and chiropody services, which remedied often seriously disabling conditions, free of charge for the first time. But the inadequacy of community care facilities to enable the discharge of older in-patients from hospitals meant the 'Blocked Bed' was already an issue on which the NFOAPA was petitioning the government.<sup>11</sup>

In refusing to adopt Beveridge's proposal for flexible retirement and pensions, the Ministry of Pensions was responding to pressure from trades unions, and to the Labour party's long-term commitment to give workers a period of rest after long working lives. This was understandable at a time when most workers in their 60s, male and female, would have started work around age 12 or 13 and led lives of hard labour on low incomes. But, through the late 1940s and 50s, the Ministry of Labour wanted to keep older people at work. They were concerned about the unprecedented labour shortage and the perception of an ageing labour force with numbers of younger workers in decline. The Ministry, the Nuffield Foundation and other bodies funded research that showed how skilled and effective older workers could be in most jobs (even heavy labour) and that, contrary to popular belief, workers in their 60s could learn new skills. The Ministry tried, through meetings, the press, leaflets and films, to persuade employers to keep workers on past the pension age. They offered advice on how most effectively to employ older workers. The Conservative government appointed the **National Advisory Committee on the Employment of Older men and Women**, 1952-5, to investigate the situation and advise on how workers might be encouraged to

8 Pat Thane, Jay Ginn, Patricia Hollis, 'Women and Pensions in Britain' in H. Pemberton, P. Thane, N. Whiteside (eds), *Britain's Pensions Crisis. History and Policy*, (Oxford University Press, 2006) pp.77-124.

9 'Lessons from Abroad', Pemberton et al (eds), *Britain's Pensions Crisis*, pp.191-255.

10 Henry Pratt, *Gray Agendas. Campaigns by Older People in Britain and US*, (Ann Arbor, Michigan, 1986).

11 Dr Somerville Hastings, *The Lancet*, Nov 10, 1951.

delay retirement. They found that most employers refused to believe that older men and women were effective workers. In the 1950s, immigrant and female labour was fulfilling their need for workers and employers felt no need to revise their attitudes to older people. This committee and the **Committee on the Economic and Financial Problems of Old Age**, 1954, recommended more flexible and later retirement ages. But this serious attempt by government, supported by the NFOAP, to reduce ageism in the labour market, failed.

This was partly because the attitudes of older people themselves were mixed. Some older workers wanted to retire, even on inadequate pensions, but contemporary surveys showed that others did not because they still felt fit and active aged 60 to 65, were reluctant to face a life of poverty on a pension and would prefer a flexible retirement age. However, retirement at the state pension age spread, becoming the norm for manual workers by the 1950s. Forty-eight per cent of men over 65 were in paid work in 1931, falling to 31 per cent in 1951 and 19 per cent in 1971. This created a more rigid barrier than ever before between the lives of 'old age pensioners' and younger people still in the labour market; culturally they came to be seen as very distinct groups whereas previously the boundary had been more fluid.<sup>12</sup>

From the late 1950s, concern about the ageing of the population and the shrinking of the workforce declined as it became apparent that the birth-rate had been rising since the war. Growing immigration (see Chapter 2) and the increasing participation of women in the labour market (see Chapter 5) expanded the workforce. Efforts to diminish ageism in employment disappeared. The confident projections of the 1930s and 40s of a continuously low-birth-rate and an ageing population turned out to be incorrect, and might serve to restrain over-confidence in present-day projections of future population trends.<sup>13</sup>

In the 1950s and early 60s research revealed continuing poverty among older people, especially women, who were the majority of over-65s,<sup>14</sup> and appalling conditions in residential homes.<sup>15</sup> In popular discourse 'old age' became synonymous with retirement and poverty. Campaigns for relieving the inequalities suffered by older people were more prominent than action by them at this time, although the NFOAPA continued to campaign. It lobbied very actively in the general election of 1964, which brought Labour back to power. The term 'elderly' came increasingly into use and was believed to indicate greater respect than 'old people', although it was introduced for, rather than by, older people.

In 1961 **Help the Aged** was formed out of earlier charitable activities for older people by the Christian philanthropists who had formed OXFAM a few years earlier.

12 Sarah Harper and Pat Thane, 'The "social construction" of old age 1945-1964' in M. Jeffereys (ed.) *Growing Old in the Twentieth Century*, (Routledge, 1989).

13 Thane, *Old Age* pp.475-493.

14 Peter Townsend, *The Family Life of Old People*, (Routledge, 1957); P. Townsend and D. Wedderburn, *The Aged in the Welfare State*, London 1965.

15 P. Townsend, *The Last Refuge*, (Routledge, 1964).

In 1965 the Labour government raised the state pension to about 21 per cent of average male industrial earnings, its highest level ever, though it still did not rescue hundreds of thousands of older people, mostly female, from poverty and means-testing. Labour had been committed for some years to the improvement of the pension system, though this action fell short of the radical reform proposed in its 1957 policy document *National Superannuation*. In 1965 Labour was bidding for votes in a difficult economic situation, having won a very small majority in 1964. It was aware of the number and voting power of pensioners and the sympathy they attracted among other voters. Since the mid 1950s, Labour had also been under pressure from the academic advisers behind *National Superannuation*, Richard Titmuss, Peter Townsend and Brian Abel-Smith, all from the London School of Economics. Their research, published in the mid-1960s, revealed high levels of poverty, particularly among older people and children. They advocated improved benefits for young and old. Described as ‘the rediscovery of poverty’ this work influenced thinking about several of the social groups considered in this report.<sup>16</sup> But Labour lost the 1970 election and further reform of pensions was delayed until 1975, following their re-election in 1974.

The 1975 **Social Security Pensions Act** introduced earnings-related state pensions and established a mechanism for their steady increase, linked to average earnings. The proposed gradual increase, over 20 years, failed to satisfy many supporters of improved pensions including the NFOAPA but was an improvement on previous pension levels.

The late 1960s and 1970s saw the formation of new activist groups in the social policy and inequality arena which were more outspoken, more media-savvy and with more memorable, media-friendly names, such as the Child Poverty Action Group, Shelter, and the Disablement Income Group. They employed more professionally trained workers, many of them influenced by the ‘rediscovery of poverty’ research, and committed to working with, rather than for, excluded groups. Existing groups, from a more philanthropic tradition, began to change along similar lines, often changing their names in the process; the **National Old People’s Welfare Committee**, became **Age Concern** in the early 1970s and devoted more time to helping older people with social security claims and encouraging research into their conditions. It became increasingly active in supporting older people from ethnic minorities who were becoming visible following increased Commonwealth migration from the 1950s. In 1980 the NCCOP became the **Centre for Policy on Ageing. Help the Aged** also shifted from essentially philanthropic activity to lobbying government to improve pensions and services and supporting activism among older people. Older persons’ activism in the US, such as the Grey Panthers and the American Association of Retired Persons, which were highly visible in the 1960s and 70s, provided an inspiration to British organizations.<sup>17</sup> The focus of activism in Britain at this time was on reducing material inequalities, on pensioner poverty and improving services – for which there was urgent need – rather than cultural inequalities such as age discrimination in the workplace, health and other services, and elsewhere.

16 B. Abel-Smith and P. Townsend, *The Poor and the Poorest* (G. Bell & Sons, Occasional Papers in Social Administration no.14, 1965).

17 Pratt, *Gray Agendas*.

Longer-established activist groups of older people, such as the NFOAPA became weaker, partly because their role was supplanted by the better resourced, highly professional groups such as Help the Aged and Age Concern. The NFOAPA was funded mainly by subscriptions from pensioner members who had limited resources. But in 1970 they still played an important role in the founding of the **All-Party Parliamentary Group on Old Age Pensions** (now the APPG on Ageing and Older People). Some of its supporters found it too moderate in a time of more outspoken campaigning<sup>18</sup> and in the 1970s they increasingly worked with trades unions – which were generally more militant than before – to demand improved pensions. In 1979, this led to the formation by the TUC of the **National Pensioners' Convention** (NPC), committed to achieving pensions not less than half of average gross earnings, and linked to earnings. This was also the target for state pensions set by the European Union, of which Britain was now a member. The NPC's 'Pensioners Charter' also called for:

- free health care, community care and services to assist independent living;
- nationwide travel on public transport;
- education and access to leisure and cultural services;
- 'good, services and benefits without age discrimination';
- active engagement and consultation on national and local issues; and
- 'advocacy, dignity, respect and fair treatment in all aspects of their lives'.

The NPC was led by Jack Jones, who had recently retired as general secretary of the Transport and General Workers Union. A major reason for the formation of NPC was that during the economic recession of the later 1970s, it was becoming clear that, as in the 1930s, people in their 50s were losing their jobs faster than younger workers and finding it harder to return to the workforce.<sup>19</sup>

The NPC was active and vocal throughout the 1980s, holding annual rallies in London and lobbying government. But it had little influence at a time of declining trades union power and membership. At the same time the Conservative government de-linked the state pension from earnings in 1982, reducing their real value, whilst encouraging private pensions saving in an increasingly de-regulated market. The outcome was a serious crisis of pensions mis-selling which threatened the retirement incomes of many older people. The 1980s also saw cuts in expenditure on health care for older people relative to younger people and reduced expenditure on those local services which helped older people to live independently.

18 Pratt, *Gray Agendas*, p.136.

19 R. Berthoud and M. Blekesaune, *Persistent Employment Disadvantage, 1974-2003*, ISER Working Paper 2006-9 (University of Essex, 2006), produced for the Equalities Review, p.10.

## 1980s to the Present

The 1980s and 90s saw a revival of political and public concern about the ageing of the population in Britain and other high-income countries.<sup>20</sup> The preceding period of concern, from the 1920s to 50s, and the research it had generated into the positive aspects of an ageing population, was totally forgotten. Also in the 1980s and 90s, an outcome of high unemployment, economic recession and 'downsizing' (by companies who believed they had most to gain from dismissing older, often more expensive workers) was a continuing increase in the number of people effectively retired from work in their 50s. This was sometimes presented as the unavoidable outcome of technological change, due to the incapacity of older workers to adapt and retrain, overlooking the fact that 'older' workers, even in their 40s, were often not offered training opportunities.<sup>21</sup> It was also contrary to contemporary research on the learning capacities of people, which demonstrated that a smart 60-year-old can out-perform an average 25-year-old at most mental activities, and the capacity of older people to learn new skills.<sup>22</sup> Research also showed that older workers tend to be more rarely absent due to sickness or other reasons and more highly motivated and productive than younger workers.

By the early 1990s one-third of workers in Britain and elsewhere in western Europe had retired before reaching their 60th birthday, sometimes on comfortable company or private pensions (though this was less likely for women).<sup>23</sup> Women, members of ethnic minority groups (see below), the long-term disabled, Gypsies and Travellers and immigrants were most likely to retire on low incomes. Life expectation was also growing. In 1950-51, a 65-year-old man could expect to live another 11 years and a 65-year-old woman 13 more years, but by 1995 this had risen to almost 15 years for men and 18 for women, and in 2001 to 16 years for men and 19 years for women.<sup>24</sup> On average, people not only lived longer but remained healthy longer than before, suggesting that many people were also fit to work to longer.

In 1992, the **Maxwell scandal** highlighted awareness of the insecurity of employer pensions, alongside the experience of early retirement and the falling value of state pensions. After Robert Maxwell's body was found floating in the Atlantic in 1991, the Serious Fraud Office found that around \$400m had been diverted from the pension fund of Maxwell's Mirror Group as unauthorized loans to his foundering private companies. Large numbers of Maxwell employees, past and present, lost their pensions. There were also revelations in the 1990s of the extent of the mis-selling of private pensions by private finance companies following deregulation by the Thatcher governments. These experiences further stimulated the organization of activist groups among older people, angry at their inability to return to the workforce even when they were highly skilled, experienced and active, and at the prospect of insecurity after retirement, even when they believed that they had contributed to a secure pension fund. They were, on average, better educated and physically fitter than older people of previous generations, hence all the more willing and able to be assertive.

20 World Bank, *Averting the Old Age Crisis: Policies to Protect the Old and Promote Growth*. (Oxford University Press, 1984).

21 *Economist*, 18 Feb 2006.

22 E.g., Scott A. Bass (ed.), *Older and Active* (Yale University Press, 1995).

23 *Pensions: Challenges and Choices. The First Report of the Pensions Commission*. (The Stationery Office, 2004), p.55.

24 *Pensions: Challenges and Choices*. p.3.

In 1988 the **Campaign Against Age Discrimination in Employment** (CAADE, still active) was formed and, in 1992, the **Scottish Pensioners Forum**, initiated by the Scottish TUC with support from Help the Aged, Age Concern and the Scottish OAPA, 'to allow pensioners to speak on behalf of pensioners'. In 1998 came the formation of **Third Age Employment Network**, with support from Help the Aged, to advise older people on opportunities for work and training and to lobby to extend their opportunities. These organizations, and individual older people themselves, have done much to increase the involvement of older people in voluntary and community action, in which they are often a vital force. In 2001 27 per cent of people in the UK aged 65 and over participated in community and voluntary activities, most of them aged under 75.<sup>25</sup> The skills and energy of many of the early retired, which were lost to the paid workforce, were re-directed into the voluntary sector, though unfortunately there are no statistics of volunteering among retired people aged under 65. Older volunteers are not always welcome. While being commendably anti-discriminatory in their anxiety to recruit more volunteers from ethnic minorities, some organizations, in trying to attract younger volunteers, seem wholly unaware of their unconscious age discrimination.

In 1990 the government committed to equalize male and female state pension ages, following an EU ruling on a sex discrimination action brought by a man. It was a rare example of anti-male discrimination. The government decided to raise the female pension age gradually from 60 to 65 between 2010 and 2020. There was no evident public protest. For male-to-female Transsexuals, the inequality persisted as they were denied the right to collect their state pension at 60, like other women, until the Gender Recognition Act, 2004 (see below, Chapter 6).

Since the mid 1990s activist groups have raised public awareness of discrimination against older people in employment and other areas of life. The numbers of people retired before the age of 60 has since slowly declined.<sup>26</sup> This probably owes most to employers recognizing the loss to their businesses caused by the over-enthusiastic sacking of older people in the 1990s, and also to government (as in the 1940s and 50s) becoming aware of the need to keep older people at work to compensate for the declining number of younger workers, as indicated by recent proposals to raise the pension and retirement age in the public sector. Government efforts may be more successful on this occasion, since more people are now fit and active in their sixties than was the case in the 1950s. However they are meeting resistance from unions and individuals. Popular opinion is clearly divided and, of course, not all people are fit and active in their mid-sixties. Activists argue that individuals should be judged by their capabilities, rather than crudely by age. There have also been increasing complaints about age discrimination in the delivery of health care, due probably to older people and their relatives being less willing to tolerate it, than to an increase in such discrimination.

In 2006 the **Employment Equality (Age) Regulations** were introduced as part of an EU wide initiative to stop age discrimination in the workplace. This may reinforce other efforts to encourage more flexible cultural attitudes towards the capabilities of older people, but it is too soon to tell. The regulations apply to discrimination against people at all ages.

25 2003 Home Office Citizenship Survey: People, Families and Communities.  
<http://www.homeoffice.gov.uk/rds/pdfs04/hors289.pdf>

26 ISER Working Paper, *Persistent Employment Disadvantage*.

Activist groups have also sought to change cultural attitudes toward older people, challenging what they see as commonplace denigration and offensive language, which is no longer acceptable in respect of other social groups. The use in recent years of the term 'older people' in place of 'old' or 'elderly people' has been intended to diminish stereotyping of all people past a certain age, since everyone, from shortly after birth is older than someone.

Such efforts have had only limited success to judge, for example, by the media discourse around the introduction of 2006 Regulations. A speaker on BBC Radio Four's *Today Programme* on 28 Oct 2006, described 'younger' workers as generally 'more enthusiastic and energetic' than 'older' ones, despite much evidence to the contrary. Many more examples are possible. A national sample survey conducted by Age Concern in late 2005 reported that more people (29 per cent) reported experiencing age discrimination than any other form of discrimination. Those over 55 were nearly twice as likely to have experienced age prejudice than any other form of discrimination. One-third of people surveyed viewed people over 70 as incompetent and incapable. Nearly 30 per cent believed that age discrimination was more serious than five years before.<sup>27</sup> These findings should, however, be interpreted with caution. Popular awareness that regarding all people over a certain age as incompetent constitutes discrimination, rather than a statement of obvious fact, is more recent than awareness of other forms of discrimination. Heightened awareness may be the first step to abolition of such discrimination.

## Conclusion

The physical condition and culture of older people has changed more rapidly since 1945 than attitudes to them. Popular attitudes have not caught up with the emergence of a large, active, assertive group of the population aged over 60, though change may be beginning, or with the diversity of the very large group of 'old people' aged from around 60 to over 100. This 'age-group' contains some of the fittest and the most frail, the wealthiest and the very poorest members of the population, from increasingly diverse cultural backgrounds. It makes no sense to stereotype them as a single group. There is a primary need to distinguish between the very different contributions and needs of fit and active and of frail older people. More radically, people at all ages (including the very young) should be judged, in the workplace and elsewhere, by their capabilities rather than by their age. This will be challenging but not impossible for employers, whilst insurance companies, for example, may have to consider defining risk groups by characteristics other than age and gender.

Over the past 60 years, there has been unprecedented change in the physical condition of most older people. More are healthy and active for longer, due to improved living standards and health care. There have been great changes in the cultural experience of many older people, with many leading more varied and active lives than older people did in the past. Contrary to popular belief, family support for older people has not been in long-term decline.<sup>28</sup>

27 Age Concern, *How Ageist is Britain?*, 2006.

28 Thane, *Old Age*, pp.119-146, 287-307, 407-435; K. Glaser, C. Tomassini, D. Wolf 'Family Support for Older People', special issue *Ageing and Society*, vol. 26, part 5, 2006.

Older people are also performing substantial services for their families, for instance as grandparents, as they always have.<sup>29</sup> But their employment situation has tended to deteriorate, triggered by economic conditions and management decisions, though there are current, slow, signs of recovery. And many older people, especially women over 75, continue to experience severe poverty, due to institutional failure, especially of the pensions system. In 2005 the then Pensions Minister, Alan Johnson, described women's pensions as a 'scandal'. The difficulty for women and others arises because the levels of state, occupational and private pensions are determined by years of employment. This currently disadvantages those who have not worked and paid national insurance contributions continuously for at least 40 years. This mainly affects women whose years of paid work are interrupted by caring responsibilities, but also many disabled people who have broken work records and thus qualify only for the minimum state pension, and other groups including Gypsies and Travellers and immigrants, who may have worked for less than the maximum period and receive commensurately lower pensions.

Members of ethnic minority groups who have lived in Britain throughout their lives also tend to have lower incomes after retirement and are less likely than White British people to belong to private or occupational pension schemes, though there is considerable diversity among and within all ethnic groups. Ethnic minority groups generally have a younger age structure than the White population. In 2001 5.1 per cent of ethnic minority groups were aged 65 or above compared with 16.9 per cent of the White population. Inequalities in income at later ages arise above all from the labour market position of the various ethnic groups. Unemployment rates are higher for non-White ethnic groups, both male and female, and higher for Black Africans and Pakistanis than for Indians. Self-employment rates are also higher, especially among Pakistani and Chinese populations. These patterns reduce access to employer-provided pensions. The lower incomes of many ethnic minority groups reduce their opportunities for pension saving, for instance two-thirds of Bangladeshi and half of all Chinese men in employment work in the distribution, hotel and catering trades, which have low wages and low rates of participation in private and occupation pensions.<sup>30</sup>

The pensions system is currently under review. It is not clear that current government proposals will substantially help these disadvantaged groups, since they include the retention of the national insurance principle (despite its abandonment in other sectors of the British social security system, such as unemployment provision, and also in much of western Europe), with a reduction in the number of qualifying years.<sup>31</sup> Discrimination against older people continues in the health service, for instance women over 65 are not routinely called for breast scans, despite the fact that breast cancer is more common in women over than under 65 and certain medical procedures are refused on purely age-based criteria. Insofar as there has been a reduction in income and employment inequality between older and younger people (and any reduction has been slight) it was driven by the campaigning of activist groups leading to EU, government

29 E. Grundy, 'Reciprocity in relationships: socio-economic and health influences on intergenerational exchanges between third age parents and their adult children in Great Britain', *British Journal of Sociology*, 56, pp.233-55.

30 *Pensions: Challenges and Choices*, pp.66-67.

31 Pemberton, Thane, Whiteside, *Britain's Pensions Crisis*, 'Epilogue'.

and employer action and also, especially in the case of employers, by labour and skill shortages. The increased levels and effectiveness of older people's activism has been fuelled by the growing physical fitness, education and confidence of very many older people in recent decades.

### **Illustration: the changed experience of older people over time**

#### **Age 65 in 1950:**

- Born 1885, a time of high levels of poverty when most of the population were working-class.
- Left school aged 12, at most 13, probably for heavy manual work, or, if female for domestic service.
- Lived through two world wars and heavy inter-war unemployment. If male, fought in First World War, possibly followed by long period of unemployment. If female, a succession of pregnancies, childbirth, miscarriage, sometimes alongside paid work. Ready for retirement at 65 after long, hard lives.
- Rented home, often in poor condition.
- Average life expectancy at 65: men c. 76, women, c. 78 – but that is average for whole population of England Wales.

#### **Age 65 in 1970:**

- Born 1905, when there were still high levels of poverty.
- Left school, age 12-14, in the midst of the Depression.
- 1.8 per cent of age-group attended university, but this opportunity was 80 per cent lower if female.
- If male probably fought in the Second World War. If female, fewer pregnancies, falling birth-rate.
- Gained in later life from post-war full employment, NHS, improved housing (probably rented), pensions, better opportunities for children, leisure, perhaps first holidays abroad.
- Average life expectancy at 65: men, 77, women, 81.

**Age 65 in 2000:**

- Born 1935.
- Early years dominated by economic Depression and war, then post-war full employment, improved education and health.
- Left school aged 15+, 5.4 per cent attended university (female opportunity still 75 per cent lower).
- Married and had children young, in early 20s; increased risk of divorce, triggering poverty for women.
- Increased chance of home ownership.
- More likely than previous generations to be in service industry than heavy industrial employment. Possibly unemployed during 1980s.
- Average life expectancy at 65: men 81, women 84.

**Age 65 in 2040:**

- Born 1975.
- Possibly experienced family unemployment in early years.
- Left full time education aged 16-21; 40 per cent attended university, 50 per cent of them female.
- Married/partnered/and had children (if any) in 30s.
- High mortgage, student debt, unlike previous generations.
- Probably skilled white-collar job. Heavy manual labour now a minority experience, but many of the less educated in low paid, long hours, service employment. Longer hours and higher stress in most occupations.
- Projected average life expectancy at 65: men and women, 85-95 (depending upon assumptions fed into the projection).

The main drivers of change over the past 60 years have been:

- **Campaigning by older people.** This was most active in the 1930s and 40s and since 1980s, both periods in which public concern about the economic consequences of an ageing population increased their clout. In the 1930s and 40s the chief concern was poor pensions and services. In the recent phase these continue to be major concerns, now accompanied by resistance to age discrimination in the workplace and elsewhere.
- **Increased physical and mental fitness** and levels of education, training and self-confidence among older people have increased their campaigning effectiveness.
- **Campaigns by voluntary organizations** on behalf of older people since the 1940s, increasingly in partnership with them since the 1970s, focussed on poverty and poor services, fuelled by research, and since the 1980s on age discrimination. Voluntary organizations increasingly professional and media-savvy since the 1960s.

- **Labour governments** have done more than Conservative governments to advance age equality, in response to campaigns, the voting power of older people and, recently, to concern about the economic consequences of age discrimination especially at work.
- The **EU** has prompted government action, responding to campaigns across Europe and concern about the economic consequences of an ageing population.
- Very slow **cultural shift** towards awareness of age discrimination.

Inhibitors of change include:

- The continuing **poverty** of very many older people.
- **Cultural conservatism** – widespread failure to recognize that it is not 'common sense' to expect inequality past a certain age.
- Attitudes reinforced by the **mass media** presenting stereotyped images of older people.

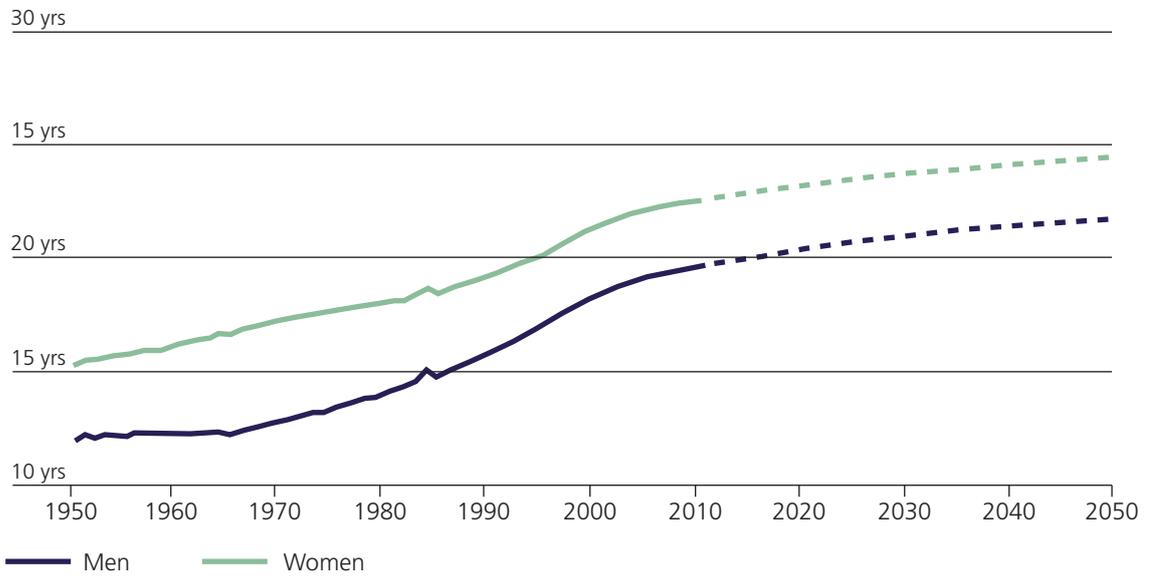
**TIMELINE**

- 1908** State Old Age Pensions introduced in UK at age 70, means-tested
- 1925** Pension age reduced to 65
- 1935** National Spinsters Pensions Association campaigns for lower pension age for women
- 1938** Pensioners form National Federation of Retirement Pensions Associations to fight for higher pensions
- 1930s-50s** Concern about ageing of the population
- 1940** Pension age for women reduced to 60, supplementary pensions introduced for poorest pensioners  
Foundation of campaigning groups that became Age Concern and Centre for Policy on Ageing
- 1942** Beveridge Report
- 1946** National Insurance Act introduced universal pensions from 1948
- 1948** National Health Service and National Assistance Board established
- 1950s-60s** Spread of retirement at 60/65  
'Rediscovery' of poverty among older people
- 1961** Formation of Help the Aged
- 1965** State Pensions increased
- 1975** Social Security Pensions Act introduced SERPS
- 1979** TUC forms National Pensions' Convention  
Increased militancy by older people about continuing low level of pensions
- 1980s-90s** Spread of early-retirement  
Fall in real value of state pension  
De-regulation and mis-selling of private pensions  
Increased concern about ageing of the population  
Pensioners campaign about inadequate pensions and discrimination against older workers
- 1990** Equalization of male and female pension ages at 65 to be implemented gradually following EU ruling
- 1992** Maxwell scandal
- 1988** Formation by retired people of Campaign against Age Discrimination in Employment
- 1992** Scottish Pensioners Forum set up
- 1998** Third Age Employment Network set up
- 2000s** Closure and cutting-back of many public and private sector employer pension schemes
- 2006** Employment Equality (Age) Regulations introduced as part of EU initiative to end age discrimination in the workplace

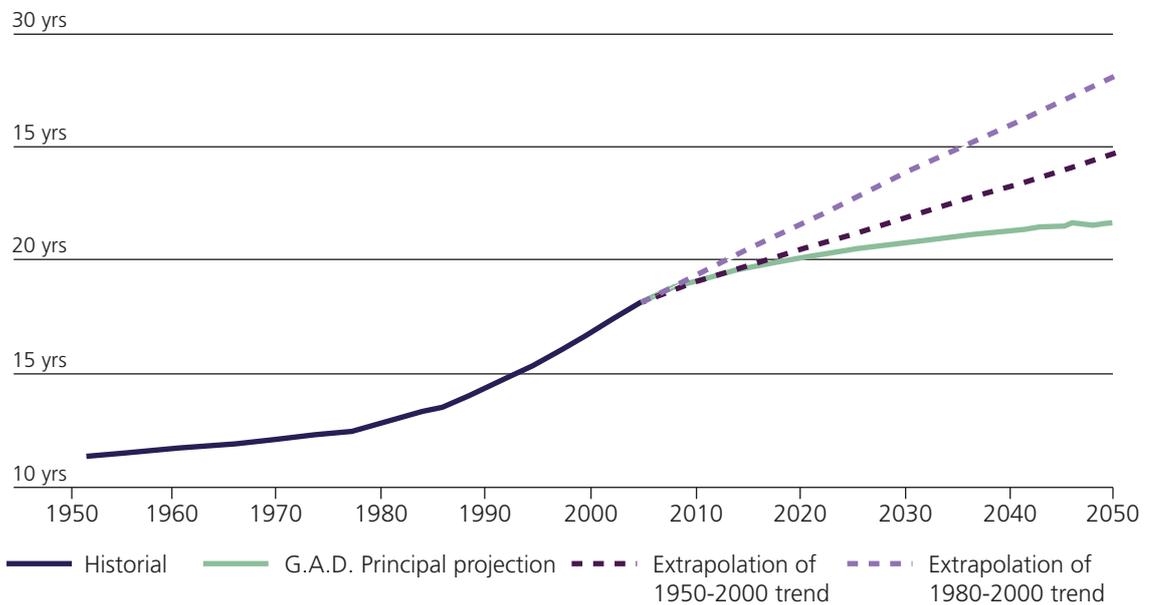
## STATISTICS

All of the following figures are drawn from *Pensions: Challenges and Choices. The First Report of the Pensions Commission. (2004).*

**Figure 1.1: Cohort life expectancy For Men and Women at 65: England and Wales, historic and G.A.D. principal projection**

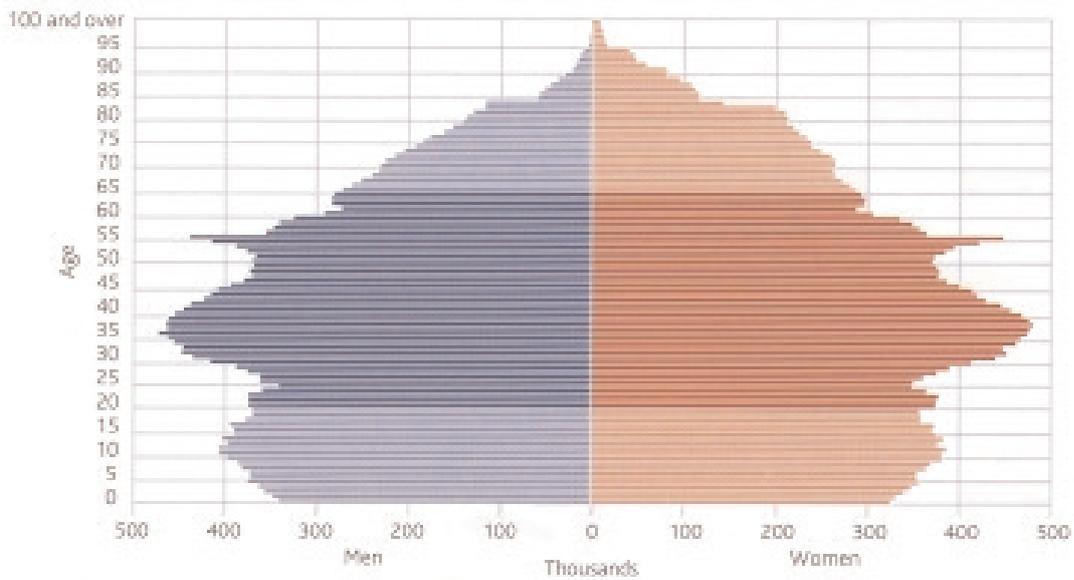


**Figure 1.2: Cohort Life Expectancy for Men at 65: UK**

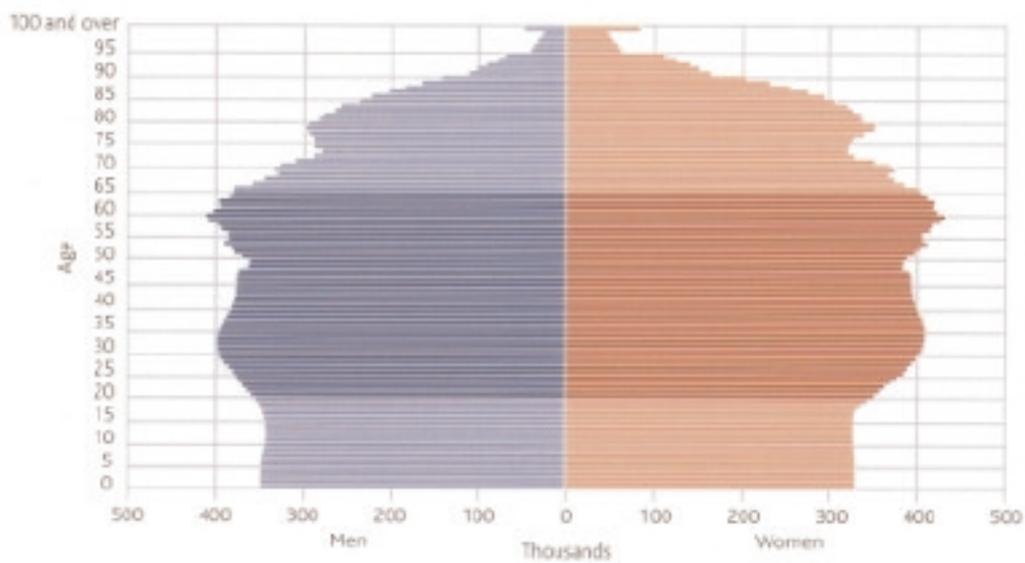


Source (figs 1.1, 1.2): Pensions Commission analysis 1950-70 based on GAS historical data to 2002, England and Wales, UK and GAS 2002-based principal population projection, UK, from 2003 onwards, in *Pensions: Challenges and Choices* p.3.

**Figure 1.3: Distribution of the UK population by age: 2002a**



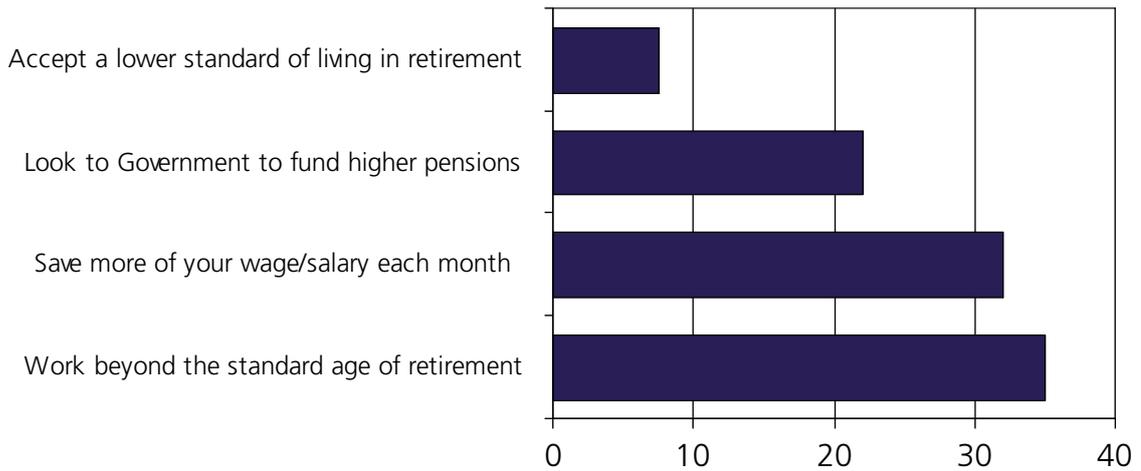
**Figure 1.4: Distribution of the UK population by age, 2050a**



a: A smoothing assumption for the population groups aged 90-94 and 95-99 years has been made by applying the distribution of the 85-89 year cohorts five and ten years previously. The darker area highlights those aged 20-64.

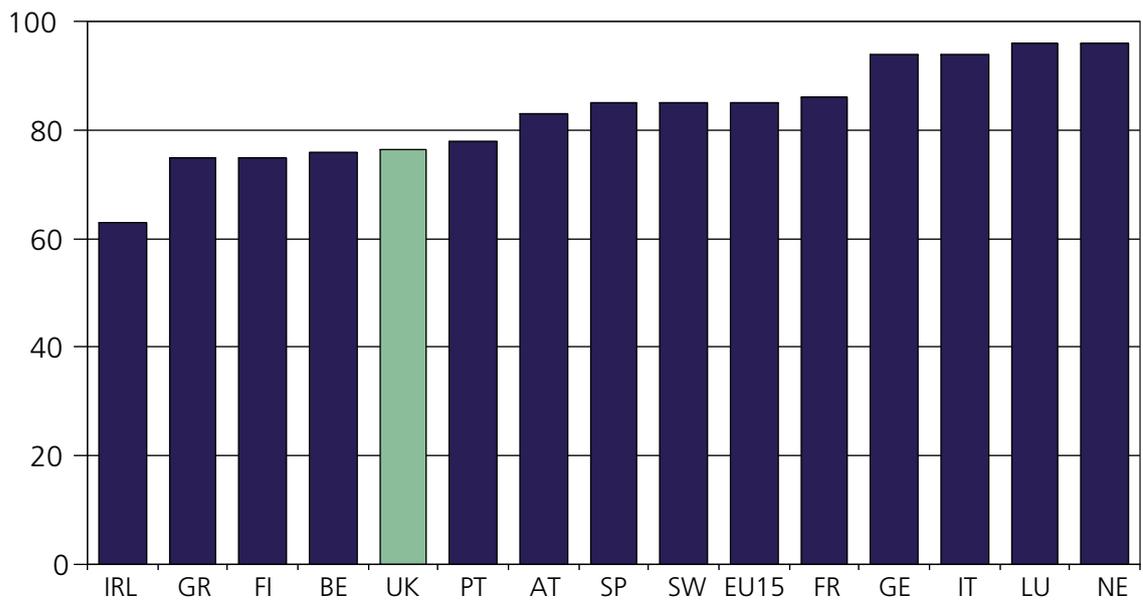
Source: GAD 2002-based principal population projection, UK: Pensions Commission Analysis in *Pensions: Challenges and Choices* p.6.

**Figure 1.5: Preferred Responses to the Demographic Challenge**



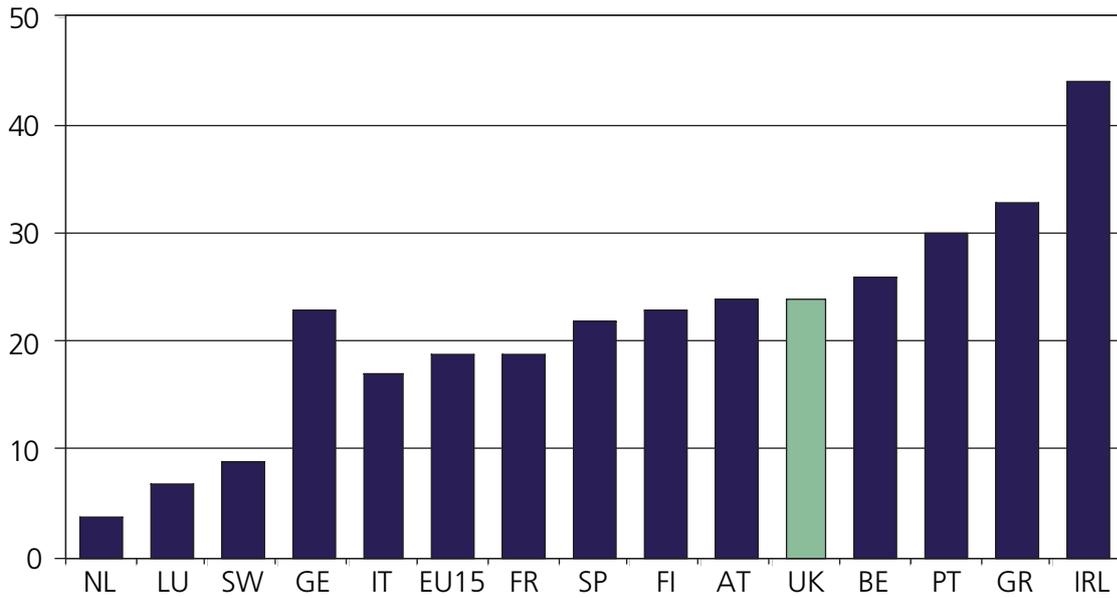
Source: Pensions and Savings Index, Survey 1 (Sept 2003) by YouGov for the ABI, in *Pensions: Challenges and Choices*, p.23.

**Figure 1.6: Median Income of People aged 65+ as a Percentage of Median Income of People aged less than 65: 2001**



Source: Eurostat, ECHP-UDB, version July 2003, in *Pensions: Challenges and Choices*, p.23

**Figure 1.7: Percentage of People aged 65+ with Income Below 60% of Median employment**



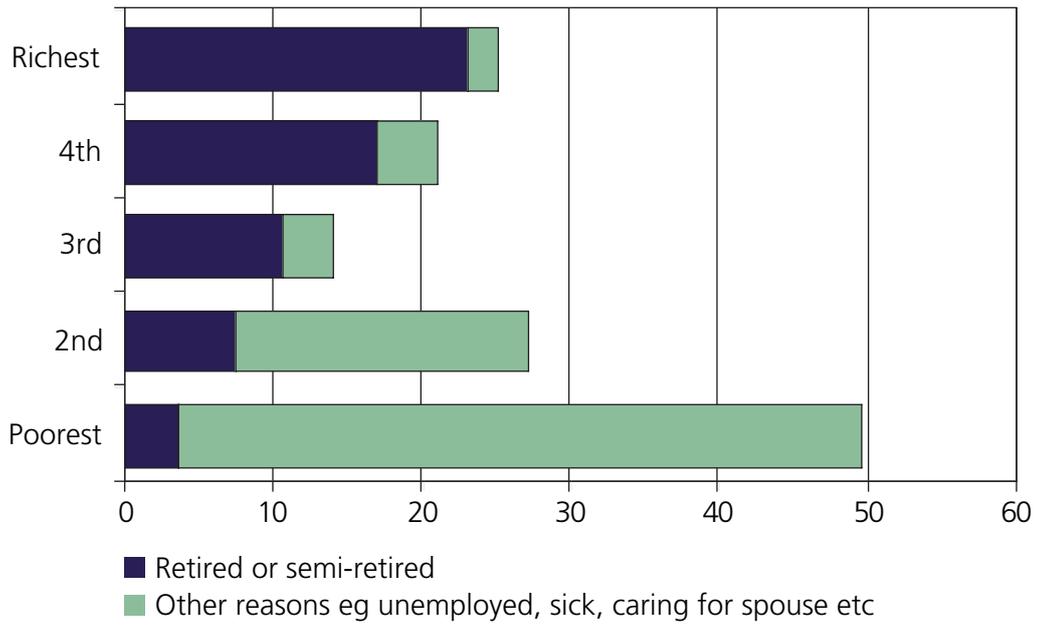
Source: Eurostat, ECHP-UDB, version July 2003, in *Pensions: Challenges and Choices*, p.69.

**Figure 1.8: Employment rates for men and women aged 50-State Pension Age 1973-95**



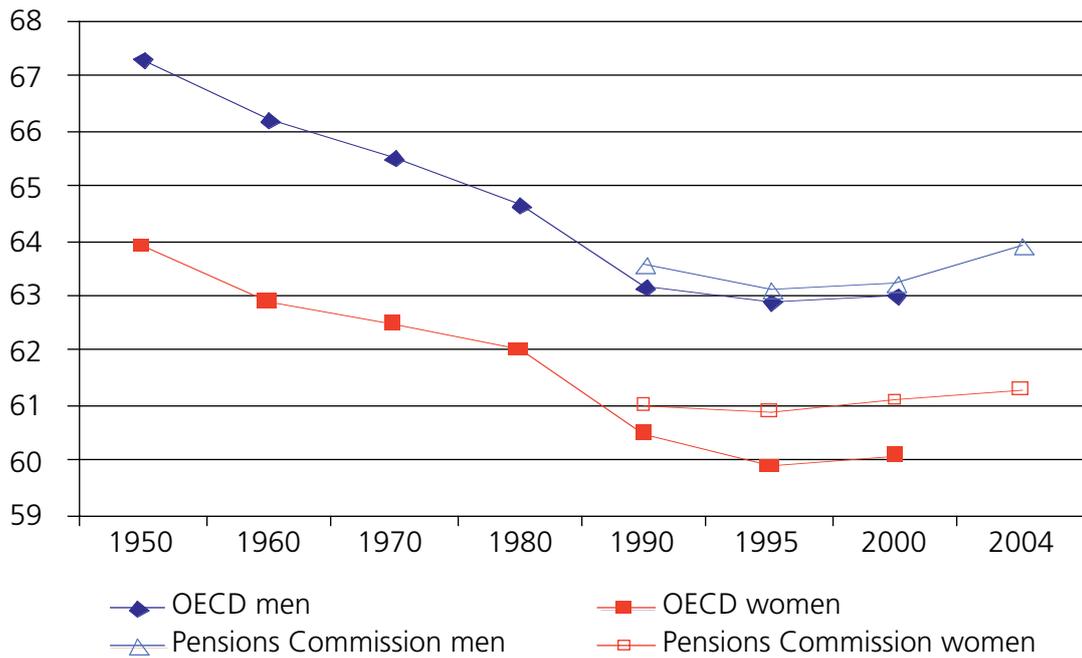
Source: GHS, GB in *Pensions: Challenges and Choices*, p.36.

**Figure 1.9: Inactivity by Wealth Quintile: Men aged 55-59**



Source: ELSA, 2002, England, in *Pensions Challenges and Choices*, p.36.

**Figure 1.10: Trends in Mean Age of Retirement**



Source: Blondel and Scarpetta (1999), Pension Commission estimates, World Economic Forum, in *Pensions: Challenges and Choices*, p.55.

## Chapter 2: Race and Equality

Nick Kimber

### Introduction

There has been a significant presence of diverse ethnic minority groups, and of issues of equality and inequality, in Britain throughout recorded history. The Jewish minority was expelled from England in 1290, following a century of persecution. A Jewish community was not re-established until the late seventeenth century, when, like Black and other small groups who had continued to live in England, their numbers began to grow, as Britain's Empire and role in world trade (including the slave trade) expanded.

The Black and Asian population decreased between the early 19th century and 1945, though between the First and Second World Wars a substantial population of African and Asian seamen, recruited from the Empire to the merchant navy during the First World War, experienced considerable discrimination in the labour market and the benefits system when they sought to make use of their right, as British citizens, to remain in Britain.<sup>32</sup> Throughout the 19th century, especially following the famine of the 1840s, there was substantial immigration to England, Scotland and Wales from Ireland, due to its greater poverty. Between the 1880s and the First World War perhaps 100,000 Jews fled to Britain from brutal ethnic cleansing in Eastern Europe.

Like later migrant groups. Both Irish and Jewish communities tended to live in geographically concentrated clusters and to experience hostility from the indigenous population, who influenced government action.<sup>33</sup> The 1905 **Aliens Act**, the first major restriction on immigration to Britain, was enacted in response to popular hostility to Jewish immigrants.

Members of ethnic minority groups have a long history of participation in British political life. William Davidson, a Jamaican by birth, was one of the Cato Street conspirators executed for allegedly plotting to blow up Parliament in 1820. William Cuffay, of African descent, was one of the leaders of the Chartist movement and three MPs from the Indian sub-continent sat in the House of Commons between 1892 and 1929.<sup>34</sup> Through the 19th and early 20th centuries, Jews campaigned for equal civil rights with the indigenous population (see Chapter 3).<sup>35</sup> Both before and after the Second World War, Britain served as a base for colonial intellectuals and politicians who provided the vanguard of post-war nationalist movements across the Empire. This group included the writer C.L.R. James and the cricketer Sir Learie Constantine, both of Caribbean origin, who had a considerable impact on Britain's cultural and political life.

32 L. Tabili, *We ask for British Justice: Workers and Racial Difference in Late Imperial Britain* (Cornell University Press, 1991).

33 Panikos Panayi, *The Impact of Immigration* (Manchester University Press, 1999), p.9.

34 The MPs were Sir Mancherjee Bhowangree (Conservative), Dadabhaj Naoroji (Liberal) and Shapurji Saklatvala (Labour in 1922, the Communist party in 1924). Lord Sinha of Raijpur served in the Lords, 1863-1928. Terri Sewell, *Black Tribunes: Black Political Participation in Britain* (Lawrence & Wishart, 1993)

35 David Feldman, *Englishmen and Jews. Social Relations and Political Culture* (Yale University Press, 1994).

The **League of Coloured Peoples** was set up in 1931 by Harold Moody. It was modelled on an American lobby group, the National Association for the Advancement of Coloured People, and fought a number of campaigns in the 1930s and 1940s against racial discrimination. In particular, it acted as an advocate for ethnic minority nurses and seamen whose employment opportunities were becoming increasingly limited; in a period of high unemployment they, like others including women and older people, suffered discrimination. In 1943 the League succeeded in persuading the Colonial Office to open up a limited number of junior grades which had previously been closed to 'colonials'.

## Post-war immigration

The **British Nationality Act** 1948 confirmed the right of 800 million colonial citizens to enter the United Kingdom. The Act was designed to reinforce the long-established principle that everyone born within the British Empire had equal rights of citizenship throughout Britain and the colonies, but few expected that non-White colonial citizens would take up their rights in large numbers. Even the relatively small number who arrived from the Caribbean on the *SS Windrush* in 1948 provoked some panic.<sup>36</sup>

West Indians began to migrate to Britain in large numbers in the 1950s. The decreasing cost and increasing availability of transatlantic travel made the journey easier than before. The increased employment opportunities in booming post-war Britain and the closure of traditional migratory routes to the southern United States made Britain more attractive. In the late 1940s the British government focussed upon attracting Irish workers and also Europeans displaced by wartime upheaval, in particular from Poland and the Baltic countries, to fill the labour shortage. When this source of supply dried up they appealed for immigrants from the former enemy countries: Germany, Italy and Austria. By 1949 at least 56,000 European immigrants were working in Britain, mainly in manual and public sector jobs. The continuing demand for labour led British Rail, London Transport, and the National Health Service, among others, to set up recruitment schemes in the West Indies. However, most immigrants travelled independently.

Many migrants to 1950s Britain, especially those from the Commonwealth, found the experience deeply disappointing. The educational attainment of most newcomers was initially quite high and probably marginally higher than the average in Britain, drawn as they were from the comparatively affluent sections of colonial society. However, most migrants became concentrated in manual occupations and low-paid shift-work once in Britain.<sup>37</sup> They faced discrimination in the labour market, in housing and were even denied access to leisure facilities such as pubs and dance-halls.

Left-wing Labour MP Fenner Brockway unsuccessfully proposed a series of Private Members' Bills throughout the 1950s to outlaw overt discrimination. Without government backing, or even committed support from the opposition Labour front bench, these measures had little hope of success. Opponents argued that Parliament could not intervene and prescribe social attitudes by statute.

36 The National Archive [TNA] HO 213/244, J. Murray et al. to Prime Minister, 22 June 1948.

37 Ruth Glass, *The Newcomers: the West Indians in London* (Allen and Unwin, 1960), p.55.

Immigration from India and Pakistan grew rapidly at the end of the 1950s. All migrants from South Asia and the Caribbean were designated 'coloured' in public discourse.

## 1950s and 1960s: Ethnic Minority Organization and Government Response

Few organizations existed to campaign on behalf of immigrants during the first half of the 1950s and there were even fewer in which immigrants' own voices predominated. The League of Coloured Peoples petered out in the early 1950s after the death of Harold Moody. The **Movement for Colonial Freedom** (MCF) involved a number of Black trades unionists and colonial students and campaigned for race discrimination legislation as well as for colonial liberation, but was run predominately by White activists prominent in the Labour and Communist parties.<sup>38</sup>

Active organization was often precluded by the fact that most migrants did not intend to stay in Britain for more than three or four years, and many were preoccupied with the independence struggles gathering pace in their homelands. Although key figures like David Pitt, who ran as a parliamentary candidate in 1959, were involved in the Labour party, participation in mainstream politics was exceptional. This began to change after a series of unprovoked attacks by White youths on Black men in Nottingham and Notting Hill, London, in the summer of 1958, and the murder of Antiguan carpenter, Kelso Cochrane, in Leeds a year later. These incidents stimulated political activity. In the winter of 1958, the **West Indian Standing Committee** (WISC) was formed and co-ordinated the activities of associations based on island origin.

The **West Indian Gazette**, a campaigning newspaper seeking to assert West Indians' cultural identity in Britain, began publishing in 1958, selling 3-4,000 copies per issue, though during the month of the 1958 Notting Hill riots it sold 30,000. Its editor, Claudia Jones, was a key figure in the early incarnations of the **Notting Hill Carnival**. She died in 1965 and the *Gazette* died soon after. Like future attempts to establish a Black press it suffered from the reluctance of advertisers to support it.

Although it had a number of precursors, Carnival became an annual event in 1966. By 2006 it was attracting around a million visitors. Despite serious disorder in 1976, which prefigured the urban riots of the 1980s, Carnival, while remaining an important assertion of Caribbean identity became an institution with broad appeal.

The **Indian Workers' Association** (IWA) had roots in the 1930s' struggles for independence in India. A federal **IWA (GB)** was created in 1958, largely in response to increasing Asian immigration. It provided help in finding accommodation and with language skills and organized cultural activities. It later concentrated on organizing Indian workers into trades unions and on anti-racist campaigning. It allied

38 Trevor Carter, *Shattering Illusions: West Indians in British Politics* (Lawrence & Wishart: London, 1986), p.61

itself with other ethnic minority organizations in the 1960s such as WISC and the **Campaign Against Racial Discrimination**, (CARD), which was formed in 1964 as a broadly based group of Black and White activists focussing largely on lobbying for race relations legislation. CARD had close informal links with the Labour party and developed more ties with government officials, MPs and public bodies than any other race-based group.<sup>39</sup> It became divided between those who wanted to develop a grassroots movement and those who saw its role as that of an insider lobby group, and fell apart in the late 1960s.

Following popular pressure, the Conservative government passed the **Commonwealth Immigration Act**, 1962, which instituted a system of job vouchers that restricted admission of Commonwealth immigrants to those with 'special skills', or vouchers guaranteeing employment. The Act imposed no restriction on immigrants from Ireland, who were not members of the Commonwealth.

The Labour party leader, Hugh Gaitskell, led a passionate repudiation of the Bill in Parliament describing it as 'a plain anti-colour measure'.<sup>40</sup> However, given the popularity among voters of restricting immigration, demonstrated in opinion polls, the Labour party became more circumspect. As the 1964 general election approached, it promised only to review the Act's measures in consultation with Commonwealth governments. However, Labour did commit itself to some form of anti-discrimination legislation should it win the election. Race did not play a prominent role in the election campaign, but Labour's prospective Foreign Secretary, Patrick Gordon-Walker, was defeated, against the national swing, in Birmingham by an overtly racist campaign.

This result helped condition Labour's political response to immigration and race relations while in office through the rest of the decade. It renewed the Commonwealth Immigration Act whilst, more positively, introducing the 1965 **Race Relations Act**. This declared unlawful any discrimination on grounds of colour, race, ethnic or national origin in certain public places and provided for the establishment of a **Race Relations Board** (RRB) consisting of a chairman and two other members appointed by the Home Secretary. It established local conciliation committees tasked to consider complaints of discrimination, to secure a settlement or, failing that, to report to the RRB, which could refer the case to the Attorney-General with a view to court proceedings. This mechanism was unwieldy and in the statute's lifetime the Attorney General failed to bring a single successful prosecution.

The Act was considered unsatisfactory by lobby groups because it excluded areas that most concerned migrants, such as housing, employment, insurance, credit facilities and financial services. But significantly the Act set up the institutional arrangements that have, broadly, framed British race relations legislation to the present.

39 Kalbir Shukra, *The Changing Patterns of Black Politics in Britain*, (Pluto Press: London, 1998), p.21

40 House of Commons Debates, 5th Series, Volume 649, 16th November 1961, Column 799.

Campaigning organizations such as CARD, WISC and the IWA combined with influential backbenchers and insider groups like the Society of Labour Lawyers to pressure the government to put forward more comprehensive and effective legislation. The institutions created by the 1965 Act also acted as powerful voices for further change. During his tenure as Home Secretary (1965-7), Roy Jenkins made a significant contribution to promoting equality in a number of spheres (see Chapters 5 and 6) and assured these groups of a sympathetic hearing. At the same time, pioneering social research demonstrated the depth of prejudice in British society. In 1966 the independent and well-respected think tank, **Political and Economic Planning** (PEP) published a report on racial discrimination commissioned by the RRB, and particularly those areas not covered in the 1965 Act.<sup>41</sup> The Board included a strong appeal for the Act's extension in its 1967 annual report.

#### PEP Report Key Findings:

- Widespread discrimination in employment, housing and services on the basis of colour rather than status as an immigrant;
- Discrimination most marked against West Indians with strong prejudice against their employment in clerical and professional positions;
- Colour prejudice remained as problematic for second-generation minority groups as it did for recent Black Caribbean and Asian immigrants; and
- Employers expressed concern that employing 'coloured' people would put them at a competitive disadvantage.

The impact of this research, combined with activist pressure and the liberal tendencies of the Home Office under Roy Jenkins paved the way for the **Race Relations Act**, 1968. This broadly retained the structure of its predecessor, but the RRB was given the power to investigate discrimination without receiving a prior complaint. A **Community Relations Commission** (CRC) was established to promote good community relations and advise the Home Secretary. However, sanctions against transgressors remained weak and the arrangements for employment discrimination cases were confusing and laborious. Few members of ethnic minority groups were aware of the Race Relations Board and its functions and many who were had little confidence that a complaint would be satisfactorily investigated.<sup>42</sup> Once again, the major impact of the Act was probably as a public declaration that discrimination was unacceptable.

However, progressive anti-discrimination legislation was once again the flipside of restrictive immigration legislation. The **Commonwealth Immigrants Act**, 1968, was passed hurriedly in response to the increasing number of Kenyan Asians escaping to Britain from persecution. It further restricted the rights of Commonwealth citizens to migrate to Britain. Opinion polls suggested that the measure was popular amongst the public.<sup>43</sup>

41 W.W. Daniel, *Racial Discrimination in England: Based on the PEP Report* (Penguin, 1968)

42 David J. Smith, *Racial Disadvantage in Britain* (Penguin, 1977).

43 Paul Foot, *The Politics of Harold Wilson* (Penguin, 1968), p.285.

Labour failed to stop race from being a political issue. Enoch Powell's 1968 'rivers of blood' speech and his subsequent dismissal from the Conservative front bench caused race to be a key issue in the 1970 general election and may have been a reason for Labour's defeat. Responding to these pressures, the Conservatives passed the **Immigration Act**, 1971. Commonwealth citizens now had the right of abode in Britain only if they, their husbands (the right did not extend to wives), their parents or grandparents had UK passports. More creditably, the government accepted over 20,000 Ugandan Asians fleeing Idi Amin's Africanisation policies in 1973.

## The 1970s and 1980s: Progress?

By the 1970s, ethnic minority groups' experiences had become more diverse but inequalities persisted. Few Black people had managed to move into professional and managerial occupations. There was some penetration into skilled manual work, but members of all ethnic minority groups were disproportionately concentrated in semi-skilled and unskilled manual work.<sup>44</sup> The educational attainment of members of ethnic minority groups did not correlate with employment opportunities. One fifth of all men from ethnic minority groups with university degrees equivalent to British standards were in manual jobs in 1974.<sup>45</sup> The majority of Asian women and around one third of Asian men could speak English only slightly or not at all, though there were substantial differences among Asian groups. Whereas 76 per cent of Bangladeshi women had little or no command of English, only 42 per cent of Indian women were similarly disadvantaged. For men from the same communities the respective figures were 50 and 15 per cent.<sup>46</sup>

Ethnic minority groups, on the whole, remained segregated in inner cities, with fewer amenities than the national norm. People of Black Caribbean origin had increasingly become owner-occupiers and council tenants at a rate that brought them up to parity with White people whereas only 4 per cent of Asian households were council tenants, while three quarters were owner-occupiers. This increase in home ownership was partly a result of exclusion from decent rented accommodation and the quality of homes they bought was often poor. There were signs of progress, but it was slow.

After the 1974 general election, which returned Labour to power, an influential report by the CRC brought the growing importance of the 'Black vote' to the attention of politicians.<sup>47</sup> The increasing politicization of ethnic minority communities during the 1960s, as well as their growing permanency, meant that many more were registered to vote than during the 1950s. The report suggested that 'ethnic marginals' existed where the size of constituencies' majorities was smaller than that of the Commonwealth-born population. It identified 59 such

44 Smith, *Racial Disadvantage* pp.73-4.

45 Tariq Modood and Richard Berthoud, eds., *Ethnic Minorities in Britain: Diversity and Disadvantage* (Policy Studies Institute, 1997), p.340.

46 Brown, *Black and White Britain*, p.138.

47 Zig Layton-Henry, *The Politics of Immigration*, (Blackwell 1992), p.102.

seats in the two 1974 elections, more than enough to swing the result either way. Although this research was questioned on the grounds that it erroneously assumed the ethnic minority population to have similar levels of voter registration and turnout to that of the White population, political parties reacted by making more effort to appeal to ethnic minority voters. Vote-seeking strategies may have played some part in the Labour government bringing forward new anti-discrimination legislation and in the Conservative party's acquiescence in such proposals, along with pressure from activist groups and from the institutions established by the race relations legislation.

The **Race Relations Act**, 1976 made discrimination unlawful in employment, training, education and in the provision of goods and services, made it an offence to stir up racial hatred and extended the definition of discrimination to include indirect discrimination and victimization. It amalgamated the CRC and RRB into the **Commission for Racial Equality** (CRE), which was granted proactive powers of investigation. Focus was now on individuals taking complaints directly to the courts, though the Commission could assist if called upon. The focus shifted from changing the behaviour of individuals to changing that of organizations and sectors.

Also in the 1970s, women from ethnic minority groups shared the impulse of the Women's Liberation Movement (see Chapter 5) to campaign for gender, along with race, equality. Organizations founded in the course of the 1970s and later, such as the **Organization of Women of Asian and African Descent**, **Southall Black Sisters**, **Brixton Black Women**, **Liverpool Black Sisters**, **Baheno Women's Organization** in Leicester and other groups throughout Wales, Scotland and England, campaigned in particular against immigration restrictions, virginity tests imposed on women arriving in Britain, police brutality and domestic violence. These organizations have continued to campaign on a wide range of issues affecting women and their communities.

The late 1970s saw the continued rise of the **National Front** (NF) on a platform of opposition to immigration and multiculturalism. The NF performed particularly well in by-elections in 1972 and 1973 and in local elections in 1977. In response, the anti-racist organizations the **Anti-Nazi League** (ANL) and **Rock Against Racism** (RAR), campaigned in opposition.<sup>48</sup> Black people were involved but did not predominate. Some Black activists argued that the ANL's very name harked back to anti-fascist campaigns of the 1930s rather than dealing directly with Black peoples' everyday experiences of racism.<sup>49</sup> Nonetheless, by the early 1980s, the ANL's street tactics were important in de-legitimising the National Front and detaching it from all but its most virulently racist supporters.

48 Dave Renton, *We Touched the Sky: A History of the Anti-Nazi League, 1977-1981* (New Clarion Press, 2006).

49 Carter, *Shattering Illusions*.

The 1970s saw a shift in the attitudes of trades unions. As well as participating in anti-racist campaigns, the TUC put aside the strong reservations that had characterized its approach to the race relations legislation of the 1960s and welcomed the 1976 Race Relations Act.<sup>50</sup> In 1976, it supported the strike at the **Grunwick** photo-processing plant in Brent, North London, in which most of the strikers were Asian women. The strike failed, not least because the unions failed to support it fully, but it began to break down some trades unionists' prejudices about recent immigrants' supposed unwillingness to unionise.<sup>51</sup> As ethnic minority membership grew, unions developed more progressive equal opportunities policies. By the 1990s the trades union movement had gone some way to shedding its traditional White, male image, establishing from 1993, through the TUC, annual conferences for workers from ethnic minorities. Bill Morris emerged as one of Britain's leading trades unionists during the 1980s, becoming the first Black general secretary of a union (The Transport and General Workers Union) in 1991. It was another decade though, until Beverly Malone became the first Black female leader of a large organization of workers, the Royal College of Nursing.

In 1981 the **British Nationality Act** further restricted the rights of members of the Commonwealth to British Citizenship. Three class of citizenship were introduced, with the right to live in Britain largely restricted to those with a British grandparent.

At the beginning of the 1980s, members of ethnic minority groups remained concentrated in certain sectors of the economy, in particular the public sector, catering and 'ethnic' business. The contraction of Britain's manufacturing base during the early 1980s disproportionately affected ethnic minorities because of their concentration in manual and semi-skilled work. In 1984, members of ethnic minority groups were twice as likely to be unemployed as White people. Asian self-employment grew, possibly due to unemployment but possibly also to cultural preferences. An increasingly diverse picture of inequality among ethnic minority communities was beginning to emerge. Regional differences were important, especially among Asian groups. Pakistanis who had settled in northern textile towns in the 1960s and Bangladeshis who settled in the historically impoverished East End of London in the 1970s faced bleaker prospects than East African Asians who settled in pockets of London and the South-East less affected by recession.

A historically poor relationship between the police and Black Caribbean youth was further aggravated by the 'mugging' panic of the 1970s and the increasing use of the 'Sus' law by the Metropolitan Police.<sup>52</sup> Using provisions in the Vagrancy Act, 1824, the police were empowered to stop and search those suspected of intent to commit a crime. The power was used disproportionately against young, Black men. In combination with the increasingly bleak economic prospects for inner-city youths, police tactics contributed to major riots in British cities in summer 1981. The **Scarman Report** investigated the riots and recommended government action to alleviate inner-city decline and racial disadvantage. The report acknowledged widespread discrimination and inequality but disavowed the existence of

50 A. Sivanandan, *Race & Class*, vol. 19, no. 1, 1977.

51 Alastair Reid, *United We Stand: A History of Britain's Trade Unions* (Penguin, 2005), p.354.

52 James Whitfield, *Unhappy Dialogue: the Metropolitan Police and Black Londoners in Post-war Britain*, (Willan, 2004) and 'Policing the Windrush', <http://www.historyandpolicy.org/archive/policy-paper-45.html> (History & Policy, September 2006); Stuart Hall et al, *Policing the Crisis: Mugging, the State and Law and Order* (Macmillan, 1978).

'institutional racism' in the police. It recommended efforts to recruit ethnic minorities into the police force. The Report's partial implementation did not prevent further outbreaks of violence during the 1980s sparked by negative perceptions of police tactics. The most serious occurred in 1985 on the **Broadwater Farm Estate** in Tottenham, North London, where a policeman was killed. Substantial investment following the disturbances led to the regeneration of the area and a much improved relationship between the local community and the police force that serves it.<sup>53</sup>

From the race riots in Nottingham and Notting Hill in 1958 to the disturbances in Oldham in 2001, breakdowns in public order have been a key driver for change both locally and nationally, stimulating both members of the ethnic minority groups affected and the authorities to negotiate to prevent further clashes. Following the Oldham disturbances, the Home Secretary, David Blunkett, commissioned the **Cantle Report** to review the town's efforts to achieve racial harmony. Influenced by this and subsequent reports there has been an increasing emphasis in government on the concept of community cohesion, as a development of the concept of multiculturalism, in which the emphasis on difference is counterbalanced by the encouragement of shared values and commonalities.<sup>54</sup>

The 1970s had seen ethnic minority political activity focused on particularist organizations inspired by the **Black Power movement** of the late 1960s. By the end of the 1970s, members of ethnic minorities began to participate actively in municipal politics, particularly in London where the Greater London Council (GLC) was in the forefront of anti-racist campaigning. Organisations such as **Greater London Action for Racial Equality** (GLARE) emerged out of these changes. Such activities were often linked to, or grew out of the large and growing range of voluntary and community organizations created by ethnic minority groups throughout Britain, sometimes around faith or leisure interests or with more direct political objectives to safeguard and promote participation and greater equality.

Increasingly, members of ethnic minorities moved into positions of influence within the Labour party. By the mid-1980s Bernie Grant, Linda Bellos and Merle Amory all led Labour-run London councils. A campaign for a separate Black caucus within the Labour party was launched in 1983. Ultimately successful in the 1990s, the campaign helped secure the selection of more ethnic minority candidates in the 1987 general election. Four ethnic minority MPs were returned in 1987 and formed the **Black Parliamentary Caucus** with the now ennobled David Pitt.

Ethnic minority media became more firmly established and more diverse. **The Voice** newspaper, combining a populist campaigning approach with spotlighting Black music and celebrities came to speak for and to many Black people, gaining the advertising from the public sector required to satisfy equal opportunities criteria. **Pride**, aimed at Black women, was founded in 1991. An increasing successful Asian press, including **Eastern Eye** (started in 1989, initially as a popular anti-racist journal), had less difficulty in attracting advertising despite the continued under-representation of ethnic minority groups in the advertising industry.

53 'Multicultural Britain: an unlikely success story', *The Independent*, 5th October 2005.

54 See the website of the Institute of Community Cohesion, led by Ted Cantle, <http://www.coventry.ac.uk/icoco/a/264>

## 1990s to the Present

In 1991, the death of Black teenager Stephen Lawrence in a racist attack, and the subsequent mishandling of the investigation by the police, caused outrage in the Black Caribbean community and received sustained coverage in the national media. The **Macpherson Report** into the police investigation, which was not published until 1999, was damning and led to the extension of the 1976 Act to the police and other public authorities in the **Race Relations (Amendment) Act, 2000**. It placed a new, enforceable, positive duty on public authorities to promote equal opportunities and eliminate discrimination. Macpherson introduced the concept of institutional racism to a wider public.

Social survey evidence from the 1990s pointed to continuing divergence in the experience of ethnic minority groups. Since the 1980s, growing numbers of economic migrants and political refugees have led to an increasingly diverse ethnic minority population and the breakdown of the link between immigration and Britain's former colonies.

At the same time, there was increasingly confident organization within and across ethnic minority groups. For example, the **1990 Trust** grew out of Black community and lobby groups founded in the 1970s and 1980s as a policy research and networking organization to co-ordinate campaigning on local and national issues and on behalf of individuals who suffer discrimination or other forms of mistreatment. Increasingly, modern technology enabled organizations and individuals to exchange information and to organize effectively. The 1990 Trust's **Black Information Link**, for example ([www.blink.org.uk](http://www.blink.org.uk)) currently has 800,000 users and 1.7 million hits each month. In 1996, the 1990 Trust, with Charter 88 (which campaigns for democratic reform) established **Operation Black Vote**. This continues to be active, seeking to build political participation and a political voice among Asian, African, Caribbean and other ethnic minority groups by urging people to register and use their votes, to campaign on issues of inequality and to promote cultural diversity.

By the 1990s the Chinese and African Asian populations had reached broad parity with the White population by some measures. African Asians and White people now experienced similar levels of unemployment on average, with unemployment among Chinese people the lowest of any ethnic group. African Asian employees were more likely than White people to be earning more than £500 per week. Both Chinese and African Asian people had higher educational attainment than their White peers.<sup>55</sup> At the other end of the spectrum, serious poverty remained in Pakistani and Bangladeshi communities. In 1994, more than four out of five Pakistani and Bangladeshi households had incomes below half the national average – four times as many as White non-pensioners.<sup>56</sup> Pensioners from ethnic minority groups were likely to be poorer than White pensioners (see Chapter 1). By 1999, the unemployment rate for all ethnic minority groups was double that of White people.<sup>57</sup> Disadvantage in employment undoubtedly triggered inequality in other key areas such as household income, health, education and housing.

55 Modood, *Ethnic Minorities*, p.345.

56 Modood, .p.343.

57 Andrew Pilkington, *Racial Disadvantage and Ethnic Diversity in Britain*, (Palgrave, 2003), p.68.

Assessment of difference in the educational experience of population groups was until very recently bedevilled by the inadequacy of statistics. The **Parekh Report**, *The Future of Multi-ethnic Britain*, commissioned by the **Runnymede Trust** in 2000, found that fewer than one in 200 schools had satisfactory arrangements for monitoring by ethnicity and few existing statistics on ethnicity and school achievement take account of the key variable of social class. Despite the unsatisfactory statistical base, the report reached the broad conclusions that at that time:

- Black Caribbean pupils started school at age five performing at the national average. By age 10 they had fallen behind, the difference being greater in Maths than in English. At age 16, the proportion of Black Caribbean students achieving GCSEs at A\*-C was considerably fewer than half the national average and was markedly lower among males than females.
- At Key Stage 2, in English and Maths, and at GCSE level generally, Indian pupils achieved above the national average. The difference at GCSE was even higher than at Key Stage 2.
- Bangladeshi and Pakistani pupils achieved below the national average but steadily closed the gap in the course of their education. In some LEAs they performed at or above the national average.
- There was substantial polarization within ethnic minority groups, with young Bangladeshi and Pakistanis well represented in terms of entry to university but over-represented among school pupils with the poorest qualifications.
- The information for A Level outcomes and entry to Higher Education was of a higher quality than for school education.
- A Level participation of all Asian and for most Black students was the same or higher than the national average, with Black Caribbean men being a significant exception. Participation rates among young Bangladeshi and Pakistani women were higher than among young White women.
- National average levels of entry to university were exceeded by Indian, Pakistani and Black Caribbean women and by Indian, Pakistani and Bangladeshi men.
- About 70 per cent of Black Caribbean and 60 per cent of Indian, Pakistani and Bangladeshi students pursued their degrees at post 1992 universities compared with only 35 per cent of White students.

## Perceptions of Ethnic Minority Groups

Polling data from the British Social Attitudes Survey for 1983 to 1991 suggests that fewer than 5 per cent of British people held strongly prejudiced views. However, one third reported some prejudice and, when considering the views of others, over half of respondents suggested that ethnic minorities experienced strong racism.<sup>58</sup> On one reading, this data suggests that racism was still prevalent in the 1990s; on the other hand, it suggests widespread acknowledgement that ethnic minorities were disadvantaged and perhaps pointed to a basis of support for further legislation to reduce inequality. Overt racism had become taboo, but as the 1990s progressed, frequent use, for example in the media, of rhetoric dismissive of 'political correctness' came close to assertions, common in the 1950s, that ethnic minorities were oversensitive and quick to take offence.

Since the 1950s, when ethnic minority groups had broadly similar socio-economic circumstances, increasingly diverse patterns of work, housing tenure and leisure have emerged and can lead to tensions between communities. This was evidenced in 2005 by clashes between Birmingham's Black Caribbean and Pakistani populations.<sup>59</sup> These tensions, generally concentrated in inner urban areas, often arise as minority groups try to make sense of an increasingly *differentiated* experience of disadvantage. This suggests that generalized discrimination against ethnic minorities is not the cause of all disadvantage. Since 9/11 and the July 2005 terrorist attacks on London, concern about discrimination and disadvantage has increasingly focussed upon religious rather than ethnic minority groups, especially Muslims. This is discussed in the following chapter.

Change over time in the language used to describe ethnic minority groups is one measure of cultural change. The term 'coloured' as a catch-all fell into disuse in the 1970s in response to more assertive forms of Black cultural politics. Terms such as Black, Black British, British Asian and Afro-Caribbean became commonplace in the 1980s while the trans-ethnic nature of Muslim identity has meant that people of Pakistani and Bangladeshi descent are now more often described as British Muslims.

The growth of commercially successful ethnic minority media in the 1980s and 1990s may have been a factor in the increasing ability of minority communities to influence the language used to describe them. Publications like *The Voice* and *Asian Age* have also provided ethnic minority journalists with a route into the mainstream media, though research suggests that 'low-level racism' still pervades the culture of the newsroom.<sup>60</sup> A heavy reliance on unpaid internships and personal contacts as ways into the media tends to exclude those outside the 'old boys network' and those with fewer financial resources. Television has a better record than newspapers with the success of pioneers such as Trevor MacDonald and Moira Stewart in the 1970s replicated by Krishnan Guru-Murthy and Zeinab Badawi since the 1990s, though ethnic minority groups remain under-represented in the mainstream media.

58 *British Social Attitudes Survey, 1983-1991* (see UK Data Archive <http://www.data-archive.ac.uk/findingData/bsaTitles.asp>).

59 *The Guardian*, 26th October 2005.

60 *The Observer*, 14th April 2006.

However, it is difficult to determine whether these trends have had a significant effect on the way in which ethnic minorities are covered in newspapers and on television or are perceived by viewers and readers. Many people remain dissatisfied with the way ethnic minorities are portrayed in the mainstream media. The hostile response of some popular national newspapers to the Metropolitan Police Commissioner's comments in early 2006 that ethnic minority victims of crime were treated with less concern than White victims, or even overlooked, by the media showed how difficult it remains to discuss structural racism in public.<sup>61</sup> It also showed how far the Met had come since the early 1980s. The press reception of the Parekh Report, in 2000 also pointed to the difficulty of negotiating new and more inclusive understandings of Britishness.<sup>62</sup>

The portrayal of ethnic minorities on television provides one useful index of cultural change. In the 1960s, the popular sitcom *Till Death Do Us Part* portrayed White working-class racism ambiguously, whilst programmes like *Curry and Chips* and *The Black and White Minstrel Show* relied on simple, derogatory stereotyping. The latter was the subject of a petition presented to the BBC in 1967 by CARD but the programme's demise, as late as 1977, had as much to do with the decline in popularity of the variety genre as with increasing sensitivity to the feelings of minorities. Generally, coverage has become increasingly sensitive since the 1970s, with BBC Two and Channel Four pioneering programming with specific appeal to ethnic minority audiences in the 1980s and 1990s. Recently, programmes like the all-Asian sketch show *Goodness Gracious Me* have inverted the racial stereotyping characteristic of 1970s staples like *It Ain't Half Hot Mum*. However, some White ethnic minorities, notably Gypsies and Travellers, continue to be vilified by the media (see Chapter 4).

Research suggests that ethnic minority communities remain distanced from national television culture, showing little interest in programmes with 'strongly White, middle England associations' and preferring shows with an urban context and American and Australian imports.<sup>63</sup> It is now possible to access channels from many parts of the world and the growth of digital media has seen a proliferation in Britain of broadcasting designed for ethnic minority groups, for example there are now almost 40 Asian TV channels.

## Conclusion

The extent of anti-Irish feeling in the 19th century and of anti-Semitism at the turn of the century, the inequalities suffered by both groups at the time, and the relative decline of these inequalities over the 20th century is worth noting. In neither case have they disappeared, but they have diminished in virulence. IRA bomb-attacks in Britain in 1970s and 80s did not give rise to the equivalent of anti-Muslim feeling since 9/11, or of the anti-Irish hostility following Fenian attacks in the mid 19th century. Over time both Jewish and Irish people appear to have become more accepted within the general culture.<sup>64</sup>

61 *Daily Telegraph*, 28th January 2006; *The Guardian*, 6th February 2006.

62 Pilkington, *Racial Disadvantage*, p.264.

63 *Guardian*, 9th November 2006.

64 Colin Holmes, *John Bull's Island: Immigration and British Society, 1871-1971*, (Macmillan, 1988).

Reductions in racial inequality over the last 60 years have been piecemeal. The extremely unequal access to goods, services, and employment that was characteristic of the 1950s has been replaced by an environment where formal access is guaranteed. However, some ethnic minorities still face overt discrimination, with the CRE still receiving complaints against pubs with signs saying 'No Travellers' or, to get around race relations legislation, 'No Caravan-dwellers'.<sup>65</sup>

Government action and the campaigning of lobby groups and think tanks have been important. Statutory bodies have been powerful advocates for change. However, it may be that the particular institutional arrangements designed by race relations legislation have stifled other political and social groupings based more firmly on ethnic minority participation. It is difficult to judge whether these formations would have been better able to secure change. In the aftermath of urban riots in which race has been a factor, ethnic minorities have exerted a strong but temporary voice to express their concerns. Significant changes, especially in the relationship of ethnic minorities and the police, have more often than not resulted from conflict and controversy rather than constructive dialogue.

A major change has been the mainstream attitude to the proper role of law in eliminating discrimination. Legislation has contributed to changing certain forms of behaviour and has played an important role in establishing the attempt to eliminate racial prejudice as an enduring public good. The overt discrimination practiced in the 1950s has diminished, but indirect forms stubbornly persist. Legislation has played an important role in de-legitimizing certain forms of behaviour but has not been particularly significant in changing material conditions. Inequalities remain in access to jobs, education and training but their incidence varies across ethnic groups, which suggests that discrimination is not the whole, or necessarily the main driver, but that institutional, policy and perhaps cultural influences must also be assessed. Ethnic minorities are seriously under-represented in high-profile roles in business, the media and politics. There would need to be a four-fold increase in parliamentarians from ethnic minority backgrounds for Westminster to be genuinely representative.

There is increasing diversity among ethnic minority groups to the point where some no longer experience serious disadvantage. Although these successes are cause for celebration, there should be no automatic assumption that they will be repeated by other groups given time (see Chapter 4).

The main drivers towards greater equality over the past 60 years have been:

- **Cultural change:** diminished hostility by sections of the White British community to most ethnic minority groups – e.g. Irish and Jews over past 100 years – following increased cultural contact, greater integration in the workforce and greater prosperity of some, but not all ethnic minority groups. But change very slow and still incomplete.

65 Commission for Racial Equality, 'Gypsies and Travellers: A Strategy for the CRE 2004-7', <http://www.cre.gov.uk/policy/gtstrat/do.html>

- **Campaigning** mainly by members of ethnic minority groups for all the dimensions of equality. Increasingly assertive and effective over time due to greater numbers and confidence.
- Effect of **government institutions and legislation**, mostly put in place following activist campaigns.
- **Labour governments** have done more to promote equality than Conservative governments.
- The **EU and European Courts** have prompted British government action.

Inhibitors of change include:

- The continued **poverty** and unequal access to education and training of members of some ethnic minority groups.
- **Popular racism**, e.g. expressed in voting. Somewhat weaker over time but still prevalent, particularly in relation to specific groups, such as Gypsies and Travellers (see Chapter 4).
- **External events**, e.g., the impact of 9/11 and subsequent events on experiences of many Muslims and others perceived as Muslim.
- The **media** generally for its poor record of employing people from ethnic minority groups. The popular press, in particular, for reinforcing stereotypes.

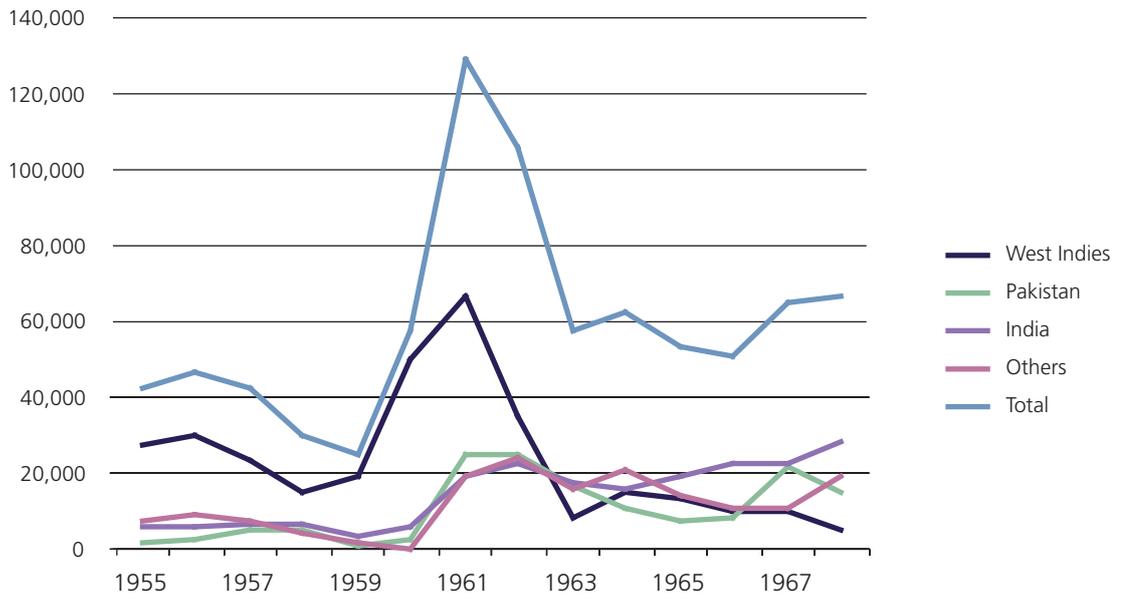
## TIMELINE

- 1905** Aliens Act, first restriction on immigration of people not born in Britain or the Empire, designed to restrict Jewish immigration
- 1931** Foundation of the League of Coloured Peoples, the first activist group of Black people after centuries of presence in Britain
- 1948** British Nationality Act confirms right of all British and Commonwealth Citizens to enter the UK  
*Empire Windrush* docks at Tilbury: symbolic beginning of post-war immigration
- 1950** Reg Sorenson introduces unsuccessful Private Member's Bill to outlaw racial discrimination
- 1958** Riots against West Indians in Nottingham and London  
Claudia Jones publishes the first issue of *West Indian Gazette*  
West Indian Standing Conference and Indian Workers' Association founded
- 1959** Murder of Kelso Cochrane, the first known instance of racially motivated murder in the UK
- 1962** Commonwealth Immigrants Act limits right of entry and imposes employment voucher system (citizens of Republic of Ireland excluded from control)
- 1964** Campaign Against Racial Discrimination founded  
MP for Smethwick Patrick Gordon Walker defeated by racist campaign
- 1965** Race Relations Act sets up Race Relation Board to receive and investigate complaints of unlawful discrimination
- 1968** Enoch Powell's 'Rivers of Blood' speech  
Commonwealth Immigrants Act restricts immigration by UK-issued passport holders  
Race Relations Act enlarges and extends scope of Race Relations Board and establishes Community Relations Commission
- 1969** Death of David Oluwale is first recorded death of an ethnic minority individual in police custody  
Learie Constantine becomes first peer of African descent
- 1971** Immigration Act replaces Aliens Restriction Act 1914 and Commonwealth Immigrants Acts of 1961 and 1968
- 1972** Expulsion of Ugandan Asians, 27,000 accepted by Britain
- 1976** Race Relations Act makes discrimination unlawful in employment, training, education and inciting racial hatred becomes an offence; establishes Commission for Racial Equality  
Notting Hill Carnival ends in rioting

- 1977**            **Rock Against Racism and the Anti-Nazi League formed**
- 1979**            **Campaigner Blair Peach dies at demonstration in Southall as Anti-Nazi League protestors clash with Metropolitan Police**
- 1981**            **British Nationality Act revises definition of British nationality, introducing three classes of citizenship  
Inner-city riots, Scarman Report into causes  
Election of Labour-led GLC, introduces anti-racist policies imitated in many borough councils**
- 1985**            **Riots in Handsworth and Tottenham, clashes on the Broadwater Farm Estate lead to the death of a policeman**
- 1987**            **Four ethnic minority MPs – including Bernie Grant – returned to Parliament**
- 1991**            **Bill Morris becomes first Black general secretary of a trades union, the Transport and General Workers Union**
- 1993**            **British National party wins local council seats on the Isle of Dogs  
Murder of Black teenager Stephen Lawrence**
- 1995**            **Riots in Brixton after a death in police custody**
- 1997**            **Nine Black and Asian MPs returned at general election**
- 1999**            **Macpherson Report criticizes Metropolitan Police handling of investigation into Stephen Lawrence murder**
- 2000**            **Race Relations Amendment Act fulfils recommendations of Macpherson Report, extending RRA 1976 to include the police and all public authorities and Outlawing direct and indirect discrimination**
- 2001**            **Riots in Burnley, Oldham and Bradford, followed by Cantle Report**
- 2005**            **Suicide bombings in London by four British Muslims intensify debates about the merits of British multiculturalism**

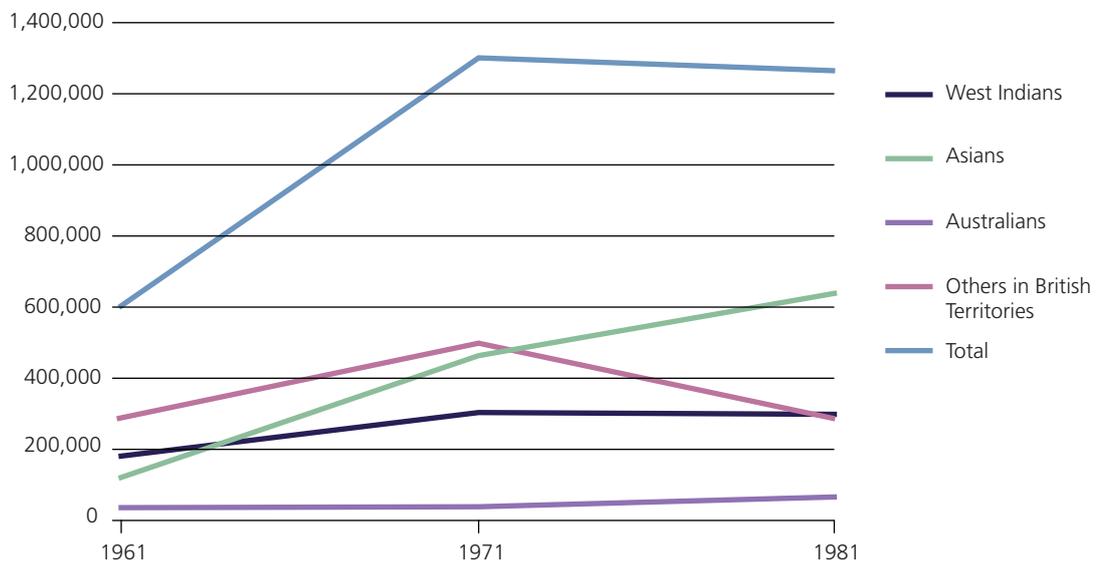
**STATISTICS**

**Figure 2.1: Net immigration from the New Commonwealth into the UK, 1955-68**



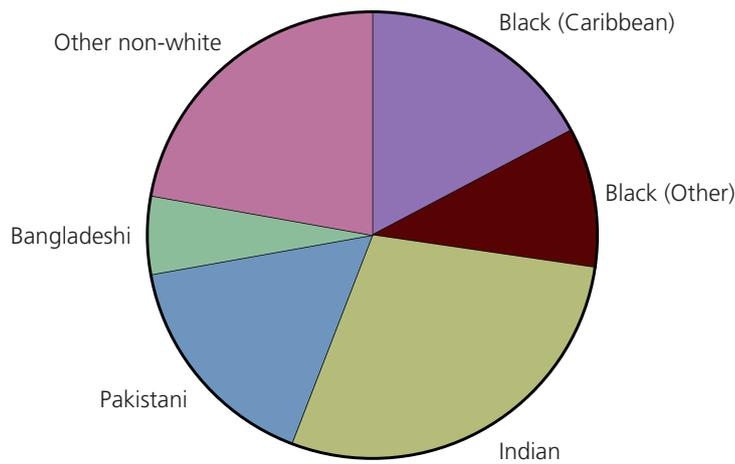
Source: Adapted from Hill, Clifford, *Immigration and Integration: a Study of the Settlement of Coloured Minorities in Britain* (Pergamon Press, 1970).

**Figure 2.2: Immigration defined as those living in households whose head was born in the relevant area, according to the 1961, 1971, and 1981 Censuses**



Source: Adapted from David Butler, *Twentieth Century British Political Facts, 1900-2000* (Macmillan, 2000)

**Figure 2.3: 1991 Census**



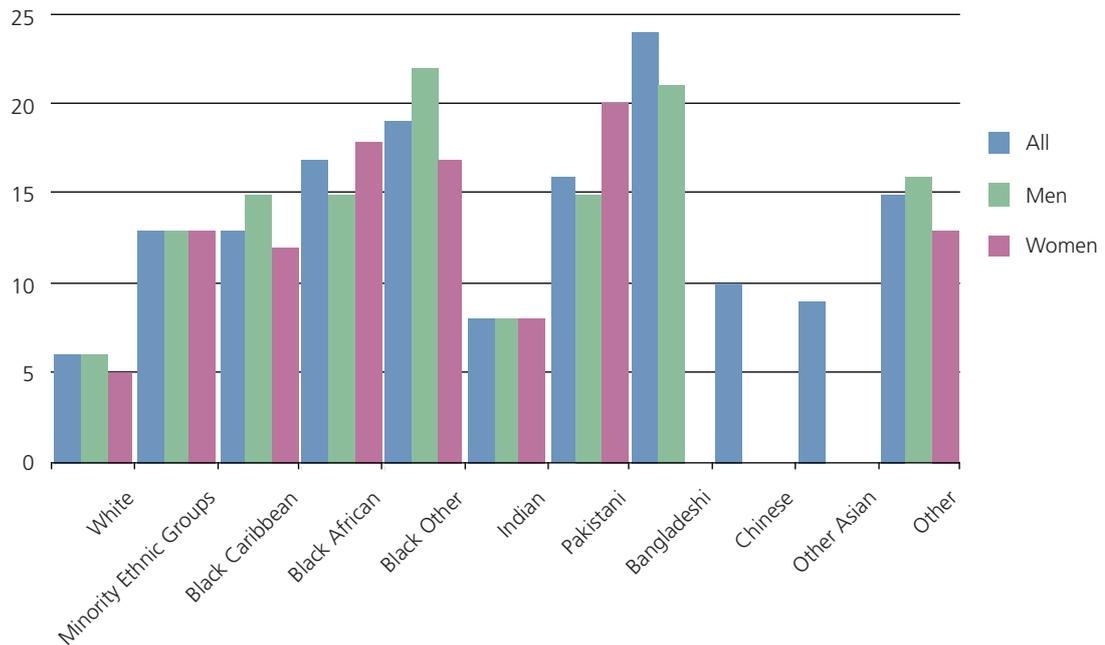
Source: Office for National Statistics

**Figure 2.4: Population of the United Kingdom by ethnic group, 2001 Census**

	Total numbers	% of overall population	% of non-White population
White	54,152,898	91.1	–
Mixed	677,117	1.2	14.6
Indian	1,053,411	1.8	22.7
Pakistani	747,285	1.3	16.1
Bangladeshi	283,063	0.5	6.1
Other Asian	247,664	0.4	5.3
All Asian or Asian British	2,331,423	4.0	50.3
Black Caribbean	565,876	1.0	12.2
Black African	485,277	0.8	10.5
Black Other	97,585	0.2	2.1
All Black or Black British	1,148,738	2.0	24.8
Chinese	247,403	0.4	5.3
Other Ethnic Groups	230,615	0.4	5.0
All minority ethnic population	4,635,296	7.9	100
All population	58,789,194	100	

Source: Office for National Statistics

**Figure 2.5: Unemployment rates (percentage) for Great Britain by ethnic group and gender (all persons 16 and over), 1999**



Source: Adapted from Pilkington, p.68

**Figure 2.6: Ethnic variation in self-employment rates (1991 census)**

	Number of self-employees	As a percentage of employees	As a percentage of economically active
Whites	2,766,334	12.3	11.19
Black-Caribbean	13,097	5.79	4.69
Black-African	5,334	7.59	5.54
Black-Other	3,796	7.76	6.03
Indian	66,522	19.55	16.99
Pakistani	22,480	22.79	16.24
Bangladeshi	5,019	17.75	12.14
Chinese	17,613	26.63	24.10
Other-Asian	7,744	9.42	8.16
Other-Other	11,820	13.24	10.87
Total Non-White	153,425	14.61	11.92
All ethnic communities	2,919,759	12.40	11.23

Source: Adapted from Pilkington, p.144

**Figure 2.7: Total household income, 1994**

	White	Caribbean	Indian	African	Asian	Pakistani	Bangladeshi	Chinese
Average weekly income	£294	£249	£308		£334	£202	£196	£350
Average for non-pensioner households	£343	£259	£317		£338	£203	£196	£354

Source: Adapted from Modood, *Ethnic Minorities*, p.158.

## Chapter 3: Religion and Belief

Liza Filby

### The 19th to early 20th centuries: The birth of multi-faith Britain

The diversity of religious communities in Britain has a long history. Jews were expelled from England in 1290 and their community was not re-established until the late 17th century. The **Act of Uniformity, Test and Corporation Acts** and **Conventicle Acts** of the 17th century established the supremacy of Anglicanism in England and Wales and curtailed the religious freedoms of the Roman Catholic and growing Non-conformist communities. Small allowances were made to the Protestant denominations in the **Toleration Act**, 1689. Roman Catholics had to wait until the **Catholic Relief Act**, 1829, (enabling Roman Catholics, among other things, to stand as MPs) to gain equal standing in British society. The 1858 **Jewish Relief Act** extended the same privileges to the small Jewish community and granted them equal rights in respect of education (including entry to Oxford and Cambridge universities) charitable status and property. The **Board of Deputies of British Jews** originated in 1760, but was formally established in 1836, and remains the main representative body of the Jewish community. Catholics and Jews founded schools (though they were not then described as 'faith schools') alongside state-subsidized Church of England and non-denominational schools. Religious influence was declining within state institutions and the rights of the non-religious were recognized with the removal of obligatory religious oaths when testifying in the law-courts and in parliament. The **Liberty of Religious Worship Act**, 1855, enabled all religious communities to build places of worship. New religious communities in the 20th century relied on this law to build their own places of worship.

The Roman Catholic hierarchy in England and Wales was restored in 1850 (1878 in Scotland), largely due to large-scale Catholic immigration from Ireland, mainly economic migration due to poverty and mostly to London, Glasgow, Manchester and other growing conurbations, augmenting the small indigenous Catholic population. Irish Catholics, partly due to their low social and economic status, and political tensions between the UK and Ireland, experienced socio-economic inequality and discrimination, being characterized by some British people as 'barbarous', 'uncivilised' and 'uncontrollable'. There was no universal declaration of freedom of worship and religious rights, rather parliament offered concessions to the principal religious communities.

As has been implied, the history of multi-faith Britain is inextricably connected to the history of immigration (see Chapter 2). England's indigenous Catholic population was a small minority in the 1830s. Between the 1880s and 1914 perhaps 100,000 Jews escaping from persecution in Eastern Europe, migrated chiefly to the East End of London and smaller communities in Manchester, Liverpool, Glasgow and elsewhere.

Their language and cultural practices often differed from those of the indigenous community and they experienced antagonism, including anti-Semitic riots. One outcome was the **Aliens Act, 1905**, the first measure to restrict immigration by people without British citizenship. The small, established Jewish community, with assistance from Jews overseas, funded schools and welfare services for the, largely very poor, newcomers to prevent them being perceived as making demands on British taxpayers. Jewish schools and Jewish community organizations worked to educate young Jewish people to adapt to British culture, for instance by speaking English rather than Yiddish, without forsaking their faith and the essentials of Jewish culture.<sup>66</sup> This did not prevent further anti-Semitic outbreaks during the First World War, mainly against German Jews. This led to further immigration restrictions in the **British Nationality and Status of Aliens Act, 1914**.

## The Mid-20th Century

Underlying anti-Semitism, anti-Irish sentiment and antagonism to Black and Asian immigrants (see Chapter 2) were pervasive in inter-war Britain. In 1936 Oswald Mosley's Blackshirt fascists attempted to march through London's Jewish area in the East End, but were confronted by an alliance of Jews, Irish and Communist protestors and forced to retreat. There was a relatively small influx of Jewish refugees from Germany in the late 1930s, but in general they aroused sympathy.

The anti-Semitic riots in Britain in 1947 suggest there was continued antagonism to religious minorities. In 1947, during the campaign against British control of Palestine, Jewish rebels bombed a British prison in Acre, captured two British army sergeants and hanged them. This received widespread press coverage and led to violence against Jews in Leeds, Liverpool, East London, Manchester and Glasgow. Riots lasted for five days in Liverpool, with 300 Jewish properties destroyed and 88 people arrested. Incidents were also reported in Blackpool, Hendon in North London, Halifax, Bolton and Southend.

Coming two years after the end of the Second World War and liberation of the Nazi concentration camps, these riots seem shocking. It was reported that one Jewish man in Manchester left a sign in his shop reading 'As a British sailor, I fought for you. This is my reward.'<sup>67</sup> External events often proved a catalyst for hostility towards a religious minority. Attacks on Jewish properties and synagogues have occurred infrequently from the post-war period to the present.<sup>68</sup> In the 1940s and 50s the Jewish community attempted to protect businesses and communities against these tensions by establishing their own institutions. The **Jewish Trades Advisory Council**, for example, was established in 1940 to combat anti-Semitism in trade and to gain licences for Jewish shop-keepers to work on Sundays.

66 David Feldman, *Englishmen and Jews. Social Relations and English Jews* (Yale University Press, 1994). Lloyd Gartner, *The Jewish Immigrant in England* (Allen & Unwin, 1973 edn.).

67 Gartner, p.131 taken from *Manchester Guardian* 6th August 1947 p.5.

68 *A Very Light Sleeper*, A Report by the Runnymede Trust (1994), see also <http://www.guardian.co.uk/comment/story/0,,1732747,00.html>.

Jews and Catholics – both groups being relatively poor before the Second World War – experienced increasing social mobility in post-war Britain, many moving out of the inner cities to the suburbs. Following the 1944 **Education Act** schools of both faiths accepted government-subsidized, voluntary-aided status. From the 1960s, as British society in general became more secular, neither denomination experienced as sharp a decline in religious observance as most Protestant faiths, though both experienced a decline of marriage within the faith (see Table 3.1-2).

Catholic groups played an important role in certain political issues, as in the inter-war years they had successfully opposed public funding of birth-control advice. They opposed the legalization of abortion in 1967, supported subsequent unsuccessful attempts to amend the **Abortion Act** and were prominently in anti-abortion lobby groups such as the **Society for the Protection of Unborn Children** (SPUC) and **Life**.

Catholics and Jews can be said to have emerged from being an ‘underclass’ in British society. However, just as anti-Semitism continues in some parts of Britain, deep conflicts remain between Protestants and Catholics and some areas still display deep-rooted anti-Catholicism. While such antagonism has declined since the 1950s, in places where it was formerly strong, such as Merseyside and Glasgow in particular, it survives and may even be rising. In a poll for the Scottish *Daily Herald* in September 1999, 37 per cent of readers agreed that there were ‘deep rooted anti-Catholicism attitudes throughout Scottish Society’; 13 per cent agreed strongly and 45 per cent disagreed.<sup>69</sup> A recent report from the Scottish Executive showed that between 2004 and 2005 the number of sectarian incidents reported to the police in Scotland rose by 50 per cent, to 440, mostly in the Glasgow region and contrary to the overall decline in reported crime. Sixty-four per cent were offences against Catholics, 31 per cent against Protestants, many of them close to football matches and associated with the historic sectarian rivalry between Glasgow’s Celtic and Rangers.<sup>70</sup> Most involved verbal abuse or minor violence.

## 1950s and 1960s: Immigration and change

Mass immigration from the former Empire during the 1950s and 60s made Britain a multi-faith society (see Chapter 2). Numbers are imprecise because immigration statistics were not calculated on the basis of religion, but by 1980 Britain’s Hindu and Muslim populations are estimated to have more than doubled to 120,000 and 600,000 respectively (see Table 3.3). In addition, substantial numbers of Christians of all denominations had migrated from the Caribbean. By 1970 Muslims were the largest religious minority in Britain.

69 *Daily Herald* 3rd September, 1999.

70 Crown Office and Procurator Fiscal Service, 2005. *The Guardian* 28th November 2006.

Members of religious minorities came to realize, as Jews had previously, that although they had freedom to worship within their communities, different traditions of Sabbath observance, religious festivals and religious dress such as the Muslim hijab and Sikh turban met barriers, incomprehension and prejudice. For example when the wearing of motor-cycle helmets became compulsory in 1972 this raised a serious problem for Sikhs, which was resolved in their favour in 1976, following a vigorous public campaign by Sikh groups.

#### **Case study - religious discrimination in the work place**

A Sikh woman who worked in a bakery in the 1980s relates her story.

*For 8 years, it was never a problem. Then I began to be picked on for wearing a bangle. Finally they moved me to a different part of the organization, ordering that I must take it off, I refused. Representatives from the Sikh temple had a meeting with Personnel to explain, but they refused to yield as they said it was jewellery. Tests were done to see if there were any bacteria on the bangle, they came out negative. This controversy had knock-on effects for other Sikh woman who supported my cause. I eventually lost my case at a tribunal, but after years of fighting, a special sleeve was developed, and the management and staff who had pressured me to stop wearing what in their view was jewellery, were required to attend diversity training.<sup>71</sup>*

During the early years of settlement, Hindus, Sikhs and Muslims focused their energies on establishing themselves in Britain and organized, as previous and future immigrant groups did, large networks of voluntary and community groups often closely linked with religious institutions. Thus groups such as the **Federation of Students Islamic Societies** (FOSIS) and **Islamic Mission** were established in the 1960s.

71 Paul Weller, Alice Feldman and Kingsley Purdam, *Religious Discrimination in England and Wales*, Home Office Research Study 220, February 2001. p. 41.

<b>Case study: timeline of settlement in Bradford</b>	
1959	First Mosque opens in Bradford.
1960s	Setting up of Muslim organizations, both local community groups and campaigning groups for international Islamic causes.
1981	Three out of 90 Bradford councillors Muslims. Increased to 11 by 1992 including one Gujarati woman, all representing the Labour party.  City Council of Mosques set up, to advocate on behalf of Muslims with public bodies.
1983	Bradford Metropolitan District Council refuses application to establish five Muslim schools on the grounds that it would encourage separation and social fragmentation.
1989	Establishment of commercial radio station, Bradford City Radio, broadcasting in Urdu, Hindi, Punjabi and English.
1995	Manningham riots in Bradford.
1999	Students of Pakistani heritage in Bradford reported to be failing educationally, only 21.8 per cent achieved target of 5 A*-C grades, compared with the national average of 46 per cent; boys achieved 16.7 per cent, compared with 27 per cent for girls.
2001	Rioting in Bradford, Oldham and Burnley. Government-commissioned Cattle report pointed to 'deep rooted segregation' between Asian and White residents.  Feversham Women's College in Bradford opens as the first voluntary, state-funded Islamic secondary school.

Members of religious minorities were disproportionately in low-paid work. In 1982 unemployment among Muslim men was higher than for any other religious or ethnic group, double the rate for Hindus and Sikhs, and higher than for Afro-Caribbean men. By the end of the 1980s the situation had not improved, with 70 per cent of Asian Muslims working in manual occupations, compared with the national average of 51 per cent; and 50 per cent of those aged 16-24 had no qualifications, compared with the national average of 20 per cent.

## The 1970s: Fitting religious identity into the racial straitjacket

Government policy during this period was largely conceptualised with race rather than religion as the chief category of difference. The passing of the **Race Relations Act** 1976, which criminalized indirect discrimination and sought to build on the 1965 and 1968 Acts (see Chapter 2), did not address religious discrimination. Subsequent case-law revealed that only religio-ethnic groups such as Jews and Sikhs, were classified as 'races', covered by the Act and therefore protected by the newly established **Commission for Racial Equality** (CRE).

A possible reason why religious discrimination was not taken into account was the apparent decline in religious practice in Britain at this time. Religion was not widely seen as a key category of identity and it was increasingly acceptable to define oneself as a 'non-believer'. The Race Relations Act thus left out the largest religious minority in Britain, Muslims, as well as Buddhists, who were trans-ethnic groups and thus identified by their religion rather than race. An example of its effect was the case of **Nyazi v. Rymans Limited**<sup>72</sup> involving a woman who was refused a day off work to celebrate the end of Ramadan. She lost her claim of racial discrimination under the Race Relations Act on the grounds that Muslims were not an ethnic group as understood by the Act. Only those Muslims who came from racial groups in which Islam was the dominant faith could claim indirect discrimination. Calling for Muslims to be recognized for their religion not their race, the **An-Nisa Society**, a campaigning group set up in 1985 by Muslim women to improve provision of Muslim-sensitive services, argued in 1992 that 'The Act (RRA) has been the one major cause for the deprivation, alienation and marginalisation of Britain's Muslim community.'<sup>73</sup> Their classification as Asians rather than Muslims affected the provision of services. For example, a White British Muslim woman could be refused the right to adopt a Muslim Somali baby in preference to a non-Muslim African family.

## The 1980s: Britain's Islamic Community Raises Its Voice

**The Satanic Verses** controversy first thrust Britain's Muslim population into the general public consciousness. Salman Rushdie's book, published in 1988, met fierce controversy, with riots in Pakistan and India. It was banned in all Muslim countries, South Africa, Sri Lanka, China and India and burned in Bradford and Bolton. The Iranian leader Ayatollah Khomeini issued a fatwa sentencing Rushdie to death. Muslim groups' failure to get the book banned under the **Blasphemy Act** led to a widespread debate about religious rights.

The **Blasphemy Act** had been on the statute books since 1838 and only protected Anglican doctrine. The last man to be imprisoned for blasphemy in England was John William Gott, who was sentenced to nine months in prison in 1922 for comparing Jesus Christ with a circus clown. But the Act had been applied successfully in 1977 by Mary Whitehouse, who brought a private

72 Nyazi v Rymans Ltd EAT/6/88

73 *The Need for Reform Muslims and the law in multi-faith Britain*. Memorandum submitted by the UK Action Committee on Islamic Affairs, for consideration by the Second Review of the Race Relations Act, 1976. Autumn, 1993, p. 41.

prosecution against the editor of *Gay News* for printing *A Love that Dare not Speak its name*, a poem about homosexual desire for Jesus Christ (see Chapter 6). The editor was convicted and received a suspended jail sentence. In 1985, however, the Law Commission suggested that a change in the law should be considered.

Muslim groups attempted to use the blasphemy law to prevent the publication and distribution of *The Satanic Verses*. The Court of Appeal however held that the common law offences of blasphemous libel did not extend to religions other than Anglicanism. A debate ensued about the nature and future of the Act. In an open letter to influential British Muslims, Chris Patten, then Secretary of State for Overseas Development, stated that he had decided that it was best not to act, adding that it was not for the government to curb freedom of speech.<sup>74</sup> Many British Muslims disagreed and called for the extension of the Act to other faiths. A letter in 1992 from the **UK Action Committee on Islamic Affairs** (UKACIA) stated that, 'abolition would mean negative equalization.'<sup>75</sup> Multi-faith Britain was beginning to mean not the undermining of all religions by the abolition of the Blasphemy Act but an extension of it to protect all faiths on equal terms.

*The Satanic Verses* controversy mobilised and united Islamic groups. The UKACIA had been formed in September 1988, led by Iqbal Sacranie, and spoke on behalf of the Muslim community during the controversy. In an unpublished letter in reply to Chris Patten, Sacranie called on the government to recognize the religious Islamic community.<sup>76</sup> When the RRA came up for review in 1992, The UKACIA, in a submission to the CRE, called for incitement to religious hatred legislation along the lines of the Act of the same name operating in Northern Ireland (see below) and the outlawing of discrimination against religious groups. Reviewing the Race Relations Act of 1976 in 1992, the CRE admitted its inadequacy in relation to religious groups, and that the Act prevented those subjected to religious discrimination from coming forward. It called for a Human Rights Commission to deal with discrimination in all its forms.

#### Religious Discrimination legislation in Northern Ireland

1970	<b>Prevention of Incitement to Hatred Act (Northern Ireland)</b> made it illegal to arouse hatred against individuals or groups because of their ethnicity, race, religion or belief. This bill was cited by Islamic groups as a blueprint for legislation needed in Great Britain after <i>The Satanic Verses</i> controversy.
1976	<b>Fair Employment (Northern Ireland) Act</b> dealt with religious discrimination in the work-place and established the Fair Employment Agency.
1989	<b>Fair Employment (Northern Ireland Act)</b> targeted indirect discrimination and removed defects of previous law; replacement of the Fair Employment Agency with the Fair Employment Tribunal and Fair Employment Commission.

74 *The Times*, 5th July 1989.

75 Rana Kabbani, *A Letter to Christendom* (Virago, 1989), p. 39.

76 *The Need for Reform* p.32.

In 1994, at a meeting of Muslim organizations and institutions, there was a call for an 'Islamic consensus on national affairs' and in 1997 the **Muslim Council of Britain** (MCB), an umbrella body for Islam in Britain, was inaugurated. The Council opposed such labels as 'ethnic minority' describing themselves as 'British citizens with an Islamic heritage.' This coincided with the election of Mohammad Sarwar as the first Muslim MP (for Glasgow Govan) in 1997.

Another consequence of *The Satanic Verses* was an increase in what became known as Islamophobia. Some sections of the media fuelled fear of Islam. Peregrine Worsthorpe, commented in *The Sunday Telegraph*, in 1991:

*Islam, once a great civilisation worthy of being argued with ... has degenerated into a primitive enemy fit only to be sensitively subjugated... If they want jihad, let them have it... [Islam] once a moral force, has long been corrupted by variations of the European heresies, fascism and communism — a poisonous concoction threatening seepage back into Europe through mass migration.<sup>77</sup>*

The First Gulf War (1990-91) caused further problems for British Muslims, now defined by some as 'the enemy'. During the war, West Yorkshire police noted a 100 per cent rise in racist attacks in Bradford. Their classifying these attacks as 'racist' rather than 'religious', further demonstrated an unwillingness of public institutions to recognize British Muslim identity. The introduction of an ethnicity question in the 1991 census further offended Muslims who wished to be classified according to their religion rather than race. This was especially important for second and third generation immigrants (as the majority of Britain's ethnic minorities now were) whose ethnicity or place of origin was becoming increasingly distant and whose religion, whether Hindu, Buddhist or Muslim, was their primary means of identification.

77 *Sunday Telegraph* 3rd February 1991.

## 1990s-2001: Recognition of Religious Diversity

Advances were being made, however, in recognizing religion as an important category of identity. The **Children Act**, 1989 stipulated that any decision in respect of a child must give consideration to its religion as well as racial origin and cultural and linguistic background, whilst the **Education Act** 1988 required that schools keep statistics on pupils' religion. Also there was an increasing presence of adherents of all religions in public institutions such as prisons, higher education, the health service and the armed services.

Scientology, Paganism, the Unification Church (Moonies) and Jehovah's Witnesses, popularly labelled 'cults', were being renamed by their advocates as **New Religious Movements** (NRMs). Their special requirements, such as Jehovah's Witnesses' refusal of blood transfusions, were more widely recognized. In 1988, with Home Office financial support, the **Information Network Focus on Religious Movements** (INFORM) was established at the London School of Economics. It continues to provide an impartial information network on NRMs. Nevertheless many continue to be treated with varying degrees of scepticism in the media and elsewhere.

This recognition of minority religions was coupled with efforts to sustain Britain's Christian heritage. The 1988 Education Act preserved the long-standing obligation on all state schools to provide daily acts of collective Christian worship; those not wishing to participate could ask to be excused. On religious education, the Act stipulated that the curriculum should reflect the 'fact that religious traditions in Great Britain are in the main, Christian, while taking account of the teaching and the practices of other principal religions represented in Great Britain.'<sup>78</sup> At the same time, the Conservative government refused to allow Muslim schools voluntary-aided status, and therefore parity with Jewish, Catholic and Anglican schools. Proposals were consistently rejected by local councils on the grounds that Islamic schools would cause social fragmentation.

Increasingly, faith groups who felt excluded formed national organizations to fight for equality. The **Hindu Council** was formed in 1994, the MCB in 1997 (see above) and **Sikhs in England** in 2000. These organizations worked to provide services and support for their communities, to speak on behalf of their religious group and to develop a better understanding of their faith in the media and among other religions. They played an important role in bringing the inequalities experienced by their members to public notice.

The incorporation of the **European Declaration on Human Rights** into English and Scottish law in 1998 was the first declaration of freedom of religion in Britain. Article 9 of the **Human Rights Act** explicitly enshrined the rights of the individual to exercise and practise their religious beliefs. In 2004, Muslim schoolgirl Shabina Begum, won on appeal the right to wear the ankle length jibab, the defence arguing that her school's uniform policy had contravened her human rights.

<sup>78</sup> Education Reform Act 1988, 1988 c.40, section 8 (3).

The Home Office report, ***Religious Discrimination in England and Wales*** (2001) sought to engage with religious discrimination separately from the issue of race. It found that one third of Muslims and one quarter of Jews and Hindus had suffered unjust treatment in the workplace and elsewhere, compared with 16 per cent of Christians. One Muslim woman commented on her experience at a job interview: 'she knew at the end of an interview that she would not get the job because, unlike the other candidates, she did not shake the interviewer's hand. When she declined, he jolted back. He wants to hire someone he can relate to. It's very subtle'.<sup>79</sup> The report concluded that in Wales, 'because of the historical struggle to maintain and assert Welsh identity and language over and against English assimilationism, there is an additional layer of complexity in these issues'. A number of interviewees felt that urban areas in Wales were still about twenty to thirty years behind those in England in dealing with diversity issues. In rural areas, the situation was felt to be a further ten years behind. The government then announced its intention to include a question on religious affiliation in the 2001 Census. This was a major breakthrough in recognising the importance of religious identity to individuals (see Table 3.5).

## The 2005 London bombings to the present

The terrorist attacks of 9/11 in the U.S. and the London bombings in 2005 created serious new challenges for the Muslim community, leading to a questioning of Muslim integration in British society and of the concept of multiculturalism. The Labour government pressed through reforms which gave increasing protection to Muslims under the law, such as the **Employment (Religion and Belief) Regulations Act** 2003 which forbids discrimination on grounds of religion and belief in the workplace, the **Racial and Religious Hatred Act** 2006 and Part 2 of the **Equality Act** 2006, which made it illegal to discriminate on grounds of religion in education, provision of goods and facilities.

Muslims have been increasingly portrayed as refusing to integrate in British society, preferring to live in 'voluntary apartheid.' The issue of the Muslim women covering their faces in public was raised in 2006 by Leader of the Commons, Jack Straw, as demonstrating the 'separateness' of the Islamic community, giving rise to public controversy about such outward symbols of religious belief. A lingerie store refused to employ a Muslim woman because she wore a headscarf.<sup>80</sup> British Airways recently changed its policy to allow staff to wear religious symbols after one Christian employee claimed she had suffered discrimination for not being allowed to wear a cross.

<sup>79</sup> *Religious Discrimination*. p.37.

<sup>80</sup> *The Guardian*, 1st November 2006.

Yet Muslims continue to be one of the most disadvantaged groups in British society, experiencing:

- the highest rate of unemployment;
- the poorest health and the high disability rate;
- the lowest educational qualifications;
- a younger age profile, with more under 18s; and
- more children, per capita, taken into care than any other religious group.

Greater concern for the rights of religious minorities has aroused support from some Christians, suspicion among others. An evangelical Christian quoted in the 2001 Home Office Report summed up the concerns amongst all religious groups about discrimination on grounds of faith: 'the more active you are the more vulnerable you become.'<sup>81</sup> Others felt that their beliefs and customs are no longer given due weight compared with those of other faiths, citing the British Airways case (see above), a rare case of alleged discrimination against Christianity. The controversy surrounding the BBC screening of **Jerry Springer the Opera** in 2005, which received the largest-ever number of complaints for a TV show (55,000) suggested that some Christians were becoming increasingly vocal about their right to assert and defend their faith. During the regional tour of the theatre production the campaign organization **Christian Voice** organized protests and attempted, unsuccessfully, to try its producers under the Blasphemy Act. Such action was not confined to Christians. In December 2004 the play **Behzti** (Dishonour) by the British-born Sikh playwright, Gurpreet Kaur Bhatti had its run at the Birmingham Repertory Theatre terminated following protests against its portrayal of sex abuse and murder in a Sikh temple.

Hence religious groups can themselves promote and defend inequalities. Some faith groups within Islam and Christianity openly refuse to accept that homosexuals should have equal legal rights with heterosexuals. The Human Rights Act addresses this issue, stipulating that faith groups should be allowed to exercise their beliefs and practise their religion, but not to the point where this infringes the rights of other groups (see Chapter 6).

However, leaders of the Church of England have been instrumental in seeking to make Britain a genuinely multi-faith nation. Ecumenical initiatives from the mid-20th century onwards between Anglicans, Non-conformists, Roman Catholics and Jews increased unity of purpose across the long-established faiths; buildings were shared, there were joint community projects and voluntary organizations and the religious communities showed determination to work together. During the 1980s, Derek Worlock and David Sheppard, Roman Catholic and Anglican Bishops of Liverpool respectively, symbolized unity in a city once known for sectarian tension. The Church of England included non-Christian faiths in the government sponsored faith communities' consultative body, the **Inner Cities Religious**

81 *Religious Discrimination*, p.15.

**Council** (ICRC), set up in 1992. In 2006, the ICRC was disbanded and the **Faith Communities Consultative Council**, was established with a much broader remit. This transition is testimony to the present government's encouragement of greater collaboration between all faith communities and the state. Faith communities have come to be increasingly recognized for their important role as service providers in sustaining communities and building social cohesion. This enthusiasm for cooperation is not shared by all. Some feel that the work of faith groups in the community will be compromised the more they liaise with government and become reliant on public funding. Secularists are concerned by what they see as the enhanced influence of religious groups on the government.

Despite tensions between government and faith groups, the unity of purpose across faith groups has been crucial in fostering an understanding of Britain as a multi-faith nation. At a West Yorkshire multi-faith conference on inner cities convened by the ICRC in 1992 a resolution was passed to 'support the call for all major religions in this country to be recognized under national law and ask that legislation should be enacted to make discrimination on the grounds of religion unlawful.'<sup>82</sup> The Church of England supported an extension of the Blasphemy Act to non Christian faiths during *The Satanic Verses* controversy. The greater unity among faiths in Britain is visually apparent in civic religious ceremonies where the major faiths are represented and all perform a ceremonial function such as the laying of wreaths at the Cenotaph in London on Remembrance Day.

## Conclusion

Religious discrimination has been inextricably linked to immigration. The emergence of significant Catholic, Jewish, Sikh, Hindu and Muslim communities in Britain was a product of ongoing immigration throughout the 19th and 20th centuries. Immigration by religious minorities has not ended; no doubt the 2011 census will show a significant rise in the number of Catholics in Britain due to the recent rise in immigration from Poland. Catholic churches in many parts of the country are already experiencing higher church attendance and changes in parish life as a result. The cultural make up of Britain is continually changing.

The history of new religious communities in Britain has been, firstly, one of survival and the establishment of identity, and then a struggle for equality. The dominance of race as the main category of difference in equality legislation and practice of the 1970s and 80s meant that the inequalities experienced by religious minorities, particularly Muslims, were neglected. Since the 1990s these inequalities have been increasingly acknowledged and attempts made to remove them.

82 *The Need for Reform Muslims and the law in multi-faith Britain*. Memorandum submitted by the UK Action Committee on Islamic Affairs, for consideration by the Second Review of the Race Relations Act, 1976 (Autumn, 1993) p.41.

Integration on the part of religious minorities is only half of the story, acceptance and tolerance by the host society is also essential. The Irish and Jewish communities, despite attaining legislative recognition and freedoms, long continued to be characterized as the 'other' in British society. The inequalities they suffered a century ago have diminished, but not disappeared.

Notwithstanding events on a national level, religious tensions often take a localized form, thus in Glasgow the 'other' religion is Catholicism, whereas in Bradford it is Islam and in other parts of Britain, Hinduism is juxtaposed against Islam. External events have impacted in major, though diverse, ways on internal inequalities, whether the situation in Ireland affecting Catholics, Middle East politics affecting British Muslims and Jews, 9/11 and international Islamic fundamentalism impacting on British Muslims, external events can determine their everyday experience and how they are portrayed in the media.

The main drivers and inhibitors of increased equity among religious groups are almost identical to those relating to race (see Chapter 2). In both cases, local and regional differences in equalities continue to be salient and should be taken into account in implementing measures to reduce inequalities.

**TIMELINE**

- 1829** Catholic Relief Act allows Catholics to enter parliament
- 1836** Board of Deputies of British Jews establishes its constitution
- 1838** Blasphemy Act, relates only to the Church of England
- 1855** Liberty of Religious Worship Act enables all religious groups to establish houses of worship
- 1858** Jews allowed to enter parliament; now acceptable for non-Christians to take parliamentary oath of office
- 1880** Atheist Charles Bradlaugh refuses his seat in parliament
- 1889** Britain's first mosque built in Woking
- 1905** Aliens Act restricts immigration to Britain
- 1911** Britain's first Sikh Gurdwara established in Putney, London
- 1922** John William Gott becomes last man sent to prison for blasphemy
- 1936** Battle of Cable Street against fascist anti-Semites
- 1940** Jewish Trades Advisory Council established
- 1944** Glasgow's first mosque built
- 1962** Federation of Students Islamic Societies (FOSIS) and the UK Islamic Mission established
- 1970** Inauguration of the General Synod, the 'parliament' of the Church of England
- The Union of Muslim Organisations in UK (UMO) formed, a national network of local organizations
- 1976** Race Relations Act prohibits discrimination on racial, but not specifically religious, grounds; Commission for Racial Equality set up
- Sikhs exempted from 1972 law making crash helmets compulsory for motorcyclists
- 1977** Mary Whitehouse brings private prosecution under Blasphemy Act against editor of *Gay News*
- Regent's Park Mosque completed in London
- 1984** Imams and Mosques' Council of Great Britain and Council of Mosques in UK and Eire established
- 1985** Law Commission recommends changing Blasphemy Act
- 1988** *The Satanic Verses* controversy
- UK Action Committee on Islamic Affairs (UKACIA) formed
- 1994** Meeting of Muslim organizations and institutions calls for an 'Islamic consensus on National Affairs'

- 1996** Employment tribunal hears that preventing observance of Islamic festivals amounts to indirect racial discrimination
- 1997** Formation of Muslim Council of Britain, umbrella body for Islam in Britain and national voice for British Muslims  
First Muslim MP enters parliament
- 1998** Human Rights Act guarantees right to freedom of thought, conscience and religion and to practice one's beliefs within the law
- 1999** Prison service appoints its first Muslim advisor
- 2000** Feversham College for Girls in Bradford is Britain's first Muslim school to gain state aid
- 2001** Home Office report '*Religious Discrimination in England and Wales*'  
Race/religious riots in Oldham and Bradford, Cattle Report
- 2003** Employment Equality (Religion and Belief) Regulations forbid workplace religious discrimination
- 2004** Shabina Begum loses high court battle to wear the jibab at school, but later wins on appeal  
West Yorkshire police unable to act against BNP leaflet *The Truth about Islam* as Muslims not covered by RRA  
Performance of *Behzti* suspended in Birmingham following Sikh protests
- 2005** BBC screening of *Jerry Springer the Opera* leads to protests by Christian groups
- 2006** Racial and Religious Hatred Act creates offence of 'inciting religious hatred'  
Equality Act 2006 (Part 2) extends protection against religious discrimination to education, provision of goods and services, management of premises and exercising of public functions

## STATISTICS

**Table 3.1 Church membership of Christian denominations 1945-1985**

Year	Church of England	Church in Wales	Church of Scotland	Great Britain Methodists	Roman Catholics
1945	2,989,704	(1947) 155,911	1,295,927	752,659	3,036,82
1955	2,894,710	(1956) 176,000 E	1,307,573	744,321	3,926,830
1965	2,682,181	(1966) 165,273	1,247,972	690,347	4,875,825
1975	1,912,000 E	(1976) 133,107	1,041,772	541,518	4,996,310
1985	1,672,000 E	116,911	870,527	436,049	5,023,736 (1974)

**Table 3.2 Numbers of religious marriages 1952-1984**

Year	Church of England & Wales	Roman Catholics	Jewish
1952	173,282	33,050	1,876
1962	164,707	42,788	1,549
1975	133,074	32,307	1,365
1984	117,506	25,609	1,035

**Table 3.3 numbers of non-Christian religions in Britain 1970-1985-estimates**

Religion	1970	1975	1980	1985
Buddhists	6,000	13,000	17,000	23,000
Hindus	50,000	100,000	120,000	130,000
Muslims	250,000	400,000	600,000	852,900
Sikhs	75,000	115,000	150,000	180,000
Jews	113,000	111,000	110,915	109,150
International Society for Krishna Consciousness	500	10,000	120,000	130,000
Ahmadiyya Movement	5000	8000	10,000	12,000

**Table 3.4 numbers of main non-Christian religions ministers and buildings**

Religion	Ministers				Buildings			
	1970	1975	1980	1985	1970	1975	1980	1985
Buddhists	38	150	210	290	8	36	50	86
Hindus	80	100	120	140 E	60	120	125	130 E
Muslims	400 E	1,000	1,540	2,077	75 E	150	193	314
Sikhs	100 E	120 E	140 E	150 E	40 E	75 E	105 E	150 E
Jews	400	400	416	432 E	345	315	321	330 E

Sources (tables 3.1-3.4): Electoral Roll (Church of England); Robert Currie, *Churches and Churchgoers*, (Clarendon Press, 1977), 1975-85 Church in Wales, 1975-85 Church of Scotland; Brierley (ed), UK Christian Handbook 1987-8 (Bible Society), as collected in A H Halsey (ed) *British social trends since 1900 : a guide to the changing social structure of Britain* (Macmillan, 1988) p.524-33.

**Table 3.5 2001 Census**

In the UK 2001 census a question on religion was introduced for the first time. The question was 'voluntary' and was framed 'What is your religion?'. In the Scottish census the question was framed differently (I) 'What is your current religion?' (II) 'What was the religion of your upbringing?'

**(a) Percentage of answers to question 'What is your religion?' for the UK**

Christian	71.8%
Muslim	2.8%
Hindu	1%
Sikh	0.6%
Jewish	0.5%
Buddhist	0.3%
Other religions	0.3%
<b>All religions total</b>	<b>77.3%</b>
No religion	15%
Not stated	7.7%

Source: Census, April 2001, Office for National Statistics, [www.statistics.gov.uk](http://www.statistics.gov.uk)

**(b) Figures for Scotland only (current religion)**

Christian	3,294,545
Muslim	42,557
Buddhist	6,830
Sikh	6,572
Jewish	6,448
Hindu	5,439
Other	26,974
None	1,394,460
Not stated	278,061

Source: *Scotland's Census 2001: the Registrar General's 2001 Census Report to the Scottish Parliament*, (General Register Office for Scotland: 2003), p.31.

## Chapter 4: Gypsies and Travellers

Mel Porter and Becky Taylor<sup>83</sup>

### Introduction

*When I was growing up, we used to have what they called a horse fair in the village. Travellers and Gypsies from all over the country came, and they were fine. They used to bring a fair with them and we had a great time, but, I think I'm a little bit intolerant of travellers now because they've changed over the years.*

Woman, mid-50s, West Midlands<sup>84</sup>

Over the past sixty years, the social position of Britain's travelling communities has improved to a much lesser extent than that of other minority groups. By almost every measure, they remain one of the most disadvantaged groups in British society, and the subject of the most ingrained prejudice and discrimination. This chapter refers throughout to 'Gypsies and Travellers', unless it is relevant to identify specific communities falling within this definition. We recognize that this term does not fully reflect the diversity of Britain's travelling communities, but is currently used by government and the Commission for Racial Equality (CRE) to encompass Romany, Scottish and Welsh Gypsies and Irish Travellers. While recognising that other travelling communities, such as Show-people and New Age Travellers, also have a long history of inequalities, this chapter is unable to do justice to their experiences, which differ in important ways from those of Gypsies and Travellers.

A recent MORI poll conducted for Stonewall found that Gypsies and Travellers were the group respondents were most likely to feel 'less positive towards', and 'these are just the people admitting their prejudices and wearing them on their sleeves'; the actual proportion of people with prejudices is likely to be even higher.<sup>85</sup>

#### Percentage of respondents feeling 'less positive' towards each group:

Travellers/Gypsies	35 per cent
Refugees/Asylum seekers	34 per cent
Ethnic 'minorities' (inc. White, Asian, Black/Afro-Caribbean)	18 per cent
Gay or lesbian people	17 per cent <sup>86</sup>

83 This chapter references Becky Taylor's forthcoming book, *A Minority and the State: Travellers in 20th Century Britain* (Manchester University Press, forthcoming, 2007), for which page references are not yet available. For a summary of her work, see Taylor, 'Travellers in Britain: A Minority and the State', *Historical Research*, vol. 77, issue 198, Nov. 2004, pp575-96.

84 Stonewall, *Understanding Prejudice*, p.12.

85 C. Clark and Greenfields, *Here to Stay: the Gypsies and Travellers of Britain* (Hatfield, 2006), p.7.

86 Stonewall, *Profiles of Prejudice*, p.1.

Furthermore, 'the two groups identified as the most threatening – asylum seekers and Travellers – were the only two groups with whom most interviewees had had no contact.'<sup>87</sup> The media was for many respondents the source of their knowledge and opinions. Forty-three per cent said television influenced their views of refugees and asylum seekers and 40 per cent said newspapers did.<sup>88</sup> There are no equivalent figures for Gypsies and Travellers, but given the absence of personal contact, it is reasonable to assume that the media is similarly powerful in shaping public opinions about them.

**Gypsies and Travellers have the poorest life chances of any ethnic minority group:**

- Life expectancy for men and women is ten years lower than the national average;
- Mothers are 20 times more likely to experience the death of a child than the rest of the population;
- In 2003, less than a quarter of Gypsy children achieved 5 GCSEs at A\*-C grades compared to a national average of just over 50 per cent.<sup>89</sup>

A major reason for these inequalities has been a persistent shortage of authorized transit and permanent sites. Currently, between a fifth and a quarter of Gypsy/Traveller caravans (3-4,000) in England still have no authorized place to stop at any time. Other factors include:

- The long-term failure of public services, including the education system, to reach people who move regularly;
- Gypsies' and Travellers' own tendency to avoid contact with or trust in bureaucracy, reinforced by this lack of flexibility in service provision;
- A long history of prejudice and discrimination from the settled community, the media and – in the past – the public servants who designed and delivered services.

Statistics on the numbers and location of Gypsies and Travellers have always been seriously inadequate, due to their high mobility and a historic lack of interest in measuring their numbers or needs. The only official measure is the government's biannual **Caravan Count**, which has taken place in England since 1979. All local authorities are required to count the number of Gypsy/Traveller caravans on two days each year (one in January, one in July), classified according to their location in one of four categories:

- private authorized site;
  - public authorized site;
- and, since 1996:

87 Stonewall, *Understanding Prejudice*, pp.17-18.

88 Ibid., p,18,

89 CRE, *Common Ground* (Summary), p.2.

- unauthorized encampment (on someone else's land); or
- unauthorized development (on their own land, but without planning permission).

The statistics are collated and published by central government (see Figure 1.1). Currently there are almost 16,000 Gypsy/Traveller caravans recorded, compared with just over 8,000 in 1979, but it is worth listing some caveats about the count:

### **1. It counts caravans, not people**

Pat Niner suggests an average of three people per caravan as a reasonable estimate, which would give a figure of around 47,500 for the Gypsy/Traveller population living in caravans today, compared with 25,000 in 1979.<sup>90</sup> However, many Gypsies and Travellers now live in settled housing for at least part of the year and are statistically invisible. Niner suggests that they could account for half of the total population, which would bring the totals to almost 100,000 today, compared with about 50,000 in 1979.

It is believed that the Gypsy/Traveller population has increased more quickly than the national average due to lower marriage-age and higher fertility, although improved recording practices may account for some of the apparent increase.<sup>91</sup>

The caravan count almost certainly under-estimates numbers. Other recent population estimates for the UK range from 90,000 to 120,000.<sup>92</sup>

### **2. Definitions vary locally and over time**

The count is dependent on the accuracy of individual local authorities and which caravan-dwellers they count as being Gypsies/Travellers – some include New Age Travellers, some do not. Definitions have changed over time, and there are now several different legal definitions of Gypsies and Travellers for the purposes of planning, housing and race relations legislation.

Although now recognized in case law as ethnic minorities, neither English Gypsies nor Irish Travellers have ever been included on the Census list. Activist groups have long campaigned for their inclusion, and the Office of National Statistics is currently consulting on whether they should be included in Census 2011.

### **3. Seasonal fluctuations**

The January caravan count is always slightly lower than that in July, as some Gypsies and Travellers live in settled housing during the winter, but go on the road in the summer.

90 P. Niner, *Local Authority Gypsy/Traveller Sites in England*, (Office of the Deputy Prime Minister, 2003), p.25.

91 *Ibid.*, p.25.

92 P. Niner, *Local Authority Gypsy/Traveller Sites* p.24.

#### 4. Regional variations

The caravan count that has taken place since 1979 is for England only. Scotland undertook one-off caravan counts, in 1969 and 1992 and has only had a biannual count since 1998. The Scottish count returns more detailed information than the English, providing some insight into the size of households, their ages and length of stay on public sites. The estimated population of Gypsies and Travellers living in caravans in Scotland in July 2005 was 2,077, and 1,628 in January 2006.<sup>93</sup>

Wales' last caravan count was in 1997 (though it resumed in 2006). The 1997 count recorded 732 Gypsy and Traveller caravans: 217 on unauthorized sites, 502 on local authority sites and 13 on private sites. The previous count, in 1990, recorded 692 caravans, though both counts are believed to be significant underestimates.<sup>94</sup> Pat Niner estimates that the total Gypsy and Traveller population in Wales numbers at least 2,000, concentrated around the key transport networks in the North and South.<sup>95</sup>

93 *Gypsies/Travellers in Scotland: The Twice-yearly Count* - no. 8: July 2005 and no. 9: January 2006 (Scottish Executive Social Research).

94 Clark and Greenfields, *Here to Stay*, p.21.

95 Niner, *Accommodation Needs of Gypsy-Travellers in Wales*, (Welsh Assembly Government, 2006), p.2.

## Post-war economic change

In this chapter we explore how disadvantage for Gypsies and Travellers has been manifested in the areas of site provision and planning, education and welfare provision. It closes by exploring political developments among travelling communities.

Central to Gypsies' and Travellers' experiences since 1946 has been the disjuncture between the reality of their lives – in particular how they have adapted to changes in modern society – and the attitude and stereotypes of mainstream British society, which have remained largely unchanged. From the 19th century, an image of 'pure blooded Gypsies' developed that located them in rural areas, typically living in bow-topped caravans, engaged in agricultural or other countryside activities, cut off from modern life, 'here today and gone tomorrow'. Those who did not conform to this image were depicted as 'half-breeds', 'pikies', or 'didikais' and seen to have no right to maintain a nomadic lifestyle. These stereotypes were reinforced by a lack of empirically grounded knowledge of Britain's travelling communities, a position that has continued to this day.

These stereotypes reflect only one part of a much more complex picture, including Gypsies and Travellers located in or on the periphery of urban areas and those staying on longer-term sites or in housing over the winter, or for more extended periods.<sup>96</sup> It was not the content of their occupations – selling pegs, horse dealing etc – that was important, so much as the form – self-employment and flexibility – which has changed little throughout the period.<sup>97</sup>

Following the Second World War economic changes caused Gypsies' and Travellers' lifestyles and work patterns to change and some of the symbols that had marked them out in the eyes of settled society as 'real Gypsies' to disappear. Commentators believed that 'real Gypsies' were dying out. In fact, Gypsies and Travellers were adapting to rapidly changing times. Most were abandoning horse-drawn transport and becoming motorised, while agricultural mechanisation reduced the demand for seasonal labour, and activities such as scrap-dealing and building became more prevalent.

Nonetheless, Gypsies and Travellers continued where possible to seek self-employment and nomadism.<sup>98</sup> The 1965 **Census of Gypsies and Travellers in England and Wales** and the 1969 **Census in Scotland** found the most common occupations to be:

		England and Wales	Scotland
Men	General and scrap-dealing	52 per cent	36 per cent
	Agriculture & Horticulture	15 per cent	19 per cent
Women	Housewives	36 per cent	36 per cent

Source: MHLG *Gypsies and other Travellers* (1967), p. 34; H.Gentleman and S.Swift (eds), *Scotland's Travelling People* (1971).

96 D. Mayall, *Gypsy Travellers in nineteenth century society* (Cambridge, 1988); B. Taylor, *A minority and the state* (Manchester University Press, 2007).

97 J. Okely, *The Traveller-Gypsies* (Cambridge, 1983).

98 B. Taylor, *A Minority and the State. Travellers in Britain in the 20th Century*, (Manchester University Press, 2007, forthcoming).

These changing patterns of work increased the potential for friction with the settled community by:

- Reducing economic contact and therefore familiarity, as well as increasing the length of stay in one place and therefore visibility and the potential for conflict;
- Necessitating the storage of scrap and other materials for trade, seen by settled communities as 'rubbish';
- Reducing the economic role of women, when it was growing in other communities, making Gypsies' and Travellers' gender patterns appear increasingly out of step with the rest of society;
- Increasing numbers of Irish Travellers arriving to seek better work opportunities and living standards in Britain, particularly from 1963 to 1970, and tending to settle in larger, more visible communities.<sup>99</sup>

## Sites and planning 1946-89

Gypsies and Travellers were not the only people living in caravans and other temporary dwellings immediately after the war. Shanty-towns were developed on the edges of towns and on other pieces of marginal land by people left homeless by war-damage. Such people, however aroused sympathy as Gypsies and Travellers – who ‘chose’ this way of life – did not. In August, 1946, the Ipswich Evening Star lamented:

*One can appreciate the stern necessity which drives normally law-abiding people to take possession of Service huts and thus become ‘squatters’. When Gypsies do the same thing, the reason is not so obvious. Yet, I have seen that some of these wanderers have invaded a camp and brought their horses, dogs, chickens and a goat with them. Apart from the inconvenience caused to genuine squatters, this seems a sad reflection on the Romanies. Surely they are not losing their old love for a roving life and instead wish to settle comfortably?<sup>100</sup>*

The government’s solution to the problems of unregulated development and the housing shortage was a house building programme plus tighter planning laws. The 1947 **Town and Country Planning Act** aimed to end uncontrolled development and designate land for specific uses. Caravan sites tended to be absent from local plans and the Act made it clear that where they existed, they must be private, not state-sponsored, initiatives.<sup>101</sup> Tighter planning regulations combined with local authority house-building increased pressure on the marginal land where Travellers stopped. Initially, increased motorisation among Gypsies and Travellers masked the growing shortage of stopping places, but by the early 1950s it had become clear that a crisis was developing:

*In the coming winter many of us will be faced with certain prosecution, followed by fines or imprisonment, because we can find nowhere to stay. So many of our traditional camping sites have been declared unsuitable and closed... No alternative accommodation has been offered to us... We have seasonal occupation with which we earn an honest living through the spring, summer and autumn months as long as we are mobile. Then comes the winter and we hope to settle in one place. What shall we do this winter?<sup>102</sup>*

In the winter of 1950-51, the government initiated a **survey of Chief Constables** to enquire into the number of evictions of Gypsies and Travellers from winter quarters. This revealed:

- 2,084 ‘Gypsy camping grounds’ in England and Wales – 480 permanent, the rest temporary;
- About 7,000 Gypsies and Travellers living in the permanent camps, and over 20,000 on temporary sites.

100 'When Gypsies Squat' *Ipswich Evening Star*, 29 August, 1946.

101 Taylor, *A Minority*

102 A. Fraser 'The Gypsy Problem. A survey of post-war developments', *Journal of the Gypsy Lore Society* 3:3-4 (1953), pp. 87-8.

Broadly, the survey claimed that in about 90 per cent of local authority areas, there was 'no indication' of Gypsies and Travellers being moved from their winter quarters. However, the detail of the report and other evidence reveals the closure of many long-established sites, enforcement action taken against temporary camps and communities' unwillingness to let them settle.<sup>103</sup> The government took no action.

Before the war, the Home Office had prevented local authorities from introducing repressive by-laws that specifically targeted Gypsies and Travellers.<sup>104</sup> By the 20th century, however, central government was still unwilling to take positive action to assess the inequalities experienced by these groups, as suggested by the Parliamentary Secretary in the Ministry of Housing and Local Government, in May 1951:

*Our information is that the local authorities and the police are not using their powers against Gypsies as such but against the nuisances themselves, whoever causes them... Local authority sites are out of the question; the local authorities would not provide them and there is, indeed, no reason why Gypsies should be given priority in this way over other people... we don't know where Gypsies want to go, and even if we did we can't make it an obligation on local authorities and land owners to accept them on these sites. Only Gypsies themselves know where they want sites and for how long, and now that they are getting organized I suggest that they should themselves select the sites they want to have... [then] go and get permission from the owners to go on the land, they should then, as a body, discuss with the local authority concerned, the question of planning permission and a public health licence. If this is done by Gypsies as an organized body, it should help them get over what is, admittedly, often strong local prejudice. But it must be done by the Gypsies themselves and it must be done locally... if they are to avoid 'persecution' in the future, they must themselves get the thing on a proper footing with the local authorities, and convince them they are clean and respectable.<sup>105</sup>*

This ignored the real problems that Gypsies and Travellers faced, hampered by illiteracy, lack of a stable address and often intimidated by local authority procedure. Some local authorities had a clear policy of opposing planning applications from Gypsies and Travellers, regardless of central government's intentions.<sup>106</sup>

103 TNA, HLG 71/903, 'Camping places for Gypsies, findings from 1951 police questionnaire'.

104 Taylor, *A Minority*.

105 TNA, HLG 71/1650, notes by MHLG Parliamentary Secretary to prepare for Norman Dodds' question in the House of Commons, 7 May 1951.

106 See for example the practice of Hartley-Witney rural district council, Hampshire Record Office: 59M76/DDC207.

Following political pressure from Norman Dodds MP and the **Gypsy Charter** (see below) the Home Office began to accept that Gypsies and Travellers were facing 'increasing difficulties ... in the modern planned society',<sup>107</sup> but no government action followed. An eviction from waste ground at Leckwith Common in Cardiff in the winter of 1955-6 illustrates the powerlessness of central government when faced with local recalcitrance. Eviction proceedings began after neighbours complained about straying horses, unsanitary behaviour and harassment. One of the site residents, 68-year-old Lydia Lee, wrote to the Queen asking her to intervene, generating some sympathy. However, Cardiff Council was not willing to provide another site, rebuffing the Welsh Office, which argued that they should, and insisting that the site residents should be moved on and ultimately forced to settle in housing. The Welsh Office had no power to overrule the local authority.<sup>108</sup>

Two well-publicised evictions demonstrate that, while the government took a sympathetic approach to homeless members of the settled community, this did not extend to Gypsies and Travellers. In the winter of 1961-2 a Travellers' site in Darenth Woods in Kent was sold to Dartford Council, who wanted them removed, both to appease local opinion and to comply with Green Belt planning controls. A high-profile campaign was mounted with the support of Norman Dodds, with appeals to the Prime Minister, but the Travellers were evicted in mid-January and, with nowhere else to go, camped at the side of the A2 for seven months.<sup>109</sup>

In contrast, a group of non-Traveller caravan-dwellers who had rented a pitch in Egham, only to discover it did not have planning permission, had marshalled extensive support for their cause in the winter of 1958-9. The Prime Minister, Harold Macmillan, intervened to ensure that they would be given alternative accommodation. The Lord Chancellor's office delayed the eviction until the end of winter, while the Ministry of Housing and Local Government pressurised Surrey County Council to provide them with accommodation. Within weeks, the caravan-dwellers had moved onto a new site.<sup>110</sup>

Both the Darenth Travellers and the Egham caravan-dwellers employed similar lobbying tactics, but the Travellers' pleas were ignored by central government and they were left camping on the roadside, while the Egham residents received a sympathetic hearing and were quickly re-housed.<sup>111</sup> A further result of the Egham case, was the commissioning of a government survey, **Caravans as Homes**, announced in November 1958, which confirmed the government's more positive approach to caravans. However, Gypsies and Travellers were specifically excluded from the terms of reference on the grounds that:

107 TNA, HLG 71/1650 *Gypsies*, memo prepared by the Ministry of Local Government and Planning for the Nuffield Foundation, 19 July 1951.

108 Taylor *A Minority*.

109 Ibid.

110 Ibid.

111 Ibid.

*The Gypsies or vagrant caravanners usually move frequently about the countryside; they often park their caravans without any permission from the landowner concerned; they are said by many local authorities to leave filth and litter where they have been, and to contain more than an ordinary share of law-breakers.*<sup>112</sup>

The result of the survey was the 1960 **Caravan Sites and Control of Development Act**, requiring all sites to have both a licence and planning permission. It was designed to ensure that 'genuine' caravan-dwellers lived on suitable sites, but made it almost impossible to gain permission for one. Gypsies who bought pieces of land to live on or rent to others were arrested, while councils prevented the expansion of authorized sites, moving on 'surplus' residents who ended up camping at roadsides or trespassing. Where planning permission was given, it was often only temporary and then not renewed, leaving residents with no alternative but to camp illegally.<sup>113</sup>

In 1962, the government issued **Planning Circular 6/62**, encouraging councils to carry out surveys of Gypsy and Traveller populations (which several did) and to establish sites, using a successful public site set up in West Ashford in 1960 as a positive role model. The circular made clear, however, that public sites were intended as the first step towards assimilation for Gypsies and Travellers, rather than a secure base from which to continue their nomadic existence.

In 1965, the Gypsy Charter's request (see below) for a national survey was implemented by the Labour Housing and Local Government Minister, Richard Crossman. Despite the regional variations and likely under-estimation of numbers (the survey recorded 15,500 Gypsies and Travellers), 'it was the most uniform and general picture of the national situation that had yet been gained.'<sup>114</sup> The results were disseminated in a circular in June 1966, giving local authorities 'strong and detailed advice' and requesting a report back on action taken.<sup>115</sup> However, responsibility for action and delivery still rested with local authorities. By 1967 fourteen council sites around the country had emerged. The report on the 1965 census, **Gypsies and Other Travellers**, published in 1967, commented that the current legislative framework amounted to the 'virtual outlawing' of their way of life.

Central government appeared to perceive public sites as a means to target the resources of the welfare state in order, eventually, to settle Gypsies and Travellers in permanent accommodation. In Scotland, this had been discussed much earlier, in the 1936 **Vagrancy Committee Report**, which advised local authorities to 'gradually absorb Tinkers into ordinary society by housing them and securing for their children a full time education.'<sup>116</sup>

112 A. Wilson *Caravans as Homes*, 1959, CMND (London, HMSO) paras 59 and 69.

113 T. Acton, *Gypsy Politics and Social Change* (Routledge, 1974), p.134.

114 *Ibid.* pp 151-2.

115 *Ibid.* pp 151-2.

116 *Report of the Departmental Committee on Vagrancy in Scotland* (1936), para 94.

In contrast Travellers saw official sites as a means to continue their traditional lifestyle in an increasingly hostile climate: a refuge from constant harassment, not as a step towards absorption into settled society.<sup>117</sup> Jimmy Stockins recalled his family's experience:

*Kennas [houses] were not for us, but there was a lot of pressure at the time to stop gypsies travelling and promises of a better life. Maybe Dad thought it best for us kids... [But being in a] house wasn't doing us any good at all. Dad's health was suffering from being all cooped up, and none of us could get used to having this strange thing called an 'upstairs' or going into a little cupboard to have a shit... neighbours didn't take too kindly to us cooking our food over an open fire in the back garden each night either, and the horses upset the local dog and cat population. Finally, Dad said 'That's enough'. He bought a new trailer and we were off travelling again.<sup>118</sup>*

The shift in policy towards settled sites did not change the pattern of harassment and evictions in most areas. Jimmy Connors, an Irish Traveller, recalled his experiences in Walsall, which had a reputation as one of the least tolerant councils:

*Twenty-eight times that day I produced my driving licence and insurance. The first day's summonses totalled sixty-two and the full total was three hundred. Every two minutes of the day we were summonsed for an offence. The persecution went on and on, night, noon and day. The police thought we would move away from the Midlands... But the question was where could we move to? All camping sites were banked up with piles of earth, and trenches dug across all open land to prevent us from camping on them. I am sure if one of those so-called policemen, councillors, or the judge was in a higher authority's chair, they would have had us put into gas chambers, every single one of us.*

*... A harmless child is blown to bits at the hands of the local authorities; Ann Hanrahan, two and a half years old, crushed to death during an eviction near Dudley, two miles from Walsall.*

*My own little son very badly injured and my caravan smashed to pieces... Walsall - during an eviction, three little girls burned to death.*

*Walsall - my wife kicked black and blue by the police in her own caravan three days before her baby was born.*

*Walsall - I was kicked unconscious.*

*Walsall - a sister at Walsall Hospital refused to treat us.<sup>119</sup>*

117 Taylor, *A Minority*

118 J. Stockins *On the Cobbles :The life of a bare-knuckle Gypsy warrior* (Mainstream, 2001), pp.46,48.

119 J. Connors 'Seven Weeks of Childhood – An Autobiography' in J. Sandford, *Gypsies*, (London, 1973), pp.166-7.

In 1969, Connors took his case to the **European Court of Human Rights** as part of the more assertive and political action by Gypsies and Travellers that had been growing during the 1960s (see below).

There is debate over the influence of the Gypsy Council in the lead-up to the 1968 **Caravan Sites Act**, but their militancy contributed to the climate in which government accepted the need for new legislation.<sup>120</sup> Like many other reforms of the late 1960s (see Chapters 2,5,6) the Act was introduced as a Private Members Bill, initiated by Liberal MP Eric Lubbock (now Lord Avebury). The resulting Act (the parts relating to Gypsies were implemented in April 1970) placed a new duty on local authorities to provide sites for Gypsies and Travellers 'residing in or resorting to' their area. Once sites were provided, councils were granted stronger powers to evict Gypsies and Travellers from any unauthorized site in their district.

The Act for the first time provided a legal definition of Gypsies as 'persons of nomadic habit of life, whatever their race or origin', excluding show and circus people and also Gypsies and Travellers who were stationary. Court judgements later included in the definition Gypsies and Travellers remaining in one place over the winter, provided they travelled for work in the summer.<sup>121</sup> People not of Gypsy or Traveller heritage who chose to adopt a nomadic way of life, such as New Age Travellers, were covered by the Act, while stationary Gypsies and Travellers were not.

There was no deadline by which local authorities had to make site provision, and district councils retained the right to object to individual sites, but once sites were provided, it became a criminal offence to camp elsewhere in the district. By 1973, between one-fifth and one-quarter of the sites needed were built, though the Gypsy Council claimed that before the Act came into force, councils tried to move Gypsies and Travellers on to avoid providing for them.

John Cripps was appointed by the government in 1976 to investigate why provision had begun to tail off. His report, **Accommodation for Gypsies**, found that 133 local authority sites had been created in England and Wales, containing 2,131 pitches, but leaving approximately 6,000 caravans with nowhere legally to go. Cripps also found a lack of provision for Gypsies and Travellers 'resorting to' the area, preventing sites being used as a base for families on the move.<sup>122</sup> Although there was nothing in the Act to indicate that the creation of sites 'was to be a stage in enforced settlement or assimilation', he found many local authorities implemented it with this goal in mind.<sup>123</sup> Furthermore Cripps revealed that sites were often:

*Excessively close to sewage plants, refuse destructors, traffic laden motorways, intersections of these and other busy highways, main railway tracks and other features contaminating the environment by odour, noise and so on. No non-Gypsy family would be expected to live in such places.*<sup>124</sup>

120 Acton, *Gypsy Politics*, pp.179-82.

121 Taylor *A Minority*. Page ref

122 J. Cripps, *Accommodation for Gypsies* (HMSO, 1976).

123 *Ibid.* para 3.17.

124 *Ibid.*

Residents of such sites could hardly avoid feeling that they were 'unwelcome, marginal and deserving of the bare minimum'. They were also isolated from basic services such as shops, schools and surgeries.<sup>125</sup>

Judith Okely's fieldwork in the 1970s revealed the mismatch between Gypsies' and Travellers' needs and local authorities' motives for site provision. While residents wanted more temporary sites, with basic facilities, low rents and flexibility, some official sites charged up to 70 per cent of council house rents and provided 'a brick chalet for each pitch, with living room, bathroom, w.c. and store room. Electricity, immersion heater and coal-fired courtier stove were provided'.<sup>126</sup>

In 1977 **Planning Circular 28/77**, was issued in response to Cripps' findings, which:

- Aimed to discourage local authorities from referring decisions on Gypsy and Traveller sites to the Secretary of State to avoid taking responsibility in the face of local opposition;
- Warned that local people's objections often related to their experience of unauthorized sites, not council-run sites;
- Recommended 'close co-operation between county and district councils', reminding district councils of their powers to provide sites independently of the counties; and
- Ignored Cripps' recommendation that the government should create a national plan specifying the number and location of new sites.<sup>127</sup>

The Labour government introduced 100 per cent grants for local authorities to build sites (available from 1980), which led to an increase of about 2-300 pitches per year. By the beginning of 1985, of the estimated 9,900 Gypsy and Traveller caravans in England, 4,600 were on local authority sites, 1,900 on private sites and 3,400 on unauthorized sites. But, as more sites were created, more local authority areas became designated as effectively 'out of bounds' for Gypsies and Travellers on the road and in need of a stopping place. Groups representing Gypsies and Travellers described this as a form of 'apartheid'.<sup>128</sup>

By the mid-1980s, life on council-run sites was part of Gypsy and Traveller culture for many, with the following effects:

- Better access to education, health and welfare facilities due to more stable residence;
- A more stationary lifestyle, partly through necessity as the shortage of pitches made families reluctant to travel once they had secured one;
- Living in larger groups due to the large number of pitches on many council sites, which could lead to conflict;

125 Taylor *A Minority*.

126 Okely, *The Traveller-Gypsies*, p.115.

127 Taylor *A Minority*.

128 Ibid.

- Sites generally designated for residential use only, meaning work, such as car-breaking and scrap storage, had to be conducted elsewhere in the area, potentially causing conflict with the local community;
- Loss of kinship networks as pitches were allocated by wardens on the basis of need e.g. having school-age children, or being known as 'good tenants';
- No security of tenure as Gypsies and Travellers were exempted from the 1983 **Mobile Homes Act** which protected other caravan-dwellers; and
- Lack of interaction with and visibility to settled communities as council-run sites often positioned outside towns and villages.<sup>129</sup>

For those who did not want to or were unable to live on council sites, unauthorized sites were still a major feature of the Gypsy/Traveller experience, with a third of Gypsy/Traveller caravans still on unauthorized sites by the mid 1980s:

*It's a terrible business just finding a space to stay. We just go round and round like a game of dominoes and things are getting worse. Even getting a bit of land is difficult. We go round in a convoy and sometimes we get ten to fifteen of us on the bit of land and the police come and stop the rest of us getting on. There's a lot of argument then and sometimes we all get on but it's bad if we don't, as the others have to go on the roadside. Then when we get onto the land the police will be onto us. Sometimes they dig a trench all round with JCB diggers and say we can't get off unless we take our caravans with us. Well we're trapped then. Can't take out cars to get food even and we can't get out to get to work. Then they will come into our trailers and ask for receipts for all the stuff there. Might have to go a hundred miles back to the shop to get a receipt for the television, for example, and what do you do about the Crown Derby you've been given for the wedding? And there was one morning at six o'clock when they had warrants to search for firearms and we were all out of the trailers standing in a row while they searched. Tore the carpet up as well. It's all a kind of bluff to get us off as quickly as possible... Sometimes people are ill: one time they hitched up a trailer and the midwife looked out and said that a baby was going to be born... The local people we don't see directly but a few have waved sticks at us when we try to get onto a piece of land but that's not important. The worst is what the papers say about us. People panic automatically when we first arrive and too much is written in the papers to frighten people against us.<sup>130</sup>*

129 Ibid.

130 ACPO, DoE 'The accommodation needs of long-distance and regional Travellers: a consultation paper', February 1982, Appendix 3, precis of a conversation with a long-distance Traveller in January 1982.

This case study highlights how, by the 1980s, fear of and resistance to the appearance of unauthorized sites was becoming ingrained in the public imagination. Furthermore, the growing numbers of New Age Travellers, whose roots lay in the 1960s' free-festival movement, but whose numbers increased in the 1980s due to high unemployment and homelessness, hardened official and popular attitudes to travelling communities generally. In June 1985 police intercepted several hundred New Age Travellers *en route* to an illegal festival at Stonehenge. During the ensuing chaos the travellers trampled on a nearby field where beans were growing, an incident much publicised as the **Battle of the Beanfield**. The fashionable 'rave' subculture, drawing large crowds to long parties at rural sites added to public panic about uncontrolled groups of 'nomads' causing trouble in the countryside, which was unjustly transferred to Gypsies and Travellers. Gypsies and Travellers distanced themselves from New Age Travellers, but ironically these newer communities were more likely to fall within the 1968 Act definition of 'nomads' than Gypsies and Travellers who had settled in housing or on council sites and 'forfeited' their ethnic status. The Gypsy Council laid the blame for the continuing inequality of so many of them at the door of local authorities who had failed in their duty to provide sites.

## The End of Consensus: 1990-2004

By 1991, the official and popular perception was that nomadism was running out of control, and as the 1992 election approached, the Conservative government was under pressure to act. Soon after the Conservatives' re-election in 1992, a **Consultation on Changes to the 1968 Caravan Act** was launched. It proposed:

- Repealing the duty on local authorities to provide sites, replacing it with a discretionary power;
- Encouraging Gypsies and Travellers to move into private and public sector housing;
- Reforming the provision for 10 per cent grants for new sites, enabling ministers to target grant-aid as they saw fit;
- Tougher measures to remove people camping on unauthorized sites, including the seizure and removal of vehicles; and
- Withdrawing the 'privilege' that allowed Gypsy and Traveller sites to be located on Green Belt land.<sup>131</sup>

In the parliamentary debates that followed, concerns were raised about the logic of removing the duty to provide sites, when it was acknowledged that more sites were needed. It emerged that virtually all the 1,000 known responses to the consultation (which the government never published), including those from the Country Landowners Association, the Council for the Preservation of Rural England and the National Farmers Union, had been critical of the government proposals. The Department of the Environment's own unpublished analysis of responses 'referred to the common perception that "the proposals present an attack on basic human rights and are designed to stop [Travellers] travelling for good... the phrase 'ethnic cleansing' was used by several respondents."<sup>132</sup>

131 D Hawes and B Perez, *The Gypsy and the State: the ethnic cleansing of British Society* (Policy Press, 1996), pp.118-9.

132 Quoted in Clark and Greenfield, *Here to Stay*, p.80.

In April 1994 the **Advisory Council for the Education of Romanies and other Travellers** (ACERT) surveyed local government responses to the consultation. The replies reveal a high level of opposition to the new proposals:

	County Councils (46 responses)	London boroughs/ metropolitan authorities (39 responses)	Districts (239 responses)
Government proposals do not provide workable solutions	93%	92%	71%
Distinguish between Gypsies and New Age Travellers	67%	20%	38%
Retain statutory duty [to provide sites]	56%	56%	48%
Retain 100% funding	73%	61%	53%

Source: ACERT, quoted in D Hawes and B Perez, *The Gypsy and the State: the ethnic cleansing of British Society* (Policy Press, 1996)

However, the government insisted that the planning system was 'perfectly capable' of making adequate site provision.<sup>133</sup> The introduction of the government's proposals in the **Criminal Justice Bill** signalled to Gypsies and Travellers that they were perceived as a trouble-prone minority who needed to be coerced into conformity. Apart from the withdrawal of the proposal to confiscate caravans and the offer of financial assistance for Gypsies and Travellers to move into housing, the Bill hardly varied from the consultation proposals.<sup>134</sup>

As well as the remonstrations of various interest groups, including the Save the Children Fund and the National Housing and Town Planning Council, there were passionate parliamentary debates in the spring and summer of 1994. An eleventh-hour Lords amendment to postpone for five years the repeal of the duty on local authorities to provide sites and the 100 per cent grant was defeated in the Commons, and arguments that the Bill would breach the European Convention on Human Rights fell on deaf ears. In November 1994, the **Criminal Justice and Public Order Act** received royal assent. It introduced powers making life more difficult for all travelling communities, as travelling or stopping in groups of more than six vehicles became a criminal offence and evictions from unauthorized sites were made easier.

Planning policy caused further difficulties for Gypsies and Travellers. The 1990 **Town and Country Planning Act** strengthened councils' enforcement powers against unauthorized development (land owned by Gypsies and Travellers without planning permission). From 1994 **Planning Circular 1/94** (Gypsy Sites and Planning) set out the criteria for Gypsies and Travellers to develop sites on their own land, as the government argued they should. A second circular (18/94) called on local authorities to consider tolerating unauthorized Gypsy and Traveller encampments (on other people's land) where they 'cause no nuisance', but this 'was frequently ignored or wilfully misinterpreted.'<sup>135</sup>

133 Hawes and Perez, *The Gypsy and the State*, p.120.

134 Hawes and Perez, *The Gypsy and the State*, p.122.

135 Clark and Greenfield, *Here to Stay*, p.87.

The planning system can be a minefield for the average citizen – who does not usually have to build his/her home from scratch – let alone Gypsies and Travellers who have high levels of illiteracy. Without the benefit of planning advice, many purchased land that was unsuitable, did not secure planning permission before moving onto sites or failed to meet the strict and sometimes discriminatory criteria set down by local authorities. Green Belt land was excluded from consideration, creating a major hurdle. In some areas, local criteria made it virtually impossible for planning applications to succeed, such as bans on sites combining residential and employment uses, arbitrary maximum limits for the number of caravans, banning applications from people without proven 'local connections' or applying planning conditions that conflicted with traditional practices.<sup>136</sup> Local authorities, many of whom had already proved reluctant to give permission for public sites under the 1968 Act, were now expected to decide planning applications from individuals, often in the face of community hostility. The post-1994 regime has been a disaster for Gypsies and Travellers, with up to 90 per cent of their planning applications being rejected by local authorities and going to appeal. A rapidly growing number faced eviction from their own land for breach of planning regulations. Today there are around 1,200 such sites currently subject to council enforcement action.<sup>137</sup>

Most local authorities stopped building new sites and many allowed existing ones to fall into disrepair, with a net loss of 596 pitches from 1995-2002.<sup>138</sup> Figure 1.1 (below) illustrates how the 1994 policy changes began to bite in the late 1990s. In the last decade there has been a drop in the number of caravans on unauthorized encampments, replaced by a rise in the number on unauthorized developments as many Gypsies and Travellers find themselves trapped on land they own, living under the shadow of potential eviction.

136 See ODPM Circular 01/06: *Planning for Gypsy and Traveller Caravan Sites*, pp21-2 for further examples of inappropriate local criteria.

137 Clark and Greenfield, *Here to Stay*, p.97.

138 Quoted in Clark and Greenfield, *Here to Stay*, p.87.

## Welfare, Housing and Education since 1946

Two early reports in Scotland – **Tinkers in Scotland** (1918) and the **Report on Vagrancy** (1936) – examined welfare provision for Gypsies and Travellers, exposing its inadequacy and popular antipathy to them.<sup>139</sup> Under the post-war welfare state they were disadvantaged in the National Insurance system by their patterns of irregular employment. They also faced discrimination on the grounds of their lifestyle. Local officials of the National Assistance Board questioned their right to receive public money, and made deductions, either assuming they were not declaring their full income or that they did not need to maintain the same standard of living as settled people.<sup>140</sup> One officer in Arbroath commented:

*There can be no doubt that there are undisclosed resources in most cases. A number of them have ancient cars in which they move around while our allowances are largely disposed of in the nearest bar that sells 'wine'... no injustice would be done if allowances were withheld from all but the oldest and exceptionally, those with large families of young children.<sup>141</sup>*

Deductions were allowed on the judgement of local officers, particularly in relation to rent allowances, but this was most common in relation to outsider groups seen as 'undeserving', notably immigrants and unmarried mothers as well as Gypsies and Travellers.<sup>142</sup>

Gypsies and Travellers experienced problems when they sought settled accommodation. In the past, those schemes that existed generally provided inferior accommodation, on the grounds that Gypsies and Travellers were not ready for the standards of settled society.<sup>143</sup> Even where council housing has been actively sought by individuals wishing to leave behind the insecurities and problems of living on the road there are difficulties. Those who leave their home to continue seasonal nomadic practices risk losing their tenancies, while those who maintain visible ethnic markers, – such as conducting scrap or other trading, keeping and living in caravans, or having relatives visiting for extended periods – might find themselves in conflict with neighbours as well as the authorities. In some cases the fact of being known as a Gypsy or Traveller is enough to spark racial harassment.

There is extensive anecdotal evidence that adjusting to living in a house, with the attendant need to understand and pay bills and rents, can cause high levels of stress in Gypsies and Travellers. In some cases non-payment can lead to debt or eviction, with evictees branded 'intentionally homeless' by councils and left with no choice but to return to roadside living. Recent research into the physical and mental health of Gypsies and Travellers has confirmed that those living in houses tend to experience a poorer health and higher levels of isolation and depression than those living on sites.<sup>144</sup>

139 Taylor, *A Minority*.

140 Ibid.

141 TNA, AST 7/1480, Arbroath Area Office, 'Tinkers'

142 M. J. Hill, 'The exercise of discretion in the National Assistance Board', *Public Administration* 47 (1969).

143 Taylor *A Minority*.

144 G. Parry, P. van Cleemput, J. Peters, J. Moore, S. Walters, K. Thomas and C. Cooper, 'The health status of Gypsies and Travellers in England. Summary of a report to the Department of Health' (Sheffield, 2004).

While the 1908 **Children's Act** and the 1944 **Education Acts** theoretically confirmed every child's right to education and the Local Education Authority's duty to provide it, by the late 1960s most Gypsy and Traveller children's experiences of education was 'little different to that of their parents – short-lived, patchy, and dominated by bullying from other pupils and disdain from the teachers.'<sup>145</sup> Jimmy Stockins left school after two years, aged seven, in the mid-1960s:

*What did I want to go to school for? School was for gorgers [settled community]. Why should I learn to read and write? No other person I mixed with could... Don't ask me the name of the school... I hated it. Sit still. Sit up straight. Single file. Fold your arms. It was like being in a fucking cage. All silly rules and saying prayers... I couldn't understand why them calling 'Gypsy' or 'Gypo' across the playground was meant to annoy me. After all, that's what I was... Gorger [settled] kids seemed to think we didn't like being Travellers for some reason.<sup>146</sup>*

Education authorities typically blamed the nomadic lifestyle and parental attitudes for Gypsy and Traveller children's poor attendance, and recommended they be dispersed among several schools to lessen the 'burden' on individual schools.<sup>147</sup> They were treated in a similar fashion to the children of early Asian and Afro-Caribbean immigrants, who were also seen as problem under-achievers who failed to assimilate and damaged the performance of other children.<sup>148</sup>

However, education was recognized as a potential tool to draw Gypsy and Traveller children into settled society. Children living in the New Forest compounds were enrolled in local schools, and the council rejected calls for them to be segregated because, 'to segregate the children is to make them more likely to stay Gypsies.'<sup>149</sup> But local policies differed widely and, as with accommodation for Gypsies and Travellers, the government made clear that local authorities were responsible for delivering their education. A conference on Traveller education in Oxford in March 1971 estimated that of 6-8,000 school-age children, only about 2,500 attended school. Although this was the highest level recorded, some children were probably registered at several schools, attendance levels tended to be in the range of 40-60 per cent and attainment was low.<sup>150</sup>

By the 1960s some parents were demanding their children's right to education, citing the 1944 Act, and a public campaign in Leeds embarrassed the council into finding ten school places within 24 hours. In other areas, voluntary schemes were launched to bring education to the children, such as the **West Midlands Travellers School**, operated from a bus that visited five unauthorized sites during evenings and weekends. These initiatives varied in their ability to attract parental and children's interest.

145 Taylor, *A Minority*.

146 Stockins, *On the Cobbles*, pp.46-7.

147 J. W. R. Adams, *Gypsies and other Travellers in Kent. Report on the survey carried out in 1951/52 Gypsies and Other Travellers*, (Kent County Council, 1960) p.17.

148 Taylor *A Minority*.

149 TNA, ED11/234, HMI Mr Smith to Board of Education, 6 November, 1944.

150 C. Reiss, 'Current Trends in the education of Travelling children' in T. Acton (ed), *Current changes among British Gypsies and their place in international patterns of development*, Proceedings of the Research and Policy Conference of the National Gypsy Education Council, St Peter's College, Oxford, 26-28 March 1971, pp.26-7.

Since the 1970s a number of local education authorities have established dedicated **Traveller Education Services** in an attempt to reach travelling children (65 had done so by 1985). This was a positive move away from the tendency to blame Gypsy and Traveller parents and their culture for the failure of their children to engage with the education system. Despite such developments, a 1988 study suggested that only 40 per cent of Gypsies and Traveller children were in primary schooling and 10-12 per cent in secondary schooling.<sup>151</sup>

More recent work suggests that increasing numbers of LEAs are beginning to develop culturally appropriate and targeted services for Gypsies and Travellers, as well as other groups. However, studies also reveal the often patchy nature of this good practice, with services dependent on the attitude of individual authorities. A common experience is the existence of well-trained, culturally sensitive staff working directly with Travellers, but with general schooling and staff attitudes remaining unchallenged.<sup>152</sup>

The performance of Gypsy and Traveller young people remains significantly below the national average at each key stage. In 2005:

- 30 per cent of Irish Traveller children and 40 per cent of Gypsy/Roma children gained the expected level in writing at Key Stage 1, compared with 82 per cent of all students;
- 22.5 per cent of Travellers and 14.7 per cent of Gypsy/Roma gained 5+ A\*-C GCSEs; the average for all students was 54.9 per cent;
- 46 per cent of Travellers and 42 per cent of Gypsy/Roma were identified as SEN in 2006; and
- Gypsy and Traveller children are over four times more likely to be permanently excluded from school than other pupils.

These statistics are based on School Census data and many parents and students may not openly identify as Travellers or Gypsies for fear of prejudice, which will bias the findings. Nevertheless the inequalities are stark. The 2006 Schools White Paper **Higher Standards, Better Schools for All – More Choices for Parents and Children** committed the government to taking targeted action to remove these inequalities. It aims to improve the quality, sensitivity and relevance of education for Gypsy and Traveller pupils, to improve the quality of distance learning opportunities and to work with parents and local authorities to achieve improvement.

151 Lord Swann, *Education for all: The report on the education of children from ethnic minority groups* (HMSO, 1985).

152 See for example K. Bhopal, 'Gypsy Travellers and education: Changing needs and changing perceptions', *British Journal of Education Studies*, (2004), 47-64; Clark and Greenfields, *Here to stay*, pp.213-235.

This reveals the tension between separate and integrated provision of services. In a climate of marginalisation, with mainstream provision often proving an alienating experience for Gypsy and Traveller children, specifically targeted services delivered by culturally aware and sympathetic staff may be an attractive option. Such initiatives ensure that Gypsies and Travellers have access to certain services from which they might otherwise be excluded. However, the existence of such initiatives can result in ghettoisation, with the mainstream remaining unchallenged. This has created ongoing problems for those who do not have access to targeted services and also speaks more widely of the failure of mainstream services to provide for marginalised and minority groups. Overall, there appears to be a trend towards seeing separate provision as a 'stepping stone' towards gradual integration into more sympathetic mainstream services.<sup>153</sup>

## Gypsy and Traveller political action

The first stirrings of formal political action supporting the needs of Travellers were initiated from outside the travelling communities in response to the closures of long-term sites. Leading this wave of activism was the Labour MP Norman Dodds, whose constituency included Belvedere Marshes (Kent), one of the largest long-term sites in Britain. The high point of this first wave of post-war activism was in May 1951 when a **Gypsy Charter** was issued and delivered to the House of Commons by a well-publicised deputation of Gypsies and Travellers. It called for:

1. A government survey of Gypsies and Travellers, their location, the availability of winter sites and their accommodation preferences;
2. Provision of a network of camps with water, sanitation and communal facilities;
3. The compilation and dissemination of information about suitable routes and stopping places for caravans;
4. 'Fair consideration' for those with 'long-established businesses' where sites are being considered for closure;
5. 'A suitable scheme for the educating of Gypsy children';
6. Better liaison with the Ministry of Labour about work available in the vicinity of camps;
7. Reintroduction of Gypsy Welfare Officers;
8. 'The recognition that there are fewer indictable offences committed by Romanies than by any other section of the community, and that their loyalty to this country is in no way inferior';
9. 'The realization that with few exceptions Romanies recognize that some reorientation of their way of life may be justified but that this should be carried out in a humane way which can only be achieved by a greater understanding of the problem than is at present possible because of the almost total absence of reliable information available to the gorgios [settled community]'.<sup>154</sup>

<sup>153</sup> Clark and Greenfield, *Here to Stay*, p.228.

<sup>154</sup> Quoted in Acton, *Gypsy Politics and Social Change*, pp.138-9.

This charter had little impact, except to persuade the government to accept that there might be a shortage of sites (see above). For the next fifteen years Dodds in particular attempted to keep the issue alive, with efforts largely focussed on lobbying against evictions – such as Darenth Woods – and pushing forward the official provision of sites. By the 1960s certain areas, such as the West Midlands (see above), had become centres of conflict, as some local authorities adopted ‘zero-tolerance’ policies towards Travellers. This was particularly the case when councils perceived themselves as being at the receiving end of large numbers of recent Irish Traveller immigrants.

Encouraged in part by Gratton Puxon who had experience of non-violent direct resistance to evictions in Ireland, Travellers began actively resisting evictions in greater numbers. In December 1966, the **Gypsy Council** had held its first meeting in a Kentish pub displaying a ‘No Gypsies’ sign. The Council’s manifesto called for:

1. Camping sites in every county open to all travellers;
2. Equal rights to education, work and houses;
3. Equal standing through respect between ourselves and our settled neighbours.

The Gypsy Council had strong international links from the start, presenting Gypsies and Travellers not as ‘a small minority, as many think, but a proud people 12 MILLION strong, scattered in every country’ and tapping into international movements for Gypsies’ and Travellers’ rights.<sup>155</sup> It aimed to transcend the differences of opinion and experience among the travelling communities in Britain, campaigning for equal rights and collaborating with other organizations, including the **National Council for Civil Liberties** (NCCL) and students who supported Gypsies and Travellers camping on university land. Non-violent direct action was used repeatedly throughout England at this time to prevent evictions: in Kent, Essex, London, Leeds, Oxford, Birmingham and Bridgewater. In addition, by 1968, more than 300 complaints had been made against pubs barring Gypsies and Travellers under the Race Relations Acts, but none was tested in court. The Council also pioneered the early caravan-school projects.

From the beginning the Council’s effectiveness was compromised by splits among the different communities. One Romany, Cliff Lee, left early on, writing to Puxon, ‘I’m afraid their problems aren’t mine, and, while I know most of the Irish Travellers and like them, they know and I know that we are of different blood. I think all we have in common is that we are nomadic.’<sup>156</sup> The international movement, led by the **Comité International Tsigane**, in which the **Gypsy Evangelical Church** was prominent, had to mediate between Gypsies and Travellers of many faiths, including Catholic, Orthodox and Muslim.

<sup>155</sup> Acton, p.163.

<sup>156</sup> Ibid. p.167.

Despite ongoing confrontations with local authorities, police and bailiffs at evictions, the government accepted the Gypsy Council as a representative organization.<sup>157</sup> However, there has since been continued fracturing of Gypsy and Traveller groups, with some grouping round a specifically Romany or Irish Traveller banner, and other organizations concentrating on particular issues, such as education. There was also a split between groups formed and led by Gypsies and Travellers and those formed from outside the travelling communities. In addition, local leaders or spokespeople may be thrown up due to circumstance, typically over a campaign to prevent an eviction. While there is rarely any question that the individuals involved in any of these activities intend to improve the status of their community, they cannot necessarily be taken as 'representative' of Gypsies and Travellers in any wider sense.

There is a wider democratic deficit: Travellers have not, generally, participated in mainstream politics, indeed many are not registered to vote, and they have not developed strong representative organizations of their own. There have been attempts to campaign on their behalf, such as the **Labour Campaign for Travellers' Rights**, set up in 1980 by trades unionists to fight anti-Traveller prejudice in the unions, though with limited success.

The formation of the **Gypsy and Traveller Law Reform Coalition** (G&TLRC) in September 2002 marked a watershed in the history of their political representation, and 'has been instrumental in bringing together Travelling people from a range of ethnicities and backgrounds in recognition that the structural disadvantages experienced by the communities are identical.'<sup>158</sup> The Coalition campaigned for legal reform to tackle accommodation problems, working closely with the **All Party Parliamentary Group for Traveller Law Reform**. Its objectives included a return to the duty on local authorities to provide sites, and the **Caravan Sites Security of Tenure Bill** 2006, which aims to secure equal security for Gypsies and Travellers living on local authority sites, compared to social housing tenants. In April 2006 the G&TLRC was reincarnated as the **Traveller Law Reform Project**, which continues its aim of legal change through parliamentary lobbying.

## Recent Tensions and Conclusions.

The 1994 change in government policy towards Gypsies and Travellers caused a new crisis in site provision and by the late 1990s, pressure was growing on the Labour government to address the problem of unauthorized sites and the antisocial behaviour associated with some of them. Cases such as the murder of 15-year-old Irish Traveller Johnny Delaney in Ellesmere Port on Merseyside, and the burning of an effigy of a Gypsy trailer by the Firle Bonfire Society in East Sussex, both in 2003, contributed to a growing sense of conflict between settled and travelling communities.<sup>159</sup>

157 Ibid. p.179.

158 Clark and Greenfield, *Here to Stay*, pp.55-6.

159 For further details of these cases see Clark and Greenfield, *Here to Stay*, pp.3-6.

In December 2004, the **Select Committee on the Office of the Deputy Prime Minister** (ODPM) called for the reintroduction of the statutory duty on local authorities to provide sites. The following month, a new planning circular was published for consultation that aimed to address some of the obstacles to the provision of new sites. The perception that the government was 'going soft' on Gypsies and Travellers, combined with growing hostility to several large, unauthorized sites in south-east and eastern England, provoked an eruption of media and public virulence against Gypsies and Travellers which peaked in March 2005:

'Surrender to Gypsies, Prescott orders town halls', *Daily Mail*, 8 March 2005

'Sun campaign to stop gypsy invasion: Stamp on the camps', *The Sun*, 9 March 2005

'Prezza picks on Middle England in gypsy battle', *Daily Express*, 9 March 2005

'Every caravan here is illegal, welcome to GIPSY CITY', *The Sun*, 11 March 2005

'Gypsies are wising up to their "human rights"', *Daily Mail*, 12 March 2005

'Howard lashes out at gypsy 'squatters' - Tory leader woos rural voters with plan to uproot illegal settlements' *Observer*, 20 March 2005

'Howard stirs races row with attack on Gypsies', *Independent on Sunday*, 20 March 2005

'We will jail the gypsy invaders insists Howard', *Daily Express*, 21 March 2005

'Labour MP: Gypsy protest has "whiff of the gas chamber"', *Daily Express*, 22 March 2005

'GYPSIES? IT'S YOUR PROBLEM ENGLAND - 8,000 head this way as Irish crackdown', *Sunday Express*, 27 March 2005

In January 2005, an ICM poll for *The Sun* found that:

- almost three-quarters of 'householders' believed they should pay lower council tax if Gypsies 'set up camp' nearby;
- 74 per cent of 'taxpayers' thought they should get a reduction to compensate for any slump in their house prices caused by 'gypsy blight';
- Three in five said the government should 'toughen its approach in dealing with gypsies', while 28 per cent said it should be more lenient;
- 18 per cent thought current policies were successful and more than half thought them unsuccessful;
- 63 per cent said 'Labour's stance on gypsies' was 'lacking in common sense' and 'ruled by political correctness and fear of accusations of racism';
- 63 per cent said 'the law of the land' was not being applied to the 'growing nuisance of unofficial gypsy camps which sprout up overnight';

- More than a third were 'incensed' at current government policy and law enforcement, believing 'gypsies have more rights than others to set up home wherever they choose'; and
- Nearly three in five said the police were 'not tough enough'.

The accompanying editorial called on the government to 'Protect us from this blight.'<sup>160</sup>

With public opinion apparently on his side, the Conservative leader Michael Howard made the 'Gypsy problem' an electoral issue, pledging to prevent Gypsies and Travellers using the Human Rights Act to stall eviction proceedings and to toughen the enforcement powers against unauthorized sites that he had introduced as Home Secretary in 1994. The cocktail of tabloid frenzy and electoral politics created the impression that rural communities all over Britain were 'at war' with marauding Travellers.

Gypsies and Travellers had been established as falling within the protection of race relations legislation. A 1989 test case brought by the CRE identified Romany Gypsies as an ethnic minority (**Commission for Racial Equality v Dutton**<sup>161</sup>) and an independent case in 2000 achieved the same for Irish Travellers (**O'Leary v Allied Domecq**<sup>162</sup>). The **Race Relations Act** 2000 (see Chapter 2) introduced a new requirement on public bodies not just to prevent racial discrimination, but positively to promote good race relations.

However, newspaper audiences could be forgiven for remaining ignorant of this legal backdrop. Settled communities were themselves accorded almost ethnic status – symbolized by the *Daily Express's* capitalisation of 'Middle England', while 'gypsies' had their ethnic status stripped by the use of lower-case. 'Homeowners', 'taxpayers' and 'families' were contrasted with travelling communities described as 'illegal', 'squatters' and 'invaders', terms also applied to asylum seekers and illegal immigrants. The sense of inequity was heightened by the ineffectiveness of Gypsies' and Travellers' complaints to the **Press Complaints Commission**.<sup>163</sup>

Ironically, all parties claim to agree that the solution to the current tensions is to drive up the number of authorized public and private Gypsy and Traveller sites and clamp down on unauthorized ones. The 2004 **Housing and Planning Acts**, and the new planning circular, **01/06: Planning for Gypsy and Traveller Caravan Sites**, aim to achieve this in the long term, obliging local authorities to assess the accommodation needs of Gypsies and Travellers in their area and bring forward sites through the planning system, as they would do for 'bricks and mortar' housing.

160 'Cut council tax bill if gypsies can live near our houses' and 'Protect us from this blight', *The Sun* 23rd January 2005.

161 *Commission for Racial Equality v Dutton* [1989] 1 QB 783, CA

162 *O'Leary v Allied Domecq*, 29/8/2000, CL 950275

163 For full details of the PCC's decision on *The Sun's* 'Stamp on the Camps' campaign, see <http://www.travellerslaw.org.uk/press.htm#stamp>.

Both recent and long-term history suggest that implementing this ideal will be problematic. How will settled communities – whose response to house-building is often ‘not in my back yard’, views which have perhaps become stronger as house ownership has grown over the past 60 years – be persuaded to accept new Gypsy and Traveller sites? As the local surveys of the 1950s demonstrated, when it comes to taking responsibility for site provision councils will look first to the interests and prejudices of their ‘Middle England’ electorate. There is one important difference though: central government now has statutory powers to coerce local authorities into action, an important break with the laissez-faire attitude of the past.

The continued presence of ‘No Travellers’ signs in some areas and the persistence of headline-friendly stereotypes in the media, demonstrates that anti-Gypsy prejudice is the last bastion of respectable racism at all levels of society. Gypsies and Travellers have a long way to go before their theoretical legal protection becomes ingrained in popular culture. Limited contact with other social groups helps these barriers and prejudices to survive. The persistence of outdated images of ‘true Romanies’ living in bow-topped caravans that are used to undermine the rights of ‘travellers’ to a nomadic lifestyle, local authority attitudes that continue to portray them as outsiders rather than constituents and the under-representation of Gypsies and Travellers in political and social life are still very real barriers to equality.

Gypsies and Travellers suffer the greatest inequalities, on all measures, of any social group in UK. Change over the past 60 years has been slight compared with other groups. The main inhibitors of change have been:

- Their relatively **small numbers**, compared with other groups suffering inequalities, the **diversity** of travelling communities, their **shifting location, relative poverty, poor educational attainment** and **reduced cultural contact** with ‘settled society’. All of these features have limited the capacity of Gypsies and Travellers to campaign effectively on their own behalf. In all of these respects inequalities have reinforced inequality.
- **Strong and enduring hostility** from other sections of the community, reinforced by the **popular media**.

But there have been improvements, mainly driven by:

- **Campaigning** by Gypsies and Travellers since the 1960s.
- **Government support** designed to reduce inequality, in particular by the Commission for Racial Equality, and recent legislative changes designed to drive up site provision at the local level and improve educational attainment.
- **Labour governments** have been more willing than their opponents to act to diminish inequality.
- **EU measures**, influenced by inequalities and campaigns against them elsewhere in Europe.

## TIMELINE

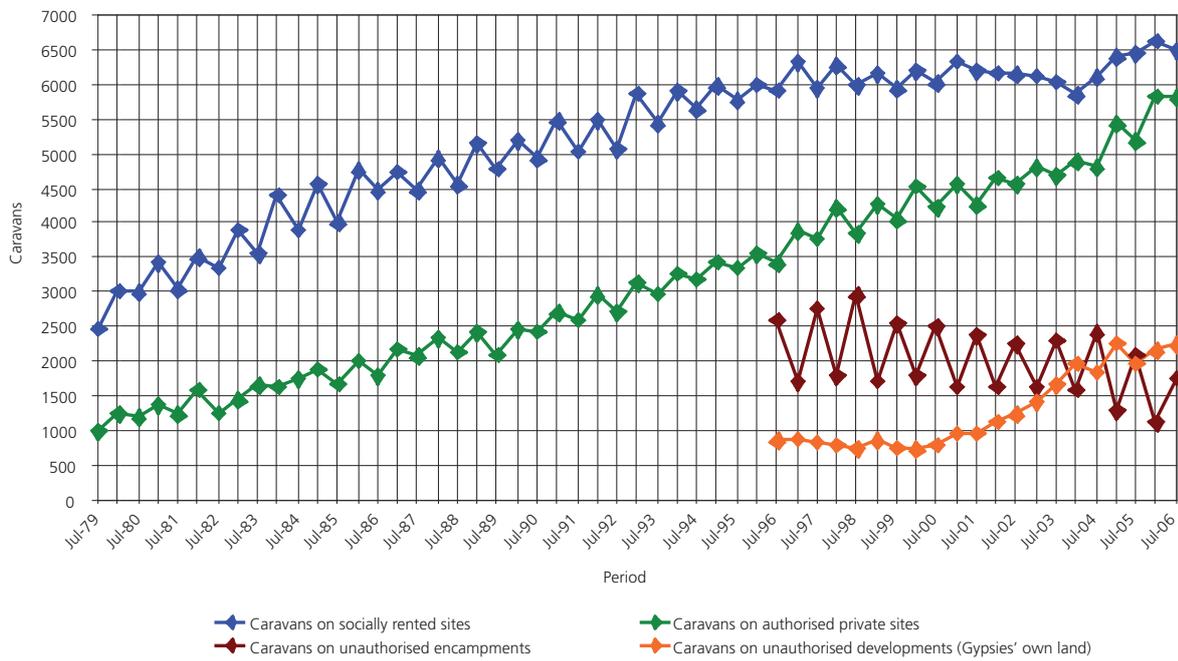
- 1888** Gypsy Lore Society founded by benevolent non-Travellers; main organization campaigning for interests of Gypsies and Travellers
- 1908** Children's Act requires nomadic children to register 200 school attendances between October and March
- 1918** *Tinkers in Scotland* examines welfare provision for Gypsies and Travellers
- 1936** Public Health Act introduces regulation and licences for moveable dwellings for the first time  
*Report on Vagrancy* examines welfare provision for Gypsies and Travellers in Scotland
- 1947** Town & Country Planning Act aims to regularise all development, under the control of local authorities
- 1950** Government survey of Chief Constables enquires into evictions of Gypsies and Travellers
- 1951** Gypsy Charter published
- 1960** Caravan Sites and Control of Development Act requires all caravan sites to have a licence and planning permission
- 1962** Planning circular 6/62 encourages, but does not compel, local authorities, to provide sites
- 1965** Gypsy census in England and Wales  
Race Relations Act (& 1976 Amendment Act) does not extend protection to Gypsies and Travellers, not yet recognized as ethnic minorities
- 1966** Gypsy Council holds its first meeting and begins campaigning for Gypsy and Traveller rights
- 1968** Caravan Sites Act (came into force April 1970) imposes duty on county councils and London boroughs to provide sites for Gypsies and Travellers, in return for eviction powers
- 1969** Gypsy census in Scotland
- 1971** Oxford Conference on Gypsy and Traveller education
- 1977** Sir John Cripps' report into effectiveness of 1968 Act published  
Planning circular 28/77 published in response to Cripps
- 1979** Biannual caravan count begins in England
- 1980** Government grants available for local authority Gypsy and Traveller sites

- 1983**      **Mobile Homes Act improves security of tenure for caravan-dwellers, but not Gypsies and Travellers**
- 1985**      **Battle of the Beanfield raises profile of New Age Travellers**
- 1986**      **Public Order Act toughens police powers to evict trespassers**
- 1988**      **Lord Swann's report into education of Gypsies and Travellers and other ethnic minorities published**
- 1989**      ***CRE v Dutton* means Romany Gypsies recognized in case law as an ethnic minority and protected by RRA**
- 1990**      **Town and Country Planning Act toughens local authorities' planning powers to tackle unauthorized developments**
- 1994**      **Criminal Justice & Public Order Act abolishes local authorities' legal duty to provide Gypsy and Traveller sites and provides tougher police powers to tackle unauthorized encampments**  
  
**Planning circular (01/94) sets out criteria for Gypsies and Travellers seeking planning permission for their own sites**  
  
**Friends, Families & Travellers founded in response to the Criminal Justice Act**
- 1995**      **Traveller Law Research Unit set up at Cardiff Law School (disbanded 2002) and drafts Traveller Law Reform Bill to reintroduce the duty to provide sites**
- 1998**      **Human Rights Act (came into force, 2000) incorporates European Convention on Human Rights (UK had been a signatory since 1951) into UK law; used by some Gypsies and Travellers facing eviction from unauthorized sites**  
  
**Biannual caravan count introduced in Scotland**
- 2000**      ***O'Leary v Allied Domecq* means Irish Travellers recognized in case law as an ethnic minority and protected by RRA**  
  
**Gypsy Site Refurbishment Grant introduced to help local authorities refurbish and build Gypsy and Traveller sites, £33m made available by end 2006**  
  
**Race Relations Amendment Act strengthens duty on all public bodies actively to promote good race relations**
- 2002**      **Gypsy and Traveller Law Reform Coalition (G&TLRC) founded, Scottish branch formed 2005**
- 2004**      **Housing Act and Planning and Compulsory Purchase Act introduce new legal framework for provision of Gypsy and Traveller accommodation**

- 2005**            **Gypsy and Traveller sites become a general election issue**
- 2006**            **Planning Circular 01/06: Planning for Gypsy and Traveller Caravan Sites published, replacing circular 01/94**
- Commission for Racial Equality and Local Government Association reports on Gypsy and Traveller sites**
- G&TLRC renamed Traveller Law Reform Project**
- Caravan Sites Security of Tenure Bill adopted by Labour MP Meg Hillier**
- Biannual caravan count introduced in Wales**
- Schools White Paper *Better Schools for All* commits to remove inequalities in educational provision and outcomes**

## STATISTICS

**Figure 1.1: Gypsy and Traveller Caravans in England recorded by the biannual Caravan Count, July 1979 to July 2006**



## Chapter 5: Gender Equality

Helen McCarthy<sup>164</sup>

### Introduction

Gender differs from the other domains of equality and inequality discussed in this report in that women, who are more likely than men to experience disadvantage attributable to gender, are not a minority but a slight majority of the British population. Hence the issues relating to this domain are many and complex.

Individual women have protested against various forms of inequality throughout history, especially since the late 18th century. A sustained movement for equal rights for women began throughout Britain in the 1850s. By the end of the 19th century there had been gains in legal rights and access to education and some women could vote and stand for election at local level.<sup>165</sup> These changes came about chiefly because women campaigned for them, against often fierce opposition. Further, more militant, campaigning gained them the national vote in 1918, but only at age 30 whereas men could vote at age 21. Women were a majority of the population and, explicitly, the government feared allowing them to become a majority of the electorate. Further campaigning achieved **equalization of the voting age** in 1928, though few women were elected to parliament between the wars and for long after. They complained persistently of discrimination by selection committees, including by female members. The very active women's movement of the 1920s and 30s achieved further equality in the law and in access to the professions.<sup>166</sup>

### 1945-1960s

Inter-war campaigners failed in their efforts to achieve equal pay. This issue continued to be salient throughout the Second World War. There were some successful strikes in factories for equal pay, as women took advantage of their importance to the war economy. Women teachers, who demonstrably did the same work as male teachers, succeeded with the help of female MPs of all parties in inserting a clause granting equal pay into the **Education Bill**, 1944. However the Prime Minister, Winston Churchill, chose, despite the pressures of the war, to veto this. Continuing demands by women led to the establishment of a **Royal Commission on Equal Pay**, which reported in 1946. The report carefully documented the differences in male and female pay where these could be established. The differences were clear in large areas of the public sector where men and women did the same or similar work, but in much of the private sector, and a substantial part of the public sector, work was strictly gender divided e.g.

164 We are grateful to Esther Breitenbach for information on gender equality in Scotland.

165 Patricia Hollis, *Ladies Elect. Women in English Local Government, 1969-1914*. (Clarendon Press, 1987).

166 Pat Thane, 'What Difference did the Vote Make?' in Amanda Vickery (ed.) *Women, Privilege and Power. British Politics, 1750 to the Present*. (Stanford University Press, 2001), pp.253-288.

there were no male typists. The majority report acknowledged inequalities, but concluded that measurement of inequality was difficult due to the problems of establishing equivalence of work between men and women. The four female members of the commission issued a minority report requesting that the government take steps to establish equal pay, initially in the public sector. Throughout its time in office the 1945-51 Labour government refused to move to equalize pay on the grounds that it would increase labour costs and undermine their chief priority, rebuilding the economy after war and Depression.

Women of all classes had been substantially represented in the labour market during the war and a few had been able to take advantage of the absence of men to advance to senior positions. After the war the government encouraged younger women to leave the labour force, marry and have children. It was concerned that the pre-war decline in the birth-rate would continue. Marriage and birth rates rose after the war. In the 1930s about 15 per cent of all women and 8 per cent of men never married. After the Second World War marriage was almost universal. The average age at marriage and first child-birth fell, the former to a historically low level of about 22 for women (compared with 25 previously). This situation continued until the early 1970s.<sup>167</sup> Levels of illegitimacy were low and unmarried motherhood was probably a more stigmatized source of inequality than before or after.

Early marriage and childbirth restricted the opportunities of women to become established in a career before taking a break to care for children. There was strong social disapproval of mothers of young children who took paid work, reinforced by popular psychological theories of the time, which stressed the damage caused to young children by the absence of their mother.<sup>168</sup> A 1965 opinion poll found that 80 per cent of those surveyed thought women with children under school-age should always stay at home.<sup>169</sup>

This may help to explain women's slow progress in occupational terms and the relative inactivity of younger women in public campaigning compared with earlier decades. Opportunities for training did not noticeably improve; in 1945 only 1.8 per cent of British 18 year-olds attended university and only 25 per cent of them women. Higher education expanded a little after the war, but mainly in the sciences, which disproportionately recruited males. By the early 1960s only 4 per cent of the age group (and very few older students) attended university and the proportion of women had fallen slightly. The occupations open to women graduates expanded only slightly: the majority became schoolteachers as they had done before the war. Females were more likely than males to leave school at the minimum age and less likely to take national examinations, not surprising given the absence of much obvious occupational gain from doing so and a general lack of encouragement for girls to aim to be more than wives and mothers. The 11+ examination (which was introduced by the 1944 **Education Act** as the mechanism

167 Jane Lewis, *The End of Marriage*. (Edward Elgar, 2001), p.30.

168 See, for example, John Bowlby, *Child care and the growth of love* (Penguin, 1953), and Donald Winnicott, *The Child, the Family, and the Outside World* (Penguin, 1964).

169 Dolly Wilson, 'A New Look at the Affluent Worker : The Good Working Mother in Post-War Britain, *Twentieth Century British History*, 17 (2),' p.210.

for selection for entry to 'academic' grammar schools – the route to higher status occupations – or secondary modern schools, for the majority) was weighted against girls. For historical reasons, there were fewer grammar school places for girls than for boys, hence girls had to gain a higher exam score than boys to enter a grammar school. This persisted, largely unnoticed, until comprehensive schools were introduced from the mid 1960s.

The post-war government was concerned about an unprecedented peacetime labour shortage. Before the end of the war, the Ministry of Labour was urging older women, whose children were no longer dependent, to remain in or re-enter the labour force. The pre-war 'marriage bar' which had banned married women from working in such occupations as teaching, the civil service, banking and many factories, was lifted. For the first time it became socially acceptable for middle class married women to take paid work. The opportunities open to women in general and for older 'married women returners' in particular did not noticeably expand and there were few opportunities for re-training, but the numbers recorded as economically active rose. Especially noticeable was the rise in part-time working, mainly among older women. Official statistics may however be misleading; much pre-war women's part-time work was not officially recorded. After the war records are more reliable. Part-time work accounted for 11 per cent of women's employment in 1951 and 25 per cent in 1961.<sup>170</sup> If older married women were more active in the labour force than before, this did not lead to a noticeable shift of household responsibilities to their male partners or in the gender division of labour in the work-place.

The women's movement was more quiescent in the 1940s and 1950s than before and less attractive to younger women, but it did not disappear. Older women in pre-war organizations, such as the **Fawcett Society, the Women's Co-operative Guild and the British Federation of Business and Professional Women (BFBPW)** continued to campaign on such issues as improved health and welfare, improvement of science education for girls (to improve their career chances) and equal pay. Between 1946 and the mid 1950s, these organizations, together with women in the larger public sector unions and staff associations, the **Joint Committee on Women in the Civil Service and the Equal Pay Campaign Committee** (formed 1943), lobbied Ministers and MPs and used the press and film to publicize their cause.<sup>171</sup>

In 1955 the Conservative government granted **equal pay** to around 155,000 women employed in the non-industrial civil service through six annual increments, with parity to be achieved in 1961. Equal pay for teachers and for women in the NHS followed shortly. This was undoubtedly a step forward but, as it applied only to grades which recruited both men and women, there were large numbers of women in gender-specific posts who remained unaffected, such as typists, cleaners and female manual workers in the nationalized industries. The private sector in general did not follow the government's lead.

170 Duncan Gallie, 'The Labour Force' in A H Halsey and J. Webb (eds) *Twentieth Century British Social Trends* (Macmillan, 2000) pp.281-323.

171 Allen Potter, 'The Equal Pay Campaign Committee: A Case-Study of a Pressure Group' *Political Studies*, 5, 1957, pp.49-64.

This came about, probably, because the Conservatives were anxious to hold the votes of middle class women, whom they had attracted in large numbers in the election of 1951; also there was a shortage of recruits to a number of traditionally female public sector jobs such as teaching, due both to the expansion of education, and of the public sector generally after the war, and to the absence of younger women due to marriage. There were also international influences. The **UN Commission on the Status of Women** adopted a resolution in 1948 calling upon the **International Labour Organisation** (ILO) to take action on the issue of equal pay for equal work. Three years later this principle was enshrined in **Convention 100** of the ILO.

Throughout the late 1950s and 60s an array of groups, most with roots in the pre-war period, co-operated to keep the gender equality agenda alive. In 1966 an alliance was formed of the **Six Point Group**, the **Status of Women Committee**, the **Suffrage Fellowship**, the **Association of Headmistresses**, the BFBPW and the **National Council of Married Women** to produce a set of election demands concerning equality at work, in pensions and other benefits and taxation.<sup>172</sup> Two victories were won in the sphere of politics; in 1958 the **Life Peers Act** allowed the creation of both male and female life peers, and in 1963, hereditary peeresses were admitted to the House of Lords on the same terms as men. This was the culmination of yet another equality campaign with its roots in the interwar period.<sup>173</sup> In 1967 the **Abortion Act** legalized abortion. This owed much to lobbying by the **Abortion Law Reform Association**, founded in 1935 by women, with support from male and female doctors who had witnessed the damage done by illegal abortions.<sup>174</sup> It was achieved in alliance with backbench MPs, notably David Steel, and with the tacit support of the Labour Home Secretary, Roy Jenkins, one of a remarkable series of pieces of liberalizing legislation (see Chapter 6) which characterized this period. In 1966 Labour won a majority of female votes which may have influenced this move and the introduction of the **Equal Pay Act** (see below). A succession of attempts through the 1980s and 90s to repeal or restrict abortion (see Chapter 3) faced strong opposition and failed.

These activities pre-dated the birth of the **Women's Liberation Movement** from 1968. This was active throughout Britain and included most ethnic minority groups, though not evidently Gypsies and Travellers. It had different concerns from the more traditional women's movement, being less focussed upon influencing government and changing legislation and more upon extending lifestyle choices and achieving cultural change, in particular protesting against the sexual exploitation of women and violence against them, issues which had not previously been prominent. They operated in localized non-hierarchical groups, rather than as a mass movement holding big demonstrations.

172 Elizabeth Meehan, 'British feminism from the 1960s to the 1980s' in Harold Smith (ed.), *British Feminism in the 20<sup>th</sup> Century* (Edward Elgar, 1990).

173 Duncan Sutherland *Peeresses, parliament and prejudice: the admission of women to the House of Lords* (Cambridge University PhD thesis, 2000).

174 Witness Seminar 'The making of the 1967 Abortion Act', (Centre for Contemporary British History, University of London, 2001) (<http://icbh.ac.uk>).

## 1968 to the early 1980s

The trend towards greater participation in the workforce by married women continued, as did the growth in part-time employment: part-time work accounted for 39 per cent of women's employment in 1975 and 42.8 per cent in 1985.<sup>175</sup> More women were entering universities, though by the 1970s, when about 7 per cent of all 18-year-olds went to university, the proportion of women was still around 25 per cent and subjects studied were still gender divided, most Science students being male and Arts students female. Generally, segregation and low pay remained a common feature of women's employment, over-represented as they were among lower professionals (such as teachers and nurses), technicians, clerical workers, sales staff and shop assistants.

But women workers were becoming more assertive, primarily through the trades union movement. Between 1964 and 1970, 70 per cent of new union members were women, reflected in the increasing number of campaigns with a gender focus.<sup>176</sup> In the 1970s these included efforts to unionise night-time office cleaners. In 1974 the **London Trades Council** issued a ten-point **Charter for Working Women**, adopted by the TUC in 1975, which formed the basis for a widespread campaign by women's groups. It included equal pay and equal opportunity, eighteen weeks paid maternity leave, a minimum wage, increased family allowances and an end to social security and tax discrimination.<sup>177</sup> In 1976 the TUC gave some support to the unsuccessful strike at the **Grunwick** photo-processing plant in North London, in which most of the strikers were Asian women (see Chapter 2). This was by no means the last industrial action by Asian women.

Growing discontent among unionised women about pay differentials was almost certainly one reason for the Labour Party's 1964 manifesto pledge to legislate on equal pay. Once in government, Labour ministers set up a working group of government, trades union and employers' representatives, which reached agreement on the principle of equal pay by 1967. Labour was reluctant however to legislate for fear of threatening its prices and incomes policy.<sup>178</sup> In 1968 female sewing machinists at **Ford Motors** in Dagenham went on strike, demanding their jobs be upgraded from unskilled to a skilled classification to achieve parity with male co-workers.<sup>179</sup> The media furore which followed convinced Barbara Castle, the Employment Secretary, that legislation was necessary.<sup>180</sup> The strike also led to the formation of the **National Joint Action Committee for Women's Equal Rights** (NJACWER), which brought trades unionists and women's groups into alliance. The Committee adopted a charter calling on the TUC to lead a campaign for equal pay and equal opportunities. A rally in Trafalgar Square in May 1969 attracted much media interest.<sup>181</sup>

175 Gallie, 'The Labour Force'.

176 Anne Perkins, *Red Queen: the authorized biography of Barbara Castle* (Macmillan, 2003).

177 Joni Lovenduski, *Women and European Politics: contemporary feminism and public policy* (Wheatsheaf, 1986) p77.

178 Perkins, *Red Queen*.

179 Kay M. Fraser *Same or Different: Gender Politics in the Workplace* (Ashgate, 1999).

180 Barbara Castle, *Fighting all the way* (Macmillan, 1993).

181 Anna Coote and Beatrix Campbell, *Sweet Freedom: The Struggle for Women's Liberation* (Basil Blackwell, 1987, 2nd ed.).

As in 1955, wider international forces helped to force the equal pay issue up the agenda, this time from the **European Community** (EC), whose member states were bound by Article 119 of the **Treaty of Rome** to promote equal pay.<sup>182</sup> Although Britain did not join the EC until 1973, ministers were aware that future membership would require action on equal pay and of attempts by feminists from other European nations to have Article 119 applied.<sup>183</sup> **The Equal Pay Act** (EPA) 1970 gave individuals the right to the same contractual pay and benefits as persons of the opposite sex where both performed 'like work', work 'rated as equivalent under an analytical job evaluation survey', or 'work that is proved to be of equal value'. Claims were to be brought through an employment tribunal and awards for claims upheld could result in back-pay of up to two years (amended to six years in 2003). The EPA also introduced the concept of indirect discrimination, covering cases where pay differences were due to a condition or practice applicable to both sexes but which adversely affected a larger proportion of one or other. The Act would not come into force until 1975, a delay much lamented by equality campaigners, but an improvement on the seven or eight year grace period requested by employers' organizations. Castle hoped that employers would use this time to take voluntary measures to bring men and women's wages into line, and that improvement would begin to be seen almost immediately.

There was some evidence that this did happen. An Office of Manpower study commissioned by the Conservative Party in 1971 revealed that in around 20 per cent of national agreements and wages council orders covering manual workers, discrimination had been removed or was on track for removal by 1973. In most cases this had been achieved by levelling women's wages up, rather than levelling male wages down. The study also identified substantial progress in insurance and banking.<sup>184</sup> Ten years later a team from the London School of Economics found that women's relative pay had increased by around 15 per cent, and argued that this could not be attributed to women's migration from lower to higher-paying sectors, rather, it occurred across all sectors and industries.<sup>185</sup>

However, the EPA was passed in a hurry before the election of 1970, and had serious weaknesses of which opponents took advantage. Some employers used the delay between passage of the Act and its enforcement not to take early action but to restructure and re-grade jobs to avoid coming under its provisions.<sup>186</sup> One chain of shoe stores re-graded all male but not female shop assistants as 'managers', retaining the pay differential without changing the undifferentiated work. Another tactic was to sack ancillary workers (such as cleaners) and replace them with workers employed by contractors, to avoid 'like work' issues among their own employees.<sup>187</sup>

182 Catherine Hoskyns, *Integrating Gender: women, law and politics in the European Union* (Verso, 1996).

183 Ibid.

184 G.L. Buckingham, *What to do about Equal Pay for Women* (Gower Press, 1973).

185 A.Zabalza and Z.Tzannatos *Women and Equal Pay: the effects of legislation on female employment and wages in Britain* (Cambridge University Press, 1985).

186 Coote and Campbell, *Sweet Freedom*.

187 From Ruth Adams, *A Woman's Place: 1910-1975* (First published 1975, Chatto & Windus, this edition, Persephone Books, 2000), pp.277-82. See also the 10 techniques commonly used by employers in Ruth Lister and Marion Lowe, 'Equal Pay and how to get it' (NCCL, March 1975).

Shortcomings in the legislation were corrected to some degree by an **Amendment to the EPA** in 1983, forced upon Britain by judicial action at EC level.<sup>188</sup> The new Act replaced 'like work' with work 'of comparable value', which enabled women to make the case that their jobs were as valuable to their employers as those performed by men, even where the jobs were very different in nature. One of the earliest cases brought under the Act, and resolved only at EC level in favour of the woman on whose behalf it was brought, involved a female cook arguing that her work was comparable to that of a painter, a joiner and a thermal insulation engineer employed by the same company.

Although this was an important step forward, the amended EPA did not and could not address many of the deeper underlying factors behind pay differentials, such as the impact on women's work experience and career prospects of breaks from employment due to caring responsibilities, men's tendency to work longer hours, and women's over-representation in lower-paying, lower-status occupations (often due to constraints on mobility relating to domestic responsibilities) and in part-time employment, which tended to be paid at a lower rate, and include fewer benefits, than full-time work (and still is). The **New Earnings Survey** (NES), which began in 1968, revealed women to be heavily over-represented amongst the lowest-paid groups.<sup>189</sup> The great majority were concentrated in a tiny number of occupations in which the labour force was predominantly female. Women's jobs were generally repetitive and uncreative, the need for skills or responsibility was low, and situations in which women might be required to supervise male workers were avoided by employers wherever possible.

Recognition of the need to attack broader processes of discrimination other than pay drove the **Sex Discrimination Act** (SDA), 1975. Passed by Labour on its return to government, this was the outcome of a similar combination of feminist pressure, political expediency, and impetus from Europe. It outlawed discrimination on the basis of sex in employment, education, and advertising or in the provision of housing, goods, services or facilities. It created the **Equal Opportunities Commission** (EOC) to oversee the implementation of the legislation and with powers of investigation.<sup>190</sup>

These changes would almost certainly have still occurred if the **Women's Liberation Movement** (WLM) had not existed, given the strength of other drivers of change. However the WLM was a significant assertion of the independent voices of women and it brought new issues onto the public agenda and new groups of women into activism. Black feminists, organized through the **Organisation of Women of Asian and African Descent** (OWAAD) and **Southall Black Sisters**, agitated in particular against immigration laws, virginity tests imposed on women arriving in Britain to join men and police brutality (see Chapter 2).<sup>191</sup>

188 Hoskyns, *Integrating Gender*; Elizabeth Meehan, *Women's Rights at Work: Campaigns and Policy in Britain and the United States* (Macmillan, 1985).

189 PJ Sloane and WS Sibert, 'Low Pay Amongst Women - the Facts' in Peter Sloane (ed.), *Women and Low Pay* (Macmillan, 1980), p10.

190 Lovenduski, 'An Emerging Advocate: The Equal Opportunities Commission in Great Britain' in Amy Mazur and Dorothy Stetson, *Comparative State Feminism* (Sage, 1995), pp.114-32.

191 Sheila Rowbotham, *A Century of Women: The History of Women in Britain and the United States* (Penguin, 1999).

Domestic violence became a prominent issue for the first time since 1945, though its existence had been regularly exposed since at least the mid 19th century. The first refuge for battered wives was established in Chiswick in 1972 by the feminist activist Erin Pizzey, who obtained grants from government, charitable and private sources and focussed media attention on the issue. Her model was adopted by women's groups throughout Britain. By 1975 111 such groups were represented at the national conference held that year, and by 1980 around 200 refuges were in operation.<sup>192</sup> The **Women's Aid Federation** (NAAF), with branches throughout Britain, provided a national infrastructure for the movement, based on the principles of local autonomy, open-door policies at all refuges and the right of women residents to self-determination.<sup>193</sup> This grassroots activity drove the passage of the **Domestic Violence and Matrimonial Proceedings Act** 1976 which enabled a wife to obtain a court injunction to restrain a violent husband. The NAAF provided expert evidence to the 1975 **Commons Select Committee on Violence in Marriage** which laid the groundwork for the Act.<sup>194</sup>

Around the same time, feminists were also working effectively to support the victims of rape and to raise public awareness of this issue, about which there had previously been near public silence. The first **Rape Crisis** centre opened in North London in 1976 funded by a mix of state and charitable grants, providing counselling for victims. As with the refuge movement, the model was quickly replicated with 16 centres, alongside rape crisis telephone lines, operational by 1981, and, like the refuge movement, a woman-centred approach was crucial. A similar model underpinned the **Reclaim the Night** movement founded in 1977, which organized women to march through cities late at night to assert their right to walk the streets unmolested.<sup>195</sup> These activities helped to ease the passage of the **Sexual Offences (Amendment) Act** in 1976 which improved the safeguards for women giving testimony at rape trials.

Feminists in the 1970s achieved considerable success in widening the terms of the gender equality debate and putting new issues relating to sexuality, violence, abortion and race onto the national political agenda. Though they were less prominent and faced more criticism, many of them continued to be active in the 1980s, in, for example, the **Greenham Common** anti-nuclear demonstrations and in the campaign against pornography and the use in the media of images seen as degrading to women, such as page 3 girls. Many 1970s activists also became active in conventional politics and were among the drivers of the moves in the 1980s and 90s to more equal representation of women among Labour Party parliamentary candidates and in the devolved Welsh Assembly and Scottish Parliament established in 1999.

192 Lovenduski, *Women and European Politics*, p.78.

193 Ibid. p.78.

194 Ibid. p.78.

195 Ibid. p.79.

## 1980s to the present

The government led by Britain's first female Prime Minister, Margaret Thatcher was not evidently sympathetic to gender equality. There were, however, important changes in the 1980s. The EC Directives of the 1970s created a momentum for the further extension of administration and law relating to sex equality. The EOC took the lead in the UK. It faced criticism in the late 1970s from feminists, who feared it to be under-resourced and over-eager to please government. In the 1980s strong leadership, better relations with the trades unions, and a succession of legislative amendments and court decisions increased the effectiveness of the EPA and SDA.<sup>196</sup> Again, judicial activism at the European level was an important driver. A ruling in 1983 judged unlawful the exemption of employees in private households, businesses with fewer than five employees and partnerships with fewer than five partners from the **Equal Treatment Directive**. This resulted in a new **Sex Discrimination Act** in 1986.<sup>197</sup> The EOC's investigation of discrimination at Barclays Bank in 1983 focussed the banking industry on the inequalities women faced in regard to promotion, training and fair treatment in other respects, and prompted the emergence of 'equal opportunities' policies in large companies.<sup>198</sup> The appointment of Valerie Amos, a Black woman, as Chief Executive in the late 1980s helped to boost the EOC's credibility on race issues and also to cement stronger links with the Commission for Racial Equality (CRE).

There was a relatively weak relationship between the equality experts, lawyers and policy advisors and the WLM. WLM activists tended to focus on local rather than central government or big business during this period. They experienced particular success in London, where the **Greater London Council** (GLC) provided funding to a number of women's groups and projects and set up the first **Local Government Women's Committee** to give women a formal voice in decision-making.<sup>199</sup> In 1984 the GLC spent nearly £8 million on gender equality activities, as well as holding open meetings and setting up working parties dealing with issues relevant to women, including employment, sexuality, disability, race and ethnicity and childcare.<sup>200</sup> There were similar successes in Edinburgh and similar hubs of feminist activity developed elsewhere, usually in urban centres with Labour-controlled councils, where structures were created that brought women more fully into decision-making processes.<sup>201</sup> Such successes could be fragile, as the abolition of the GLC in 1986 demonstrated. In Scotland, where Conservatism was weaker, local women's committees appear to have survived the 1980s more successfully. Most notably in 1992, the **Edinburgh District Zero Tolerance Campaign** initiated active campaigning against domestic violence, which was progressively taken up by an increasing number of Scottish local authorities, the police, the Scottish Office and, since devolution, a major **National Strategy on Domestic Abuse** for Scotland.

196 Gelb, *Feminism*. For more positive view of EOC from the early 1980s, see Lovenduski, 'An emerging advocate'.

197 Sonia Mazey, *Women and the European Community* (PNL Press, 1989).

198 Rosemary Crompton and Nicole Le Feuvre, 'Gender and bureaucracy: women in finance in Britain and France' in Savage and Witz, *Gender and Bureaucracy*, (Blackwell, 1992), pp.334-48.

199 Jim Barry, *The Women's Movement and Local Politics: the influence on councillors in London* (Avebury, 1991).

200 Sophie Watson, 'Femocratic Feminisms' in M Savage and A Witz, (eds), *Gender and Bureaucracy* (Blackwell, 1992) pp.186-207.

201 Joyce Gelb, 'Feminism and political action' in RJ Dalton and M Kuechler (eds), *Challenging the Political Order: new social and political movements in Western democracies* (Polity, 1990).

Other new challenges for women appeared in the 1980s. Public spending was cut on childcare and child benefits; privatisation and rising unemployment made it more difficult for single mothers to earn enough to support their families. The real value of pensions fell (most pensioners are female because women on average outlive men; see Chapter 1). Growing social inequality during the 1980s impacted disproportionately on women. Compulsory competitive tendering resulted in poorer working conditions for low-paid or part-time employees previously employed by the state, most of whom were female. The **Wages Councils**, which safeguarded the lowest-paid workers against exploitation, were weakened in 1986 by legislation which exempted those under 21 from Wage-Council rates, and lifted protection on holiday pay, weekend pay, shift premiums and skill differentials for workers of all ages.<sup>202</sup>

Major changes in marriage and birth rates became evident in the early 1970s and continued at a faster pace in the 1980s and 90s. The birth-rate began a steady decline, falling below replacement rate from 1972, with a slight rise since 2004. The mean age at first birth rose from 23.9 in 1972 to 26.5 in 1996 and 27.3 in 2005.<sup>203</sup> Rates of childlessness also rose. Rates of unmarried co-habitation, often including parenting, rose markedly and, for the first time in the 20th century became culturally acceptable, at least in the White population. In the late 1980s one-third of babies were born to unmarried parents, who were often living together. The divorce rate rose significantly, following the **Divorce Act**, 1969, which made divorce easier. Most divorces were initiated by women.

These patterns remained stable until 2006. The sharp cultural shift that they imply is hard to explain. It was not a direct outcome of government action. The changes in the 1980s paralleled ministerial insistence on 'Victorian values' and the most insistent promotion of 'traditional family values' of the entire 60 year period under review (see Chapter 6). The shift was probably the outcome of a number of parallel changes. The introduction of the **birth control pill**, which became widely available from the mid 1960s and was provided free by local authority clinics from 1974, enabled people to have sexual relationships without fear of pregnancy – a fear (and a reality) that had brought about many of the early marriages of the previous generation.<sup>204</sup> The rise in divorce – mainly among the early-married generation – from the early 1970s perhaps created caution among younger people about entering into permanent relationships. High unemployment in the 1980s revived the poverty and insecurity which had been a reason for late or non-marriage before the Second World War. Longer hours, pressure and insecurity at work,<sup>205</sup> which became evident in the 1980s and continued to 2006, put strains on partnerships. Unmarried motherhood, and unmarried cohabiting parenthood, was more common among women from low than high income families.<sup>206</sup> Other more privileged women were gaining more education and aiming for ambitious careers and hence preferred to delay childbirth until they were established in a career. The length of time taken in career breaks for reasons of motherhood fell, until by about 2000, the majority of mothers of children under five were in paid work.

202 Coote and Campbell, *Sweet Freedom*.

203 Office of National Statistics website, 23rd January 2006.

204 Hera Cook, *The Long Sexual Revolution. English women, sex and contraception, 1800-1975* (Oxford University Press, 2004).

205 Robert Taylor *Britain's World of Work, Myths and Realities* (Economic and Social Research Council, 2003).

206 Jane Lewis *The End of Marriage*, p.4

There are signs that parents by the 1980s had higher expectations than before of their daughters' educational performance and career prospects, due in part, perhaps, to the increasing instability of marriage; a woman could no longer expect to be supported by a husband throughout adult life. At least as important, though very hard to measure, was real cultural change towards greater acceptance of gender equality. Increasing numbers of girls took national school examinations and by the 1990s were outperforming boys. This was widely discussed as a 'problem' of boys' underperformance, as the 'underperformance' of girls had not previously been. There is good evidence that the tendency of boys to be inattentive and less diligent at school than girls had been recognized since at least the mid 19th century.<sup>207</sup> This had not hampered the relative success of boys at all educational levels or in the employment market whilst girls had limited opportunities and prospects. By the 1980s, for the first time, females were taking educational qualifications far more seriously than before, as the avenue to real advantages. This suggests that the very real problem of the underperformance in education of many males, especially those of low income and some ethnic minority backgrounds, compared with females from similar backgrounds (see Chapters 2 and 4) may be deeper-seated and more intractable than contemporary discussion assumes.

Admission to higher education expanded rapidly from the 1980s, reaching around 40 per cent of 18 to 21 year-olds by 2006. The proportion of female students rose from 28 per cent in 1970 to 38 per cent in 1980 and to more than 50 per cent by the mid 1990s, where it remains. University courses, however, remain gender segregated: the numbers of women studying the sciences or engineering remains low, despite recent efforts by the government and independent bodies to achieve an increase. People from higher socio-economic groups remain more likely to attend university than those from lower and there are large differences among ethnic groups (see Chapter 2). Broadly, in 2002 the participation rate of White 18 to 19-year-old females was 31 per cent, of White males of the same age 27 per cent; of all ethnic minority groups it was 59 per cent and 48 per cent respectively, but with wide variations between groups. More older students attended universities from the 1980s. This especially benefited women who had not had the opportunity for higher education when younger, but often found it easier to enter university after a career break than did men in mid-career. In general opportunities for re-training in middle life became somewhat greater for women, though still limited.

Another outcome of the cultural and economic changes from the 1970s was the growth of lone parenthood, especially lone motherhood.<sup>208</sup> In 1971 7.5 per cent of all families were lone-parent families. Unmarried motherhood was still heavily stigmatized. The stigma has since diminished, but the economic penalties remain. In 2006 there are 1.8 million one-parent families, caring for nearly 3 million

207 Michele Cohen 'A Habit of Healthy Idleness': Boys' underachievement in historical perspective' in D. Epstein et al. (eds), *Failing Boys? Issues in Gender and Achievement*. (Open University Press, 1998).

208 For a survey of lone parenthood from the Poor Law to the Present, see Tanya Evans, 'Is it futile to try to get non-resident fathers to maintain their children?', <http://www.historyandpolicy.org/archive/policy-paper-48.html> (History & Policy, October 2006); Tom Nutt, 'The Child Support Agency and the Old Poor Law', <http://www.historyandpolicy.org/archive/policy-paper-47.html> (History & Policy, October 2006)

children. Lone parents constitute just over one-quarter of all families. Lone parenthood is often a transient stage in the life-cycle, lasting for about five years. Nine out of ten lone parents are women. Three out of five lone parents were previously married. Only 3 per cent of lone parents are teenagers. A third of lone mothers have a child under five. Forty-two per cent of all poor children live in one-parent families and lone parents continue to be amongst the poorest people in Britain. Lone parents from Black or minority ethnic groups make up 12 per cent of lone parents, with considerable differences among ethnic minority groups.

Among women, like the general population, the 1980s saw a widening gap between the more and the less privileged, with a minority entering a wider range of careers, a substantial number living in poverty, with wide regional, ethnic, age and socio-economic differences among them. Women have been especially vulnerable to poverty in old age (see Chapter 1). At a time when it appeared that wider opportunities were opening up to women, rising divorce, unemployment and long hours for those who were in work made combining motherhood and a career increasingly difficult. This may in part explain the falling birth-rate, combined with the evidence that in two-parent households fathers took only marginally more responsibility for child-rearing than in the 1970s. Mass male unemployment exposed the fragility of the male-breadwinner ideal, the emotional and psychological impact of which was conveyed in the TV series *Boys from the Black Stuff*. Although many women were also unemployed, rates were lower than among men and women's participation in the workforce continued to increase, mostly in low-paid, often part-time employment.

Opinion surveys testified to changing public attitudes to women's careers. In 1984, 43 per cent of people interviewed for the British Social Attitudes survey agreed or strongly agreed with the statement: 'A husband's job is to earn the money; a wife's job is to look after the home and family.' By 1990 the figure had fallen to 25 per cent.<sup>209</sup> The notion that men might play a more hands-on role in the home gained in popularity. In 1984 50 per cent of interviewees believed that looking after a sick child should mainly be the role of the mother. This figure had fallen to 37 per cent by 1991, and the figures for those who believed the task should be shared equally rose from 47 to 60 per cent. Actions did not necessarily change commensurately with expressed beliefs, but attitudes changed, despite a belief among feminists that they were experiencing a 'backlash' in the 1980s. Throughout the history of the British women's movement a strong popular antipathy (including among women) to a stereotyped notion of 'feminism' has co-existed with expressions of support for greater gender equality.

The institutionalization of gender equality regained momentum in the 1990s due to a combination of new pressures from Europe and initiatives on the part of the modernising Labour party. The European Commission developed bureaucratic structures for devising and promoting gender equality initiatives, and other European states, notably France and Germany, established dedicated ministries for women at this time.<sup>210</sup> Britain was a laggard in this respect, delegating responsibility for sex equality to junior ministers in the employment and health departments before setting up a **Sex Equality Branch** in the Department of Employment in 1992.<sup>211</sup>

209 British Social Attitudes online: <http://www.britisocat.com/Body.aspx?control=BritSocAt19Home>.

210 Ruth Henig and Simon Henig, *Women and Political Power: Europe since 1945* (Routledge, 2000).

211 Lovenduski, *Women and European Politics*.

The Labour Party in opposition developed policy ideas more in line with the European trend. In 1987 Labour established a **Shadow Minister for Women** (unusual in that there was no government counterpart) and promised in its election manifesto to create a Ministry for Women, along with a Cabinet Minister for Women to monitor a gender audit of all government legislation.<sup>212</sup> This last objective reflected a wider interest in the new concept of 'gender mainstreaming' which appeared in the late 1980s and early 1990s, and found much support within the European Commission, which applied the concept to the structural funds programme.<sup>213</sup> Mainstreaming involved working the promotion of gender equality into all policies and programmes, ensuring that women's needs and interests were represented at all levels of government, and measuring the differential impact of legislation and policy initiatives upon men and women.

The **Women's Unit**, established in 1997 after Labour returned to government, was committed to mainstreaming, as were the **Equality Units** formed in 1999 by the Scottish and Welsh Executives following devolution. Whilst the Women's Unit signified a new commitment to gender equality on the part of government, significant differences distinguished it from the vision of a Ministry for Women included in the 1987 manifesto. Under Tony Blair's leadership, these ambitions were reined in, with the 1995 party policy document *Governing for Equality* downgrading the Ministry to a unit located in the Cabinet Office. One independent assessment of the Unit's impact between 1997 and 2001 concluded that, whilst useful research was commissioned and a number of successful initiatives launched, compared with the other policy units created by New Labour (the Social Exclusion Unit and the Prime Minister's Strategy Unit), the Women's Unit's remit was ill-defined and its influence weak.<sup>214</sup> Attitudes of the party leadership significantly affected the implementation of equality measures.

But there can be little doubt that the political sphere has become increasingly feminised under the Labour governments since 1997, in particular due to the increased representation of women in the House of Commons. The number of female MPs barely moved between 1945 and the 1980s, hovering between 24 and 27 until rising to 41 in 1987 and then 60 in 1992.<sup>215</sup> The leap to 120 in 1997 was dramatic.

The Labour Party can take most of the credit for the increase, having committed itself to applying **All-Women Shortlists** (AWS) in half of all key seats (defined as winnable on a 6 per cent swing) and in half of all vacant safe seats.<sup>216</sup> That the policy was adopted was largely due to a long internal campaign carried out by women inside the party. In 1988 the **Labour Women's Network** was established to promote women's progress within the party. Quotas were introduced in 1990,

212 Ibid. See also Sarah Perrigo, 'Gender struggles in the British Labour Party from 1979-1995' *Party Politics*, 1(3), 1995, pp.407-17.

213 Mariagrazia Rossilli (ed.), *Gender policies in the European Union* (Peter Lang, 2000).

214 Judith Squires and Mark Wickham-Jones, 'Mainstreaming in Westminster and Whitehall: from Labour's Ministry for Women to the Women and Equality Unit' in Karen Ross (ed.), *Women, Politics, and Change* (Oxford University Press, 2002), pp.57-71.

215 David Butler and Gareth Butler, *Twentieth-Century British Political Facts, 1900-2000* (Macmillan, 2000), p.261.

216 Mary-Ann Stephenson, *The Glass Trapdoor: Women, politics and the media during the 1997 general election* (Fawcett Society, 1998).

ruling that 40 per cent of all party offices and delegations were to be composed of women. AWS were adopted by party conference in 1993.<sup>217</sup> The election defeat the previous year provided the trigger, as analysis of voting patterns revealed that the Conservatives had been more successful in securing women's votes under John Major's leadership, having lost them under Margaret Thatcher. This laid the way for key women within the Labour Party, including Margaret Prosser of the Transport and General Workers' Union (TGWU), Maureen Rooney of the Amalgamated Engineering and Electrical Union (AEEU), and Claire Short MP, to make the case for AWS as part of the wider effort to make the Party more appealing to women electors.<sup>218</sup>

Without AWS the progress made in 1997 would not have been possible. As a recent report for the Hansard Society remarks:

*Where significant gains have been made [by women] in British politics, whether at the 1997 general election or the elections to the Scottish Parliament or National Assembly for Wales in 1999, the overriding explanation points to the use by (some) political parties of equality guarantees - measures that require a particular number or proportion of women to be elected.<sup>219</sup>*

The willingness of parties contesting elections in Scotland and Wales to use techniques aimed to achieve equality, such as 'twinning' and 'zipping', helps to explain how the Scottish Parliament and the Welsh Assembly produced ratios of 39.5 per cent and 50 per cent female membership respectively in 2003. By contrast women were only 13.6 per cent of Scottish MPs. These outcomes were a direct result of campaigning by women in both countries.<sup>220</sup> They have led to further institutional developments such as the establishment of a standing **Equal Opportunities Committee** in the Scottish Parliament. In 2000 the Scottish Executive committed itself to an Equality Strategy which mainstreamed a commitment:

*To ensure the prevention and elimination of discrimination between persons on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions, such as religious or political beliefs.<sup>221</sup>*

217 Ibid.

218 Linda MacDougall, *Westminster Women* (Vintage, 1998), chapter 8.

219 Sarah Childs, Joni Lovenduski and Rosie Campbell, *Women at the Top 2005: Changing Numbers, Changing Politics?* (The Hansard Society, 2005), p.16.

220 E.g. E. Breitenbach and F. MacKay, *Women and Contemporary Scottish Politics* (Polygon, 2001).

221 Scottish Executive, *Equality Strategy: Working Together for Equality*, <http://www.scotland.gov.uk/library3/social/wtem-02.asp>.

The dropping of AWS at the 2001 general election following a court ruling on a case brought by men aspiring to be Labour candidates, which found the policy unlawful under the SDA, caused the number of female MPs to drop slightly. The government swiftly legislated to exempt AWS from the provisions of the SDA, but so far Labour is still the only party prepared to impose AWS on its members. The policy remains highly controversial in all parties.<sup>222</sup>

Many gender equality campaigners continue to support AWS, partly for reasons of justice, as they believe that women do not have a fair chance of selection as party candidates due to prejudice and discrimination, and partly because they believe that more women in politics will result in policies promoting gender equality. A larger pool of Labour women MPs has resulted in more women ministers, including some in cabinet posts, and better representation on select committees and within the Parliamentary Labour Party. Issues of particular interest to women, such as work-life balance, equal pay, maternity and paternity leave, childcare, and domestic violence have become more central to political debate, championed by senior Labour women such as Tessa Jowell, Margaret Hodge, Harriet Harman and Patricia Hewitt.

## Conclusion<sup>223</sup>

The changed position of men in the workplace and the home since the 1940s has influenced gender roles and relationships. Broadly, from the late 1940s to 70s, male full employment, high marriage rates and the tendency of married women to take time out of the workplace to care for children, followed by part-time employment, reinforced the already strict gender division of labour in and outside the home. The restructuring of the labour market in the 1980s polarized male (and full-time female) workplace experiences between unemployment and 'over-employment', with increasing hours and workplace stress, whilst in some areas more women than men could find paid employment. This appears to have had little effect on the division of labour in the home, except among a minority of mainly highly educated men whose domestic role has increased, though not dramatically. Time-use surveys showed that in the 1980s, men married to women in full-time employment increased their contribution to domestic work to a greater extent than those married to women in part-time work, but that the gender division was by no means equal. Overall since 1945 the relationship of women to the paid labour market has changed far more radically than that of men to unpaid work in the home, and many women's attitudes to and expectations of their social roles have changed more profoundly than those of most men. Housework and child care are not generally allocated efficiently to the person with the most time available to do it; unemployed men have been shown to do little housework.

<sup>222</sup> Ibid.

<sup>223</sup> Statistics relating to this chapter are incorporated in the text, above. See also R. Berthoud and M. Blekesaune, *Persistent Employment Disadvantage, 1974- 2003*, <http://www.iser.essex.ac.uk/pubs/workpaps/pdf/2006-09.pdf>, ISER Report for the Equalities Review.

Over the past 60 years the media has played an ambiguous role of both employing more women in print and broadcast media in both senior (although as a minority) and junior roles, in 'serious' (e.g. financial) and, like many men, less serious specialisms. Women have been portrayed in publicly active, powerful roles whilst, especially since the 1960s, objectification of women's bodies (presenting them as essentially sexual objects) has become much more explicit, has no male equivalent and shows little sign of declining, despite persistent protest by a minority of feminists. As the rest of this Report shows, gender inequalities are experienced in all ethnic and religious groups and by older, disabled (both of the latter having, in general, lower incomes than men in a similar situation), Lesbian and Trans women.

The main drivers towards increased gender equality over the past 60 years have been:

- **Women's activism**, sometimes explicitly feminist, sometimes eschewing the label whilst promoting gender equality. It was weak but still had some influence – e.g. in achieving equal pay in parts of the public sector – in the 1950s, continuously strong since the 1960s, though with shifting goals and methods of campaigning. Both **insider lobbying and public campaigning** have been effective on different issues.
- **Government institutions**, notably the EOC, using their powers to promote further legislation and to achieve implementation.
- In general **Labour governments** have done more than Conservatives to promote equality.
- The role of **international or supranational norm-setting**. Pressures from the UN and ILO in the 1950s encouraged moves towards equal pay. Direct pressure from the EU, and the use of European courts by EOC and British campaigners, led to action in Britain on equal pay and equal treatment.
- The less tangible, but broad and real, long-term shift in Britain and elsewhere towards **expectations** of gender equality in the workplace, in education and at home; propelled by the drivers listed above and reinforced by women's own experiences of increasing equality.

Inhibitors of change have included:

- **Demographic factors** – early marriage and childbirth from c1945 to the early 70s; divorce and lone parenthood since the 70s; gender inequality in responsibility for childcare throughout the period – have held back women in the labour market, despite the expansion of opportunities overall. The growth of a 'long hours' culture since the 1980s has created further difficulties.
- **Media** reinforcement of gender stereotypes.

## **TIMELINE**

- 1869** Female householders gain vote in local elections
- 1870** Married Women's Property Act, a milestone in women's campaign for equality
- 1918** Most women over 30 gain vote in national elections, following long campaign  
Women allowed to stand for election to Parliament from age 21
- 1928** Women gain right to vote on same terms as men, at age 21
- 1945** Family Allowances Act
- 1955** Women in public service win Equal Pay
- 1967** Abortion Act legalizes abortion up to 28 weeks in certain circumstances
- 1968** Women sewing machinists strike for equal pay at Ford Motors, Dagenham
- 1969** London Women's Liberation Workshop formed  
Divorce Reform Act establishes principle of no blame divorce  
Women's National Commission established
- 1970** Equal Pay Act passed (came into force in 1975)  
First Women's Liberation Movement conference at Ruskin College, Oxford  
Feminists sabotage Miss World competition at the Albert Hall
- 1971** First women's refuge opened in Chiswick by Erin Pizzey
- 1974** Families Need Fathers formed to campaign for equal parental rights
- 1975** Sexual Discrimination Act and creation of the Equal Opportunities Commission  
National Abortion Campaign launched to defend 1967 Act
- 1976** Domestic Violence and Matrimonial Proceedings Act  
First Rape Crisis centre opens in North London
- 1977** First Reclaim the Night march
- 1979** Margaret Thatcher becomes first female Prime Minister  
TUC demonstration against Corrie Bill (to reverse 1967 Abortion Act) attracts 100,000 marchers  
Dame Josephine Barnes becomes first female President of British Medical Association, and Agnes Curran becomes first female governor of a male prison
- 1981** First women's peace demonstration at Greenham Common

- 1984**      **Brenda Dean becomes first woman leader of a major trades union (Society of Graphical and Allied Trades)**
- 1988**      **Legislation to allow spouses to be assessed separately for tax purposes**
- 1989**      **Valerie (later Baroness) Amos, becomes first Black Chief Executive of Equal Opportunities Commission (until 1994)**
- 1993**      **Labour Party adopts All Women Shortlists for next election.**
- 1997**      **Record 120 women MPs elected**  
               **Women’s Unit formed in Cabinet Office**  
               **Marjory Scardino becomes first woman to head a FTSE 100 company**
- 1999**      **Scottish Parliament establishes standing Equal Opportunities Committee**  
               **Fathers Direct formed**
- 2002**      **Scottish Executive’s Equality Strategy commits to mainstream all forms of equality**  
               **Fathers4Justice formed**  
               **Employment Act empowers parents with the right to request flexible working and requires employers to consider requests**
- 2003**      **All government departments required to carry out Equal Pay reviews**
- 2006**      **Public Sector Duty for Gender Equality introduced**

## Chapter 6: Gender Identity and Sexual Orientation

Mel Porter<sup>224</sup>

### Introduction

In 1806, more men were executed for homosexual offences than for murder. In 2006, Gay men and Lesbians can register civil partnerships and have legal protection from discrimination, and Transgender people have their identity recognized in law.

At first glance, the last two centuries have witnessed giant strides towards equality for Britain's Lesbian, Gay, Bisexual and Trans communities. In addition to several landmark legal reforms, people can now publicly express their gender identity and sexuality in ways that were simply not possible even thirty or forty years ago. A second glance introduces a note of caution though:

*Changes in sexual attitudes and sexual behaviour from the Depression to the millennium have not followed a straightforward linear progress out of benightedness into enlightenment, from repression to liberation. What is clear, however, is that this was an epoch of enormous, probably unprecedented, changes, at least in the rapidity with which technological and social change came about.*<sup>225</sup>

There have never been robust statistics on gender identity or sexuality in Britain; there have never been Census questions, and the ONS does not intend to include one in 2011.<sup>226</sup> The statistics available are described in the following narrative, with the necessary qualifications. There are some, mostly recent, statistics on social attitudes towards LGBT people, and these are also included where relevant.

The changing definition and understanding of gender identity and sexual orientation and the language used to describe and categorise people further complicates the picture. It is only within the last 30 years that the terms Gay, Lesbian, Bisexual, Transsexual and Transgender have become current. Furthermore, the subtle distinctions between different sexualities or the range of identities that any one person might experience were not understood or recognized in the early 20th century. For instance, men who might now identify as Transgender were often assumed to be homosexuals and could be successfully prosecuted for sodomy, even if their only offence was to dress in women's clothes and wear make-up. It was not until the major sex surveys of the 1940s that there was significant appreciation of the shades of grey in many people's gender and sexual identity.

224 We are grateful to Hera Cook, Roger Davidson, Matt Houlbrook, Jeffrey Weeks and Steve Whittle for their advice.

225 Lesley A. Hall, 'Sexuality' in P. Addison and H. Jones (eds,) *A Companion to Contemporary Britain 1939-2000* p.146.

226 See Office for National Statistics, *Sexual Orientation and the 2011 Census - background information*, for the reasons behind this decision (March 2006).

To avoid imposing 21st century terminology that would not have been recognized onto earlier periods, the historical terms appropriate to the time are used and explained where possible. This poses certain problems in relation to Transgender and Transsexual people and Transvestites, for the reasons indicated above. The term 'Trans people' is used by lobby groups including Stonewall, Press for Change and the Gender Trust to encompass all people experiencing gender identity issues, and will be used in this chapter where relevant.

## Long shadows: the 19th century legacy

Until the late 19th century, the legal framework controlling homosexuality (specifically, sexual acts between men) was based on Henry VIII's Act of 1533, which first brought buggery within the scope of statute law. In the early 19th century, men were still executed for buggery, but from 1830, the death penalty was no longer enforced and in 1861, it was replaced with prison sentences ranging from 10 years to life.

The **Labouchère Amendment** to the **Criminal Law Amendment Act**, 1885, set the legislative framework for the next eighty years. Although the Act primarily targeted prostitution, which brought all forms of male homosexuality within the scope of the law for the first time. The fact that under this Act homosexuality was included alongside prostitution underlines how both were perceived as highly deviant sexual behaviour. From 1885 men could be, and regularly were, prosecuted for homosexual sex, even if it was consensual and in private; Oscar Wilde, convicted in 1895, being the most celebrated victim. Ironically the blaze of publicity surrounding the **Wilde trial** raised public awareness of homosexuality and created a 'community of knowledge' among other Gay men, although this was still highly secret.<sup>227</sup>

The shadow of the 1885 Act meant that homosexual men lived a furtive life, subject to persecution, blackmail, guilt and shame. Blackmail was rife and false charges of homosexuality, made to extort money, could result in suicide.<sup>228</sup> From 1885, cross-dressing, which appears previously to have been relatively tolerated, was likely to be used as evidence of sodomy and Transvestite men had to be more circumspect in their behaviour.<sup>229</sup>

Lesbianism, meanwhile, was virtually ignored in public discourse, at least until the 1920s, and was not criminalized. Because women had fewer opportunities for an independent life and close friendships between women did not attract such suspicion, most Lesbians probably remained inconspicuous.<sup>230</sup> Even the term Lesbianism was rarely used until well into the 20th century. It was known in some upper-class and medical circles that same-sex activity could and did happen between women, but it might be described as Sapphism or inversion, or more often skirted around and not named at all.

227 J. Weeks, *Sex, Politics and Society: the regulation of sexuality since 1800* (Longman, 1981), p.103; A. McLaren, *Twentieth Century Sexuality: A History*, (Blackwell, 1999) p.98.

228 Weeks, *Sex*, p. 112; McLaren, *Sexuality*, p94.

229 D. King *The Transvestite and the Transsexual: Public Categories and Private Identities* (Avebury, 1993), p.111.

230 Martha Vicinus, *Intimate Friends. Women who Loved Women*, (University of Chicago Press, 2004).

During the 1910s-1920s, there was a small but growing body of support for sexual reform, not just in Britain but also in mainland Europe and the U.S.A, which began to coalesce in new sexological societies. Those involved tended to be middle or upper class, well-educated, often themselves homosexual, and aware of the growing body of international research about sex. They aimed to remain respectable and believed that a major public education exercise must precede calls for the amendment of laws relating to sexuality. The most prominent organization in the U.K. was the **British Society for the Study of Sex Psychology** (BSSSP), which was founded in 1914, became the **British Sexological Society** (BSS) in the 1920s and remained the major organization concerned with sexual law reform in Britain until the 1930s.<sup>231</sup>

In the 1920s Lesbianism really emerged into public consciousness, in particular due to Radclyffe Hall's novel, ***The Well of Loneliness***, being banned and successfully prosecuted for obscenity. During the first two weeks after publication in 1928, *The Well* was generally well received by critics. It was a tragic story of love between two women, but the content was not overtly sexual. It was then attacked in a vitriolic editorial in the ***Sunday Express***, as part of a wider campaign against 'degeneracy and decadence'. 'I would rather give a healthy boy or girl a phial of prussic acid than this novel. Poison kills the body, but moral poison kills the soul', the paper tiraded.<sup>232</sup> This created a moral panic among MPs, the civil service, ministers and the judiciary. The book was prosecuted and was judged obscene because it 'had not stigmatized this relationship [between two women] as being in any way blameworthy'.<sup>233</sup> Public opinion was not wholly supportive. In the weeks following the editorial there was a marked increase in sales. About 5,000 copies were in circulation by the time proceedings began.<sup>234</sup> Many media commentators were highly critical of the Sunday Express' stance, both for its vehemence and for the perverse publicity it gave *The Well* and its risqué subject matter. Despite – or perhaps because of – the ban, the episode provided a name and identity for lesbianism.<sup>235</sup>

## Surveying sex in the 1940s and 1950s

In 1948 the American biologist Alfred Kinsey published ***Sexual Behaviour in the Human Male***, the first product of his groundbreaking attempt to survey Americans' sexual behaviour, involving 12,000 people over several years. This caused a public sensation in Britain and the U.S.A.

Kinsey found that of his male subjects, at least 60 per cent had had homosexual sex play as boys and 37 per cent had climaxed with another male. He advanced the notion of a sexual scale from, 0 for men who had never had a homosexual experience (about 50 per cent), to 6 for men who had only experienced same-sex relationships (about 4 per cent). The remaining 45 per cent had experienced both forms of sexual activity at some point in their lives. He dismissed the traditional

231 J. Weeks, *Coming Out: Homosexual Politics in Britain from the Nineteenth Century to the Present* (Quartet, 1990) pp.138-42.

232 L. Doan, *Fashioning Sapphism: the origins of a modern English lesbian culture*, p.1.

233 Weeks, *Sex*, p.117.

234 Doan, *Sapphism*, p.10.

235 Weeks, *Sex*, p117.

approach of classing people as either heterosexual, homosexual or bisexual and his findings suggested that half the population would be categorised by current laws, moral codes and psychiatry as 'perverts'.<sup>236</sup> For the first time, sex reformers had a scientific justification for arguing for the normalization and decriminalization of homosexuality. In 1953, ***Sexual Behaviour in the Human Female*** followed and Kinsey's findings on lesbianism were equally shocking. Twenty-eight percent of his female sample had had sexual contact with another female, and the incidence increased according to their educational levels.<sup>237</sup>

In autumn 1947 the **Sex Education Society** revived under Norman Haire and adopted homosexual law reform as one of its aims. In August 1948 Haire published his first edition of the *Journal of Sex Education*, which included details of Kinsey's study of men. Like the earlier sexological societies, Haire still aimed gradually to change public opinion in order to pave the way for reform.<sup>238</sup>

The Society kept its members informed about developments both in the U.K. and abroad, and in early 1951, a regional branch was set up in Manchester. One such development was a New York radio broadcast on homosexuality in 1949. Haire's response provides an insight into the constraints on the British media's coverage of the issue: 'Here in England, where no commercial stations exist, where the BBC has a monopoly, and where broadcasting suffers under the dead hand of the Churches, such a broadcast would, at the present time, be unthinkable.'<sup>239</sup>

Haire's response to a reader's request for information about books on transvestism hints that by 1949 a more organized Transvestite subculture may have existed, and certainly that the term was in current usage:

*Before the second World War there was a weekly magazine published in London, which devoted a large part of its space to stories and articles about transvestists [sic], and to letters from them and which published advertisements from wig makers, dress-makers, shoe-makers and corset makers who catered specially for transvestites.*<sup>240</sup>

In 1952, Haire died, and with him both the journal and, for the time being, the reform cause.

Kinsey also stimulated the British research organization **Mass Observation** to carry out 'a British first in the field of sex surveys' in 1949, known as **Little Kinsey**.<sup>241</sup> Mass Observation's characteristic approach provided a more human story than Kinsey's statistics.<sup>242</sup> A question about homosexuality (defined as 'sex relations between two people of the same sex') was only included in the pilot survey, so the results are limited. Nonetheless they give a flavour of the understanding of and attitudes to homosexuality in the late 1940s:

236 McLaren, *Sexuality*, p.146.

237 McLaren, *Sexuality*, p.147.

238 Weeks, *Coming Out*, pp.152-3.

239 Weeks, *Coming Out*, pp.154-5.

240 Quoted in King, *Transvestite and Transsexual*, p.140.

241 L. Stanley, *Sex Surveyed, 1949-94: from Mass Observation's 'Little Kinsey' to the National Survey and the Hite Reports* (Taylor & Francis, 1995), p.6.

242 Ibid. p.36.

*There is no doubt but that homosexuality in one from or another is at least not an unusual form of sexual behaviour. Yet popular feeling against it is very strong. It was Mass Observation's original intention to include a questionnaire on homosexuality in the present survey (with the result that the pilot questionnaires produced a limited amount of material on this subject), but difficulties of time and finance meant that this had to be excluded from the final questionnaire. Results of the pilot surveys, however, suggested that about a third just did not understand what homosexuality was, 'it never occurred to me'. About a quarter just represented themselves as generally against it, and another third showed very violent reactions, calling homosexuality 'disgusting', 'terrible' and 'revolting'... Another reaction, less revolted, was the 'rather vulgar isn't it?'... A few people, on the other hand, look at the matter from a more or less clinical angle and suggest some form of treatment... But on the whole people regard homosexuality as a revolting or incomprehensible form of behaviour; many would even seem never to have heard of it. It is, of course impossible to generalize from such limited results as these; but the isolationist manner in which homosexual groups appear to function makes extensive ignorance of their existence at least a possibility.<sup>243</sup>*

These findings were followed by an in-depth case study of a 'homosexual clique' of four young men aged between 19 and 30: Arthur, John, Michael and Peter. John and Michael lived together as a couple, but both had relationships with other men, only moving in 'queer' circles and avoiding the company of non-homosexuals, 'except for neuters, borderline cases and possible converts'. They held 'soirees' at their flat 'at which unknown queers... are introduced and weighed up.' Arthur was described as a 'masochist', and responded to an advert from Charles, who was a 'Disciplinarian' seeking a male holiday companion. The four men went on a trip to Brighton with another friend, Frank, 'who heartily disapproves of all varieties of "camp" (i.e. flaunting the fact that one is a queer...)'.<sup>244</sup>

It is not known how these men were selected as a case study and they cannot be considered representative, but this snapshot of their lives shows that in 1949, at least in London and Brighton, it was possible to have a Gay lifestyle. It also illustrates the range of sexualities that could be expressed within the 'queer' subculture and the language used to describe them.

243 'Little Kinsey': *Mass Observation's Sex Survey of 1949*, in Stanley, *Sex Surveyed*, pp199-200

244 Stanley, *Sex Surveyed*, pp.200-3.

In an article, one of the researchers, Len England, shed more light on the survey:

*There was found a more genuine feeling of disgust towards homosexuality ... than towards any other subject included... partly as a result of this (partly too because of the considerable length of the questionnaire and also the difficulty of wording the question) no questions were asked to the general sample on this subject. Among the panel, however, 8 per cent admit to having had homosexual relations and a further 12 per cent to having had homosexual relations at some point in their life. These figures may appear small compared to the incidence of homosexuality referred to in Kinsey, but two authorities, one a prostitute and the other a Harley Street sexologist, both informed Mass Observation before the research started that they felt that where the results obtained in this country were most likely to differ from their American counterparts was over the matter of homosexuality.<sup>245</sup>*

These attitudes must be understood in the context of the widespread sexual ignorance revealed by Little Kinsey, with many respondents having had no sex education at all. Some displayed what now appears an astounding level of ignorance about 'the facts of life', including a midwife who did not know that babies had anything to do with men.<sup>246</sup>

Later sex surveys exhibited a similar reluctance to explore people's experiences or attitudes concerning homosexuality. In ***Exploring the English Character*** (1955), Geoffrey Gorer noted that 'of those not interested in sex, quite a number volunteered the statement that they were homosexual'. But these subjects were not mentioned again. In Gorer's later study, ***Sex and Marriage in England Today*** (1971), homosexuality is barely mentioned.<sup>247</sup>

In his 1965 study, ***The Sexual Behaviour of Young People***, which involved interviews with almost 2000 15-19 year-olds, Michael Schofield revealed that more than one in five boys knew of homosexual behaviour among their school friends and one in twenty had been involved themselves. The figures for girls were one in ten and one in 40 respectively, but Schofield did not press the issue further.<sup>248</sup> If we consider that, at this time, homosexuality was criminalized and considered a threat to young people, his reluctance to question his young subjects any further is perhaps not so surprising.

245 L. England, 'A British Sex Survey', in *The International Journal of Sexology* (Feb 1950 vol. iii no3), p.153.

246 'Little Kinsey', in Stanley, *Sex Surveyed*, p.82.

247 Stanley, *Sex Surveyed*, p.48.

248 Stanley, *Sex Surveyed*, pp.44-6.

## From the Wolfenden Committee to Reform, the 1950s-60s

The Festival of Britain and the Queen's coronation in 1953 drew international attention to London, and the visibility of prostitutes in Mayfair and the West End was an embarrassment to the Churchill government.<sup>249</sup> The 'fervently anti-homosexual and moralistic' Home Secretary, David Maxwell-Fyffe, was determined to take action.<sup>250</sup> A series of scandals, including the **trial of Lord Montagu of Beaulieu**, his cousin Michael Pitt-Rivers and *Daily Mail* diplomatic correspondent Peter Wildeblood for homosexual activity in 1954, caused Maxwell-Fyffe to widen the scope of his concern to include homosexuality. The popular press fuelled the moral panic. Wildeblood described the atmosphere within his own profession: 'I could hardly have chosen a profession in which being a homosexual was more of a handicap than it was in Fleet Street. Its morality was that of a saloon bar: every sexual excess was talked about and tolerated, provided it was 'normal'.'<sup>251</sup>

There had also been a steep increase in recorded homosexual offences, which fuelled concerns about a decline in moral standards since the end of the war. From the 1930s, homosexual street offences had risen from an annual average of around 2,000 to over 10,000 by 1952 and 12,000 by 1955. The number of indictable homosexual offences increased five-fold in the same period. The increases owed much to Maxwell-Fyffe's drive for greater uniformity in prosecutions and the use of entrapment techniques and conspiracy charges to ensnare homosexual men.<sup>252</sup> Nonetheless, homosexuality was back in the spotlight and the press were instrumental in sensationalising and disseminating the details.<sup>253</sup> It was assisted by a series of successful prosecutions of prominent men often on flimsy evidence. These included the mathematician Alan Turing, who had received an OBE for helping to crack the Enigma code during the war and was arrested for homosexual offences after a break-in at his home. He accepted hormone 'treatment' instead of a prison sentence but a year later committed suicide.<sup>254</sup>

However, there was now a responsible body of opinion arguing for the decriminalization of homosexuality. Perhaps surprisingly, the initial pressure came from the **Church of England Moral Welfare Council** (CEMWC), which in 1952 recommended an inquiry and called for the separation of the homosexual 'sin' from criminal law. In 1948, the **Labour Party Research Department** had also advocated decriminalization in its paper on legal reform.<sup>255</sup>

Although Maxwell-Fyffe found the whole subject distasteful, he recognized that, given the crime statistics, the public mood would not accept action on prostitution if homosexuality was ignored. It took him several attempts, in early 1954, to persuade Churchill to agree to an inquiry. In April, he won the argument,

249 A. Holden, *Makers and Manners: Politics and Morality in Post-war Britain* (Politicos, 2005), pp.64-5.

250 Weeks, *Sex*, p.240.

251 Quoted in Weeks, *Coming Out*, p.162.

252 Holden, *Makers*, p.65.

253 F. Pearce 'How to be immoral and ill, pathetic and dangerous, all at the same time. Mass media and the homosexual', in S. Cohen and J. Young (eds), *The Manufacture of News: Social problems, Deviance and the Mass Media* (Constable, 1973).

254 A. Jivani, *It's not unusual: a History of Gay and Lesbian Britain in the Twentieth Century* (Michael O'Mara/BBC, 1997) p.123.

255 Holden, *Makers*, pp.65-6.

warning that to support restrictions on media coverage of homosexual cases while avoiding an inquiry would reflect badly on Churchill.<sup>256</sup> The result was the **Wolfenden Committee on Prostitution and Homosexual Offences**, which opened in 1954 and published its report in 1957.

Sir John Wolfenden and his colleagues started from the premise that the function of the law was to maintain public order and decency, not to enforce any moral code. They were not interested in liberalising the law, but in making it work more effectively.<sup>257</sup> From this standpoint, private consensual homosexual acts immediately seemed anomalous. Even the Church of England agreed that logically, there was no reason why such behaviour should be an offence when other moral sins, such as adultery and even prostitution, were not. This did not mean that homosexuality was considered acceptable, but it was now being explained by doctors and psychiatrists as an unfortunate mental disability that required treatment, rather than punishment.

Nonetheless, Wolfenden and several of his committee members were wary of public opinion, which they fully expected to be hostile to their proposals.<sup>258</sup> Like the early 20th century reformers, they believed that a process of public education was needed to prepare the ground for reform. They did not expect immediate legislation, and they did not get it. The Committee briefly considered Lesbianism, but they found themselves unable to find any example of female homosexuality 'which exhibits the libidinous features that characterize sexual acts between males'.<sup>259</sup>

The Wolfenden Committee recommended:

- The decriminalization of homosexual activity in private between consenting adults over the age of 21 (effectively repealing the Labouchère Amendment);
- A time limit for prosecuting other homosexual offences, to prevent the dredging up of old cases, which were often fodder for blackmailers;
- Exemption from prosecution for cases revealed in the course of blackmail investigations;
- Entitlement to jury trial for those accused of importuning;
- That oestrogen treatment be made available to those convicted of homosexual offences;
- Further research into homosexuality and the effects of various treatment; and
- Increased penalties and a tightening of the law relating to street offences.

The recommendations fulfilled Wolfenden's intention to clamp down on homosexual offences *in public*, which matched his approach to prostitution, and to decriminalize *private behaviour* that could not be said to impact on public order. Not surprisingly, it was a compromise among conflicting views, but it has rightly been described as 'a crucial moment in the evolution of liberal and moral attitudes'.<sup>260</sup>

256 Holden, *Makers*, pp.66-7.

257 Weeks, *Sex*, pp.242-3.

258 Holden, *Makers*, p.83.

259 M. Waites, *The Age of Consent: young women, sexuality and citizenship* (Palgrave Macmillan, 2005).

260 Weeks, *Coming Out*, p.164.

The clampdown on street prostitution was more appealing to the Conservative government than decriminalization of homosexual offences. Home Secretary 'Rab' Butler feared that this recommendation might be misinterpreted as giving approval for homosexuality, which was neither the government's nor Wolfenden's intention. The proposals on homosexuality were not implemented, except for the reintroduction of oestrogen treatment for prisoners (which had been discontinued in England and Wales, though not Scotland, during the Attlee government, due to fears it could cause sterility). However, the proposals clamping down on street prostitution were rushed into law in the **Street Offences Act**, 1959.

But the issue did not go away. In March 1958, a letter appeared in *The Times* calling for the implementation of Wolfenden's recommendations, the 33 signatories including Lord Attlee, Bertrand Russell and the Bishops of Birmingham and Exeter. In April a similar letter followed from 15 'eminent married women'. Lord Wolfenden was quoted as saying: 'the majority of the British people, as well as the House of Commons, agreed with the recommendations, but the Government, with 18 months of their term left, did not want to alienate some of their supporters',<sup>261</sup> a view shared by some of his former committee members.<sup>262</sup>

The **Homosexual Law Reform Society** (HLRS) was founded in 1958 to campaign for the Wolfenden reforms. Like its predecessors, it aimed at a respectable public image, and was 'a classic single-issue pressure group of a type which flourished in the 1960s'<sup>263</sup> (see Chapters 1,2 and 4). Its charitable arm, the **Albany Trust**, focused on research, counselling and publications. The HLRS 'saw itself as the main instrument of the process of public education which the report and the government had advocated'.<sup>264</sup> Its membership included homosexuals and others who advocated a change in the law for humane or judicial reasons. The Society's first public meeting in London in May 1960 attracted more than a thousand people.

When the Commons debated Wolfenden in November 1958, an editorial in *The Times* neatly explained the public and political mood that made reform highly unlikely:

*It is a foregone conclusion that the homosexual laws will not be reformed yet. It is equally a foregone conclusion that reform must eventually come. For the majority of well-informed people are now clearly convinced that these laws are unjust and obsolete in a society which refuses to punish lesbian practices, adultery, fornication or private drunkenness.*<sup>265</sup>

A Gallup poll conducted shortly after the debate showed 47 per cent against Wolfenden's recommendation to decriminalize private, consensual homosexual behaviour, and 38 per cent in support, with women slightly more disapproving than men.<sup>266</sup>

261 'Lack of action on Wolfenden report', *The Times*, 3rd September 1958, p.9.

262 "'Conspiracy of silence" over Wolfenden report', *The Times*, 4th September 1958, p.6.

263 Weeks, *Coming Out*, p.171.

264 Holden, *Makers*, p.86.

265 'Vice', *The Times*, 26th November 1958, p.11.

266 Holden, *Makers*, p.87.

Wolfenden had an impact in the cultural sphere. In 1957 the Lord Chamberlain, who was responsible for licensing (i.e. censoring) stage plays, discussed with Butler how best to treat plays dealing with homosexuality. He recognized that some such plays had artistic merit and they agreed that prosecuting them would further stimulate the growing public criticism of censorship. In 1958 in the absence of government action and to deal with the growing number of plays that pushed the boundaries, the Lord Chamberlain for the first time published guidelines for the dramatisation of homosexuality:

- I... propose to allow plays which make a serious and sincere attempt to deal with the subject... Licences will continue to be refused for plays which are exploitations of the subject rather than contributions to the problem...*
- a. Every play will continue to be judged on its merits. The difference will be that plays will be passed which deal seriously with the subject.*
  - b. We would not pass a play that was violently pro-homosexual.*
  - c. We would not allow a homosexual character to be included if there were no need for such inclusion.*
  - d. We would not allow any 'funny' innuendos or jokes on the subject.*
  - e. We will allow the word 'pansy', but not the word 'bugger'.*
  - f. We will not allow embraces between males or practical demonstrations of love.*
  - g. We will allow criticism of the present Homosexual Laws, though plays obviously written for propaganda purposes will be judged on their merits.*
  - h. We will not allow embarrassing display by male prostitutes.<sup>267</sup>*

This was a further, rather desperate compromise which silenced neither pressure for homosexual law reform nor for censorship. Dirk Bogarde's 1961 film, **Victim**, was passed by the censor after a struggle in which Bogarde himself was involved. The film centred on a married barrister who is blackmailed following homosexual liaisons with young men, but the film also discussed and endorsed the Wolfenden proposals.

In 1960 and 1962 Labour MPs Kenneth Robinson and Leo Abse both proposed unsuccessful **Ten Minute Rule Bills** to make minor changes to the law. The climate of sexual scandal, notably the Profumo affair, made reform impossible during the last years of Conservative government, though it also exposed the lack of moral consensus at the top of society.<sup>268</sup> However, major social and cultural changes were in progress that would break down popular conservatism about sexuality, particularly the increasing availability of the Pill during the 1960s (see Chapter 5).<sup>269</sup>

267 Holden, *Makers*, pp.89-90.

268 H. Cook, *The Long Sexual Revolution: English women, sex and contraception, 1800-1975* (Oxford University Press, 2004), p.286.

269 Cook, *Sexual Revolution*, p.339.

The election of a Labour government in 1964, albeit with a tiny majority, aroused optimism among reformers<sup>270</sup> although the government was divided and – officially – strictly neutral on the issue.<sup>271</sup> In 1965 Roy Jenkins was appointed Home Secretary and shifted the government’s position to one of ‘benevolent neutrality’, arguing for drafting assistance and more parliamentary time for reform Bills such as that put forward by the Conservative MP Humphrey Berkeley. Berkeley’s Bill was interrupted by the 1966 general election, and he lost his seat, it was believed because of his support for homosexual law reform.<sup>272</sup>

The Wilson government now had a comfortable majority and Jenkins’ reforming instincts were given more licence. Lord Arran put forward a Bill which successfully passed the Lords in June 1966 and Leo Abse got Commons approval for a Ten Minute Rule Bill. But there was still strong resistance in the Labour Party to what was known as the **Buggers Bill**. However the existing law was proving increasingly difficult to administer.<sup>273</sup> In 1967 Leo Abse made compromises to get his Bill through the Commons, assisted by Wilson’s agreement to extra parliamentary time both for this Bill and for David Steel’s to legalize abortion (see Chapter 5). Important concessions included setting the age of consent at 21 rather than 18, and excluding the armed forces and Merchant Navy from its provisions. It passed the Commons on 3 July after a marathon twenty-hour session, and was steered through the Lords by Arran.<sup>274</sup>

The **Sexual Offences Act (England and Wales)** 1967 decriminalized private homosexual activities between consenting adult men. This was certainly a watershed that changed the lives of many Gay men, but it also tightened the restrictions on street offences, resulting in a doubling of reported incidents of indecency from 1967-76, a trebling of prosecutions and a quadrupling of convictions.<sup>275</sup>

Lord Arran’s comments on the new law demonstrates that no more than grudging toleration was intended, even by even its parliamentary supporters:

*Homosexuals must continue to remember that while there may be nothing bad in being a homosexual, there is certainly nothing good. Lest the opponents of the new Bill think that a new freedom, a new privileged class has been created, let me remind them that no amount of legislation will prevent homosexuals from being the subject of dislike and derision, or at best of pity.*<sup>276</sup>

270 Weeks, *Coming out*, p.173.

271 Holden, *Makers*, pp.119-20.

272 Holden, *Makers*, pp.122-5.

273 Holden, *Makers*, p.128.

274 *Ibid.*, pp.129-30.

275 Weeks, *Sex*, p.275.

276 Quoted in Holden, *Makers*, p.130.

The HLRS did not feature prominently in the final push for reform. It subordinated itself to the parliamentary reformers, acting as their secretariat, and was largely ignored by Arran and Abse. The HLRS's Secretary Antony Grey commented that: 'the Society's chief contribution had been made before the debates of 1965 began, in creating the climate of opinion in which they could be held at all.'<sup>277</sup> Given the shift in public opinion, with polls reporting that 63 per cent of the population supported reform by 1965, this seems a fair assessment. After 1967, support for the Society ebbed and it became largely defunct (though it was reincarnated as the **Sexual Reform Society** in 1970), but the **North West Branch** (which later produced the Committee for Homosexual Equality, see below) continued to flourish and the Albany Trust continued to provide counselling (including for Lesbians), receiving a £30,000 government grant in 1974.

Of all the concessions made to get the Sexual Offences Act through Parliament, the most glaring was the exclusion of Scotland and Northern Ireland from its provisions. Scotland had a different legal framework for homosexual offences from the pre-1967 regime in England and Wales. Sentences were generally lighter, with fewer offences attracting prison sentences. There was an automatic limitation on the prosecution of 'stale offences' and a higher standard of proof was required, with most cases requiring at least two witnesses. In practice, this meant that it was rarely possible to prosecute private homosexual behaviour between two consenting adults.<sup>278</sup>

In 1955 there were only 80 convictions for homosexual offences recorded in Scotland, compared with 2,293 in England and Wales. From 1953-56, 480 men aged over 21 in England and Wales were convicted of consensual, homosexual offences in private; the comparable figure for Scotland was nine. As a result, the Scottish administration did not believe homosexuality constituted a significant issue. It was seen as a southern and more particularly a London problem.<sup>279</sup> This did not mean that homosexuality was condoned in Scotland. It was regarded as a predatory and infectious activity that corrupted the young. While Scotland's lighter legislative regime, which became a role model for Wolfenden, meant that homosexuals suffered less legal persecution, homophobia appears to have been more rife than in England and held law reform at bay for longer.

There was a scathing reaction to Wolfenden from some of Scotland's opinion-formers. In contrast with the Church of England, Scotland's churches were implacably opposed. The **Free Presbyterian Church of Scotland** was the most vitriolic, lamenting in 1954 that 'the voices of Sodom and Gomorrah... appear to be rife among us.'<sup>280</sup> It criticized the activities of the HLRS, the Bills introduced from 1965 and the Church of England's support for reform. James Adair, a long-serving elder of the **Church of Scotland**, attacked the proposal to relax the law on homosexuality, ensuring that a sub-committee report for the Church

277 Weeks, *Coming Out*, pp.176-7.

278 R. Davidson and G. Davis, 'A Field for Private Members: the Wolfenden Committee and Scottish homosexual law reform, 1950-67', in *Twentieth Century British History*, vol. 5 no 2 2004, p.177; pp.181-2.

279 'A Field for Private Members', p186.

280 'A Field for Private Members', p193.

supporting law reform was voted down. The Church opposed the argument that won reform in England, that criminal law should not concern itself with moral behaviour, concluding:

*In our opinion there are certain kinds of behaviour that are so contrary to Christian moral principles, and so repugnant to the general consensus of opinion throughout the nation that, even if private and personal, they should be regarded as both morally wrong and legally punishable... Homosexual offences seem to us to fall within this category. If so, it is surely right that they should be regarded not only as sinful but as criminal.*<sup>281</sup>

A contrast was drawn with 'other cripples'. Homosexuals were perceived as proud of their 'disability' and seeking to spread their 'perversion'.<sup>282</sup> In 1966, a further attempt by a Church working group to support limited homosexual law reform was also rejected.

The stridently homophobic views of the Scottish Churches were often cited in policy briefings and parliamentary debates as representative of Scottish public opinion, although evidence of popular attitudes is thin. A poll conducted by the *Scottish Daily Record* in 1957 found 85 per cent of respondents opposed to the Wolfenden Report. The Scottish media reflected and reinforced negative attitudes. In 1959 the *Scotsman* called for 'an immediate campaign of police repression', and as late as 1967, the *Scottish Daily Express* insisted that 'the evil professionals who indulge in this filthy trade must continue to be punished and their misguided and diseased associates be forced to take treatment.'<sup>283</sup>

In parliament 'an influential cluster of Scottish peers sustained an unrelenting opposition to legislation', including former Home Secretary David Maxwell-Fyffe, now Lord Kilmuir.<sup>284</sup> There was also a marked lack of support for reform amongst Scottish MPs. The Scottish Home Department and Scottish Office adopted a negative posture, arguing that because prosecutions were rare in Scotland reform was not required and public opinion would not tolerate it.<sup>285</sup>

The tortuous path to homosexual law reform was of little direct relevance to Lesbians, though their situation also changed during this period. The 1956 **Sexual Offences Act** recognized for the first time the crime of sexual assault between women. In 1963, the first British Lesbian social and political organization was founded, innocently titled the **Minorities Research Group** (MRG) to deflect unwelcome attention. The Group produced a magazine, *Arena Three*, and provided counselling and contact for isolated Lesbians. Like the early homosexual societies, it aimed to inform public opinion and promote research. Several regional outlets were created, similar to **Kenric** in West London, which provided a respectable alternative social focus for Lesbians to the bar and club scene.<sup>286</sup>

281 'A Field for Private Members', p.192.

282 'A Field for Private Members', p.192.

283 Quoted in 'A Field for Private Members', pp.193-5.

284 'A Field for Private Members', pp.195-9.

285 'A Field for Private Members', pp.195-9.

286 Hall, 'Sexuality', pp.150-1.

## Transsexuals and Transvestites, 1950s-1970s

By the late 1950s and 1960s there was a growing public awareness of and access to treatment for Transsexuals.<sup>287</sup> 'Sex change' operations were made possible by developments in hormone research and plastic surgery and patients' experiences were well publicised from the 1950s onwards. Christine Jorgensen's story was serialised in the *Sunday Pictorial* in 1953, Roberta Cowell's account of her transition from RAF fighter pilot to woman attracted widespread publicity in 1954 and April Ashley went on to become a model and a celebrity. This publicity led to the development of a 'small, but influential lobbying community of Transsexuals demanding surgery.'<sup>288</sup> However, surgery did not remove the obstacles to equality for Transsexuals, who acquired none of the legal rights of their reassigned sex, were unable to marry and often experienced discrimination in society and dismissal from work.

An analysis of 20th century newspaper coverage reveals a persistent fascination with 'sex change' stories. Pre-1950 stories focused on men 'masquerading' as women, with the use of the term 'drag' (to describe anything from Transvestism to fancy-dress), and 'sex change' being introduced from the 1960s.<sup>289</sup> By the 1970s, there was a shift towards more serious discussion of the legal and social issues faced by Transsexuals, due partly to April Ashley's high-profile divorce case in 1970 and the debates on the **Nullity of Marriage Bill** in 1971, but not the issues faced by Transvestites.<sup>290</sup> Throughout the 20th century, coverage focused overwhelmingly on male to female Transsexuals, though it is not clear whether this was due to there being more cases or to their apparently making better news copy.<sup>291</sup>

Roberta Cowell's experience illustrates how, in the 1950s, the tabloid press accorded some sympathy to 'genuine hermaphrodites', whose sex had been 'confused' since birth and required corrective surgery, but distinguished them from people who *chose* to have surgery for psychological reasons, described as 'freaks' who ended up in limbo, neither 'truly' male nor 'truly' female. The *Sunday Pictorial* 'revealed' that Cowell was not a complete woman, listing eight characteristics separating the sexes, and concluding that 'Cowell is probably a "transvestist" – a man who is compelled by an overwhelming impulse to act as a woman and feels driven to stop at nothing to bring about and encourage all possible necessary changes.'<sup>292</sup> While *The People* revealed 'the ghastly truth at last':

*The change was purely outward and artificial. There was no physical condition that called for the operations. They were done purely to meet Cowell's abnormal craving. When all this work was complete the horror that was Robert Cowell released himself on the world as 'Roberta'.<sup>293</sup>*

287 Hall, 'Sexuality', p.151.

288 A. Oram, 'Cross-dressing and Transgender', in H. Cocks & M. Houlbrook (eds), *Advances in the Modern History of Sexuality*, (Palgrave, 2005) p.279.

289 King, *Transvestite and Transsexual*, pp.100-4.

290 King, *Transvestite and Transsexual*, pp104-5.

291 King, *Transvestite and Transsexual*, pp.106-7.

292 Quoted in King, *Transvestite and Transsexual*, p.112.

293 Quoted in King, *Transvestite and Transsexual*, p.114.

In 1959, John B. Randell published an analysis of 50 Transsexuals (defined by 'the wish to change the anatomical sex') and Transvestites (defined by 'the impulse to wear the clothing of the opposite sex'). Most had presented at **Charing Cross Hospital** in London, which was gaining a specialist reputation in this new field. Randell defined his patients as either 'homosexual' or 'obsessive compulsive', fitting them into existing medical paradigms and refusing to accept their 'claims' that their sex had been mistaken at birth.<sup>294</sup> His analysis demonstrates that although there was growing medical interest in and awareness of Trans people and their circumstances, this did not necessarily translate into sympathetic treatment.

Comments made by surgeons who had worked with male Transsexuals during the early 1980s, reveal the persistence of unsympathetic and prejudiced attitudes within the medical profession:

*I would rather not have anything to do with them. They are overdressed, too camp. They upset other patients and the nursing staff. If I hadn't inherited them, I wouldn't do them. I've said I won't do any more, though being soft-hearted I probably will. (Plastic surgeon)<sup>295</sup>*

Although others found their prejudices challenged by the experience: 'I have always been worried that they were going to be manipulative and difficult and I have been very pleasantly surprised.'<sup>296</sup>

294 J. Randell, 'Transvestitism and Trans-sexualism - a study of 50 cases', *British Medical Journal*, Dec. 26 1959, pp.1448-52.

295 King, *Transvestite and Transsexual*, p.91.

296 King, *Transvestite and Transsexual*, p.91.

## Gay and Lesbian Politicization and Self-representation in the 1970s

No longer simply talked about, Gay men and Lesbians found their own voice in the 1970s.

*As opposed to the quiet lobbying of earlier homosexual groups, gays stressed action and employed sit-ins and demonstrations to demand changes. 'Gay pride' marches quickly became an annual ritual. Whereas discretion had once been lauded, by the 1970s gays held that secrecy was dangerous... The love that dared not speak its name soon became, its supporters joked, a neurosis that would not shut up.<sup>297</sup>*

The catalyst for the formation of the **Gay Liberation Front** (GLF) in the autumn of 1970 was the Stonewall riots in New York, sparked in June 1969 by a police raid on a Gay bar. The GLF's first meeting involved nine people but just a few months later, 400-500 people were attending weekly meetings. The GLF rejected the leadership and organizational models of the HLRS as well as their cautious aims. They defined themselves as 'a revolutionary organization' and aimed to confront the persecution, discrimination and oppression of the Gay community.<sup>298</sup>

Individuals were encouraged to change their way of life, by publicly acknowledging their sexuality ('coming out'), rejecting a guilt-ridden furtive double-life, and coming together in solidarity to demand equality.<sup>299</sup> The term 'Gay' became current in the UK and internationally, describing an almost ethnic identity as opposed to 'homosexual' which referred simply to sexual behaviour, or 'queer', which was seen as the definition of the oppressor.<sup>300</sup> However, the GLF asserted Gay identity in contrast to heterosexuality and, 'inevitably excluded those who did not feel "gay enough", including Bisexual people and others who did not fit their Gay/straight dichotomy.<sup>301</sup> Tom Walker Brown, a member of the **GLF Youth Group**, recalled 'a certain amount of unfair resentment towards the few young lesbians in the group... a lot of the men's attitude was we're more oppressed than you'.<sup>302</sup>

As well as establishing new mass tactics, such as **Gay Pride** marches, the GLF were also actively involved with other contemporary campaigns for women's rights, against racism, in industrial relations disputes and in protests against the Vietnam War. But the unstructured and diverse nature of the movement soon caused divisions and ultimately undermined it. For many Lesbian women, sexism appeared as prevalent in the Gay community as in wider society and they found their interests were taken more seriously by the **Women's Liberation Movement** (see Chapter 5). In early 1972, the women in London's GLF formed a separate

297 McLaren, *Sexuality*, p.190.

299 Weeks, *Coming Out*, pp.186-90.

299 Weeks, *Coming Out*, p.191.

300 McLaren, *Sexuality*, p.191.

301 Waites, *The Age of Consent*, p.126.

302 Quoted in Waites, *Age of Consent*, p.128

group. Socialist and Marxist groups saw their struggle as part of the wider labour movement and channelled their efforts into the trades unions. By the early 1980s, race and ethnicity were also more prominent issues, with a particularly strong Black Lesbian and Gay presence. People from ethnic minority groups sometimes found the radicals' anti-family rhetoric unhelpful, as family often provided their only support against racism, as an Asian Gay man described in 1989:

*Our community provides a nurturing space... [families] are often bulwarks against the institutional and individual racism that we encounter daily... And then we discover our sexuality. This sets us apart from family and community, even more so than for a white person... More often than not, we live two lives, hiding our sexuality from family and friends in order to maintain our relationships within our community, whilst expressing our sexuality away from the community.*<sup>303</sup>

Later movements tended to coalesce around these diverse allegiances, rather than attempting to cut across them.

Within months of its first organized march in August 1971 the GLF had fragmented. Small local movements continued in south London, Lancaster, Leeds and Bradford, but the ideal of a mass movement under one banner was over. Gay liberation has been described as:

*Largely a movement amongst radicalised often university educated, young people of the baby-boom generation. It passed most of the lesbian and gay, let alone the wider, population by during most of the 1970s. But what it did was to provide the cultural context for a mass coming-out of homosexuality.*<sup>304</sup>

The self-help principles established by the GLF, rather than its political radicalism, proved to be its lasting legacy. They were taken up by new organizations, including the **Committee (later Campaign) for Homosexual Equality** (CHE), the **Scottish Minorities Group** (SMG), which organized the first International **Gay Rights Congress** in Edinburgh in December 1974, and the **Union for Sexual Freedom in Ireland** (USFI).

By 1972, CHE was the largest Gay organization in Britain and in July 1975 it drafted a Bill in conjunction with the SMG and USFI (see below), proposing measures to equalize the law between homosexuals and heterosexuals:

- Lowering the age of consent to 16;
- Applying the 1967 Sexual Offences Act to Scotland, Northern Ireland and the armed forces;
- Abolishing the homosexual offence of gross indecency;

303 Quoted in Weeks, *Coming Out*, p.236

304 J. Weeks, 'Wolfenden and beyond: the remaking of homosexual history', <http://www.historyandpolicy.org/archive/policy-paper-51.html> (History & Policy, February 2007).

- Creating a new importuning offence for heterosexuals; and
- Freedom for homosexual magazines to publish in Britain.

Despite the momentum of its early years, which drew over 1,000 people to its national conferences, by 1976 the CHE was facing criticism for its narrowness of focus. It did not know how to react when several openly Gay men were sacked from their jobs in 1976,<sup>305</sup> and it failed to meet the needs of Lesbian women. New organizations and support groups emerged for Lesbians during the 1970s, including **Sappho** magazine in 1972, which became the focus of regular meetings, and **Action for Lesbian Parents** in 1976, which campaigned for women's rights to custody of their children.<sup>306</sup>

Smaller locally focused groups proved more durable than the mass movement, with many counselling and befriending services emerging, including **London Icebreakers** in 1973. This phone service received 4-5,000 phone calls a year, one-sixth from unmarried women, one-tenth from married people and one-twentieth from Transvestites. The **London Gay Switchboard**, set up in 1974, received 200,000 calls in its first year and expanded to offer a 24-hour service. Even these new services exposed divisions, with the longer-established Albany Trust criticising the lack of professional counselling offered by these new organizations.<sup>307</sup>

By 1976, all the major political parties had Gay groups, which acted as support networks and a focus for reform pressure, as did many of the professions and trades unions, and there were Jewish and Christian groups too. **Gay News** was founded in 1972 and within four years had a circulation of over 20,000. While there was no shortage of activity, it was uneven geographically, with London and other large cities having the most vibrant networks, mainly serving middle-class Gay men.<sup>308</sup> These new grassroots organizations had profound social effects, but made little political progress.<sup>309</sup>

There was also a growing counter-movement in the form of Mary Whitehouse and her Christian moralist co-thinkers. Whitehouse brought a successful private prosecution against *Gay News*, reviving the archaic blasphemy laws in response to the publication of a poem 'The love that dares to speak its name', in which a centurion expressed his homosexual fantasies about the crucified Christ. Whitehouse and her colleagues explored the potential of both existing law and possible law reform in order to attack not just homosexuality, but a range of 'deviant' behaviours (see Chapter 3).<sup>310</sup>

Groups representing Lesbian Gay Bisexual and Trans (LGBT) people began to have a voice in policy-making. In December 1975, Roy Jenkins, once again Home Secretary, set up the **Policy Advisory Committee on Sexual Offences** to revisit the laws on the age of consent. In contrast to the Wolfenden Committee, which had heard evidence from only three homosexuals, this Committee received

305 Weeks, *Coming Out*, pp.211-12.

306 Weeks, *Coming Out*, p.214.

307 Weeks, *Coming Out*, p.216.

308 Weeks, *Coming Out*, p.223.

309 Holden, *Makers*, p221.

310 Weeks, *Sex*, pp.280-1.

lengthy submissions from many LGBT groups.<sup>311</sup> Although campaigners' arguments for equalising the age of consent for Gay men to 16 or even lowering it to 14 were unsuccessful, and the Thatcher government ignored the Committee's recommendation that it should be lowered to 18, the recommendation indicates how the policy climate had changed.<sup>312</sup>

## Trans Politicization and Self-representation in the 1970s

Trans people, on the whole, were still confronted by public contempt and police harassment, but, from the late 1960s, groups were developing providing counselling, support and opportunities to socialise. Like the GLF, British groups took their inspiration from the U.S. where, around 1960, the **Foundation for Personality Expression** (FPE) and its magazine, *Transvestia*, were founded. The FPE provided an anonymous means of communication for Transvestites, access to sympathetic suppliers to enable cross-dressing and an ideology that promoted 'guilt-free expression' rather than medical 'cures'.<sup>313</sup>

Around 1963-4 three British Transvestites set up a British branch of the FPE, which in 1967 became an independent though affiliated organization, the **Beaumont Society** (still active). It began to publish a newsletter the following year, and had attracted around 100-150 members. In March 1974 the Society hosted a national **Transvestite and Transsexual conference** in Leeds, which attracted over 100 people (including some involved in the GLF, Icebreakers and the CHE), but little interest or support from the Gay movement. By the end of the decade, the Beaumont Society had around 700 members, but another 2,000 had passed through. It also became more organized, with an elected executive, regional officers and a constitution.

The Beaumont Society was criticized by sections of the Gay and women's movements and other Trans groups, 'for its failure to engage openly in sexual politics; for its low profile "closed closet" form; for its support for conventional norms and structures such as marriage and the family as well as traditional sexual stereotypes', and the exclusion of Transsexuals, homosexuals and fetishists from its membership.<sup>314</sup> The Beaumont Society now allows homosexual Transvestites to join, but an offshoot, **The Seahorse Society**, retains the original focus on heterosexual Transvestites.

311 Waites, *Age of Consent*, p.136.

312 Waites, *Age of Consent*, p.152.

313 King, *Transvestite and Transsexual*, pp.145-6.

314 King, *Transvestite and Transsexual*, p.147.

Other organizations representing Trans people were active during this period, including regional groups, such as in London and Leeds, and some that operated under the umbrella of Gay organizations.<sup>315</sup> The Isis Commune in London housed a **Transsexual Liberation Group** in the early 1970s and, around 1977, a small British cell of the American **Transsexual Action Organisation** was founded, again active in urban centres. In 1979, the **Self Help Association for Transsexuals** (SHAFT) was formed, primarily as an information collecting and disseminating body, a focus it retains now as the **Gender Trust**. Unlike Transvestite groups, Transsexual organizations had 'concrete targets to aim for', to remove the legal inequalities relating to marriage and birth certificates and to campaign for better medical treatment.<sup>316</sup>

Change was slow but it was becoming possible, as least in London and other urban centres, to be part of a wider Transvestite or Transsexual community, sharing information and experiences and enjoying social and emotional support.<sup>317</sup>

## Homosexual law reform in Scotland

In Scotland 'the SMG was essentially a moderate, reformist, predominantly middle-class... organization focusing on legal processes rather than broader sexual liberation.'<sup>318</sup> It distanced itself from radical groups such as the GLF, but from the early 1970s mounted a vigorous campaign for legal reform. In 1972 the SMG drafted a reform Bill but it proved difficult to find a parliamentary sponsor. In 1974, it changed tactics, joining the wider movement for Gay rights, and dropped its Scottish Bill for the UK-wide one proposed by the CHE (see above) which sought equality between homosexual and heterosexual law throughout the UK. An important driver was that the continued criminalization of all homosexual activity in Scotland and Northern Ireland compromised the legality of the advisory, counselling and welfare services now provided by both the SMG and other voluntary agencies.<sup>319</sup> And as Mary Whitehouse had demonstrated, the forces of conservatism were willing to deploy apparently moribund legislation to suppress what they considered immoral activities.

The campaign was launched at a **London rally** in November 1974, which attracted more than 2,500 men and women.<sup>320</sup> This Bill found sponsors in Dr J. Dickson Mabon, Labour MP for Greenock, and the Liberal peer Lord Beaumont, but failed in the House of Commons. The possibility of Scottish devolution at this time also presented a strategic problem, as it was considered 'inappropriate for the Government to introduce legislation at this stage on a controversial matter which was to be devolved to the Assembly', though this also failed to come about.<sup>321</sup>

315 King, *Transvestite and Transsexual*, p.148.

316 King, *Transvestite and Transsexual*, pp.148-50.

317 King, *Transvestite and Transsexual*, p.150.

318 R. Davidson and G. Davis, 'Sexuality and the State: the campaign for Scottish homosexual law reform, 1967-80', in *Contemporary British History* vol. 20 no. 4, Dec. 2006, p.535.

319 'Sexuality and the State', p.541.

320 'Sexuality and the State', p.539.

321 'Sexuality and the State', p.541.

A major setback came in 1976 when the Labour government introduced a **Sexual Offences (Scotland) Bill** to consolidate the law which restated the illegality of all homosexual acts. The government's defence that there would not be any prosecutions for acts that were now legal in England and Wales 'united Labour supporters of reform like [Robin] Cook with the Conservative spokesman, Malcolm Rifkind [both Scottish MPs], against both the constitutional anomaly of assigning a law which there was no intention of enforcing and the offence to changing social attitudes in Scotland of blocking a change in the law.'<sup>322</sup> Despite press and parliamentary campaigning by the SMG, the Consolidation Bill was passed and the 19th century legacy reinforced. The SMG had, however, gained visibility for the Scottish cause, and the Labour government's majority was reduced to only ten on what was supposed to be a non-controversial Bill. Robin Cook observed that the majority was due entirely to 19 Scottish MPs voting for the Bill.<sup>323</sup> Unsuccessful Bills in the Lords and the Commons followed, meeting opposition in particular from Scottish peers and the Free Church of Scotland.<sup>324</sup>

Briefly, the SMG's agenda became more radical, with a name-change to the **Scottish Homosexual Rights Group** (SHRG) in late 1978, the adoption of a **Declaration of Rights of Homosexual Men and Women**, addressing a wide range of issues including employment, health and welfare, and espousing the pro-devolution campaign. After the 'no' vote to devolution in March 1979, the SHRG reverted to supporting a Bill to amend the 1976 Consolidation Act.<sup>325</sup> However they also pursued what was then an innovative channel to force reform on the government, submitting a case to the **European Court of Human Rights** (ECHR). Three Scottish Gay activists testified that they were victims within the meaning of Article 25 of the European Convention of Human Rights in that they suffered 'prejudice by reason of fear of prosecution for the commission of homosexual acts', that they 'suffered psychological harm and distress as a result' as well as 'social stigma and loss of esteem' and that they were 'open to blackmail, intimidation and harassment'. They also claimed that they suffered discrimination as citizens of the United Kingdom 'by reason of Scottish national minority status'.<sup>326</sup>

There is debate over whether the deployment of this new tactic, raising the prospect of a long, costly and possibly unsuccessfully legal battle with Europe, forced the government's hand, or whether reform was driven by crusading parliamentarians, particularly Robin Cook.<sup>327</sup> It was a watershed in the history of the campaign and a tactic that also proved successful in Northern Ireland, where reform had been held back by the opposition of both the Catholic and Protestant Churches. Jeff Dudgeon's successful claim via the ECHR that the criminalization of homosexuality violated his right to a private and family life, led to the application of the 1967 Act to **Northern Ireland** in 1982.

Homosexual law reform for Scotland was finally achieved through Robin Cook's amendment to the **Criminal Justice Bill**. The forces of moral conservatism that had delayed reform for so long lobbied hard to defeat the amendment in the Lords, with a new organization, Parents Concern, propagating the myth that all

322 Holden, *Makers*, p.222.

323 'Sexuality and the State', p.542.

324 Quoted in 'Sexuality and the State', p.546.

325 'Sexuality and the State', p.546.

326 'Sexuality and the State', p.547.

327 'Sexuality and the State', pp.547-8.

homosexuals were child molesters. Many members of the SHRG viewed the amendment as unsatisfactory because Cook had conceded that the age of consent should be 21, not 18, but the Bill scraped through the Lords in October 1980. The law had changed, but reformers were keenly aware that attitudes among much of the media, the Churches and the police in Scotland had not.<sup>328</sup>

## Backlash? The Impact of AIDS: 1980s to 90s

The political atmosphere of the 1980s was not conducive to the furthering of what were now known as LGBT rights. Again, however, repression had the unintended consequence of encouraging the development of self-organization.

The emergence of **AIDS** into the public and political consciousness generated fear and panic that led to an explosion of homophobia.<sup>329</sup> The first Department of Health report on AIDS was produced in 1983, when three people had died. From 1982 to September 1999 in the UK there were 39,444 recorded cases of HIV infection, 16,505 AIDS cases and 13,258 AIDS deaths.<sup>330</sup> The majority affected were Gay men and the disease was considered a 'Gay plague', known initially as 'Gay-Related Immune Deficiency'.

Fear and rumour outpaced fact and science, with the media constantly reporting new 'scares', revealing new groups of people who appeared to be at risk and behaviours that heightened the chances of contracting the disease. This is illustrated in the following selection of headlines from *The Times*:

'Blood banks may spread Aids illness', 2 May 1983  
 'Gays told of festival Aids risk', 25 July 1983  
 'Aids fear halts autopsy', 2 November 1983  
 'Aids contracted by elderly couple', 7 January 1984  
 'AIDS cases may reach a million health chief says', 4 May 1984  
 'Call for gay blood donors ban', 17 November 1984  
 'One man caused Aids outbreak', 24 December 1984  
 'Pathologist refused to handle Aids man's body', 16 January 1985  
 'DHSS in attempt to clam fears on Aids', 7 February 1985  
 'Aids curbs include detention', 21 February 1985  
 'Aids "myths spreading faster than disease"', 22 February 1985  
 'Nurse caught Aids from needle jab', 25 February 1985  
 'How deadly Aids could sweep the world', 7 August 1985  
 'School bars Aids boy', 28 August 1985  
 'Aids scare in court', 9 November 1985

328 'Sexuality and the State', pp.549-50.

329 Weeks, *Coming Out*, p.244.

330 V. Preston (ed.) *Section 28 and the revival of Gay, Lesbian and Queer Politics in Britain witness seminar*, (Centre for Contemporary British History, Institute of Historical Research, University of London, 2001), p.19.

Gay men became the scapegoats, portrayed by the media not as innocent victims of AIDS, but as deviants who had 'brought it upon themselves', as the following editorial from *The Times* illustrates:

*Aids horrifies not only because of the prognosis for its victims. The infection's origins and means of propagation excites repugnance, moral and physical, at promiscuous male homosexuality – conduct which, tolerable in private circumstances, has with the advent of 'gay liberation' become advertised, even glorified as acceptable public conduct, even a proud badge for public men to wear. Many members of the public are tempted to see in Aids some sort of retribution for a questionable style of life but Aids of course is a danger not only to the promiscuous nor only to homosexuals.*<sup>331</sup>

The following case study demonstrates how this atmosphere affected the life of one Gay man:

*AIDS has affected me deeply. One friend has died recently and another is ill at the moment. I find it difficult not to get angry when I think about it because we (gay men) are both the main victims of the disease at the moment in the west and the people who get the least support in trying to combat the disease.*

*I saw my partner (who I have lived with for the last 5 years) off at Heathrow last month. He kissed my cheek at the departure gate. As I walked away a man who passed me said 'Filthy AIDS queer'.*

*A local councillor said about gay men 'If I had my way I'd gas 90 per cent of them.' Obviously unaware that Hitler had beat him to the copyright on that idea.*

*Gay men have got the message about AIDS but only because they have done the work themselves through organizations like the Terrence Higgins Trust. They are changing their sexual behaviour and, if Britain follows the pattern of places like San Francisco, AIDS amongst gay men will start to decrease dramatically. It is the heterosexual population that worry me. The attitudes that I have come across convince me that, for an awful lot of people, the Government campaign just hasn't made them understand the reality of AIDS.*

*(Male, 28 Year – Clerical Worker)*<sup>332</sup>

After the splintering of the Gay and Lesbian movement in the 1970s, the AIDS crisis became a unifying force. The first self-help and support groupings were set up by the Gay community, including the **Terrence Higgins Trust** (THT), founded in late 1982 in memory of the first Briton known to have died. In November 1984, the THT organized the first national conference on AIDS.<sup>333</sup>

331 'Life blood, or death?', *The Times*, 21st November 1984, p19.

332 Quoted in *Mass Observation in the 1980s, Spring Directive 1987*, AIDS, p.1.

333 V. Berridge, 'Crisis what crisis?', in *Health Service Journal*, 8 August 1996, p.20.

In contrast, the government was slow to adopt a co-ordinated policy. While the Department of Health and the Chief Medical Officer, Sir Donald Acheson, saw the need for advice on safe sex via leaflets and advertising, the Prime Minister, Margaret Thatcher, was cautious. By late 1986, it was clear that HIV/AIDS was not just a 'Gay plague' and heterosexuals were being infected too, contributing to the sense of panic in the media and the public. Mrs Thatcher was eventually persuaded to set up a **Cabinet committee** to deal with the crisis.

An unprecedented health education campaign was launched, with press, radio and TV advertising, a leaflet drop on 23 million homes, and a £20 million budget, but political and social sensitivities caused delay and prevarication<sup>334</sup> and Mrs Thatcher was always keen to wind it down, dissolving the Cabinet committee, vetoing funding for research on sexual behaviour to inform future policy and disbanding the Health Education Authority's AIDS division.<sup>335</sup> A heterosexual AIDS epidemic failed to materialise, and it suggested in the press and elsewhere that the reaction had been melodramatic and was even part of a Gay conspiracy to gain attention and prevent the unravelling of the previous decade's hard-won progress.<sup>336</sup> However, in several respects the government's handling of the campaign represented a brave departure. It, 'adopted a liberal and not a punitive stance. There was a defence of individual rights, confidentiality, safe sex, and harm-minimisation for drugs – a stance at variance with its moralistic public image'.<sup>337</sup>

Nonetheless, as the emphasis shifted to prevention, Gay men were expected to take the lead in checking the spread of the disease, and, as this *Times* editorial suggests, society's toleration of their lifestyle might depend upon it:

*This disease is capable not only of physical harm, but also of dissolving the trust on which social life is built, the trust which allows us to separate and tolerate private conduct, even of an immoral or exotic kind, from the public business of society. Homosexuals thus have a double interest in impeding the disease. If they do not wish to be viewed in the public eye in the same category as biting, spitting and scratching prisoners, they will support responsible concern.*<sup>338</sup>

In fact, the rate of infection among heterosexuals was still growing while among Gay men it was dropping.<sup>339</sup> While being castigated by politicians, the media and society for 'inviting' the disease with their 'deviant' behaviour, they had begun to adopt safe sex once the routes of transmission became clear from about 1983. Peter Tatchell responded to *The Times* by highlighting how Gay organizations had taken the lead in promoting safe sex and calling on Gay men not to donate blood and to provide accurate public information, while requesting more government funding for a health service under strain from treating AIDS patients.<sup>340</sup>

334 Weeks, *Coming Out*, pp.245-6.

335 Berridge, 'Crisis what crisis?', p21.

336 Holden, *Makers*, p.247.

337 Berridge, 'Crisis what crisis?', p.21.

338 'Indiscipline over Aids', *The Times*, 19th February 1985, p.13.

339 Weeks, *Coming Out*, p.246.

340 Tatchell, 'Fear of Aids', *The Times*, 2 March 1985, p9.

After the 1987 general election family values and moral conservatism began to feature prominently in Thatcher's policies.<sup>341</sup> The passage of **Section 28** of the **Local Government Act** 1988 was 'probably the key symbolic event in the history of sexuality in the last 30 years because it actually forced people to draw lines and to say which side they were [on] and... actually made a new politics of lesbian and gay life possible'.<sup>342</sup>

The Labour party's position towards homosexuality was confused because the party was still deeply divided. The attitudes of some of its accustomed voters were evident in Peter Tatchell's disastrous 1983 by-election campaign as Labour candidate in Bermondsey, when he was the subject of a homophobic onslaught incited by his opponents. On the other hand, in 1986, several Labour-controlled inner-London boroughs and the **Inner London Education Authority** began promoting more positive images of Gays and Lesbians as part of sex education in schools. These were highly publicised and often caricatured in the media, leading to the formation of the **Parents Rights Group** in protest. A leaked letter from Patricia Hewitt, then Neil Kinnock's press secretary, revealed concern that 'the gay and lesbians issue is costing us dear among the pensioners'.<sup>343</sup> When proposals began to come forward to ban the 'promotion' of homosexuality by local authorities, the party did not have a coherent position.<sup>344</sup>

The 1987 Conservative election manifesto made clear the party's intention to clamp down on 'sexual propaganda' in schools and it was a significant issue during the election, explicitly supported by Mrs Thatcher.<sup>345</sup> Section 28 began as a backbench amendment to the Local Government Bill by Conservative MP David Wilshire in December 1987. The amendment aimed to make it illegal for local authorities to:

- a) intentionally promote homosexuality or publish material with the intention of promoting homosexuality; and*
- b) to promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship.*

Its introduction was largely unchallenged and there was no vote on its adoption. The phrase 'pretended family relationship' was inserted to replace the original wording, 'acceptable family relationship', making clear the intention to draw a line under Gay and Lesbian advancement and their pretensions to equality and to bolster traditional family structures and values.<sup>346</sup>

341 M. Thatcher *The Downing Street Years*, p.628.

342 Weeks, in *Section 28*, p.20.

343 Holden, *Makers*, pp.230-1; p250.

344 Holden, *Makers*, pp.253-5.

345 Quoted in Holden, *Makers*, p.252.

346 Weeks, *Coming Out*, p.240.

The **British Social Attitudes Survey**, started in 1983, suggests that the supporters of Section 28 were in tune with public opinion. The 1987 survey showed that public opinion was marginally less discriminatory towards homosexuality than in 1983, with a greater reluctance to see homosexuals banned from certain professions, such as teaching. But there was increased opposition to homosexual relationships: 74 per cent in 1987 compared with 69 per cent in 1985. In 1987, 86 per cent supported banning Lesbians from adopting children compared to 93 per cent opposed to Gay men adopting. A poll in *The Sunday Telegraph* in June 1988 found the 60 per cent thought that homosexuality should not be considered an acceptable lifestyle, compared with 34 per cent who did. The AIDS crisis appears to have been responsible for this hardening of opinion.<sup>347</sup>

It was only when the Local Government Bill moved to the Lords that extra-parliamentary opposition to Section 28 began to mobilise, but by then it was too late. The incident in February 1988, in which three women abseiled into the House of Lords to protest against the passage of the Bill, was the most radical response. In the same month, 20,000 people demonstrated in Manchester and 30,000 joined the Gay Pride rally in June. **Stonewall** was founded in 1989 to fight for the repeal of Section 28, and also to tackle other inequalities related to sexuality.

Section 28 was never enforced in practice, but it had an impact on local government, where caution reigned on issues around homosexuality; no authority wanted to become the test case:

*Long after Section 28, I was at a secondary school fair in Stoke Newington which perhaps has the largest concentration of lesbian mothers and children of lesbians than any other place in London or England... There were a lot of really interesting looking books for teenagers and young people on black history, on local history of Jewish people, on various other areas that would represent the children and the experiences they'd have. But there wasn't one on lesbians or gays or homosexuality in general... [I asked why and was told] well the librarian says we can't because of Clause 28 - it's too dangerous... the irony was that the librarian was a lesbian. Clause 28 has never been used but that story is just an illustration of its influence.<sup>348</sup>*

But it failed to halt the development of Gay and Lesbian lifestyles and identities.<sup>349</sup> The combination of the panic and homophobia in response to AIDS, followed by the campaign to overturn Section 28, galvanised Gay and Lesbian communities, engendering a high degree of unity, despite some continuing divisions.<sup>350</sup>

347 Weeks, *Coming Out*, p.241.

348 Sue O'Sullivan in *Section 28*, pp.32-3.

349 Weeks in *Section 28*, p.20.

350 Lisa Power in *Section 28*, p.22.

The AIDS crisis had focused attention on Bisexual people too, as the medical profession explored how the disease might 'jump' from homosexuals to heterosexuals. Bisexuals did not fully identify with the Gay or Lesbian communities, from which they had sometimes experienced discrimination:

*Most bisexuals weren't out in the way that they are today... in the mid to late eighties many lesbian and gay groups explicitly banned bisexuals and even those that didn't... were quite hostile. For instance, at WFTVN [Women's Film and Television Video Network], my workplace we had an equal opportunities monitoring form which asked about your sexuality; and one woman had put bisexual. And one lesbian read this over my shoulder, and... said 'Yuk!'. Quite literally 'Yuk!'. And so I don't think that was really a context when one felt terribly happy about coming out.<sup>351</sup>*

Some Transgender people also experienced discrimination from within the Gay community, who believed that having surgery meant 'trying to conform to straight conventions'.<sup>352</sup> De La Grace Volcano articulated these divisions:

*...To me, lesbian and gay community, is a utopian concept rather than a lived reality because ... far too many people ... are excluded...What I'm hoping is... people that are lesbian and gay will notice others that are transgendered intersex people and that we will stop campaigning in this very narrow way for the rights of gay men to cruise or the age of consent or lesbian mothers, these single issue politics have strictly to do with being lesbian and gay.*

*...There has been an extreme reaction in the last few years against transgender and against anything that rocks the boat of lesbian and gay politics, that nice stable world that now we've got Stonewall and we have the Equality Ball and we have gay MPs and everything seems to be really groovy. Well it isn't and yet we talk about it as if it is.<sup>353</sup>*

By the late 1980s, 'researchers sought to remedy the almost total absence of reliable information about sexual behaviour and attitudes'.<sup>354</sup> It seemed logical in the context of combating the spread of HIV/AIDS, but once again, government ministers stopped it. In 1988, researchers at the University of London piloted a survey to assess the success of health education campaigns and help plan future care. The Health Education Authority, Economic and Social Research Council and Department of Health were all supportive, but it appears that Thatcher intervened to block government funding.<sup>355</sup> There are differing accounts of the reasons for this, but Kenneth Baker's memoirs provide an insight:

351 George in *Section 28*, p29.

352 McLaren, *Sexuality*, p200.

353 De La Grace Volcano in *Section 28*, pp.41-2.

354 Holden, *Makers*, p.247.

355 Holden, *Makers*, pp.247-8.

*Early in 1989, the two Health ministers, David Mellor and Ken Clarke proposed that there should be a government-sponsored survey of the sexual behaviour of 20,000 British people in the year 1990... George Younger, Douglas Hurd and I opposed this survey and stopped it. We believed that such a survey would become just another Kinsey Report, revealing that Britain had become a more promiscuous society - which we knew - and more experimental in the realm of bisexual relationships - which we also knew. A new survey therefore would neither increase the sum of human knowledge nor do anything actually to help AIDS sufferers.<sup>356</sup>*

Baker's claim to 'knowledge' is interesting as there had been little research into current or past sexual attitudes and behaviour on which it could have been based.

The research was rescued by funding from the Wellcome Trust, interviewing started in 1990 and the findings were published in 1994 as the **National Survey of Sexual Attitudes and Lifestyles**. They should be treated with caution because the numbers of Gay men and, especially, women in the samples were small. The following table compares the results of the 1990 survey, with the follow-up data from the 2000 survey:

Sexual Partnerships	Men		Women	
	Natsal 2000	Natsal 1990	Natsal 2000	Natsal 1990
<b>Ever had homosexual partners</b>				
Greater London	10.5%	8.4%	6.9%	3.0%
Rest of Britain	4.6%	2.9%	4.5%	1.6%
All	5.4%	3.6%	4.9%	1.8%
<b>Homosexual Partners past 5 years</b>				
Greater London	5.5%	4.8%	3.9%	1.4%
Rest of Britain	2.1%	1.0%	2.4%	0.7%
All	2.6%	1.5%	2.6%	0.8%

Source: Johnson et al, 'Sexual behaviour in Britain: partnerships, practices, and HIV risk behaviours', *The Lancet*, vol. 358, December 1, 2001, p1839.

The researchers attributed the apparent rise in the reporting of homosexual partnerships to 'a combination of true change and greater willingness to report sensitive behaviours'.<sup>357</sup>

356 Quoted in Holden, *Makers*, p.248.

357 AM Johnson et al, 'Sexual behaviour in Britain: partnerships, practices and HIV risk behaviours', *The Lancet*, vol. 358, December 1, 2001, p.1835.

## Sexual orientation: the past decade

By the mid-1990s the battle to equalize the age of consent for Gay sex was the most pressing issue. John Major's government showed no inclination to reverse Section 28, but the Prime Minister was sympathetic to reviewing the homosexual age of consent, which had remained at 21 since 1967. 'Major was prepared to listen with greater sensitivity than any previous prime minister to the arguments of Gay rights campaigners such as Stonewall.'<sup>358</sup> He invited the actor Ian McKellen to Downing Street to discuss the issue, afterwards recalling:

*I [did not] see homosexuality as a social evil. Many people are gay, and I saw no reason to cast them into outer darkness for that reason... I was shocked at the attitude of mind that seemed to think I should not have spoken to Ian McKellen. [I] found him a courageous advocate for the cause of equal treatment of gays before the law. I did not agree with him on every point - nor, I think, did he expect me to - but he had a case that deserved a hearing.<sup>359</sup>*

In 1993 a new phase of campaigning began when teenagers Will Parry, Hugo Greenhalgh and Ralph Wilde, with the backing of Stonewall, brought a case to the **European Court of Human Rights**, claiming that British law breached their rights to privacy and family life. When Edwina Currie introduced a clause into the **Criminal Justice Bill** to lower the age of consent, **Stonewall** led an organized lobbying campaign for equality with the heterosexual age of consent, 16, while the opposition – dominated by religious leaders – was 'fragmented and disorganized'.<sup>360</sup> The crowds gathered in Parliament Square awaiting the result of the vote erupted in protest when the result came – MPs had voted to reduce the age of consent to 18, but not to equalize it.<sup>361</sup>

New Labour's 1997 manifesto made no explicit mention of LGBT rights or the age of consent, but the party committed itself to 'end unjustifiable discrimination wherever it exists' and to incorporate the European Convention on Human Rights into UK law. Campaigners were assured before the general election that there would be a free vote on equalising the age of consent and repealing Section 28 in the first term.<sup>362</sup> Soon after New Labour came to power, the **European Commission of Human Rights** (the now defunct screening body for the European Court) ruled in the case of Euan Sutherland that the UK's unequal age of consent was in breach of the Convention.

Labour MP Ann Keen introduced an amendment to the **Crime and Disorder Bill** 1998 to equalize the age of consent, which passed the Commons but was defeated in the Lords after a campaign led by the Conservative Baroness Young.<sup>363</sup> The clause was reintroduced in the government's **Sexual Offences**

358 Holden, *Makers*, p.298.

359 Quoted in Holden, *Makers*, p.298.

360 Waites, *Age of Consent*, p.159.

361 David, *On Queer Street*, pp.266-7.

362 Waites, *Age of Consent*, p.161.

363 Waites, *Age of Consent*, p.162.

**(Amendment) Bill**, 1998, which was eventually forced on the Lords using the Parliament Act on 30 November 2000. Even with the backing of a recently elected government with a huge majority and the organizational role played by Stonewall, an equal age of consent was a hard-fought battle. But, crucially, public opinion had changed since the fight began. A National Opinion Poll in 1994 found only 13 per cent supported 16 as the age for Gay consent, but by February 1999, 66 per cent said the age of consent 'should be the same for everyone' and a slim majority – 54 per cent – thought this should be 16.<sup>364</sup>

Stonewall and its political allies won support for 'sixteen' by using arguments for equalization, not for 'lowering' the age of consent for Gay people.<sup>365</sup> As Shadow Home Secretary, Tony Blair told the Commons in 1994 that it was 'an issue not of age, but of equality'.<sup>366</sup> Fears about young men being 'seduced' by older, predatory homosexuals and 'homosexual spread' remained prevalent in the press and the parliamentary debates.<sup>367</sup> As also emerged in later debates on the repeal of Section 28 and Gay adoption, much homophobic prejudice survived.

This is supported by recent Stonewall research revealing the persistence of popular prejudice against Gay men and Lesbians, with 17 per cent of respondents saying they felt 'less positive' towards Gay or Lesbian people than towards heterosexuals.<sup>368</sup> The research also showed that respondents' attitudes tended to be based on the old fears and perceptions articulated throughout the twentieth century, which were used to justify social and legal inequalities:

- 'A grudging and conditional acceptance' founded on the belief that 'they can't help it', or acceptance of the 'right to choose' a Gay or Lesbian way of life, but 'both forms of acceptance are usually conditional upon Lesbians and Gay men keeping a low profile in public spaces'.
- Gendered prejudice, with heterosexual men fearing overt homosexuality, 'which they describe as "disgusting" and "repulsive"', while heterosexual women do not have the same fear of Lesbians.
- 'Gay men's sexuality is also elided with paedophilia', while 'there is some concern that Lesbian mothers deprive children of a father or male figure in their lives'.<sup>369</sup>

While it should not be assumed that legal equality has always been matched by equality in practice, during the past decade many of the barriers preventing LGBT people from living full and normal lives have been removed. A survey by Stonewall of attitudes to Gay equality in the workplace, published in January 2006, suggests that the organizational mindset is more Gay-friendly than ever before. The evidence is embodied in Stonewall's third annual **Workplace Equality Index**

364 Waites, *Age of Consent*, p.167.

365 Waites, *Age of Consent*, p.168.

365 Waites, *Age of Consent*, p.168.

367 S. Wharton, 'Glad to be Gay? Journalistic portrayal of homosexuality in Britain and France', paper delivered to the *Cambridge Social Stratification Seminar*, 16 Sept. 1993

368 Stonewall, *Profiles of Prejudice- detailed summary of findings* (2003), [http://www.stonewall.org.uk/documents/long\\_summary\\_no\\_logo.doc](http://www.stonewall.org.uk/documents/long_summary_no_logo.doc) p1

369 Stonewall, *Understanding Prejudice: Attitudes towards minorities*, p.10.

(WEI). Over that time, more organizations have qualified for the index and their overall scores are rising. The top ten in the 2006 list, headed by IBM, includes two financial institutions, three local authorities and Staffordshire police (13 other forces made the top 100). Among the worst performing sectors are the media (only one company makes the list of 100), charities (only four make it) and the NHS. The method of compiling the index can be criticized<sup>370</sup> and homophobia persists, in workplaces and elsewhere, but there are signs of real change for Gay and Lesbian workers.

Under the post-1997 Labour governments, the pace of reform increased dramatically and the law has been equalized in relation to immigration rights, adoption and fostering, repeal of Section 28 (ironically, given the history, the new Scottish Parliament was quicker to repeal Section 28 (2000) than Westminster (2003)), the abolition of the Gay offences of gross indecency, protection against discrimination, and the right to gender recognition and civil partnerships.

The quiet but forceful lobbying of Stonewall has done much to achieve these changes. Also the stimulus to legal change has often come from ordinary LGBT people, choosing to live as equal citizens in defiance of the law.<sup>371</sup> Some changes were effected through backbench amendments to other legislation (though government support has sometimes proved crucial), some has been prompted by European Court rulings.<sup>372</sup> The debate in early 2007 over measures to prevent discrimination in the provision of goods and services to LGBT people demonstrates that the government can find itself trapped between competing interest groups. In this case, the **Church of England** and **Roman Catholic Church** claimed that their members' rights to practice their faith would be infringed if they are forced to provide adoption services to Gay and Lesbian couples.

Nonetheless, the reforms effected since 1997 have been described as 'a remarkable modernisation of the law, historically unprecedented and one of the most important batches of reforms introduced by the Blair government'.<sup>373</sup>

370 *Society Guardian* 10th January 2006, pp.1-2.

371 Weeks, 'Wolfenden and beyond: the remaking of homosexual history', <http://www.historyandpolicy.org/archive/policy-paper-51.html> (History & Policy, February 2007).

372 Weeks, 'Wolfenden and beyond'.

373 Weeks, 'Wolfenden and beyond'.

## Gender Identity: the past decade<sup>374</sup>

The 1990s saw increased organization among Transgender people in particular for legal change. The campaigning group **Press for Change** was founded in 1992. It has been especially effective by mobilizing the skills of its highly educated membership. Many of them entered higher education as mature students, having left school early to escape the persecution experienced by all too many Trans children. A number acquired legal skills which were especially valuable campaigning tools as well as enabling them to be successful role models for their community.

The combination of lobbying, well-informed use of the courts, including European courts, has achieved considerable legal change, assisted by equality moves promoted by the EU. Following an employment tribunal case being referred successfully to the European Court of Justice by a British transsexual woman in 1994, the government's response was to create the 1999 **Sex Discrimination (Gender Reassignment) Regulations**. These regulations made it clear that the employment rights gained in Europe applied to those intending to undergo gender reassignment as well as those who had completed the process or were going through it.

In 1999 the Court of Appeal held that gender dysphoria was an illness in the context of the NHS Acts, and gender reassignment treatment could not, *prima facie*, be refused by the NHS. Although gender reassignment treatment had been provided on the NHS since the development of the service in the late 1940s (see above), this case concerned the right of Primary Care Trusts to refuse access to treatment. The case held that gender reassignment treatments were not cosmetic, and hence could not be downgraded by administrators to 'low priority' or subject to a blanket ban, but had to be based upon the individual patient and the clinical decision maker.

Trans people, however, continued to face conflicts over being assigned to male or female hospital wards or prisons, over which toilet they were permitted to use in the workplace and over who searched them at airports. They felt little faith in the police or in many health workers. Male to female Transsexual women were not allowed to draw their state pensions at the normal female age of 60 (see Chapter 1). Nor could most Trans people marry unless they happened to live in a gay or lesbian relationship according to their preferred gender role.

Trans people campaigned against these and other inequalities, but their most effective weapon was the use of the legal system. In 2002 the European Court of Human Rights found that the UK had breached the rights of Transsexual people to marry, and to respect for private life, and had a duty to rectify these breaches. In 2003 the **House of Lords** ruled that, as UK law stood, a male-to-female transsexual could not marry a man, and as such was incompatible with the Human Rights Act. These rulings led directly to the UK **Gender Recognition Act, 2004**. This established a process which created Gender Recognition panels, and a

374 This section is mainly, but not entirely, based upon Stephen Whittle 'Experiencing the Law: From Victim to Defendant- the experience of Transphobic victimhood', a paper given to the conference *Experiencing the Law*, Institute of Advanced Legal Studies, University of London, 1st December 2006.

process of application, whereby a Trans person could be afforded a gender recognition certificate, a new birth certificate in their acquired gender role, if their birth was registered in the UK, and the granting of recognition for all legal purposes in their new gender. Applicants have to demonstrate that they have lived permanently in their acquired gender for at least two years and that they intend to live in that gender until death. The application must be backed by medical reports of a diagnosis of gender dysphoria. However, genital reconstructive surgery is not a pre-requisite for legal recognition in the new gender. This was essential to comply with the decision of the European Court of Human Rights, whilst still having a medical system that means individuals live in their new gender role for up to 6 years before obtaining access to genital surgery. Successful applicants are then accorded all the rights of their lived gender, including the right to marry, to obtain pensions and other benefits and to protection by anti-discrimination and equality legislation. Problems remain with implementation of the law and many Trans people still face inequality of treatment and discrimination. Many cases alleging discrimination are still being referred to tribunals and the courts, including one alleging demotion following gender reassignment surgery that is currently going through the British courts.<sup>375</sup>

375 *Guardian*, 20th December 2006, p.12.

## Conclusions

In general over the past 60 years and especially since the 1960s, Lesbian, Gay, Bisexual and Trans people have made a transition from being defined by others to active self-definition and from campaigning against prejudice and (in some groups more than others) unequal legal treatment to demanding equality and full citizenship, for the right to lead uneventful, socially-accepted lives.

The main drivers of change have been:

- **Campaigning** by members of these groups, initially behind-the-scenes lobbying and more public from the 1970s. Campaigns have been effective, though (like most political campaigns) never as fully effective as their supporters have hoped, despite the relatively small size of these populations. Trans people, in particular have campaigned particularly effectively since the 1990s, due to the high levels of education and legal qualifications of activists.
- **Cultural change** among the heterosexual population has been a driver: as, from the 1970s, sexual mores and the range of relationships and household formations in the wider population shifted, toleration of other relationships and households increased. Gender roles and modes of self-representation in the wider population have become more flexible – e.g. by the 1980s it was acceptable for females to wear trousers in all social situations as it was not even in the 1960s – blurring the everyday visibility of some Lesbians, male-to-female Transsexuals and Transvestites.
- The greater willingness of **Labour** than of Conservative governments to promote equality, especially since 1997 when voter hostility seems to have been somewhat weaker than in the 1960s and 70s.
- The role of **European institutions** e.g. the use by Trans people of the European Court of Human Rights.

The main inhibitor of change towards greater equality, regardless of gender identity or sexuality, has been continuing, if diminishing, **public prejudice**, frequently fuelled by the **popular media**, who also have a particularly poor record of employing LGBT people.

## TIMELINE

- 1861** Offences Against the Person Act formally abolishes death penalty for buggery in England and Wales
- 1885** Labouchère amendment to Criminal Law Amendment Act creates offence of 'gross indecency'
- 1895** Oscar Wilde sentenced to two years prison with hard labour under 1885 Act
- 1898** Vagrancy Act makes importuning 'for immoral purposes' an offence, used primarily against Gay men
- 1914** British Society for the Study of Sex Psychology founded
- 1921** Failed attempt to bring lesbianism within scope of 1885 Act
- 1928** World League for Sexual reform founded  
Radclyffe Hall's *The Well of Loneliness* banned
- 1948** Alfred Kinsey publishes *Sexual Behaviour in the Human Male*  
Norman Haire publishes first edition of the *Journal of Sex Education*
- 1949** Mass Observation's 'Little Kinsey' is the first survey of British sexual attitudes
- 1953** Kinsey publishes *Sexual Behaviour in the Human Female*
- 1954** Wolfenden Committee appointed to review laws on homosexual offences and prostitution  
Trial of Montagu, Pitt-Rivers and Wildeblood  
Roberta Cowell's account of her gender transition published
- 1956** Sexual Offences Act recognises crime of sexual assault between women
- 1957** Report of Wolfenden Committee published
- 1958** Homosexual Law Reform Society (HLRS) founded
- 1959** Street Offences Act enacts Wolfenden recommendations on street prostitution, but not homosexuality
- 1963** Minorities Research Group founded
- 1964** North West Committee of HLRS founded by Alan Horsfall
- 1967** Sexual Offences Act (England and Wales) decriminalizes private, consensual homosexual acts between two men aged over 21 and tightens the law on street offences
- 1969** Scottish Minorities Group (SMG) founded  
Stonewall riots in New York lead to formation of the Gay Liberation Front (GLF)  
Committee for Homosexual Equality formed from North West Committee of HLRS

- 1970** London GLF founded  
*Corbett v Corbett* means post-operative Transsexuals cannot change gender stated on birth certificate
- 1971** GLF manifesto published, first GLF march  
Lesbians invade Women's Liberation Conference platform
- 1972** *Gay News*, Britain's first gay newspaper, founded  
SMG launches campaign to decriminalize homosexuality in Scotland  
First Gay Pride march in London
- 1974** Unsuccessful appeal to European Court of Human Rights (ECHR) to decriminalize homosexuality in Northern Ireland  
First national Lesbian conference in Canterbury  
London Gay Switchboard launched  
First International Gay Rights Conference held in Edinburgh  
Action for Lesbian Parents founded  
National Transvestite and Transsexual conference organized in Leeds by Beaumont Society
- 1975** CHE, SMG and Union for Sexual Freedom in Ireland (USFI) publish sexual reform bill aimed at equalising the law
- 1976** Sexual Offences (Scotland) Act reinforces criminalization of homosexuality
- 1977** Bills to reduce Gay age of consent to 18 and decriminalize homosexuality in Scotland fail  
Mary Whitehouse instigates successful prosecution of *Gay News* for blasphemy
- 1979** Scottish Homosexual Reform Group (formerly SMG) brings case for decriminalization to ECHR  
Self Help Association for Transsexuals (SHAFT) formed
- 1980** Criminal Justice Bill decriminalizes male homosexuality in Scotland  
Northern Ireland's laws against homosexuality ruled in breach of European Convention on Human Rights
- 1982** Male homosexuality decriminalized in Northern Ireland  
Terence Higgins Trust (THT) launched
- 1983** Labour candidate Peter Tatchell defeated in Bermondsey by-election  
First Department of Health report on AIDS
- 1984** Chris Smith becomes first MP to come-out as Gay  
THT organizes first national conference on AIDS

- 1986** Some London Boroughs promoting positive images of homosexuality to school pupils
- 1987** Government leaflet on AIDS delivered to every household
- 1988** Section 28 of Local Government Act comes into force, protests in London and Manchester
- Lesbian protestors abseil into the House of Lords and invade BBC Six O'clock News
- First British national conference for Lesbians and Gay men with disabilities
- 1989** Stonewall founded, organizes first Lesbian and Gay receptions at party conferences
- FTM Network for female to male Trans people formed
- 1990** Direct action group Outrage! set up after the murder in London of gay actor Michael Boothe
- 1991** Failed attempt to prohibit Lesbians and Gays from adopting or fostering
- 1993** Stonewall launches first challenge to the ECHR on age of consent with three Gay teenagers aged 16-18
- Transsexual lobby group, Press for Change formed
- 1994** Age of consent for Gay men reduced to 18
- Criminal Justice and Public Order Act makes male rape an offence
- First *National Survey of Sexual Attitudes and Lifestyles* published
- 1997** Chris Smith becomes Britain's first out-Gay cabinet minister
- Labour MP Angela Eagle becomes first British MP to come-out as a Lesbian
- Equality Network founded in Scotland to campaign for LGBT rights
- 1998** House of Commons votes to equalize age of consent, defeated in Lords
- Suicide of Justin Fashanu, first professional footballer to come out as Gay
- 1999** Bomb explodes in Admiral Duncan, Gay pub in Soho, killing three people
- Government lifts ban on Lesbians and Gay men serving in the armed forces after ECHR ruling
- Sex Discrimination (Gender Reassignment) Regulations make it illegal for employers to discriminate against Trans people
- 2000** Scottish Parliament repeals Section 28

- ECHR rules Transsexuals' lived gender should have legal status**
- 2001**      **Age of consent for gay men reduced to 16**  
***Second National Survey of Sexual Attitudes and Lifestyles* published**
- 2002**      **Equal rights granted to same sex couples applying for adoption**  
**ECHR finds UK in breach of rights of Trans people to marry and to respect for private life**
- 2003**      **Section 28 repealed in England and Wales**  
**Employment Equality (Sexual Orientation) Regulations make workplace discrimination illegal**  
**Civil Partnership Bill included in Queen's speech**  
**House of Lords ruling that male-to-female Transsexuals cannot marry under UK law**
- 2004**      **Sexual Offences Act abolishes crimes of buggery and gross indecency**  
**Gender Recognition Act gives people legal right to live in their acquired gender.**  
**Civil Partnership Act gives same-sex couples the same rights and responsibilities as married heterosexual couples**
- 2005**      **First civil partnerships take place**  
**First gender recognition certificates awarded**  
**First Transsexual marriages take place**
- 2006**      **Equality Act outlaws discrimination on grounds of sexuality in provision of goods and services**

## Chapter 7: Disability

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### Introduction

Since at least medieval times certain disabilities, in particular being blind, deaf or dumb, were regarded as 'natural' rather than medical conditions, 'God-given' as medieval Christians would have said. Consequently there were always efforts to enable people with these and other conditions to participate as fully as possible in everyday life. For centuries what training and support was available was provided through voluntary, often Christian, institutions, in the family and through the poor relief system. When education became compulsory from 1880, local authorities were required to provide education suited to the special needs of children whose disabilities were deemed to make it difficult for them to be educated in the same way as other children. Education was to be designed to enable them to be as independent as possible. The 1893 **Elementary Education (Blind and Deaf Children) Act** made this obligatory, though with locally variable results.<sup>376</sup> Throughout the 19th and early 20th centuries it was mainly voluntary institutions that assisted adult blind, deaf or dumb people to function as independently as possible. From 1920 blind people unable to perform work for which eyesight was essential were eligible for an old age pension at age 50, rather than the normal 70.

By contrast, people deemed to be 'feeble-minded' or 'lunatic' were traditionally regarded as un-trainable and uneducable and given little more than basic care in institutions or the community. Views began to change from the late 18th century when medical practitioners in France and Britain began to realize that, with suitable support, people with some conditions could be 'cured', or at least enabled to acquire skills and lead fuller lives than had previously been thought possible, not necessarily by medical means, but with social support and training. Some did, however, require a combination of medical and social support and the boundary between the two has never been clear-cut. From 1899, the **Elementary Education (Defective and Epileptic Children) Act** required children suffering from certain mental disabilities to be provided with education by their local authorities.<sup>377</sup>

Definitions of disability in both official and everyday discourse have shifted and expanded markedly over the past 60 years. In 1945 disabled people were broadly defined as those suffering from visible conditions, such as blindness, deafness, multiple sclerosis or Downs Syndrome, and those using wheelchairs or walking appliances. However, the term was increasingly applied to a wider, sometimes idiosyncratic, range of conditions. As recently as the 1960s homosexuality was defined by medical specialists and some in wider society as a disability and its sufferers likened to cripples (see Chapter 6). In the recent past mental illnesses, particularly depression, have come to be recognized as disabilities to a far greater

<sup>376</sup> J. S. Hurt, *Outside the Mainstream . A History of Special Education*. (London, 1988), pp. 92-106.

<sup>377</sup> *Ibid.* pp. 107-154.

extent than before. As awareness of and sensitivity to a wider range of forms of disability has grown, there have been changes in the language associated with disability: words such as 'cripple', 'mentally deficient', 'backward' (the organization now known as MIND was formed in 1946 as the Association of Parents of Backward Children), 'mongol' and 'spastic' have come to be far less commonly used over the past 20 years and are now deemed offensive. However an attempt in the 1990s to popularize the term 'differently abled' in place of 'disabled' appears not to have taken off. Such changes appear to be the outcome of campaigning by and for disabled people.

We discuss physical and mental disability separately because the historical experience has differed in each case, though some legislative changes have applied to all forms of disability.

## Physical Disability

Before the Second World War, disabled people were mainly the responsibility of their families or the myriad charities devoted to specific needs. The only official provision was the very basic, stigmatizing, safety-net for the destitute, Public Assistance (the successor to the Poor Law which had performed this task since 1601). The first state pensions for the blind were introduced in 1920, following the casualties of the First World War. Historically, most disabilities had been perceived as social as much as medical. As over the 20th century medicine increased its capacity to diagnose and, less frequently, to cure, an increasing number of conditions were defined as disabilities.

Immediately after the Second World War, partly as a result of the number of disabled ex-servicemen and civilian victims of bombing, new measures were introduced to address certain aspects of disability. The **Education Act** 1944 stated that disabled children should be educated wherever possible alongside their peers in mainstream education, though there were no strenuous efforts to implement this and separate education remained the norm. Eleven separate categories of children were identified as disabled: the blind, partially sighted, deaf, partially deaf, 'delicate', diabetic, educationally subnormal, epileptic, maladjusted, physically handicapped and those with speech defects. The **Disabled Persons Employment Act** 1944, stated that employers of more than 20 workers had to employ at least 3 per cent of their workforce from the national **Disabled Persons Register**, itself a post-war innovation. The **National Health Service Act** 1946 (implemented 1948) provided free healthcare to all for the first time, irrespective of disability. The **National Assistance Act** 1948 laid down that local authorities should make provision for disabled people within the community. Such measures sought to give disabled people similar opportunities to the rest of the population. The 1950s saw the expansion of services and institutions for disabled people while the 1960s saw a shift from institutional to community care policies. Throughout this time charities continued to provide services, supplementing the very basic state provision.

In the 1960s disability, like other sources of inequality, became a more prominent public issue. There was growing awareness that the post-war welfare state had not removed poverty and inequality. Though the absolute, miserable poverty of the early 20th century had largely vanished, there was growing awareness that as society became more prosperous, many people were being left behind in what was defined as 'relative poverty' – unable to share the essential features of everyday living that most of the population now took for granted. This realization was prompted above all by the 'rediscovery of poverty' by researchers at the London School of Economics (see Chapter 1).<sup>378</sup> The groups they found to be suffering the most acute poverty were children, especially in single-parent households, older and disabled people.

One outcome of the 'rediscovery of poverty' and cultural changes becoming evident in the 1960s – including a more educated, prosperous, less deferential population and more assertive media – was the formation of activist groups, often more radical and outspoken in their demands for change than the charities which preceded them (see Chapters 1,2,4,5,6). One of these was the **Disablement Income Group** (DIG), formed in Surrey in 1965 by Megan du Boisson. In the early stages of multiple sclerosis she had discovered that there were no state benefits for those she referred to as 'the civilian disabled'. They could apply for means-tested Supplementary Benefit if they had financial problems but no specific benefits existed to help deal with the costs of disability and chronic sickness. DIG campaigned for such benefits and sponsored research such as Mavis Hyman's *The Extra Costs of Disabled Living* (1977), Richard Stowell's *Disabled People on Supplementary Benefits* (1980), and Judith Buckle's *Mental Handicap Costs More* (1984). **DIG Scotland** was formed in 1966 by another disabled woman, Margaret Blackwood, impressed by du Boisson's work. Once disability benefits had been achieved (see below), DIG Scotland introduced a free **Welfare Benefits Information and Advisory Service** for disabled people and carers. DIG Scotland continues to be active, but DIG has recently ceased to be active in England. The campaigners focused on societal failure to recognize the specific needs of disabled people and the inadequacies and failures of existing government policies and institutions.

These activists, with the help of sympathetic MPs, appear to have played an important part in persuading the Labour government to introduce the **Chronically Sick and Disabled Persons Act** 1970, which expanded community-based provision such as home-helps and day centres. This was reinforced by the **Chronically Sick and Disabled Persons Amendment Act** 1975 when Labour returned to power. However, both Acts were advisory rather than compulsory and had only a limited impact. In 1971 a long-term benefit to replace earnings was introduced, **Invalidity Benefit** (IVB). This was available only to people who had paid National Insurance contributions, excluding, for example, women who were not in employment due to caring responsibilities and those already incapacitated from regular work by disability. In 1975 such people became eligible for **Non-Contributory Invalidation Pension** (NCIP), since 1990 named **Severe Disablement Allowance** (SDA). In 1970, 1973 and 1976 respectively, higher and lower rate **Attendance Allowance** (AA) and **Mobility Allowance** (MA) were

378 B. Abel-Smith and P. Townsend, *The Poor and the Poorest. A new analysis of the Ministry of Labour's Family Expenditure Surveys of 1953-54 and 1960*, (G Bell and Sons, 1965).

introduced to cover some impairment-induced expenses such as transport costs. In 1975 **Invalid Care Allowance** became available for people of working age who acted as personal assistants (carers) to the disabled. However, it was not available to married women, people above state pension age (the great majority of assistants), or to personal assistants to disabled people not receiving AA. Such allowances were low in relation to average earnings. In 1986 a judgement by the **European Court of Justice** forced the government to extend eligibility to married women.

In 1974 the **Disability Alliance** was established, aiming principally to secure a national disability income as of right and to improve the living standards of disabled people. It remains in existence and annually publishes the **Disability Rights Handbook**. The **Disability Information and Advice Line** (DIAL) emerged from the Derbyshire Coalition of Disabled people in 1978. DIAL UK is now a national organization for a network of approximately 130 local disability information and advice services run by and for disabled people. The 1960s and 70s saw a growth in activism by disabled people, as by other groups suffering inequality, but there was a very limited popular and government response. At this time their concerns were primarily with income support and services.

Activists were increasingly vocal through the 1970s and 80s about discrimination in everyday life and, in particular about the need and capability of disabled people to control their own lives, living in the community rather than in residential institutions, in environments structured to support rather than obstruct independent living. They aimed to convince government and public opinion that disability in itself was not the sole cause of inequality. One researcher summed this up by recasting the questions used in a major government survey of disabled people.<sup>379</sup> Where the survey asked 'Does your health problem/disability make it difficult for you to travel by bus?', he substituted 'Do poorly designed buses make it difficult for someone with your impairment to use them?'<sup>380</sup>

In 1979 the Labour Government was persuaded by disabled people and disability organizations to set up the **Committee on Restrictions Against Disabled People** (CORAD). Its aims were to establish the extent of discrimination and make proposals to prevent it. In 1982 it reported widespread discrimination against disabled people, such as in employment, access to buildings and transport, and recommended comprehensive anti-discrimination legislation. The Conservative Government was unconvinced and the 1980s saw cuts in community services for disabled people, as for older people, and increased pressure on charities rather than government to provide for their needs. Charities, however, lacked the resources to do so systematically.

379 *Disabled Adults living in private households* (OPCS, London, 1988).

380 Michael Oliver ' Changing the social relations of research production? *Disability, Handicap and Society* 7, (2), pp.101-113.

The campaign for anti-discrimination legislation intensified nationally and internationally. In 1981 **Disabled Peoples International** (DPI) was established and led to the formation of the **British Council of Organisations of Disabled People** (BCODP). The first attempt to place anti-discrimination legislation on the statute books was made, unsuccessfully, by Labour MP Jack Ashley, who was himself deaf, in 1982. In 1985 **Voluntary Organisations for Anti-Discrimination Legislation** (VOADL) was formed, later becoming **Rights Now!**. At its heart were organizations set up and run by disabled people but with the active support of the older disability charities. The **Disabled Persons Representation (Services, Consultation and Representation) Act** 1986 gave disabled people the possibility of more input into the quality of local provision.

Between 1982 and 1993 15 **Private Members Bills** were introduced by MPs and peers, who included Lord Morris of Manchester (Alf Morris, who as a Labour MP had played an important role in guiding through the 1970 Chronically Sick and Disabled Persons Act) and Jack (now Lord) Ashley. Meanwhile local and national organizations of disabled people worked to persuade local authorities and sometimes health authorities to provide them with funding that otherwise would have been spent on residential care or community services, to enable disabled people to employ personal assistants able to meet their specific needs. Technically this was illegal, but by 1992 about 40 per cent of authorities in England and eight out of ten London boroughs had a scheme of this kind.<sup>381</sup>

From 1988 the **Joseph Rowntree Foundation** (JRF) funded research in which disabled people were directly involved, aimed at finding means to facilitate independent living for disabled people of all ages. It funded research by BCODF into the evidence for and effects of discrimination, published in 1992 as *Disabled People in Britain and Discrimination*, which increased pressure on the government to act.<sup>382</sup> Greatly influenced by the American Disabilities Act 1990, the prototype **Civil Rights (Disabled Persons) Bill** was introduced in Parliament in 1991. Although defeated it was reintroduced in 1992 and 1993. The government was concerned about the burden that, it argued, would be placed on businesses if they were required to take measures against discriminatory employment practices, but also aware of the growing strength of European anti-discrimination law, and reluctantly introduced the **Disability Discrimination Act** (DDA), 1995. This followed a campaign in which disabled people took to the streets to demonstrate against inaccessible transport and inadequate benefits. Plentiful media images of demonstrators in wheelchairs could effectively shame the government.

The DDA established the **National Disability Council** (NDA), to advise government on disability issues, but it lacked the powers of the Equal Opportunities Commission (see Chapter 5) and the Commission for Racial Equality (see Chapter 2) to act against discrimination. The Act defines a 'disabled person' as 'someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day-activities.' For the purposes of the Act, 'substantial' meant neither minor nor trivial; 'long-term' meant that the effect of the impairment has lasted or is likely

381 G. Zarb and P. Nadash, *Cashing in on Independence: Comparing the costs and benefits of cash and services*, (British Council of Organizations of Disabled People, 1994).

382 Colin Barnes, *Disabled People in Britain and Discrimination: A case for anti-discrimination legislation*, (Hurst and Co. 1991).

to last for at least 12 months. 'Normal day to day activities' included eating, washing, walking and going shopping, and must be affected by one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory'. Some conditions such as a tendency to set fires and hay fever are specifically excluded. This definition remains in force to assist adjudicating bodies in deciding whether a person is disabled for the purposes of the DDA. In 2005 the definition was amended removing the requirement that a mental illness 'should be clinically well-recognized'. People with HIV, cancer and multiple sclerosis are deemed to be covered by the DDA from the point of diagnosis, rather than from the point at which the condition has an adverse effect on their ability to carry out normal day-to-day activities.

Hence the DDA brought substantially larger numbers of people within the definition of disability, perhaps blurring the strict boundary some believed to exist between those who were or were not disabled. There is no clear evidence as to whether, or how, the legislation has affected public attitudes towards disabled people. Some activists fear that it may diminish support for the campaigns they still think necessary for more effective guarantees of equality for all disabled people, due to a general belief that the legislation has already delivered equality. However, inequalities remain. For example, some people with learning difficulties are not covered by the Act and the section on employment does not apply to firms employing fewer than 20 people.

As activism among disabled people grew, there was some friction between charities and organizations run *for* disabled people and those run by disabled people. The establishment of the essentially toothless NDA was strongly opposed by organizations of disabled people such as the BCOOP, but six of Britain's largest charities for disabled people, including **SCOPE**, **MENCAP**, and **MIND**, agreed to join and were less outspoken on the need for anti-discrimination legislation.

The DDA focussed on direct discrimination in employment, in provision of services to the public and in the selling of land; education was excluded. The Act was of major symbolic importance but it lacked teeth. In 1997 the incoming Labour government agreed, under further activist pressure, to amend it, setting up the **Disability Rights Task Force** to monitor implementation of the legislation. Its recommendations led in 1999 to the establishment of the **Disability Rights Commission** (DRC), to replace the NDA, with a positive brief to monitor and promote equality for disabled people. At the same time public service providers were required to make reasonable adjustments to meet the needs of disabled people, such as provision of information in alternative formats and equipment or support to use a service.

The JRF continued to support research designed to persuade the government to facilitate independent living for disabled people. In the late 1990s it established a **Task Force** on the disincentives to employment among disabled people created by means-tested charges for community care services. Research evidence combined with lobbying convinced the government in 2001 – against its general preference for 'targeted' means-tested services and benefits – to discount earned income in means tests for direct payments or community care services.

The **Special Educational Needs and Disability Act** 2001 extended the obligation to assist independent living and to avoid all forms of discrimination, to all educational institutions and the youth service. The **Private Hire Vehicle Act** 2002 extended anti-discrimination into this further sphere. Since December 2006 all forms of public transport are required to make adequate provision for disabled people. Under Labour's **New Deal for the Disabled**, since 2004 all businesses have been required to make reasonable changes to meet the needs of disabled people, such as adapting premises and removing physical barriers. These measures were consolidated in the **Disability Discrimination Act** 2005. A number of law court decisions sponsored by the DRC since 2000, at UK and European level, have also pushed back the boundaries of inequality. In 2005 the Cabinet Office's Strategy Unit published a detailed report and proposals for a 20-year programme of change designed to promote independent living, ***Improving the Life Chances of Disabled People***.<sup>383</sup> It outlines a new approach, which is 'personalized according to individual need or circumstances', underpinned by listening to disabled people and acknowledging their expertise in how to meet their needs, 'maximizes the choice and control that people have over how their additional requirements are met', and 'provides people with security and certainty about what level of support is available'.

DRC figures confirm improvements in recent years regarding employment:

- Fifty-one per cent of disabled people were in work in 2005 compared with 46.6 per cent in 2000;
- In higher education, the total number of disabled students rose from 86,250 in 2000/1 to 121,080 in 2003/4;
- The number of people receiving direct payments rose from 5,500 in 2001 to nearly 20,000 by 2005;
- By 2005, 2.9 percent of the Senior Civil Service were disabled people compared to 1.5 per cent in 1998;
- Calls to the DRC Helpline – mainly from people requiring more information about their rights under the DDA – rose from 65,000 in 2000/1 to 124,000 in 2004/5.

In December 2006 the **Disability Equality Duty** (DED) was implemented, placing a legal duty on all public sector organizations to promote equal opportunities for disabled people. Organizations including libraries, hospitals, schools and colleges, police forces and NHS trusts will have to consider the impact of their work on disabled people and take action to counter inequality due to disability. It is hoped that the DED will ensure that disabled people not only have better employment opportunities but that they will not encounter discrimination when using services, and that it will help promote positive attitudes towards disabled people in everyday life.

383 Prime Minister's Strategy Unit, *Improving the Life Chances of Disabled People: Final Report* (Cabinet Office, 2004).

BCODP was of major importance in bringing about these changes. It now represents 70 groups run by disabled people in the UK with a total membership of around 350,000. Through its membership of the DPI it also works at international level and is recognized by the United Nations. The **Centre for Disability Studies** (CDS), an interdisciplinary Centre for teaching and research in the field of disability studies at the University of Leeds, also played a major part in helping to achieve the 1995 DDA. Originally established in 1990 as a research unit for the BCODP, it continued the work of the former Disability Research Unit (DRU), much assisted by JRF. It continues to be a crucial part of the disability movement's machinery, publishing research on disability.

The number of physically disabled people with high public profiles is probably greater now than at any time in the past 60 years, and may have contributed to public acceptability of anti-discrimination legislation. Despite David Blunkett's recent falls from grace, his having overcome blindness to attain high office in government may have provided a role-model for other disabled people and done something to overcome popular stereotyping of the limited capacities of disabled people. The Cambridge University physicist and mathematician, Stephen Hawking, who has Lou Gehrig's Disease and is confined to a wheelchair and speaks through a computer, may be a less equivocal role model of very high achievement in a severely disabled person. In the sporting world, increased television coverage and publicity for the Paralympics has made a household name and role-model of Dame Tanni Grey Thompson, one of Britain's most successful Paralympians, who has won 11 Paralympic golds, held over 30 world records, and won the London Marathon six times between 1997 and 2002.

The disabled artist Alison Lapper, who as a result of the medical condition phocomelia was born without arms and with shortened legs, has also become a high-profile figure in a different field of activity. A sculpture of her naked body, eight months pregnant, was placed in Trafalgar Square in September 2005 alongside more conventional statues of military men, something surely inconceivable until very recently. There is no parallel elsewhere in Britain. Lapper has commented:

*I regard it as a modern tribute to femininity, disability and motherhood. It is so rare to see disability in everyday life - let alone naked, pregnant and proud. The sculpture makes the ultimate statement about disability - that it can be as beautiful and valid a form of being as any other.*<sup>384</sup>

She has appeared on many national and international television and radio programmes, as well as in newspaper and magazine articles.

Mat Fraser has been another role model for disabled people. Born with phocomelia of both arms, as a result of his mother being prescribed thalidomide during her pregnancy, he is an actor, musician, performance-artist and TV presenter appearing in numerous stage productions and a Virgin mobile phone advertising campaign. One of his most significant television roles was in April 2004 in the BBC drama, *Every Time You Look At Me*, which was

384 Quoted on the BBC web page 'ouch! It's a disability thing', <http://www.bbc.co.uk/ouch/news/btn/lapper/>

groundbreaking in featuring disabled actors in the two leading roles, also unimaginable before the recent past. Fraser, like Alison Lapper, is a leading disability activist.

## Mental Health

Mental illness and impairment were sources of severe social stigma in the 1940s and before. In the early 1940s the mother of a 'handicapped'<sup>385</sup> child (as they were then normally described) who attempted to contact other parents of children with similar disabilities to form a playgroup, found her advertisement refused by her local newspaper due to the 'shame and disgrace' associated with mental 'handicap'. In 1946 the **Association of Parents of Backward Children** (now MENCAP) was formed by parents concerned about the lack of support in caring for their children. In the same year the **National Association for Mental Health** (now MIND) was formed.

From July 1948 the National Health Service took over responsibility for mental health from county councils and boroughs. It inherited over 100 therapeutic asylums or 'mental hospitals', with an average of 1,000 patients each. By 1953 almost half of NHS hospital beds were used for mental illness or mental impairment. In 1954 a **Royal Commission on the Law Relating to Mental Illness and Mental Deficiency** was set up. It was also the year in which Jack Archer, a character in the popular BBC Radio series, *The Archers*, was admitted to a psychiatric hospital for depression, then a rare admission in the popular media of the existence of such an illness. In May 1957 the Report of the Royal Commission made the innovative statement that mental disorder should be regarded 'in much the same way as physical illness and disability'. In 1958, the BBC's *The Hurt Mind* was shown, the first television programme about a psychiatric hospital.

By 1959 only 12 per cent of admissions to psychiatric hospitals were compulsory, compared with much larger numbers before the NHS. The trend was towards shorter periods of in-patient treatment and more out-patient treatment and community care. Whereas in 1930 there had been almost no out-patients, by 1959 there were 144,100 attendances at out-patient clinics. The **Mental Health Act 1959** aimed 'to allow admissions for psychiatric reasons to be, wherever possible, as informal as those for physical reasons' and 'to make councils responsible for the social care of people who did not need in-patient medical treatment', to enable mentally ill people to live, as far as possible, in the community.

The 1960s saw further inroads into the silence about mental health in the press and on television. Television programmes such as *Man Alive* helped pioneer this new attitude, as did a feature by the *Observer* reporter John Gale, about his own illness.

Between 1967 and 1969 there were allegations of misconduct at various hospitals including Farleigh and Whittingham, which resulted in 1972 in the establishment of a **Health Service Commissioner** (Ombudsman) to investigate complaints of

<sup>385</sup> In this case it is important to use the language of the time, partly to demonstrate how language has changed over time.

individual ill-treatment. In June 1970 a Conservative Government took office. In April 1971, as a result of the 1970 **Education (Handicapped Children) Act**, Local Education Authorities were given responsibility for the education of all 'mentally handicapped' children regardless of the severity of their condition. For the first time all children, whatever their disabilities, were defined as educable. This appears to explain why far fewer children went into residential care in the 1970s.

In the late 1960s and 1970s, in this as in other domains of inequality, campaigning groups grew in numbers, professionalism and public profile. David Ennals, a former Labour Minister, became **MIND's** first Campaign Director in 1971. In March 1972 800 people met at Sidney Webb College in central London to discuss the threatened closure by the Regional Hospital Board of the **Paddington Day Clinic**, a therapeutic centre, due to the opening of a psychiatric unit at a nearby general hospital. Users of the clinic believed that its methods increased their understanding of, and capacity to control, their problems and feared that the new unit would merely seek to suppress and medicalize their symptoms. The meeting led to the formation of the **Mental Patients Union** in 1973. In 1972 the **National Schizophrenia Fellowship** was formed (changing its name in 2002 to **Rethink**). The **Scottish Union of Mental Patients** (SUMP) was also formed in 1972.

A White Paper proposing improved services for people who were still routinely described as 'mentally handicapped' was published in 1971, but the economic crisis from 1973 led to major cuts in health and welfare capital expenditure by both Conservative and Labour governments. In 1973 surveys of the views of patients in seven psychiatric hospitals were published as **Psychiatric Hospitals Viewed by their Patients**, despite doubts as to whether such surveys were possible. They reinforced criticism of the hospitals, as did a further eleven surveys published in 1977.

In 1975 the White Paper, **Better Services for the Mentally Ill**, was introduced in Parliament by the Labour Minister, Barbara Castle. It was a long-term, strategic document, describing the direction government wished services to take, prefaced by a statement that little progress could be made until the economic situation improved. It emphasized the need to provide a comprehensive range of community services in place of psychiatric hospitals:

*Our main aim is not the closure or rundown of mental illness hospitals as such; but rather to replace them with a local and better range of facilities. It will not normally be possible for a mental hospital to be closed until the full range of facilities described has been provided throughout its catchment area and has shown itself capable of providing for newly arising patients a comprehensive service independent of the mental hospital. Moreover, even then, it will not be possible to close the hospital until it is no longer required for the long stay patients admitted to its care before the local services came into operation.<sup>386</sup>*

386 *Better Services for the Mentally Ill*, (DHSS, 1975), para 11.5.

It signalled a further shift from hospital to community services. Between 1970 and 1975 the population of psychiatric hospitals was reduced from 107,977 to 87,321; that of mental handicap hospitals was reduced from 55,434 to 49,683.<sup>387</sup>

1976 saw a further scandal at a psychiatric hospital in Birmingham. In 1977, Beech Tree House, Hertfordshire, was established by the **Spastics Society** (now Scope) to demonstrate that even the most severely disabled children could be successfully educated, given the necessary resources and a supportive approach. Such revelations contributed to the establishment of a committee chaired by Dame Mary Warnock to enquire into the education of 'handicapped children and young people'. This drew on research on the ill-effects on individuals of labelling and special provision, and recommended the perception of disability as 'a continuum of special educational need rather than discrete categories of handicap', embracing 'children with significant learning difficulties and emotional or behavioural disorders as well as those with disabilities of mind or body'.<sup>388</sup> The result was a much broader definition of special educational needs, with up to one in five children at some time during their school career defined as needing some form of special assistance. The 1981 **Education Act** introduced the category of **Special Educational Needs** (SEN) and the various levels of diagnosis and support, from a full statement of need to lower levels of assistance within school, were set out in the 1994 **Code of Practice** following the 1993 **Education Act**.

In July 1981 the Conservative government had issued the **Care in the Community** Green Paper, following the **Parkinson Report**, which strongly recommended community care and further hospital closures, linked to financial incentives for councils to make community provision. The **Right Approach to Mental Health**, an edited summary of the Parkinson Report, led to the 1983 **Mental Health Act**. Also in 1981, the television documentary **Silent Minority** was shown at peak viewing time, revealing the behind-the-scenes work at two hospitals for 'mentally handicapped people' (as they were still normally referred to), St Lawrence's and Borocourt. It contrasted the understaffed wards at St Lawrence's with that of Beechtree House (above) suggesting that the intensive education of children in a small unit like Beechtree House prevented their becoming disturbed and frightened like those at Borocourt who were kept in a wire compound during daylight hours.

In 1986 the **Disabled Persons' (Services Consultation and Representation) Act** (see above) required local authority social service departments to assess the needs of all disabled people who requested services. This included providing, where need was identified, help in accessing telephone, television, radio and library facilities, holidays, recreation, education, transport to and from services, occupational, social and cultural facilities. Disabled people were defined by the Act as being: 'Blind, deaf or dumb or who suffer from mental disorder of any description or who are substantially and permanently handicapped by their illness, injury or congenital deformity'.

387 *In-Patient Statistics*, (DHSS, 1975) pp.5,7.

388 Warnock Report, *Special Educational Needs: Report of the Committee of Enquiry into the Education of Handicapped Children and Young People*, (HMSO 1978) p.327.

The 1990 **National Health and Community Care Act** required social services departments to establish units to inspect services, establish complaints procedures and prepare **Community Care Plans**. From 1991 users became entitled to a Community Care assessment of needs. Nevertheless in 1992, Jonathon Zito was murdered by a paranoid schizophrenic who had been released from hospital but received inadequate community care. The **Zito Trust** was established in 1994 to campaign for reform of mental health policy and law and 'to provide advice and support to victims of mentally disordered offenders' as it continues to do.

In October 1994 ***Finding a Place: A Review of Mental Health Services for Adults*** was published by the Department of Health, followed in 1995 by the **Carers (Recognition and Services) Act**, which provided for the assessment of the ability of carers to provide care. Also in 1995 the **Mental Health (Patients in the Community) Act** responded to growing public and media concern about the inadequacy of community care for mentally ill people. It made provision for certain mentally ill patients to receive after-care under supervision after leaving hospital, and tightened up the law concerning patients absent without leave or on leave of absence from hospital. Most importantly, from 1995 the **Disability Discrimination Act** (above) applied to mentally as well as physically disabled people. The 1996 **Community Care (Direct Payments) Act** enabled local authorities to make payments to disabled people to enable them to buy community services.

In May 1998 an Audit Commission report, ***Home Alone: the Housing Aspects of Community Care***, recommended considerable improvements in community care for disabled people, including housing provision, and included case studies of good practice. It was followed in September 1999 by a further Report, ***Children in Mind: Child and Adolescent Mental Health Services***, again critical of existing services.

In January 2000 another Audit Commission Report, ***Forget Me Not: Mental Health Services for Older People***, again criticized the inadequacy of services for a large group experiencing mental health problems, a serious problem which continues and grows as the numbers of older people increase (see Chapter 1). The report recommended that health and social service departments should work more closely together and submit annual joint plans. It found wide variation in the provision of services and often patchy and uncoordinated support for users and their assistants.

The JRF funded pioneering training and support of people with learning difficulties to research and evaluate the experiences of people like themselves who moved from institutional care to living in the community. This and other projects had a significant impact on the government's 2001 national strategy on learning disability. In particular it was largely responsible for the inclusion of children in the national strategy.<sup>389</sup> This was published in March 2001 as ***Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century***, and was the first White Paper concerning people with learning disabilities since *Better Services for*

389 *Outside but not inside...Yet! Leaving hospital and living in the community: an evaluation by people with learning difficulties.* (People First, 1994); L. Ward 'Funding for change: translating emancipatory disability research from theory to practice' in C. Barnes and G. Mercer (eds.) *Doing Disability Research* (The Disability Press, 1997) pp.32-49.

*the Mentally Handicapped* in June 1971. It emphasized the need for co-operation between public services to improve the life chances of people of all ages with learning disabilities, and their integration into the mainstream whenever possible. In October 2002 the Scottish Executive introduced ***Well? A National Programme for improving the Mental Health and Well-Being of Scotland's Population.***

Research and action funded by the JRF influenced further developments in services. This included persuading the government in 2003 to commit to a national protocol on support services for disabled parents, to bring an end to the excessive and inappropriate burden of caring which had fallen on many children and young people. JRF funding of research into the means to support independent living for disabled people continues.

The continued inequalities experienced by those suffering from mental disability have been highlighted by high profile figures, such as Stephen Fry and Adam Ant, discussing their personal difficulties, suggesting how little public attitudes have changed, even for relatively privileged people. Asked by an audience of psychiatric students and practitioners at a seminar on bipolar disorder at St Andrew's University why he had made a TV programme about his experiences, Fry stated:

*I'm in a rare and privileged position of being able to help address the whole business of stigma, and why it is that the rest of society finds it so easy to wrinkle their noses, cross over, or block their ears when confronted with an illness of the mind and of the mood - especially when we reach out with such sympathy towards diseases of the liver or other organs that don't affect who we are and how we feel in quite such devastating complexity.<sup>390</sup>*

Referring to the documentary about his experiences which appeared on Channel 4 in July 2003, *The Madness of Prince Charming*, which was one of the station's most watched programmes that year, Adam Ant commented:

*It was quite a heavy thing to do....But it got the best reaction of anything I've ever done. Everyone I meet says I'm really glad you said that, because someone in my family has got a mental illness... What came out of the documentary is that everybody has got someone in their family who has either suffered in silence or has experience of the illness, and they never get their point of view aired.<sup>391</sup>*

390 Stephen Fry, *The Secret Life of the Manic Depressive*, quoted at: [http://www.bbc.co.uk/health/tv\\_and\\_radio/secretlife\\_documentary.shtml](http://www.bbc.co.uk/health/tv_and_radio/secretlife_documentary.shtml)

391 Adam Ant, *The Madness of Prince Charming*, quoted at <http://www.bipolarrollercoaster.co.uk/famous%20bipolars-.htm>

Recent research suggests that the NHS is still providing sub-standard treatment for people with learning disabilities and long-term mental health conditions and could face a legal challenge.<sup>392</sup> An 18-month investigation by the Disability Rights Commission, the largest of its kind, based on examination of 8 million medical records, found that people with learning difficulties and long-term mental health problems die five to ten years younger on average than other citizens. The Commission reported that disabled people and those with severe mental problems were less likely to get the same health checks as other patients. The Commission's chairman, Sir Bert Massie, stated:

*Tackling health inequalities is high on the government agenda, yet there has been a deeply inadequate response from health services and government to target these groups which, in some cases, is compounded by a dangerous complacent attitude and a lazy fatalism that they 'just do' die younger. This is completely unacceptable.<sup>393</sup>*

In October 2006, the Commission also recommended that the government extend the legal definition of disability to enable more disabled people to make discrimination claims. Based on consultation in which four out of five respondents called for change, the Commission argued that the definition within the Disability Discrimination Act should be extended to include everyone who has, or is perceived to have, an impairment, including impairments that affect people for periods of less than 12 months, such as depression.

<sup>392</sup> *Guardian* 14th September 2006.

<sup>393</sup> *Guardian* 14th September 2006.

## Mental Disability among Ethnic Minority Groups

An area of continuing concern, however, is that of differences among ethnic minority groups in their experiences of mental disability and of treatment and care.<sup>394</sup> Ethnic origin has only recently begun to be recorded in official statistics in England and Wales. However, much existing research shows that certain groups, notably Black and Irish people, are over-represented in psychiatric hospitals.<sup>395</sup> They are more than twice as likely to be hospitalised for mental distress as their White British counterparts.<sup>396</sup> Research carried out at two psychiatric hospitals in the 1990s found that Black people were over-represented among compulsorily detained patients compared with their numbers in the local population. Of the 224 patients admitted to one hospital, 106 (51 per cent) were Black, 16 (8 per cent) Asian and 86 (41 per cent) White. Census data from 1991 showed that 71 per cent of the population of the area studied was White (including the 5.2 per cent who were Irish), 17.2 per cent Black, and 9.2 per cent Asian. 2.7 per cent classified themselves as 'other'.<sup>397</sup> One report states that African Caribbean men have 4.3 times, and women 3.9 times, the rate of White people for first admission with a diagnosis of schizophrenia.<sup>398</sup> Another study of over 100 African Caribbean and African users of mental health services in Britain found that almost half had received a diagnosis of schizophrenia.<sup>399</sup>

Recent research suggests that although more Black people are treated for psychosis, this may not indicate that they are more likely to suffer from such illness. The way in which they express their symptoms may lead to their being more likely than others to be treated for them.<sup>400</sup> There are also indications that African Caribbean and other Black people with psychosis are being admitted to hospital for treatment because their initial contact with mental health services arises from contact with the police or other services. This occurs despite the fact that they are less likely than White people to show evidence of self-harm and are no more likely to be aggressive to others before admission to a mental health hospital.<sup>401</sup> Research also suggests that, despite the lack of evidence, staff in mental health hospitals are more likely to perceive them as potentially dangerous. It is therefore possible that African Caribbean people are more likely to be diagnosed with psychosis because of bias among those who treat them.<sup>402</sup>

394 Much of what follows is drawn from <http://www.mind.org.uk/Information/Factsheets/Statistics/Statistics+3.htm>.

395 M. Wilson, J. Francis *Raised Voices* (Mind, 1997). P. Bracken 'Mental health and Ethnicity: The Irish Dimension' *British Journal of Psychiatry*, 172, pp.103-105.

396 R. Cochrane and S.S. Bal 'Mental Hospital Admission rates for Immigrants to England' *Social Psychiatry*, 24, pp.2-11.

397 Deryck Browne, *Black People and Sectioning* (Little Rock Publishing, 1997); R. Dutt, P. Ferns *Letting through the Light. A training pack on black people and mental health*, (REU/DoH, 1998).

398 R. Cochrane, S. Sashideran, *Mental Health and Ethnic Minorities: a Review of the Literature and Implications for Services* (School of Psychology, University of Birmingham, n.d.).

399 Wilson and Francis, *Raised Voices*; Bracken 'Irish Dimension'.

400 J. Nazroo, M. King 'Psychosis-symptoms and estimated rates' in K. Sproston, J. Nazroo eds. *Ethnic Minority Psychiatric Illness Rates in the Community* (National Centre for Social Research, TSO, 1997).

401 J. Nazroo, Ethnicity, *Class and Health* (Policy Studies Institute, 2002).

402 Nazroo and King, *Psychosis*.

**Table 7.1: Estimated annual prevalence of psychosis by gender (percentages)<sup>403</sup>**

	White	Irish	Caribbean	Bangladeshi	Indian	Pakistani
Men	1.0	1.0	1.6	0.6	0.9	1.4
Women	0.7	1.0	1.7	0.6	1.3	1.3
Total	0.8	1.0	1.6	0.6	1.1	1.3

Source: Fourth National Survey of Ethnic Minorities (FNS).

Psychotic illness affects a very small portion of the population, around 1 person in 200 in the UK.<sup>404</sup> Because of the small numbers it is difficult to produce statistics that accurately reflect any differences among ethnic groups. Although the above figures indicate some differences in the prevalence of psychosis, it is important to note that only the difference between Black Caribbean women and White women can be considered statistically significant.<sup>405</sup>

The figures show a higher rate of psychotic illness for Black Caribbean people than for White people, with Black Caribbean people being twice as likely as White people to be diagnosed with psychosis. However, the difference is much lower than previous studies have indicated. More importantly, previous studies have indicated that the rate of psychosis is particularly high among Black Caribbean men. The FNS study suggests that the ethnic difference was largely due to higher rates of psychosis among Black Caribbean women. The study further showed that those from a poorer background were more likely to suffer from a psychotic illness. This was the case for Black people as well as for White people. It also emerged that those living in inner cities seemed at higher risk.<sup>406</sup> These findings support the theory that mental illness may be related to living conditions rather than ethnicity or race.

Neurosis is much more common than psychosis. Neurotic disorders such as depression and anxiety are not considered as serious or disabling for the individual as psychotic disorders such as schizophrenia or manic depression. However, as the neurotic disorders are far more common, they affect more people, and have a greater impact on the community. It is estimated that they account for one-third of days lost from work due to ill health.<sup>407</sup> Around 15 per cent of the population in the UK may be affected at any time, but few studies have attempted to find out how different minority groups have been affected by these disorders.

One study indicates that, among men, White and Pakistani subjects reported depressive episodes most often (2.4 per cent). However, the numbers reported are small and the differences between the groups cannot be considered statistically significant. Irish men reported the highest level of neurotic disorders (18.4 per cent). However, they reported fewer depressive episodes (1.8 per cent) than men from all other groups, except Indians. The highest levels of depressive

403 Nazroo and King, *Psychosis*.

404 Nazroo and King, *Psychosis*.

405 Nazroo, *Ethnicity*.

406 Nazroo and King, *Psychosis*.

407 Nazroo and King, *Psychosis*.

episodes were reported by Pakistani women (6.3 per cent) and Indian women (5.7 per cent). Both show a much higher rate than their male counterparts. In other ethnic groups there were no significant gender differences. Bangladeshi women showed the lowest rate of depression (1.6 per cent). Irish men and Indian women reported the highest rates of anxiety (5.9 per cent and 7.3 per cent respectively). The lowest rate of mixed anxiety depressive disorder among men was found in White (7.4 per cent) and Pakistani (7.1 per cent) people. However, the differences between the men were not statistically significant. Pakistani women reported the highest rate (17.0 per cent). Bangladeshi women reported the lowest rate (9.4 per cent) of mixed anxiety depressive disorder among women. The differences between women in the other groups were not statistically significant.<sup>408</sup>

Black people are more likely to be given 'physical' treatments (drugs and Electro-Convulsive Therapy) than their White counterparts.<sup>409</sup> African people are likely to be given higher doses of medication in comparison with other groups, and stand a greater chance of receiving this intramuscularly, which can be very painful.<sup>410</sup> Black people are less likely to be offered counselling, other talking treatments or non-medical interventions than White people and are rarely offered counselling in any language but English.<sup>411</sup> There are no good statistics on the treatments most often given to Asian, South-East Asian or Irish people.

The treated prevalence rates for mental distress within the large Chinese population of Britain are less than 50 per cent of the rates for the White population.<sup>412</sup> This may be because mental illness carries greater stigma within the Chinese community than in others. However, in one study, 93 per cent of Chinese people interviewed said that they would use services if they knew what was available.<sup>413</sup>

408 S. Weich, M. McManus, 'Common Mental Disorders' in Sproston *Ethnic Minority Psychiatric Illness*.

409 C. Smaje, *Race and Ethnicity: Making Sense of the Evidence* (King's Fund, 1995).

410 P. Moodley, 'Setting up services for ethnic minorities' in D. Bhugra and J. Leff (eds) *Principles of Social Psychiatry* (Blackwell, 1993), pp.490-501.

411 J. Willmot, 'Poor Recognition, poorer services for Black Women' *Openmind*, 81, Sept-Oct, 1996, pp. 8-9.

412 A. Furnham and Y. Li, 'The psychological adjustment of the Chinese community in Britain-a study of two generations' *British Journal of Psychiatry*, 162, pp.109-113.

413 K. Xiang, *Survey Report on the Use of Health Services by the Chinese Community in Oxford City* (East Oxford Health Authority, 1993).

## Conclusion

Over the past 60 years there has been progress towards equal treatment of disabled people with the rest of the population, though inequalities remain, particularly for those experiencing mental disability. The main drivers for change have been:

- **Campaigning** on behalf of, and increasingly from the 1960s, by disabled people, supported by **research** which has increased awareness of their capacities.
- **Political support** for equality especially from the Labour governments since 1997.
- Positive **media representations** of disabled people and prominent people with physical and mental disabilities providing public role-models.

The main inhibitors of change have been:

- **Ignorance**, sometimes technical (e.g. how to adapt machinery to the needs of disabled people), sometimes cultural (e.g. of the capabilities of disabled people).
- **Cuts to public services** which have periodically reduced essential sources of support.

## TIMELINE

- 1893** Elementary Education (Blind and Deaf Children) Act
- 1899** Elementary Education (Defective and Epileptic Children) Act
- 1920** Blind Pensions Act
- 1944** Education Act states disabled children should receive mainstream education wherever possible  
 Disabled Persons' Employment Act requires employers of more than 20 employees to employ at least 3 per cent of workforce from Disabled Persons Register
- 1946** Association of Parents of Backward Children (now MENCAP) formed by parents concerned about the lack of support  
 National Association for Mental Health (now MIND) formed  
 Report of the Care of Children Committee published
- 1948** National Health Service provides free healthcare to all irrespective of disability  
 National Assistance Act obliges local authorities to make provision for disabled people within the community  
 Jack Archer, of radio programme, *The Archers*, admitted to psychiatric hospital for depression
- 1957** Report of Royal Commission on the Law Relating to Mental Illness and Mental Deficiency
- 1958** *The Hurt Mind* is first TV programme about a psychiatric hospital
- 1959** Mental Health Act
- 1965** Disablement Income Group formed
- 1967-69** Allegations of misconduct at some psychiatric hospitals
- 1970** Chronically Sick and Disabled Persons Act leads to expansion of community based provision  
 Education (Handicapped Children) Act gives LEAs responsibility for the education of all mentally handicapped children
- 1972** National Schizophrenia Fellowship formed (2002, changed its name to Rethink)  
 Scottish Union of Mental Patients, SUMP, formed  
 Establishment of Health Service Commissioner to investigate complaints of ill-treatment in hospitals
- 1973** Publication of *Psychiatric hospitals viewed by their patients*
- 1974** Community Health Councils come into existence  
 Disability Alliance formed

- 1975 **Chronically Sick and Disabled Persons Amendment Act**  
**White Paper, *Better Services for the Mentally Ill*, Indicates shift from institutional to community care**
- 1976 **Jack Nicholson film *One Flew Over the Cuckoo's Nest* about mental illness**
- 1977 **Beech Tree House, Hertfordshire, established by the Spastics Society (later Scope) for severely mentally disabled children**
- 1978 **Disability Information and Advice Line (DIAL) formed out of the Derbyshire Coalition of Disabled People**
- 1981 **Education Act recognizes Special Educational Needs**  
**Disabled Peoples International (DPI) set up, leads to formation of British Council of Organisations of Disabled People (BCODP)**  
***Care in the Community* Green Paper recommends community care and hospital closures**  
**TV documentary *Silent Minority* shown at peak viewing time**
- 1985 **Voluntary Organisations for Anti-Discrimination Legislation (VOADL) formed**
- 1986 **Disabled Persons (Services, Consultation and Representation) Act gives disabled people more involvement in local provision**
- 1990 **National Health and Community Care Act**
- 1992 **Report by BCODP on *Disabled People in Britain and Discrimination***  
**Jonathon Zito murdered by a paranoid schizophrenic out-patient**
- 1994 **Zito Trust established**  
**Publication of *Finding a Place: A Review of Mental Health Services for Adults***  
**Code of Practice for SEN**
- 1995 **Disability Discrimination Act (DDA) focuses on direct discrimination in employment, services, and sale of land**  
**Carers (Recognition and Services) Act**  
**Mental Health (Patients in the Community) Act**
- 1996 **Community Care (Direct Payments) Act**
- 1997 **Government agrees to amend DDA and sets up a taskforce**
- 1998 **Audit Commission Report, *Home Alone: the Housing Aspects of Community Care***
- 1999 **Audit Commission Report *Children in Mind: Child and Adolescent Mental Health Services***

- Disability Rights Commission Act amends DDA, replaces National Disability Council with the Disability Rights Commission (DRC)**
- 2000**      **Audit Commission Report, *Forget Me Not: Mental Health Services for Older People***
- 2001**      **Special Educational Needs and Disability Act**  
***Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century* is first White Paper on learning disabilities since 1971**
- 2002**      **Private Hire Vehicle Act**  
***'Well?' Scottish Executive National Programme for improving the Mental Health and Well-Being of Scotland's Population***
- 2003**      **Start of three-year Royal College of Psychiatrists study of people who previously lived in psychiatric hospitals**
- 2004**      **Mencap launches 'Ask Mencap' website**  
**Government launches *New Deal for the Disabled*, all businesses required to make 'reasonable changes' to their premises**
- 2005**      **Disability Discrimination Act**

## STATISTICS

**TABLE 7.2: Benefits for the sick and disabled, Great Britain, 1950-97/98a**

	Recipients (000)	Expenditure (£m) Cash terms	Expenditure (£m) 1997 prices
1950 <sup>b</sup>	908	69	1,294
1955 <sup>b</sup>	921	100	1,416
1960 <sup>b</sup>	896	135	1,697
1965/66 <sup>c</sup>	900	248	2,614
1970/71	922	374	3,112
1975/76	998	873	3,829
1980/81	1,043	1,804	4,128
1985/86	1,137	2,625	4,318
1990/91	1,678	4,647	5,683
1995/96	2,406	7,906	8,293
1997/98	2,341	7,421	7,362

Notes:

<sup>a</sup> Figures relate to Sickness Benefit, Invalidity Benefit and Incapacity Benefit.<sup>b</sup> For 1950-60, figures refer to average of monthly claims throughout year, and financial years beginning in the stated year.<sup>c</sup> For 1965 onwards, claimant figures refer to claimants incapacitated at the end of the statistical year (June, from 1965/66-80/81, and April from 1985/86 onwards) and expenditure figures relate to financial year.**TABLE 7.3: Invalid Care Allowance, Great Britain, 1980-97**

	Allowances current at end of year (000)			Expenditure (£m)	
	Men	Women	Total	Cash terms	1997 prices
1980	n/a	n/a	7	5	11
1985	6	4	10	13	21
1990	24	110	134	208	254
1995	74	242	316	617	647
1997	94	280	374	745	739

**TABLE 7.4: Persons registered as substantially and permanently handicapped, 1950-97, England and Wales (000s)**

		General classes <sup>a</sup>	Blind	Partially sighted	Deaf	Hard of hearing
England and Wales	1950	n/a	81.3	n/a	n/a	n/a
	1955	47.4	94.7	18.1	16.4	10.3
	1960	93.4	97.5	24.2	21.3	14.2
	1970	251.1	103.1	37.4	25.6	17.7
	1980	961.6	115.1	55.3	31.5	36.2
England only	1980	900.7	107.8	51.4	29.7	35.1
	1986	n/a	120.6	71.1	34.1	63.4
	1987	1,230.6	n/a	n/a	n/a	n/a
	1988	n/a	126.8	79.0	n/a	n/a
	1989	n/a	n/a	n/a	37.9	70.3
	1990	1,265.6	n/a	n/a	n/a	n/a
	1991	n/a	136.2	93.8	n/a	n/a
	1992	n/a	n/a	n/a	44.0	99.3
	1993	1,336.9	n/a	n/a	n/a	n/a
	1994	n/a	149.7	115.7	n/a	n/a
	1995	n/a	n/a	n/a	45.5	125.9
	1997	n/a	158.6	138.2	n/a	n/a

Notes:

<sup>a</sup> General classes include the very severely handicapped, the severely or appreciably handicapped, other classified persons and the unclassified.

<sup>b</sup> From 1981, returns from each register were required every three years, a different register each year.

**TABLE 7.5 Persons under 65 with physical or mental disabilities<sup>a</sup> in residential accommodation provided by or on behalf of local authorities, 1970-95, England**

	Type of accommodation			Total
	Local Authority <sup>b</sup>	Voluntary	Private and other	
1970	6,023		4,509	10,532
1975	5,840		4,414	10,254
1980 <sup>c</sup>	4,962	4,074	285	9,321
1985	4,338	3,547	208	8,093
1990	3,406	2,784	356	6,546
1995	2,100	2,400	2,690	7,200

Notes:

<sup>a</sup> Includes the blind, deaf, epileptic, physically handicapped, mentally ill, people with learning difficulties and others.<sup>b</sup> Includes homes jointly used by local authorities and hospitals.<sup>c</sup> From 1980 short stay homes are included.**TABLE 7.6 Places in homes for mentally ill people, 1975-95, England**

	Type of accommodation			Total
	Local Authority	Voluntary	Private	
1975	2,545		1,366	3,911
1980	3,724		2,142	5,866
1985	4,363	1,952	1,219	7,534
1990	4,349	2,660	4,697	11,706
1995	3,700	4,600	6,500	14,800

Sources for Tables 7.1 to 7.5: *Health and Personal Social Services Statistics for England, 1986, Table 7.3; Health and Personal Social Services Statistics for England, 1991, Table 7.3; Health and Personal Social Services Statistics for England, 1993, Table 5.56; Health and Personal Social Services Statistics for England, 1996, Table 5.50.*

**TABLE 7.7 Places in homes for people with learning difficulties, 1975-95, England**

	Type of accommodation			Total
	Local Authority	Voluntary	Private and other	
1975	7,463		2,885	10,348
1980	12,062		3,746	15,808
1985	15,045	3,991	3,105	22,141
1990	16,886	7,894	8,382	33,162
1995	13,600	14,300	12,900	40,800

Sources: *Health and Personal Social Services Statistics for England*, 1986, Table 7.3; *Health and Personal Social Services Statistics for England*, 1991, Table 7.3; *Health and Personal Social Services Statistics for England*, 1993, Table 5.56; *Health and Personal Social Services Statistics for England*, 1996, Table 5.50.

**TABLE 7.8 Local authority adult training centres and special care centres for people with learning disabilities, 1930-90, England and Wales<sup>a</sup>**

	Cases under local authority supervisions (000s)	Numbers attending occupation centres, <sup>b</sup> all ages (000s)	Local authority adult training centres <sup>c</sup>	
			Premises	Places (000s)
1930	46.7	n/a	10	n/a
1939	69.5	4,244	69	n/a
1950	70.4	5,340	n/a	n/a
1960	83.6	22,041 <sup>d</sup>	n/a	n/a
1970	104.1	48,206	311	22.9
1975	n/a	n/a	415	36.3
1980	n/a	n/a	484	45.0
1985	n/a	n/a	541	52.0
1990	n/a	n/a	691	59.4

Notes:

For England, this series was discontinued after 1992.

<sup>a</sup>

<sup>b</sup> Includes both centres run by local authorities and those run by voluntary organizations.

<sup>c</sup> Training centres catering for both juniors and adults are excluded.

<sup>d</sup> 1961 figure.

Sources: Board of Control *Annual Reports*, 1930, 1939; Ministry of Health *Annual Reports*, 1950, 1960; Dept. of Health and Social Security, *Digest of Health Statistics for England and Wales*, 1970; *Health and Personal Social Services Statistics for England*, selected years; *Health and Personal Social Services Statistics for Wales*, selected years.

**TABLE 7.9 Local authority services for the adult mentally ill,<sup>a</sup> 1961-90, England and Wales<sup>b</sup>**

	No. under local authority supervision (000s)	Local authority day centres	
		Numbers attending	Places (000s)
1961	40.0	354	n/a
1970	100.5	3644	2,736
1975	n/a	n/a	3,673
1980	n/a	n/a	5,339
1985	n/a	n/a	6,250
1990	n/a	n/a	7,811

Notes:

<sup>a</sup> Mentally ill and psychopathic aged over 16.<sup>b</sup> For England, this series was discontinued after 1992.Sources: DHSS *Digest of Health Statistics for England and Wales*, 1970; *Health and Personal Social Services Statistics for England*, selected years; *Health and Personal Social Services Statistics for Wales*, selected years.**TABLE 7.10 Grant-aided special schools for 'handicapped pupils', 1900-50: England and Wales**

Year	Schools	Pupils <sup>a</sup>
1900/01	182	8,153
1910/11	336	22,791
1920/21	500	36,459
1930/31	607	48,934
1937/38	611	51,422
1950	601	47,119

Note:

<sup>a</sup> Day and boarding pupils; boarding includes hospital schoolsSource: *Education in 1950*, Historical Tables, England and Wales.

**TABLE 7.11 Numbers of special schools and pupils in special schools: 1965-97: England only**

Year	Special schools <sup>a</sup>	Pupils (full and part-time)	Percentage of all pupils
1965	847	71,915	1.0
1970	951	84,304	1.0
1975	1,529	127,809	1.4
1980	1,597	129,724	1.5
1985	1,529	116,273	1.5
1990	1,398	99,295	1.3
1995	1,291	98,390	1.2
1997	1,239	98,249	1.2

Note:

<sup>a</sup> Includes maintained and non-maintained special schools.

Source: Statistics of Education in England, 1997, DfEE.

## Conclusion: Equalities in Great Britain, 1946-2006

**Pat Thane**

Over the past 60 years there have been serious attempts in most of the areas considered above to devise government policies and institutions to diminish inequalities. There have been fewest and least effective attempts in respect of Gypsies and Travellers, despite recognition of their difficulties throughout the period. That older people experience unjustified inequality for reasons of age alone has been recognized only recently and it is too soon to tell how effective recent measures to diminish this inequality will be. Most serious policies and institutions have had some measurable success. None has succeeded in coming close to eradicating inequality.

The introduction of these policies and institutions was in all cases driven by organized activism by people who experienced inequality. Activism which is not just driven by narrow sectional self-interest among a minority of a social group with the loudest voices, but seeks to represent the interests of a broader constituency, has clearly been effective in achieving change. It can influence not only government policy but that of other social institutions, such as the success of women in increasing their representation in the elected assemblies at Westminster, in Wales and in Scotland. Such activism has been increasingly evident over the 60 year period, probably because of higher levels of education and confidence among members of social groups experiencing inequality and the increasing receptiveness of the media to their activities and statements, though not always in helpful ways. There are all too many instances of sections of the press, in particular, reinforcing discriminatory attitudes. This is not historically new, previous examples include critical press coverage of Jews at the beginning of the century and to the campaign for women's suffrage between the wars, but its survival is disappointing.

Despite such institutions as the CRE and EOC achieving some real changes, inequalities persist, which may not be best tackled by measures targeted at specific groups in isolation. For instance, the relatively poor performance in the labour market of Bangladeshis compared with other ethnic groups suggests that socio-economic differences may be at the root of certain inequalities as they are among the White British population. Further effective government policies to narrow income and educational inequalities for the whole population could do much to assist specific disadvantaged groups. There should certainly be monitoring of existing policies to establish whether, for example, certain groups are less likely to take up targeted benefits like the Working Family Tax Credit or Pension Credit, due to linguistic problems or relative social isolation. All such measures have take-up problems (about 20 per cent of eligible pensioners have not applied for pension credit); we do not know much about the characteristics of those who fail to apply for such benefits. Generally, there is a need to mainstream equality issues in all areas of social policy.

Some inequalities seem to diminish with time as certain groups become part of British culture without necessarily losing their distinct identities, as the experience of Jewish and Irish communities over the 20th century suggests. But much harm can be done during the long wait for history to take its course and in neither case has inequality been wholly eliminated.

Despite the many differences in their experiences over the past 60 years there are striking similarities in the mechanisms whereby the diverse groups discussed above have achieved varying degrees of change towards greater equality. The main common drivers have been:

- **Activism** by the groups concerned, with support from others. This has taken different forms but, especially since the 1960s, has clearly helped to shape government action.
- The positive role of **government institutions** established to promote equality, such as the EOC, CRE and DRC.
- In general **Labour governments** have done most to promote equality, sometimes, especially in the late 1960s, contrary to the preferences of many of their potential voters.
- The **EU and European Courts** have been a resource for activists and a source of pressure on British governments.
- **Research** by independent groups has helped to make the case for equality in many instances.
- **Cultural change** has a diffuse and amorphous set of influences, but generally higher living standards and standards of education, greater social confidence and diminished deference, more relaxed social and sexual attitudes have helped to increase popular support for diminishing inequalities.
- The **media** have played an ambiguous role, both as a resource increasingly used by campaigners since the 1960s to promote their causes, but the popular press in particular have persistently reinforced prejudice and stereotypes.

On most dimensions of inequality there has been improvement over the past 60 years, but it has been uneven across social groups and in all of them serious inequalities have yet to be eradicated. Major inhibitors of change have been:

- The **poverty**, reinforcing cultural isolation, of some groups, especially Gypsies and Travellers and certain other ethnic minority groups.
- **Hostility and prejudice** which survives in the majority population, more in, and against some groups than others.

## Annex A: Equalities in Great Britain, 1946-2006, Composite Timeline

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1946	National Insurance Act introduces universal pensions from 1948						Association of Parents of Backward Children founded; National Association for Mental Health founded; Report of the Care of Children Committee
1947				Town & Country Planning Act regulates development and land use			
1948	National Health Service & National Assistance Board Established	British Nationality Act confirms right of British & Commonwealth citizens to enter UK; <i>Empire Windrush</i> docks at Tilbury				Kinsey's <i>Sexual Behaviour in the Human Male</i> published; <i>Journal of Sex Education</i> founded	National Health Service & National Assistance Board established
1949						Mass Observation's <i>Little Kinsey</i> study	
1950		Unsuccessful attempt to outlaw racial discrimination		Police surveyed about site evictions			
1951				Gypsy Charter published			

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1953						Kinsey's <i>Sexual Behaviour in the Human Female</i> published	
1954							Wolfenden Committee appointed; Trial of Montagu, Pitt-Rivers & Wildeblood; Roberta Cowell's account of gender transition published
1955					Equal Pay for women in public service		
1956					Sexual Offences Act recognises crime of assault between women	Sexual Offences Act recognises crime of assault between women	
1957						Wolfenden Committee reports	Report of Royal Commission on the Law Relating to Mental Illness and Mental Deficiency
1958		Riots in Nottingham & London against West Indians; <i>West Indian Gazette</i> ; West Indian Standing Conference & Indian Workers' Association founded				Homosexual Law Reform Society founded	<i>The Hurt Mind</i> shown on TV

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1959		Racially-motivated murder of Kelso Cochrane			Street Offences Act toughens law on prostitution	Street Offences Act toughens law on prostitution	Mental Health Act encourages voluntary admissions and care in the community
1960				Caravan Sites & Control of Development Act requires caravans to have licence and planning permission			
1961	Help the Aged founded						
1962		Commonwealth Immigrants Act limits right of entry & imposes employment voucher system	Federation of Students Islamic Societies & UK Islamic Mission founded	Planning circular 6/62 encourages local authorities to provide sites			
1963						Minorities Research Group founded	
1964		Campaign Against Racial Discrimination founded				North West Committee of Homosexual Law Reform Society founded	
1965	State pensions increased	Race Relations Act establishes Race Relations Board		Gypsy Census in England & Wales			Disablement Income Group founded
1966				Gypsy Council founded			

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1967					Abortion Act legalises abortion in certain circumstances	Sexual Offences Act (England & Wales) decriminalizes homosexuality	
1968	Enoch Powell's 'rivers of blood' speech; Commonwealth Immigrants Act restricts immigration; Race Relations Act establishes Community Relations Commission			Caravan Sites Act imposes duty on local authorities to provide sites in return for enforcement powers	Women strike at Fords, Dagenham for equal pay		
1969	Learie Constanine becomes first Black peer			Gypsy Census in Scotland	London Women's Liberation Workshop; Divorce Reform Act establishes no-blame divorce; Women's National Council founded	Scottish Minorities Group formed; Stonewall Riots in New York; Committee for Homosexual Equality formed	
1970			Inauguration of General Synod; Union of Muslim Organizations in UK founded		Equal Pay Act (comes into force 1975); Women's Liberation Movement conference; Feminists sabotage <i>Miss World</i>		Chronically Sick & Disabled Persons Act; Education (Handicapped Children) Act expands community care
1971	Immigration Act further restricts Commonwealth citizens' rights of entry			Oxford conference on Gypsy & Traveller education	First Women's Refuge, Chiswick	GLF manifesto and first Gay rights march;	

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1972		Expulsion of Ugandan Asians				<p>Gay News founded;                      First Gay Pride March, London</p> <p>Health Service Commissioner to investigate misconduct at mental hospitals;                      National Schizophrenia Fellowship and Scottish Union of Mental Patients founded</p>	
1973							<p>Report on <i>Psychiatric Hospitals Viewed by their Patients</i></p>
1974					<p>Families Need Fathers founded</p>	<p>Unsuccessful attempt to decriminalize homosexuality in Northern Ireland;                      First national Lesbian conference,                      Canterbury; London                      Gay Switchboard &amp; Action for Lesbian Parents founded;                      First International Gay Rights conference,                      Edinburgh; National Transvestite &amp; Transsexual conference, Leeds</p>	<p>Community Health Councils formed;                      Disability Alliance founded</p>

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1975	Social Security Pensions Act introduces SERPS	Race Relations Act establishes Commission for Racial Equality; Riots at Notting Hill Carnival	Sikh motorcyclists exempted from compulsory crash helmets	Race Relations Act, Gypsies & Travellers not covered	Sex Discrimination Act creates Equal Opportunities Commission	Sexual Reform Bill published, aims to equalise law across UK	Chronically Sick & Disabled Persons (Amendment) Act; White Paper <i>Better Services for the Mentally Ill</i>
1976	Race Relations Act establishes Commission for Racial Equality; Riots at Notting Hill Carnival	Sikh motorcyclists exempted from compulsory crash helmets	Race Relations Act, Gypsies & Travellers not covered	Domestic Violence & Matrimonial Proceedings Act; First Rape Crisis Centre, London	Sexual Offences (Scotland) Act reinforces criminalization of homosexuality	Jack Nicholson film, <i>One Flew Over the Cuckoo's Nest</i>	
1977	Rock Against Racism & Anti-Nazi League formed	Gay News editor prosecuted for Blasphemy	Cripps report into 1968 Act; New planning circular, 28/77, in response to Cripps	First Reclaim the Night march	Failed Bills to reduce Gay age of consent to 18 and decriminalize homosexuality in Scotland	Beech Tree House established in Herts by Spastics Society	
1978							Disability Information & Advice Line founded
1979	National Pensions' Convention founded	Blair Peach dies at Southall demonstration		Biannual Caravan Count begins in England	Thatcher becomes first female Prime Minister; Demonstration against Bill to re-criminalize Abortion	Scottish Homosexual Reform Group brings case to ECHR; Self Help Association for Transsexuals formed	

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1980				Government grants for local authority sites introduced		Criminal Justice (Scotland) Act decriminalizes homosexuality; Northern Ireland laws ruled in breach of ECHR	
1981		British Nationality Act introduces three classes of citizenship; Scarman Report into inner-city riots; Labour-led GLC anti-racist policies			Women's peace demonstration, Greenham Common		Education Act recognises SEN; Disabled Peoples International & British Council of Organisations of Disabled People formed; <i>Care in the Community</i> Green Paper; <i>Silent Minority</i> TV documentary
1982						Homosexual Offences (Northern Ireland) Order decriminalizes homosexuality; Terence Higgins Trust founded	
1983				Mobile Homes Act excludes Gypsies & Travellers			Peter Tatchell defeated in Bermondsey by-election; First government report on AIDS

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1984			Imams & Mosques Council of Great Britain & Council of Mosques in UK & Eire founded		Brenda Dean first female TU leader	Chris Smith first Gay MP to come-out; First national conference on AIDS	
1985		Inner-city riots, death of policeman on Broadwater Farm Estate	Law Commission recommends changing Blasphemy Laws	Battle of the Beanfield between police and New Age Travellers			Voluntary Organisations for Anti-Discrimination Legislation founded
1986				Public Order Act toughens police powers against trespassers		'London Effect', positive images of homosexuality encouraged in some schools	Disabled Persons (Services, Consultation & Representation) Act gives disabled people more involvement in local service provision
1987		Four ethnic minority MPs returned					Government AIDS leaflet campaign
1988	Campaign against Age Discrimination in Employment founded		<i>The Satanic Verses</i> controversy; UK Action Committee on Islamic Affairs	Swann Report on ethnic minority education	Spouses assessed separately for tax purposes	Protests against Section 28 of Local Government Act; First national conference for disabled LGBT people	
1989		Valerie Amos, first Black CEO of EOC		Romany Gypsies recognised as ethnic minority in <i>CRE v Dutton</i>	Valerie Amos first Black CEO of EOC	Stonewall & FTM Network for Transsexuals founded	

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1990	Commitment to equalize male & female pension ages			Town & Country Planning Act toughens local authority powers against unauthorised sites		Outrage! founded	National Health & Community Care Act requires inspections, complaints procedures & Community Care Plans
1991		Bill Morris first Black TU leader				Failed attempt to prevent L&G people adopting & fostering	
1992	Maxwell scandal; Scottish Pensioners' Forum founded						Report Disabled People in Britain and Discrimination; Jonathan Zito murdered by paranoid schizophrenic
1993		BNP wins council seats on Isle of Dogs; Murder of Stephen Lawrence				Labour party adopts All Women Shortlists	Unequal age of consent challenged in ECHR; Press for Change formed
1994				Criminal Justice & Public Order Act & Planning Circular 01/94 end local authorities' duty to provide sites; Friends, Families & Travellers formed		Age of consent for Gay men reduced to 18; Criminal Justice & Public Order Act makes male rape becomes an offence; First NATSAL survey	Zito Trust founded; <i>Review of Mental Health Services for Adults</i> published; SEN Code of Practice introduced

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1995		Brixton riots		Traveller Law Research Unit formed, drafts Traveller Law Reform Bill			Disability Discrimination Act outlaws direct discrimination; Carers (Recognition & Services) Act provides for assessment of carers; Mental Health (Patients in the Community) Act tightens law
1996			Employment tribunal ruling on freedom to observe Islamic festivals				Community Care (Direct Payments) Act enables disabled people to buy services
1997		Nine Black & Asian MPs returned	Muslim Council of Britain formed; First Muslim MP		Record 120 female MPs returned; Cabinet Office Women's Unit formed; Marjorie Scardino first woman to head FTSE 100 company	Angela Eagle first out-Lesbian MP	Task Force to amend Disability Discrimination Act
1998	Human Rights Act (into effect 2000); Third Age Employment Network founded	Human Rights Act (into effect 2000)	Human Rights Act (into effect 2000)	Human Rights Act (into effect 2000); Biannual Caravan Count introduced in Scotland	Human Rights Act (into effect 2000)	Human Rights Act (into effect 2000); Lords defeat equalization of age of consent	Human Rights Act (into effect 2000); Audit Commission report <i>Home Alone</i>

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
1999		Macpherson Report identifies institutional racism in the Met			Fathers Direct formed	Admiral Duncan pub bombing; Ban lifted on Gays & Lesbians in armed forces; Sex Discrimination (Gender Reassignment) Regulations protect Trans people against employment discrimination	Audit Commission report <i>Children in Mind</i> ; Disability Rights Commission Act establishes DRC
2000		Race Relations (Amendment) Act imposes duty to promote good race relations	Race Relations (Amendment) Act imposes duty to promote good race relations; First Muslim school gains state aid	Race Relations (Amendment) Act imposes duty to promote good race relations; Irish Travellers recognised as ethnic minorities in <i>O'Leary v Allied Domecq</i> ; Gypsy Site Refurbishment Grant		Scottish Parliament repeals Section 28; Second MATSAL survey	Audit Commission Report <i>Forget Me Not</i>
2001		Cantle Report into city riots; 9/11	Home Office Report, <i>Religious Discrimination in England &amp; Wales</i> ; 9/11			Age of consent for Gay men reduced to 16	Special Educational Needs & Disability Act extends obligation to assist independent living; <i>Valuing People</i> White Paper on learning disabilities

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
2002				Gypsy & Traveller Law Reform Coalition (G&TLRC) founded	Fathers4Justice founded; Employment Act introduces flexible working	Equal rights for same sex couples applying to adopt; UK ruled in breach of ECHR re Trans people's rights	Private Hire Vehicle Act extends access requirements; Scottish Executive national programme for mental health
2003			Employment Equality (Religion & Belief) Act bans workplace discrimination		Equal Pay reviews introduced in government departments	Section 28 repealed in England & Wales; Employment Equality (Sexual Orientation) Regulations outlaw workplace discrimination	Government's <i>New Deal for the Disabled</i>
2004			BNP leaflet <i>The Truth About Islam</i> circulated; Performance of <i>Behzti</i> suspended in Birmingham	Housing Act & Planning & Compulsory Purchase Act introduce new framework for site provision		Gay offences of buggery and gross indecency abolished; Gender Recognition Act gives Transsexuals legal right to live in acquired gender; Civil Partnership Act enables same-sex couples to have same rights & responsibilities as married couples	
2005	London suicide bombings	London suicide bombings	London suicide bombings; <i>Jerry Springer the Opera</i> causes protests	Scottish Gypsy & Traveller Law Reform Coalition founded; Sites become general election issue		First civil partnerships and Transsexual marriages take place; first gender recognition certificates issued	Disability Discrimination Act builds on & extends earlier legislation

Date	Age	Race	Religion	Gypsies and Travellers	Gender	Gender Identity and Sexual Orientation	Disability
<b>2006</b>	Equality Act enables creation of Commission for Equality & Human Rights; Employment Equality (Age) Regulations ban workplace discrimination	Equality Act enables creation of Commission for Equality & Human Rights	Equality Act enables creation of Commission for Equality & Human Rights, Part 2 bans discrimination in provision of goods & services; Racial & Religious Hatred Act creates offence of 'inciting religious hatred'	Equality Act enables creation of Commission for Equality & Human Rights; New Planning Circular 01/06 aims to increase site provision; Traveller Law Reform Project replaces G&TLRC; Caravan Sites Security of Tenure Bill aims to extend protection; Biannual Caravan Count introduced in Wales; Schools White Paper commits to end inequality of opportunity and outcomes	Equality Act enables creation of Commission for Equality & Human Rights; Public sector Duty for Gender Equality	Equality Act enables creation of Commission for Equality & Human Rights, Part 2 bans discrimination in provision of goods & services	Equality Act enables creation of Commission for Equality & Human Rights

