Narrating Equality

Practitioners understandings of the new equality paradigm

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The candidate confirms that the work submitted is his own and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

Narrating Equality presents the findings from a qualitative research project exploring how different actors engaged in the changing of UK anti-discrimination law in the late 1990s and 2000s understand and justified this set of legislative alterations. Based upon narrative interviews with fourteen practitioners, as well as the narrative analysis of a number of key texts, the thesis looks to what can be heuristically termed the 'new equality paradigm'. The project has found that narratives across a multiplicity of different (spatial and temporal) sites enacted an idea of this paradigm as comprised of two specific laws - the 2006 Equality Act and 2010 Equality Act. It was concluded that these two pieces of legislation have been narrated as consolidating a number of previous laws (what will be termed the 'anti-discrimination framework) as well as the corresponding commission that worked in tandem to enforce these laws.

Narrating Equality therefore stresses the importance of narrative as a mechanism mobilised by policy practitioners to make sense of what constitutes the new paradigm. It will be shown that rather than a discrete set of spaces, actors and ideas we can instead identify a constellation of competing ideas of what constitute a number of ideas which are normatively positioned as discrete and self contained social constructs- be they 'neo-liberalism', 'policy', 'law' and 'equality', amongst others. Central to this is the observation that there is no innate or self evident coherence to these ideas. Rather the data shows how practitioners enact a semblance of coherence - and furthermore that this semblance is perpetually contested.

This contributes to the existing literature that seeks to critically position the new equality paradigm within framework of Neo liberal governance. This is done by allowing more fluid conceptions of how neo-liberal projects are negotiated, resisted and enacted.

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Part One

Preface

1. Narrating Equality

Narrating Equality is a narrative research project that uses relational theory and methodologies in an effort to elucidate and explore how specific actors justify a pivotal moment in what has been described by academics (see Dickens, 2010; Hand *et al.,* 2012; Hepple, 2010, 2014), governmental bodies (Government Equalities Office, 2008), lawyers (see Equality and Diversity Forum, 2003; Justice, 2005) and media commentators (see Gupta, 2009; Toynbee, 2009) as a transformative moment in British legislative efforts to tackle and prevent inequality and discrimination. This transformative juncture involved the reviewing of the UK framework of anti-discrimination legislation emerging from the 1960s onwards (Hepple, 2010). This review culminated in the introduction of two laws – the Equality Acts of 2006 and 2010 (O'Cinneide, 2016a, 2016b; Solanke, 2011). The introduction of the 2006 and 2010 Equality Acts was presented by these various commentators as a concerted movement to re-invigorate the problematic, stagnant legislative framework of the time. In this way, it was not positioned as an incremental set of new laws but instead a new paradigm (Hepple, 2010, 2014) – what I shall refer to from now on as the 'new equality paradigm'.

When initially deciding how to understand this new equality paradigm, there were certain potential routes I endeavoured to avoid and move away from. *Narrating Equality* is not an evaluative piece of research as such; it does not seek to see whether the new equality framework has been successful in its aims or whether critiques of it are valid (for examples of such work, see Bryson, 2017; Isaac, 2018; Lawson, 2011; Perren *et al.*, 2012). Neither does it look at what happens with its implementation in specific contexts (for examples of such work, see Blackham, 2016; Manthorpe and Moriarty, 2014; Nachmias *et al.*, 2019). Moving beyond these models of thinking, the concern here is rather with how this new paradigm was justified and came to be seen as necessary.

By looking at justification, I do not mean something that is coherently and discretely identifiable in a set policy texts or the speeches and public appearances of spokespersons. Neither do I mean a 'behind the scenes' consensus or movement towards a consensus. Justifications are contested, both multiple and relational, which are spatially and temporally fragmented and dispersed across a multiplicity of sites. Therefore, I do not seek or claim to provide some sort of survey of all the relevant voices, perspectives or positions. Neither do I seek to uncover and elucidate a generalisable set of findings based on a representative sample. Both these claims are problematically presented in a reductive and rudimentary way and will be shown throughout the thesis to obscure a dynamic, precarious set of actions and practices. My focus and intention are towards showing how *certain actors justify the new equality paradigm*. I use the term 'certain actors justify' carefully and deliberately, as opposed to 'how it is justified'. The latter implies that we can identify a broad trend. Instead, I look at how certain actors justify the act and how this is linked to different aspects of their positionally across different sites and in contact with different power relations.

Thus, following a number of authors (Ahmed, 2012; De Wet, 2017; Gedalof, 2013; Sharma, 2016), I look at equality not as an 'object' to be measured or assessed (see Purdam *et al.*, (2008*)* and Walby and Armstrong (2010) for examples of such work). I am not interested in how equality is or can be achieved. Neither is my concern whether it has been achieved. Rather, I endeavour to map the way in which equality is positioned politically and used to organise multiple actions, powers, sites and actors in different ways. Thus, rather than as a clearly defined object, I think of equality as a contested conceptual site through which multiple relations and attachments are formed, reproduced and contested.

Through understanding and interrogating justification in this manner, I broadly situate my theoretical and methodological thinking in the terrain of 'critical policy studies' (see Fischer, 2003, Fischer *et al.*, 2015). However, I follow several authors (Anderson, 2017; Clarke, 2019; Dobson, 2015, 2020; Fortier, 2010; Hunter, 2012, 2015; Jones, 2013; Jones *et al.*, 2012; Lea,

2008; Newman, 2013b; Wodak, 2009) in articulating and advancing a concern that trends in critical policy analysis are leading to reductive accounts of how policy and law are made and unfold. It will be shown through working with multiple examples from the critical literature on the new equality paradigm (see Burton, 2014; Kapoor, 2009; Owen and Harris, 2012) that there is a tendency in the critical literature to work only at damagingly broad levels of abstraction. This works to obscure the complexity, volatility and multiplicity of ways in which different actors negotiate the sites of policy and law.

Therefore, at the heart of *Narrating Equality* is the contention that this broad critique engenders a corpus of theoretical models that obscure the contextuality of the specific actors and sites of that which becomes positioned as 'policy'. I do not argue against the importance of such critical work; understanding the manner in which specific phenomena relate to broader political practice is undoubtedly important for both scholarship and political action more broadly. However, this broad discourse analysis needs to be complemented and accompanied by a focus on the specific contextual practices that engender and resist such processes. Otherwise, analysis and political practice are hampered in their application from working with models that are only applicable at broad levels of abstraction.

In order to achieve this, my thinking develops from a relational epistemological position (Emirbayer, 1997; Roseneil and Ketokivi, 2016). This position stems from a concern in social science more broadly that units of analysis are created that obscure and deny the fundamentally fluid character of the identified objects (Pedwell, 2008; Roseneil, 2013). It will be shown that when translated into policy, this means a move away from attempts to create typologies and taxonomies of different kinds of powers, actors and collective bodies. Instead, I look at the perpetually dynamic and, in turn, highly complex nature of policy and law (Clarke *et al.*, 2015).

The data upon which these claims are based come from research based on a range of qualitative feminist methods. This includes a set of narrative in-

terviews (Gunaratnam, 2009) with fourteen actors involved in advisory and drafting roles on either or both Acts. Furthermore, fifty-four policy texts were subjected to narrative analysis (Alleyne, 2015; Riessman, 1993, 2008), including pieces of legislation, parliament Hansards, speeches and reports.

2. Changing paradigms of legislation: the move away from anti-discrimination towards equality law

From the 1960s onwards, legislation has been introduced in the UK that outlaws different types of discrimination against differently constructed legal categories (Hepple, 2010; Honigmann, 2013; Macnair, 2010). This began with a focus on 'race' with the 1965 Race Relations Act (RRA) (Bourne, 2015; Hill, 2010; Singh, 2015), after which there were a number of subsequent RRAs, in addition to legislation concerning sex (beginning with the Sex Discrimination Act 1975 (Hepple, 2010)) and disability (beginning with the Disability Discrimination Act 1995 (Fletcher and O'Brien, 2008; Sayce & O'Brien, 2004)). Each of these laws identified different kinds of discrimination in different areas, and then subsequent legislation expanded to include additional ones (Barmes, 2009). This pattern of legislative development had influences from US law (Singh, 2015), particularly the Civil Rights Act and the discussions leading up to it (Schaffer, 2014). Although it drew from the US, in comparison to the European context, this was seen as innovative in relation to other countries (Geddes and Guiraudon, 2004; Tate, 2012).

Not only was formal legislation introduced, but in tandem the government created particular commissions to enforce the successful implementation of these laws (Harvey and Spencer, 2011). The first of these was the Race Relations Board, which emerged in 1966 and was replaced ten years later by the Commission for Racial Equality (CRE) (Bleich, 2003; Lane, 1987). The Equal Opportunities Commission (EOC) was established in 1975 (Sacks, 1986) and the Disability Rights Commission (DRC) in 1999 (Barnes, 1995). Known as the 'legacy commissions', these three bodies were tasked with investigating compliance with anti-discrimination laws, as well as conducting more general inquiries into the prevalence of discriminatory practices

(Choudhury, 2006). They also had the capacity to support individual cases in terms of bringing legal claims and were able to issue guidance on the application and interpretation of law (O'Cinneide, 2016). The CRE did this for 'race', the EOC for sex, and the DRC for disability.

However, in the early 2000s, a number of concerns with this anti-discrimination framework emerged. The framework's ability to effectively and comprehensively achieve its aims of producing a more equal society was argued to be compromised by inherent problems from its initiation and newer societal developments. These criticisms were as follows.

First, the manner in which these laws were introduced was argued to exacerbate bureaucratic inefficiency. This was, in turn, argued to often create serious impediments for victims of discrimination to successfully bring forward legal cases against perpetrators (Hepple, 2010). The argument that bureaucratic inefficiency existed was based on a characterisation of the development as "patchwork" (Bell, 2004) and "piecemeal" (Dickens, 2010; Hand *et al.,* 2015). It was argued by these critics that this incrementalism created a situation where a number of different definitions and classifications of the same term were present (Feast and Hand, 2012; Griffith, 2010), particularly in instances of 'indirect discrimination' (Malik, 2007). Such multiplicity in definitions created bureaucratic impediments to efficiently using the law by legal practitioners (Ashtiany, 2011). It was, in turn, argued that this damaged their ability to successfully use anti-discrimination legislation to prosecute on the grounds of discrimination (Wadham, 2010). Furthermore, it was said to intimidate those without legal expertise, preventing them from understanding their rights under the law (Government Equalities Office, 2008).

This criticism of the bureaucratic impediments of anti-discrimination law became increasingly vocal and was taken up in the early to mid-2000s by a number of bodies representing lawyers (see Equality and Diversity Forum, 2003; Justice, 2005), as well as academics (see Hepple *et al.,* 2000). The solution these academics and other bodies proposed was a simplification of

the UK legal framework (Feast and Hand, 2015; Griffith, 2010). 'Simplification' emerged as a term to denote the merging of all three legacy commissions into a single commission covering all areas of discrimination, as well as integrating various existing anti-discrimination laws into a single act (Equality and Diversity Forum, 2003; Justice, 2005). The findings of the Equalities Review Panel, the body commissioned to review the possibility of achieving and implementing simplification, advocated that '[e]qualities legislation needs to be simpler, more coherent and more outcome-focused' (The Equalities Review, 2007:115).

Second, there was an increasing human rights agenda (Meredith, 1998; Spencer, 2008). The Human Rights Act was brought into being in 2000 and incorporated the rights set out in the European Convention of Human Rights (Brazier *et al.,* 2008). While there was a focus on tackling discrimination, the interrelated question of the rights of actors was said to be ignored (Davies *et al.,* 2016; Fraser Butlin, 2011). This instigated the need to have commissions that not just enforced action against discrimination on the grounds of race, sex and gender, but also one that enforced human rights in the same fashion (Hoffman and Rowe, 2010). This led to a number of reports (see O'Cinneide, 2002) calling for the streamlining of the commissions, as well as their integration with human rights.

Third, the legislative framework was also said to jettison several groups facing significant discrimination (Sewell, 2013; Solanke, 2011; Wintermute, 1997a). EU Article 13, specifically in relation to the Employment Directive 2000/78/EC, required implementation by all member states of legislation, banning discrimination in employment on grounds of sexual orientation and 'religion or belief' by December 2003, and on the grounds of 'age' by December 2006 (Brazier *et al.,* 2008). This opened the door for a number of other groups, such as those with trans identities (Whittle *et al.,* 2007) and those with concerns regarding marital status (Ross *et al.*, 2011), to contend that discrimination needed to be outlawed on those grounds as well.

Fourth, a number of actors in the 1990s, such as Jewson and Mason (1992) and Thompson (1998), started to raise questions about whether achieving equality between groups could be tackled solely by action against discrimination (Equality and Diversity Forum, 2003; Hepple, 2010, 2014). It was suggested that alongside attempts to outlaw discrimination and to more effectively prosecute it once it happened, there could be a set of practices that would actively work to prevent discrimination in the first place (McLaughlin, 2007); these have become known as positive equality duties (Fredman, 2000). This was present in a number of different aspects of the law at the time – including the 1975 SDA (Bindman, 2015); then the 1976 RRA (Bulpitt, 1986; Gribbin, 1977); section 75 of the 1998 Northern Ireland Act (O'Cinneide, 2006); the 2000 RRAA (Ahmed and Swan, 2006); the 2006 Disability Equality Duty (Pearson *et al.*, 2011); and then the gender equality Duty of 2007 (Conley and Page, 2010). However, it was argued that there needed to be much further promotion, incorporating the groups not covered by existing legislation ('trans', 'maternity', 'religion and belief' etc.) mentioned above (Sales, 2011).

Fifth, it was not just that certain identities were seen to be absent (Solanke, 2011). There were also a growing number of voices (Krizsán *et al.*, 2012; Squires, 2009) who were drawing attention to the lack of appreciation for what Crenshaw (1989) termed 'the intersectional'. Intersectionality denotes the need to tackle how 'dominant conceptions of discrimination condition us to think about subordination as disadvantage occurring along a single categorical axis' (Crenshaw, 1989:140). The outlawing of discrimination in the UK up until this point was argued to be focused on a single categorical axis – gender, race or disability. Simultaneous or multiply reinforcing discrimination faced, for example, by black women on the grounds of race and gender, was not recognised legislatively (Solanke, 2011). June 2003 saw the most prominent example of a call for intersectionality, the publication of *Re-Thinking Identity: The Challenge of Diversity* by the Joint Equality and Human Rights Forum (JEHRF) (Zappone, 2003). *Re-Thinking Identity* concluded that equality bodies need to take account of ideas of multiple dis-

crimination and that the most effective way to do this would be through a unified commission.

3. Towards a new paradigm of equality

The 2006 and 2010 Equality Acts were thus introduced in an effort to address these various critiques. This was argued not simply to represent just the introduction of new legislation, but rather a new paradigm in terms of what legislation should aim for and how this is achieved. Indeed, commentators such as Hepple (2014) describe this as a shift from the anti-discrimination law of the past toward a new equality legislation framework.

The 2006 Act brought the three commissions into one body, which also, in turn, had an explicit human rights orientation – the Equality and Human Rights Commission (EHRC) (Harvey and Spencer, 2011; Niven, 2008; O'-Cinneide, 2016). The law was simplified into the Equality Act 2010, which repealed the following: Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Age) Regulations 2006. Through repealing and replacing all these laws, the Government Equality Office in 2008 declared that the 2010 Act would 'declutter what has become a thicket of legislation and guidance' (Government Equalities Office, 2008:6).

The EHRC was argued to fulfil the need for a human rights commission (Mabbett, 2008). Furthermore, the EHRC also was argued to address the question of intersectionality, as it allowed issues around different identities to be conducted under the same body and, in turn, allowed their intersections to be more clearly elucidated (Squires, 2009). The 2010 Act bolstered this intersectional thinking in section 14, entitled 'Combined discrimination: dual characteristics' (Solanke, 2011). Section 14 allowed for the potential for discrimination to be seen as unfolding the basis of two grounds (Smith, 2016).

Furthermore, the Equality Act 2010 introduced nine protected characteristics, expanding the protection for discriminated groups from race, gender and disability to include gender reassignment; marriage and civil partnership; pregnancy and maternity; religion or belief; and sexual orientation (Malleson, 2018).

Furthermore, the 2010 Act addressed the calls for a stronger 'promotional' culture through section 149, which introduced the 'Public Sector Equality Duty' (PSED) (Sales, 2011). The PSED meant that public organisations were obliged to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those having protected characteristics and those not (Fredman, 2005, 2006a, 2010).

However, while lauded by some for creating a new paradigm, this new framework also received notable criticism. Rather than bringing law into a new era, a common argument constructed was that the various acts of condensing and simplifying worked to dilute the gains of different groups' struggles (Kapoor, 2013; Sian *et al.*, 2013). This criticism initially emerged with the combination of the commissions (Sayce and O'Brien, 2004). It has ben argued that the EHRC fulfilled an obfuscatory function. It was a mechanism to cut budgets of the three existing commissions through merging into one body – obfuscated and disguised by the more appealing and publicly acceptable mantra of a move toward human rights streamlining and intersectionality (Sian *et al.*, 2013).

Others later argued that the 2010 Act performed similar obfuscation, acting as a mechanism reducing expenditure than making the law more accessible (see Kapoor, 2013; Women's Resource Centre, 2011). The focus on human rights was positioned in the same way (Fredman, 2001; Hepple, 2010; Sian *et al.*, 2013). For example, Sian *et al.* (2013) contended that the move to looking at 'human rights' rather than racism in its specificity works to obscure the specificities of 'race' and present a spectrum of different sites and practices of discrimination as equivalent.

Furthermore, upon implantation, a number of the key elements of the 2010 Equality Act, positioned as paradigm-shifting by its advocates, were removed (O'Brien, 2013). While it was a key piece of legislation under the New Labour government (Burton, 2014), it was the last piece of legislation before David Cameron's coalition government (Manfredi, 2016). When the Conservative-Liberal Democrat coalition took over, the red-tape challenge was launched, orientated toward 'challenging the public to help cut unnecessary regulations.' (Cabinet Office, 2011). Three thousand pieces of legislation were suggested by David Cameron to either be scrapped or improved, of which the Equality Act 2010 was one (Lodge and Wegrich, 2015). This led to a number of key elements of the equality duties to be removed, as well as the multiple discrimination clauses of the 2010 Act (Stephenson, 2014).

4. Approaching the new paradigm: coherence and narrative sense-making

By applying my relational epistemological position to the new equality paradigm and its criticisms, this thesis and its findings emphasise that there is no inherent coherence to it. By this, I mean to disrupt the idea that there is an automatic relationship between actors, or that there is a singular understanding of what constitutes this. It will be shown that such an assumption is reproduced in the new equality paradigm in the existing literature. This has been done through a rationalist tendency to position policy as cohering around an 'out-there' policy problem (see Dickens, 2010; Hand *et al.*, 2012; Hepple, 2010), but is also observed in the more critical literature, which positions the new equality paradigm as cohering around a set of neoliberal market principles (see Burton, 2014; Kapoor, 2009).

To question and trouble the idea of an innate coherence to policy does not mean, however, that there is not an investment by a range of actors to give the impression of coherence (Carmel and Paul, 2010; Sevä and Sandström, 2017). Rather, various practices collude to give the impression of coherence

– specifically the impression of ‘people, objects and ideas, working together as (if) a policy, they *appear* as collected in the same place, held together, singular’ (Hunter, 2015:147).

Throughout this thesis, I will argue that to justify is to attempt to create different kinds of coherence. It is not a descriptive practice, but rather an **enactive** one in that it brings different actors, sites and powers into relation with one another. Central to the thesis is the contention that understanding justification in this way leads to the importance of recognising narrative as a way of creating a semblance of coherence.

A narrative is an articulated sequence of events with a claimed casual connection between them (Gubrium and Holstein, 2012; Gunaratnam, 2009; Watson, 2008). Narratives bring a semblance of coherence to the various enactments that make up policy through enacting narrative links between actors, objects and spaces that make up the problem that policy enacts. *Narrating Equality* looks at how narratives have emerged at various points in ‘documents’ and speeches, as well as in interactions between actors, in order to look at how necessary it is for the ‘new equality paradigm’ to be established. Thus, when the title of the thesis speaks of *Narrating Equality*, I am referring to how equality and the equality paradigm are justified through narrative enactments whereby bodies, time, space and objects are tied together to give a sense of a cohesive, discrete and coherent need to act.

Chapter One - Introduction: Why and how to explore the new equality paradigm relationally?

1. Introduction

The preface established how various actors have identified a pivotal shift in British anti-discrimination law that occurred in the 2000s, establishing what has been positioned as a 'new equality paradigm' (Barnard and Hepple, 2000; Fredman, 2001; Hepple, 2010). In addition, it identified a concern with justification for this new paradigm as being at the core of the analytical focus of the thesis. The preface then briefly positioned the exploration of this new equality paradigm as a narrative research project and sketched how a relational epistemological position has been adopted in order to explore these narratives. This chapter further explores how this shift to a new equality paradigm has been narrated historically, and elaborates on the disciplinary issues and provides further detail on the theoretical and methodological steps taken to build this relational account.

Therefore chapter one begins by further exploring how policy actors have constructed the idea of an 'anti-discrimination framework', as briefly alluded to in the preface. It does this by arguing that we can heuristically identify a dominant style of narration (which will be shown to be conceptually different from a dominant narrative) within the development of this framework. This dominant style of narration will be argued to be present in various texts (academic accounts, speeches and policy documents) and is characterised by the use of a 'passive voice'. It will then be shown that this dominant style of narration constructs a history of incremental waves (see Bleich, 2003; Hepple, 2010). This section then goes on to further elaborate on the criticisms of the post-war anti-discrimination framework that were briefly identified in the preface.

Following this is a discussion of how the dominant style of narration positions the Equality Act 2006 and Equality Act 2010 as being introduced with a promise and agenda to correct the problems identified with the existing anti-discrimination framework of the time. The chapter then proceeds to

identify a different style of narration, which is positioned as oppositional to the dominant style. Instead of seeing the new equality paradigm as a necessary and positive measure, this narrative instead critiques it on multiple grounds **and disrupts the passive voice**.

Moving on from this, the chapter briefly introduces the major critiques of this simplification and introduces the primary ways in which they have been understood academically, through ideas of neo-liberalism and, in turn, what has become academically described as the ‘New Labour’ government's ‘modernisation’ project (Burton, 2014; Kapoor, 2013; Sayce and O’Brien, 2004).

Narrating Equality’s position in relation to this critique of neo-liberalism is then established through further introducing the relational epistemological position briefly outlined in the preface. It is argued that it is fundamentally important to understand the ways in which neo-liberalism is intertwined with the new equality paradigm. However, it is argued that the way this has been done in the established literature on the new equality paradigm is problematic in that it operates at a reductive, broad level of abstraction. This creates reductive binaries of support for/opposition to neo-liberalism, obscuring from analysis a range of more ambivalent, multi-faceted positions taken by actors, all of which are temporally and spatially contingent. It will be argued that relational understandings of that positioned as ‘policy' (Clarke *et al.*, 2015; Dobson, 2015; Hunter, 2012, 2015) allow for a more complex understanding of these political configurations, which were ignored in the existing critiques of neo-liberalism and the new equality regime.

The next section introduces a number of key terms that I use throughout the thesis, which have emerged as a result of my relational epistemological position. These are narrative (Andrews *et al.*, 2013), relational politics (Hunter, 2015), enactment (Law and Urry, 2004; Mol, 2002), positional (Rose, 1997) and policy worlds (Shore and Wright, 2011).

Finally, the structure of the thesis is introduced and a synopsis of each chapter is outlined. Specifically, this section also discusses why part two of the thesis is ordered in the way it is.

2. The dominant and counter styles of narrating the anti-discrimination framework

As mentioned in the preface, the concern of this thesis is how *certain actors* narrate their justification of the new equality paradigm and the resulting political implications. In order to help understand this, it is important and helpful to briefly elucidate a set of justificatory narratives that have obtained currency across a number of different sites. I term this a dominant style of narration.

Anti-discrimination law in the UK has been narrated in a multitude of different ways across space and time. Indeed, one of *Narrating Equality's* key intentions is to illustrate this and its effects. However, in this multiplicity of narratives, we can (somewhat reductively but heuristically) identify a dominant style of narration that positions the new equality paradigm as a positive movement. By positive movement it is meant a progressive set of interventions that is positioned departing from the previous set of laws. This previous body of legislation is seen as problematic and flawed.

As identified in the preface, this dominant style of narration is evoked by different actors to varying extents, but can be argued to permeate the texts that have come to occupy positions of authority in the telling of the stories (see Incomes Data Services, 2010; Wadham *et al.*, 2010). This includes media commentators (see Gupta, 2009; Toynbee, 2009), lawyers (see Equality and Diversity Forum, 2003; Justice, 2005),white papers (see Government Equalities Office, 2008), manifestos (see The Labour Party, 2005), and academic texts (Dickens, 2010; Hand *et al.,* 2012; Hepple, 2010, 2014). It will be introduced in more detail bellow who the kinds of figures engaging with this are through the references.

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Chapter Two will dedicate more time toward elucidating the methodological and ontological understandings that underpin how I use the term narrative throughout this thesis. However, it is important here to briefly reflect and elaborate on what it means to discuss a dominant style of narration rather

than a dominant narrative. To identify of a 'dominant narrative' is to identify a singular, discretely bounded narrative as having a key position in a particular spatial and temporal configuration – *retold* in different texts. *Re-telling* is key to dealing with the problem of speaking about a 'dominant narrative' because it implies a finished and stable narrative that is produced the same across spatial and temporal boundaries.

To talk of a style of narrative, however, is to depart from thinking of a singular narrative that accrues institutional dominance across a spectrum of sites. Instead, attention shifts to a multiplicity of different narratives that exhibit a *resemblance* to one another. This resemblance is in the form of a particular ensemble of themes and a series of conventions in terms of how they fit together. However, the order of the themes and the ways they may be explained may vary. The context is vitally important here. Each time an actor takes up a narrative, they do not simply regurgitate it; instead, they alter it in different ways in relation to the context and their own experiences (Andrews *et al.*, 2013; Squire, 2013). Therefore, to speak of a style of narration then recognises a multiplicity of different narratives that have similarities without denying and obscuring their (fluid) peculiarities by describing them as a dominant narrative. This also involves disrupting ideas of a clear origin. This is not to say we cannot identify certain actors as engaging in it, just that it would be theatrically limited to position them as a clear originator. Rather all that can be claimed is patterns in its usage but not a particular beginning. As will be detailed much further in Chapter Two, this moves way from narratives being re-told as the same narrative, and towards narratives being re-enacted differently each time they are articulated (Andrews *et al.*, 2013; Livholts and Tamboukou, 2015).

Now we have conceptually established the ontological parameters of what a dominant style of narration, we can look to what this configuration of narratives actually narrate in relation to the topic at hand. A central and defining feature of this dominant style of narration is the idea of the new equality paradigm being a self evident positive direction. As will be further detailed in throughout the thesis, the various narratives constituting and reproducing this style present the new equality paradigm within a rational framework. It

becomes a self-evident mode of action. This means that the various practices constituting the new paradigm are positioned as a rational response to a clear set of problems. A key mechanism through which the dominant style of narration establishes this self-evident and positive movement is narrated is the passive voice.

There is a large amount of literature situating the passive voice in terms of power relations (see Dozono, 2020, Durrheim *et al.*, 2005). In this reading it becomes a depoliticising mechanism. As Dozono (2020) astutely argues the passive voice 'removes the actors from the action, and thus accountability regarding historical actors' (Donzono, 2020:12)

It is important here, however to clearly state my intentions in identifying this passive voice in the dominant style of narration. *Narrating Equality* follows the above mentioned authors in crucially engaging with the political implications of the passive voice. But the nature of this critical engagement must be clearly stated. At the same time as criticising this passive voice, it must be noted that the iteration is not to replace it with a 'correct voice' obscured by the politics of power. My concern here is neither to present passively 'what happened', not to counter a 'correct, 'repressed' or alternative history. As will be shown in chapter two this problematically leads to a dirty realist analysis (Clarke *et al.*, 2015). Therefore the way in which the passive voice is operated and the way this is contested is the main area of focus rather than to attempt to uncover a 'real history'. Key to this is a relational epistemological position that will be elaborated in great detail in section six and furthermore in chapter two.

Therefore criticising a passive voice does not seek to look at the correct version of events that is obscured by it. Rather I look to another political constellation in terms of what can be heuristically positioned as a *counter style of narration.* This counter will be introduced bellow in section five, and for now attention foes to identifying the dominant style.

Central to this rationalised position of a positive forward movement is the positioning of the UK as drawing upon developments in the US (Schaffer, 2014; Singh, 2015) and as being legislatively innovative relative to other Eu-

ropean states (Geddes and Guiraudon, 2004; Tate, 2012). For example, the starting line group, a body of 400 non-governmental actors (Niessen, 2000), took inspiration from the UK anti-discrimination legislation when crafting anti-discrimination law at the EU level (Geddes and Guiraudon, 2004; Meer 2010).

This innovation, in this dominant style of narration, is said to have a lineage from US law (Singh, 2015). However, as well as being positioned as innovative, the dominant style of narration also highlights a particular juncture in the 2000s, where the UK anti-discrimination framework was criticised as problematic and outdated on several grounds. To understand this move from being internationally innovative at points to problematic at others, it is helpful to start at the beginning of this dominant style of narration.

This dominant style of narration typically commences in the 1960s. Those advocating this style of narration situate the first important event as Harold Wilson's Labour government's passing the 1965 Race Relations Act (RRA) (Peplow, 2017; Schaffer, 2014). In the years following the 1965 RRA, there was an expansive project that changed the framework in incremental ways through introducing new pieces of legislation. These new laws consisted of a series of amendment acts to the 1965 RRA, which were followed by the introduction of 'sex' (and later, alongside it, 'gender') and 'disability' as legal categories against which it was unlawful to discriminate on the grounds of. A central feature of this style of narration is a tendency to evoke the idea of 'waves'. These different incremental movements are described in the dominant style of narration as waves (see Hepple, 2010) (authors like Bleich (2003) similarly employ the metaphor of rounds). This incrementalism is seen to define the changes in anti-discrimination legislation as being different from the change to Equality legislation, which is positioned as a far more significant paradigm shift. I will now discuss how these waves are positioned by these authors to elucidate the conceptual foundations upon which the idea of shifting away from anti-discrimination is enacted.

The first of these waves in the dominant anti-discrimination narrative is said to have taken inspiration from international sources external to Europe – no-

tably the US's Fair Employment Practices Commission (FEPC). The FEPC was established in 1941 by President Roosevelt in order to tackle racist discrimination practices in government and defence jobs (Reed, 1991). Subsequent US legislation expanded the legacy of the FEPC in the form of the 1963 Equal Pay Act (Macnair, 2010) and the Civil Rights Acts of 1964 (Hepple, 2010; Singh, 2015). This created a precedent that many (for example, Rose, 1965) argued could be replicated in the UK.

This influence of the US was reinforced and corroborated by the United Nations (UNESCO, 1950, 1951, 1957), who called for countries to eradicate racial prejudice after the Second World War (Brattain, 2007; Hazard, 2012).

It was argued that, in comparison to the US and in relation to the calls by the UN, the UK was not fully doing all it could legally to combat racial discrimination. All that was present at the time was common law providing small pockets of protection from racial discrimination (English and Havers, 2000). This common law originated in the Constantine vs Imperial Hotel Limited case, where professional cricket player Learie Constantine took action against the London Imperial Hotel for refusing to give him his reserved room on the grounds that he was black and offering to procure him a room in another establishment in order to refill their duty of providing reasonable accommodation (Hand, 2011). The ruling was that the Imperial Hotel was not fulfilling its duty and it was, therefore, acting in a discriminatory way (Grant and Sharpley, 2001). However, this common law was small, and there was no formal legislation outlawing discrimination in much greater areas of public life.

There were attempts to emulate these international precedents and expand the small areas of common law, which led to attempts to outlaw racial discrimination in public places in the UK from the early 1950s onward (Hindell, 1965). There were nine attempts made by Fenner Brockway to introduce anti-discrimination legislation on the grounds of 'race', all of which failed (Goodfellow, 2020; Van Hartesveldt, 1983). However, events such as the Bristol Bus Boycott were argued to make the case for the introduction of a Race Relations Act appear imperative (Clement, 2007).

The dominant style of narration then argues that as a response to this configuration of influences, the RRA was announced in the 1964 Labour Party Manifesto (Nuttall, 2013) and then passed in 1965 (Bleich, 2002; Schaffer, 2014). Addressing the House of Commons Solicitor, General Sir Dingle Foot argued that a Race Relations Act would be necessary for bringing the UK in line with the US and the UN stance on racism (House of Commons, 1965; Schaffer, 2014). The 1965 Act has been positioned as being concerned with 'formal equality' (Gregory, 1987; Peplow, 2017), denoting an apparatus of rules stating that individuals are not to be excluded from certain actions and resources (Bernstein *et al.,* 2009).

As a result of this legislation, refusal to serve, or to overcharge an individual on the grounds of 'colour', 'national origin' or 'race' were made a civil (not criminal) offence (Hepple, 2010; Hill, 2010). The introduction of civil, as opposed to criminal, penalties was considered novel at the time (Bindman, 2015). The government initially pursued the idea of criminal penalties for those guilty of racial discrimination. However, Roy Jenkins (1967), who ascended to Home Secretary after the passing of the bill in the commons, advocated strongly for conciliation as opposed to punishment (Carter, 1987). This move to conciliation meant that discrimination would then be treated with civil sanctions as opposed to criminal sanctions (Dean, 2000). Consequently, a Race Relations Board was established, investigating complaints through conciliation committees (Carter, 1987; Lester, 2000). However, the scope of the Race Relations Board was restricted to a certain set of spaces, which were classified as 'public resorts' (Bindman, 2015; Hepple, 2010; Hill, 2001; Singh, 2015).

There was, in parliament, a sense that the 1965 Act was a singular final measure in legislating against discrimination in the UK (Hamilton, 1968). This idea of a 'singular final measure' was encapsulated by Frank Soskice's (Home Secretary at the time) claim that 'It would be an ugly day in this country if we had to come back to Parliament to extend the scope of this legislation' (Parliamentary Debates:1056). However, this was not the case. The Act was criticised as weak and ineffectual, with Bleich (2003) describing it as a 'whimper of a law'.

This criticism of the Act rested on multiple counts. First, when the Labour government commenced drafting the Act in 1964, the orientating point of concern was incitement, as well as criminalising discrimination in public places (Bourne, 2015). However, led by Anthony Lester, a small group within the Society of Labour Lawyers requested that civil laws cover all areas of discrimination. These suggestions were also adopted by the lobby group The Campaign Against Racial Discrimination, which placed pressure on the government to outlaw discrimination in all public places (Dean, 2000; Heineman, 1972). Thus, when the Act was passed, it was seen by this constellation of actors as problematically failing to address significant issues of housing and employment discrimination, and in turn, was seen by them as disappointing (Bleich, 2006). Furthermore, in order to litigate, overly extensive evidence to prove racist intent was required (Peplow, 2017). Finally, it was seen as operating with a problematic definition of ‘places of public resort’, which jettisoned notable sites of discrimination, such as private boarding houses and shops (Carter, 1987).

After this first wave, the dominant style of narration continues on to identify a ‘second wave’, which commenced in the late 1960s. This ‘second wave' is described as strengthening and expanding the legislation introduced up until then, aiming to correct some of the above-mentioned criticisms of the ‘first wave’ (Bleich, 2003; Peplow, 2017; Singh, 2015). The 1968 Race Relations Act is cited as the primary example of this. Although the 1968 Race Relations Act was limited once again to direct racial discrimination, legislative coverage was expanded to include services, goods, housing and employment (Hepple, 2010; Hill, 2001). The enforcement was still directed through local conciliation committees, but if this failed, the Race Relations Board itself was able to commence proceedings in a county court. Bindman (2015) argues that, although it was weak and ineffective in particular areas, one of the important and beneficial things coming from the 1968 Act was the requirement for the board to monitor the effects of the new law and report its findings to the Home Secretary.

Two reports had been commissioned prior to the Act being presented. The first explored the experience of minorities seeking housing employment and

other services, which was conducted by the Political and Economic Planning services (Bindman, 2015). The other, chaired by a professor from the University of Manchester, Harry Street, argued for the strengthening of powers and extension of the law's scope to housing and employment, as well as other services. These recommendations were broadly accepted and, in turn, were enacted in the 1968 Act that followed.

When the conciliation system was retained, if conciliation were to fail, the Board was able to seek address through county courts, including injunctions to restrain discrimination in the future or to award damages (Sanders, 1977).

Up until this moment, focus had been restricted to 'race'. However, the next perceived wave in the dominant narrative was linked to increasing feminist mobilisation. In the 1970s, 'gender' began to be recognised as a cleavage of domination requiring legislative address (Lacey, 1987). This demonstrated a growing critique of a purely legislative focus on the idea of 'formal equality' introduced above (Bernstein *et al.*, 2009). It was argued that substantive equality needed addressing (Lacey, 1987). Whereas formal equality is concerned with everyone having equal rights, substantive equality concerns differences within the collective population and the disparity between groups through different patterns of oppression (Bernstein *et al.*, 2009; MacKinnon, 2011; Peplow, 2017).

The 1975 Sex Discrimination Act (SDA) was argued to reflect this turn to substantive equality. Passed by the Labour government, it introduced into legislation ideas of adverse or indirect effects of discrimination, as well as provisions that permitted positive action (Atkins, 1986; Griffith, 2010; Lacey, 1987). The Act was also shaped by a problematisation of the previous conciliation models of enforcement. An example of this critique at the time was Creighton (1976), who argued that in relation to the 1965 and 1968 RRA, '[t]he enforcement procedures adopted in those Acts are now commonly regarded as wholly inadequate to their purposes' (Creighton, 1976:42). Responding to these criticisms, the Act marked an abandonment of conciliation processes (Lomnicka, 1977). Victims of discrimination would now have

the right to take their own cases to tribunals and courts (Bindman, 2015). Furthermore, the 1975 SDA expanded the definition of discrimination to include indirect discrimination (Lacey, 1987).

The dominant style of narration then discusses elements of the 1975 SDA model as replicated in a new 1976 RRAA (Banton, 1983; Hill, 2001; Lester, 2000). Here, discrimination based on 'colour', nationality, national or ethnic origin, and 'race' became illegal (Young and Connelly, 1984). Furthermore, the Act protected those not simply discriminated against on the basis of their own 'race' but also on 'racial grounds' (Dickens, 2010; Lester, 2000).

A separate commission for 'race' equality was established, taking the place of the Race Relations Board and Community Relations Commission (Niven, 2008; Spencer, 2008). The 1976 Race Relation Act established the Commission for Racial Equality, combining the functions of the Community Relations Commission and the Race Relation Board (Bleich, 2003; Bulpitt, 1986; Lane, 1997; Lester, 2000). This granted the new commission, on the surface, sweeping powers, extending the idea of discrimination to include both indirect and direct discrimination (Honeyford, 1998). At the time, this was seen as innovative (Bleich, 2003), with Banton (2006) noting that the 1976 RRA was seen as leading internationally in terms of its means of enforcement and the scope of the legislation.

The subsequent wave, as it unfolds the dominant style of narration, was defined by the development of comprehensive equality and the beginning of a juncture of transformative equality, which was modelled on US law (Hepple, 2010). This was initially sparked by pressures from Catholic activists in Ireland and the US wishing to promote fair representation in Northern Ireland (Muttarak *et al.*, 2013). The 1989 Fair Employment (Northern Ireland) Act (FENIA) imposed particular positive duties upon certain employers to achieve fair participation of Protestant and Catholic communities, resulting in significant improvements in fair employment for both groups (McCrudden, 1992). The 1998 Northern Ireland Act built on the 1989 FENIA's positive duties by imposing positive duties on public bodies to be aware of the need to promote equality of opportunity, not only between Catholic and

Protestant communities (McLaughlin 2005). That is, it was expanded to give coverage to disability, religion, race, age, material status, sexual orientation, etc., equalling a requirement for public bodies to mainstream equality into all their functions (Hill *et al.*, 2006).

The dominant style of narration then goes on to argue that this focus on positive duties, as expressed in the 1989 FENIA, was then expanded to the rest of the UK as part of the New Labour 'equality and diversity agenda' (Gedalof, 2013). This was bookmarked by the 2000 McPherson inquiry into the handling of the murder of Stephen Lawrence in 1993 (McPherson, 1999). The McPherson investigation diagnosed the handling of the investigation by the Metropolitan Police as institutionally racist (Bhavani, 2001; Lea, 2000; Mclaughlin and Murji, 1999; Murji, 2007). The implication was a series of amendments to the Race Relations legislative framework of the time (Bridges, 2001; Field and Roberts, 2002).

One set of changes was an extension of scope in terms of institutions, with specific and general positive equality duties being imposed on public organisations (Kimura, 2014). These duties included the need for public organisations to produce action plans to achieve and promote equality (Swan and Fox, 2010). This has repeatedly been called a new equality regime in public organisations (Ahmed, 2012; Ahmed and Swan, 2006; Swan and Fox, 2010), involving aspects such as training (Hamez, 2008; Tamkin *et al.,* 2002) and audit mechanisms (Mirza, 2015; Swan, 2010a), which were argued to better educate actors about how to avoid discriminating against particular groups.

3. The multiplicity of 'problems' with anti-discrimination legislation

To summarise thus far, in the dominant style of narration, there is a period of UK legislation that is positioned as an anti-discrimination framework. This anti-discrimination framework is narrated as being characterised by a set of waves that incrementally expanded the focus of the law. This chapter now goes on to look at what, in this dominant style of narration, is said to have happened after this anti-discrimination framework. Within this dominant style of narration, a number of criticisms emerged with the framework.

These criticisms can be identified as simplification, the human rights agenda, promotional cultures, jettisoned identities and intersectionality. We can now look at each of these in turn, tracing how each has been historically said to have been established.

3.1. The need to simplify legislation

One aspect of this shift is argued to be the move toward simplification. The term ‘simplification’ accrued momentum in the 1990s, with numerous texts and organisations establishing political traction. Notable here is the work of South African lawyer Bob Hepple, who had initially developed his influence in British legislation as an activist (see Dingle, 2009a) and academic (Dingle and Bates, 2009b). Upon arriving in the UK, his initial writings and theorising directly targeted the British anti-discrimination legislation of the time. Hepple’s PhD thesis, *Racial Discrimination and the Law in Britain,* was turned into his first book in 1968, *Race, Jobs and the Law in Britain* (Dingle and Bates, 2009a, 2009b; Weiss, 2015). In a 2009 interview (Dingle and Bates, 2009b), Hepple commented on how *Race, Jobs and the Law in Britain* began to amass political favour. The book was used by parliamentary committees because of an appendix showing examples of different kinds of racial discrimination. This, Hepple argued in the interview, gained him authority and political traction, as this appendix was used to counter common claims that racial discrimination was not going on at the time.

In short, the dominant style of narration suggests that *Race, Jobs and the Law in Britain* generated political access at a physical level – Hepple was invited to parliament and engaged with different key actors. However, Hepple’s influence also worked in terms of ideas. The framings Hepple crafted in his writings and political activities began to gain influence in political decision making. This ideational influence generated a multitude of subsequent publications and reports around employment law, many of which were associated with notable Irish lawyer Paul O’Higgins (see Hepple and O’Higgins, 1971a, 1971b). Authoring this growing body of texts on employment allowed Hepple to be seen as a long-standing member of the debates cornering anti-discrimination legislation. This perceived presence was used

to position himself as a legitimate voice to identify 'problems' that had been created in the emergence of this legislation. This culminated with Hepple *et al.*'s (2000) independent review of the enforcement of UK anti-discrimination legislation under the auspices of the Centre for Public Law and the Judge Institute of Management Studies at the University of Cambridge.

Conducted between April 1999 and May 2000, the review was funded jointly by the Nuffield Foundation and Joseph Rowntree Charitable Trust (Hepple *et al.*, 2000). This was translated into the seminal text *Equality: A New Framework. Report of the Independent Review of the Enforcement of UK Anti-Discrimination* (Squires, 2003). The problems identified with the system at the time were two-fold. The report concluded that the sheer volume of legislation led them to declare the system not just impractical, but becoming increasingly more so with annual amendments and new rules. It was argued that if a fundamental change was not implemented, increasing numbers of laws would be introduced incrementally, exacerbating this problem further. A range of proposals was reviewed for reforming UK anti-discrimination law in order to correct this reactive character. The marker mobilised to determine this was, in the words of the report, 'an assessment of the experience of those affected by the legislation' (Hepple *et al.*, 2000:1).

The *Equality: A New Framework* report generated momentum around the idea of needing to simplify. In turn, 2003 saw Lord Lester of Hernhill QC introduce an Equality Bill in the House of Lords that contained provisions for a single piece of equality legislation (House of Lords, 2003). In the interim, a number of reports were published that advocated for urgency in simplifying the legislation, including the Radical Lawyers' Association Justice's (2005) *Keep it Simple: The Case for a New Equality Act*.

3.2 Human rights

Contemporaneously to calls for simplification was a growing focus on human rights stemming from international law and contentions that a more holistic approach to inequality was needed, rather than simply a focus on anti-discrimination (Krisch, 2008). In an attempt to integrate the rights detailed in the European Convention on Human Rights into UK law (Meredith,

1998; Spencer, 2008), the white paper *Rights Brought Home: The Human Rights Bill* was presented to parliament in 1997 (Home Office, 1997). The slogan of 'bringing rights home' was used in the white paper to describe the incorporation of the European Declaration of Human Rights into UK law. This led to the 1998 Human Rights Act (Brazier *et al.,* 2008; Hoffman and Rowe, 2010).

In response to this advocation for 'bringing rights home', a number of reports were published that explored how this would be successfully achieved in relation to the anti-discrimination framework of the time. Linking these different reports was a desire to establish a human rights commission. The Institute for Public Policy Research's (IPPR) *A Human Rights Commission: The Options for Britain and Northern Ireland* was published in 2008 (Spencer, 2008). The aim of the report was to assess whether the ability to fully integrate human rights into domestic law was 'attainable in the absence of a public body charged with ensuring that the legislation is executive: a Human Rights Commission' (Spencer and Byone, 1998:1). It concluded that it was necessary to have such a body in order to successfully integrate human rights into domestic law.

Furthermore, the idea of this commission being integrated with functions for equality gained political currency. Colm O'Cinneide's (2002) *A Single Equality Body: Lessons from Abroad* compared different models of commission and outlined his preference for applicability in the UK. O'Cinneide (2002) concluded that it is hard to separate ideas of anti-discrimination and equality from human rights and therefore that it is preferable to have them addressed by the same commission. *A Single Equality Body* argued that ideas of anti-discrimination and equality issues were present in a substantial range of human rights. Hence, combining equality and human rights in the same commission provides a holistic approach and avoids a potential duplication of resources and functions.

3.3 Unrepresented characteristics

Alongside the movement toward simplification and human rights was another growing critique in the late 1990s and early 2000s. The anti-discrimination framework of the time was argued to problematically ignore or even jettison a number of identities from legal protection against discrimination. Although people were given protection from different kinds of discrimination on the grounds of race, sex and disability, it was argued that there were multiple other cleavages of identity upon which discrimination was enacted. For example, commenting in 1997, respected Canadian human rights lawyer Robert Wintemute (1997b) commented:

> When I arrived in Great Britain in 1987 and first encountered our anti-discrimination laws, my reaction was: 'That's it?' Coming from Canada, I was astounded to discover that discrimination based on religion (race in Northern Ireland), age, and mental or physical disability, or against unmarried persons, was legal (Wintemute, 1997b:259)

This concern was voiced by the interest groups for the various communities Wintemute (1997b) discusses, as well as by research bodies and academics.

Regarding the UK trans community, there was increased pressure to integrate trans rights into UK Equality legislation after the P v S and Cornwall County Council case (Whittle *et al.*, 2007). P v S and Cornwall County Council was a landmark case that occurred in the European Court of Justice. It concerned a UK trans woman who was dismissed from her job by her employers after revealing intentions to undergo gender reassignment surgery (Stychin, 1997). Many considered this a landmark gain, with the notable UK-based trans-rights group Press for Change claiming it to be a 'ground-breaking decision' (see Burns, 1996). However, although it may have been ground-breaking, there was simultaneously the idea that the decision did not provide enough of a catalyst for moving trans rights forward in other areas (Hines and Santos, 2018). Although discrimination in the workplace was tackled, there was not an organic movement to look at it in other spheres, which may have been expected in this case (Monro, 2003). This led to increasing pressure to include gender identity in anti-discrimination legislation.

There was a similar critical mass that argued alongside calls for gender identity protection that the UK also needed to actively tackle age discrimination. Published by the Joseph Rowntree Foundation, *Outlawing Age Discrimination: Foreign Lessons, UK Choices* (Hornstein *et al.*, 2001) was a key text that gave weight to these ideas at the time. *Outlawing Age Discrimination* drew upon findings from several surveys showing significant age discrimination in the UK (see Hirsch, 2000; Performance and Innovation Unit, 2000; Walker, 1997) in order to argue that although various policies and actions had been adopted to generally fight age discrimination, these were characterised by voluntary initiatives. Such voluntary initiatives were typically enacted in the workplace and involved providing employers either with information on the value of older workers or official codes of practices on age diversity in the workplace. Although welcome, *Outlawing Age Discrimination* argued that they needed to be complemented with legal obligations.

Furthermore there were calls to legal recognise of 'socio-economic disadvantages'. It was argued that in order to successfully achieve and promote 'social mobility' there needed to be pressure placed on public services to address 'socio-economic disadvantage' (Great Britain, Cabinet Office, 2009). This notably lead to the white paper *New Opportunities: Fair Chances for the Future* (Spohrer *et al.*, 2018).

This intertwined campaigning by different interest groups and academic and research pressure was corroborated and reinforced by legal measures coming from the EU. Article 13, specifically in relation to the Employment Directive 2000/78/EC, required implementation by all member states of legislation banning discrimination in employment on grounds of sexual orientation and religion or belief by December 2003, and on the grounds of age by December 2006 (Brazier *et al.,* 2008).

3.4 The problems of reactive legislation: the call for more proactive equality measures and positive duties

Simultaneously, there were a growing number of actors (see Equality and Diversity Forum, 2003) arguing that the potential of the law was limited

through being predominantly reactive (Equality and Diversity Forum, 2003; Hepple, 2010, 2014). Reactive, in this context, refers to a tendency for policy to penalise discrimination that has already happened (McLaughlin, 2007). Although it was, of course, argued that reactive legislation was of vital importance, there was a concern that it was not, by itself, sufficient to fully combat discrimination (Jewson and Mason, 1992; Thompson, 1998). Reactive legislation and policies needed to be complemented, it was argued, with significant intervention to tackle the 'sources' of discrimination in order to stop it from happening, rather than simply punishing it after it happened (Fredman, 2006a, 2010). It was argued that, along with a focus on tackling discrimination that had happened, legislation also needed to be more anticipatory (O'Cinneide, 2006).

As mentioned above, various elements in the anti-discrimination framework conformed to this promotional model, placing positive duties on public authorities. It is argued that the initial increments of this proactive model were present in the Sex Discrimination Act of 1975 (Bindman, 2015); the 1976 RRA's section 7 (Bulpitt, 1986; Gribbin, 1977); section 75 of the 1998 Northern Ireland Act (O'Cinneide, 2006); the 2000 RRAA (Ahmed and Swan, 2006; Swan and Fox, 2010); in the area of disability in 2006 through the Disability Equality Duty (Pearson *et al.*, 2011); and then gender through the sex equality Duty of 2007 (Conley and Page 2010). The incremental introduction of positive equalities duties in UK law was also paired with influence from international law from the EU (Fredman, 2005, 2006a, 2010; O'Cinneide, 2006).

Contributing to this momentum, the Equality and Diversity Forum (EDF) published numerous enquiries, the most notable and influential of which was the 2003 report *Equality and Diversity: Making it Happen.* The report emphasised the need for legislation to 'change culture so that equal opportunities and equal treatment become a priority for all' (Equality and Diversity Forum, 2005:5). However, it was argued that there needed to be much further promotion, incorporating the groups not covered by existing legislation (trans, maternity, religion and belief etc.) that were mentioned above (Sales, 2011). This is what various authors have termed a 'new equality

regime' (Ahmed, 2012; Ahmed and Swan, 2006; Hill, 2001; Swan and Fox, 2010).

3.5 Intersectionality

Alongside this was a growing set of voices advocating the need for intersectional thinking in UK anti-discrimination law (Squires, 2009; Verloo, 2006). The idea of intersectionality has been argued to be present in various political writings from the 1960s onwards (Mirza, 1997). However, the actual term itself was first used by Kimberle Crenshaw (1989) in order to challenge the dominant framing of discrimination work upon a singular axis. Rather, she argued, different inequalities intersect and multiply reinforce one another (Pheonix and Pattynama, 2006).

In the UK political context, intersectionality was initially used in academic and activist work, notably by organisations such as the Organisation of Women of Asian and African Descent (OWADD) (Mirza, 1997; Sudbury, 1998, 2001; Williams, 1993) and the Southall Black Sisters (Brah, 1990; Southall Black Sisters, 1990). These ideas began to be formalised into government-funded research projects in the early 2000s.

June 2003 saw the publication of *Re-Thinking Identity: The Challenge of Diversity* by the Joint Equality and Human Rights Forum (JEHRF) (Zappone, 2003). The JEHRF brought together a number of organisations across the UK and Ireland, including the Commission for Racial Equality, Equal Opportunities Commission and Disability Rights Commission, the Equality Authority of Ireland, the Human Rights Commission of Ireland, the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission. The focus of the research project was on multiple identities, seeking to draw out the implications of the experiences of a number of multiple identity groups for legislation (Moon, 2016). The conclusion was reached that equality bodies needed to take account of ideas of multiple discrimination, and that the most effective way to do this would be through a unified commission.

Following this was the notable Bahl v The Law Society case. Here, the former Vice President of the law society, Bahl, resigned from her position in the face of allegations of bullying toward staff by her (Smith, 2016; Solanke, 2011). She then brought a claim of discrimination against the law society in terms of how they handled these complaints. The discrimination claim was brought on the grounds of race and sex. Bahl lost at the court of appeal where the idea that a claim could be brought on the grounds both of sex and ‘race' was rejected (Atrey, 2018).

In the wake of the observation made by the JEHRF and the reactions to the Bahl case, an increasing call was made for a single commission to address intersectionality (Healy *et al.*, 2010). Advocates consistently made the claim that ‘a single equality body, coupled with the simplification and strengthening of equality laws will better enable the British government to address multiple inequality considerations’ (Squires, 2009:497).

4. The New Equality paradigm

As briefly sketched in the preface, the various criticisms of the anti-discrimination framework were argued to be addressed in the 2000s in what is positioned not simply as the incremental passing of new legislation, but as a paradigmatic shift toward a new model of law (Hepple, 2010). In the dominant style of narration, this involved the 2006 and 2010 Equality Acts.

4.1 The one stop shop – The 2006 Equality Act and the creation of the Equality and Human Rights Commission

We thus saw the announcement of a single commission in the UK through the 2006 Equality Act. In this regard, the UK followed models previously present in New Zealand, Australia and certain US states, such as Massachusetts (Wintemute, 1997b). The Act, therefore, consolidated all three existing commissions of the time (Disability Rights Commission, Equal Opportunities Commission, and Commission for Racial Equality) under the singular Equality and Human Rights Commission (EHRC) (Cooper, 2014; Hepple, 2014; O’Cinneide, 2016).

The EHRC was a non-departmental public body that covered England and Wales. Northern Ireland had a separate Northern Ireland Human Rights Commission and Equality Commission for Northern Ireland (Harvey and Schwartz, 2009; Meehan, 2006). The Equality and Human Rights Commission was sponsored by the Government Equalities Office, and the previous head of the CRE, Trevor Philips, became the initial head of the EHRC (Mabbett, 2008).

As regards the need to protect human rights, the EHRC was also considered a National Human Rights Institution. National Human Rights Institutions are bodies that are tasked with monitoring and ensuring the implementation of international human rights law in their given national context (Reif, 2000; Welch, 2017). The establishment and development of NHRIs have been encouraged by the United Nations Human Rights Office, which is argued to provide support and guidance on how NHRIs can undergo this monitoring (Mertus and Mertus, 2010).

The 2006 Act also added further reform beyond just merging the three commissions and integrating human rights through prohibiting discrimination on the grounds of religion and belief. It became what was termed a 'one stop shop' (Lester and Clapinska, 2005; Wintemute, 1997b) for issues around discrimination, equality and human rights. Thus, it is argued to be part of the simplification movement through reducing the number of groups providing services, and in turn, the different institutional categories, languages and procedures that have been argued to result from this multiple (as opposed to singular) institution approach (Jones, 2005).

4.2 The simplified legislation

The government officially committed to the idea of a single Act in the Labour 2005 general election manifesto:

> In the next Parliament, we will establish a Commission on Equality and Human Rights to promote equality for all and, tackle discrimination, and introduce a Single Equality Act to

> modernise and simplify equality legislation (The Labour Party, 2005:no pagination)

Mobilising on this manifesto commitment, the government created the Equality Review Panel (ERP). The ERP was tasked with reviewing the current legislation of the time in terms of its ability to achieve simplification (Vige *et al.*, 2012). The ERP advocated that the legislation needed to be simpler and more outcome-focused, and the most viable and preferable mechanism for this was a through single equality Act (The Equalities Review, 2007). This position was corroborated by the Government Equality Office a year later, declaring that the Act would 'declutter what has become a thicket of legislation and guidance' (Government Equalities Office, 2008). The Act, the Government Equality Office claimed, would be written in 'plain English' to be accessible to everyone.

Addressing the growing criticisms of the lack of protection for certain identities, the 2010 Act thus established the ideas of 'protected characteristics'. As will be much further detailed in chapter seven, this set of 'protected characteristics' included both existing protected identities and new ones (Sewell, 2013; Solanke, 2011). As articulated in the 2010 Act, these were: marriage and civil partnership; sex; sexual orientation; religion and belief; race; pregnancy and maternity; age; disability; and gender re-assignment (Malleson, 2018). **There was initially also the proposal of the socio-economic duty as correcting the absence of protection for class disdavatnage (Great Britain, Cabinet Office, 2009, Spohrer *et al.*, 2018). However, as will be detailed in chapter nine, this was eventually removed from the Act by the 2010 coalition government.**

The 2010 Act was also said to address the criticism of a lack of a limited set of public duties. Section 149 outlined the 'Public Sector Equality Duty' (PSED), which stipulated that public bodies must undertake three actions (Lawson, 2011). This meant that public organisations were obliged to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those having protected characteristics and those not (Hepple, 2010).

The lack of intersectional thinking in UK equality law was argued to be addressed by Section 14 of the 2010 Act, entitled 'combined discrimination: dual characteristics' (Sharma, 2018). Under Section 14, combined discrimination occurs when one person discriminates against another on the grounds of two protected characteristics, or they treat a person with two protected characteristics less favourably in comparison to a person possessing neither of those characteristics (Equality Act, 2010; Smith, 2016 Solanke, 2011, 2016).

5. The diluting of anti-discrimination law

It is important to note that this new framework was heavily criticised on numerous fronts. From this set of criticisms, we can heuristically identify a style of narration that operates to counter and problematise the dominant style of narration detailed up until now. **While the passive voice is employed in dominant styles of narration, here this is countered in terms of narrating neo-liberalism as an animating presence in the development of the New Equality paradigm**. From here on out, I (heuristically) will refer to this style of narration as the 'counter style of narration'.

The key point orientating this counter-style of narration was the idea that the steps proposed to make the law more accessible and effective were insincere and obfuscatory. **Disrupting the passive voice, the counter narrative looks to how the changes were instead linked to more insidious political projects.** They masked and obscured a more malignant project to retract gains made under previous anti-discrimination legislation. The idea of dilution (Kapoor, 2013; Fredman, 2006b; Micklem, 2009; Sayyid *et al.*, 2010) emerged within these various critiques to describe the potency of the law as it stood (the anti-discrimination framework) in terms of its ability to tackle disablist, sexist and racist practices. At the same time, central to this understanding of dilution was the idea that these practices were being carried out under the false premise of legislative change being a positive force to help marginalised and oppressed groups (Sian *et al.,* 2013).

A key element of this idea of dilution was the idea of equivalence. Before the 'new equality regime' came fully into force with the 2010 Act, there had been a concern around the covering of multiple areas of discrimination under single policies. Young (2008) noted how intuitions (both public and private) in liberal democratic political contexts have sought to tackle issues of racism, sexism and other prejudices through applying rules and standards covering groups under a single policy. People like Mayo *et al.* (2015) and Sian *et al.* (2013) have noted how the practices Young (2008) identified create a logic of equivalence whereby the key differences between different kinds of discrimination become lost in legislation and dilute its ability to truly rectify inequality – leading some to the conclusion that '[t]reating as equal those who are unequal does not produce equality' (Kennedy, 2005:4).

We can also see how criticisms of dilution emerged specifically from the 2006 and 2010 Acts. Regarding the 2006 Act, fears around dilution began to emerge from academics and third sector bodies in the 2000s. The coverage of all types of discrimination under a single commission was said to erode the volume of attention on the specificities of different modes of discrimination and prejudice (Sian *et al.*, 2013). This was especially voiced by those involved with the Disability Rights Commission (Fletcher and O'Brien 2008; Micklem, 2009; Sauce and O'Brien, 2004). Sauce and O'Brien (2004), in an article entitled *The Future of Equality and Human Rights in Britain: Opportunities and Risks for Disabled People*, warned that the idea of an integrated human rights commission brought with it both a 'potent mix of opportunities and risks' (Sauce and O'Brien, 2004:667).

Parallel to the concern of diluting focus was a concern about the EHRC as an obfuscatory budget-cutting mechanism (Sian *et al.*, 2013). When the idea of a single commission was first gaining traction in UK political circles in the late 1990s, Wintemute (1997b) noted this to be a potential problem and highlighted it as something that involved communities should be cautious of, arguing that '[a]n undertaking would have to be made that the budgets of the CRE, EOC and DRC would be added together, not cut' (Wintemute, 1997b:261). This was something that Craig and O'Neill (2013) argued after the case, subsequent to the establishment of the EHRC in 2006.

Another key fear of dilution in the counter style of narration concerned the Public Sector Equality Duty (PSED) in the 2010 Act (Fredman, 2011). Fredman (2006a) warned before the public duty that his main fears surrounding the proactive equality legislation relate to its allowing of political discretion, which can, in turn, lead to insufficient engagement. This caution by Fredman (2006a) was taken up later in criticisms of the PSED.

For example, Kapoor (2013) argues that the measures imposed through the PSED were not as progressive as they were advertised and were actually less potent than previous increments, such as in the 2000 RRAA. Instead of having to pay due regard to disability, gender and 'race', as they were compelled to do under the previous legal frameworks, public authorities were permitted to take action in a limited set of priority areas, as they may lack the resources to address every area where action to address discrimination is necessary (Sales, 2011). The Discrimination Law Review (DLR) said that this was 'designed to help all public authorities to do what they do better, not stop them operating effectively or weigh them down with bureaucracy' (DCLG 2007:89). However, bodies like the Trade Union Council (TUC, 2013) expressed concerns about this, and commentators like Kapoor (2013) took it further, arguing that this weakened the need to comply, and, in turn, allowed lack of wanting to promote equality to be disguised under the auspices of practicality and pragmatism.

Furthermore, the idea in the PSED that public bodies had to pay 'due regard' to promoting equality became a point of contention. It was argued that the language of 'due regard' problematically created ambiguous and unclear boundaries of what a public body could do rather than strictly holding them to promoting equality. Those like Fredman (2011) critique the term on this ground and propose instead the idea of 'taking all proportionate steps'. Outside of the academy, Lord Ouseley actively warned against the dangers of 'due regard' and advocated proportionate steps to be taken in the House of Lords (House of Lords, 2010).

5.1 Neo-liberalisation of anti-discrimination

This counter-style of narration has been used to characterise these various insidious actions as part of a broader political project – neo-liberalism (see Burton, 2014; Kapoor, 2013; Sauce and O'Brien, 2004). The theory and definitions of neo-liberalism are varied and contested throughout social science (Ganti, 2014; Harvey, 2007). Indeed those like Clarke (2008) have gone so far as to label it a 'promiscuos' term.

However, the majority of commentaries linking 'anti-discrimination' simplification to neo-liberalism can be seen as drawing upon, Newman (2012b) helpfully argues, two lineages. The first rooted in political economy sees neo-liberalism as a new form of capital accumulation and is exhibited well in the work of Harvey (2007). The other is a Foucaldian lineage which understands neo-liberalism not simply as a configuration of economic programmes minimising regulation (Brown, 2006) or a devolution of power to the individual from the state (Gane, 2012). Instead of its focus simply being on the political economy, neo-liberalism is argued to be a political effort to disseminate and extend market values to all areas of social life (Brown, 2006; Gane, 2012; Rose, 1999). In terms of the new equality paradigm, both of these have been applied and the distinction is not considered two important here because, as will be shown, both models tend to present the neoliberal in a similar way - as a dominant structure imposed almost uniformly across different contexts.

In the UK, this is typically said to have commenced with Margaret Thatcher's government commencing in 1979 (Jessop, 2015; Nunn, 2014) (however, see Rollings (2013) for examples of those troubling this commencement point). This was seen to involve significant privatisation of previously public bodies, as well as marketisation of those bodies that remained in the public domain (Seldon and Collings 2014).

This set of interventions was presented as unavoidable and necessary political actions (Duggan, 2003; Massey, 2012), which were embodied in the acronym TINA', which stands for 'there is no alternative' (Berlinski, 2011). TINA was used to position marketisation as a practical rather than ideologi-

cal position – marketisation being seen as the only workable solution (Peck and Tickell, 2007).

With the election of Tony Blair in 1997, this neoliberal 'marketised' mode of talking was argued by critics to be continued in the policies and practices of the Labour government (Smith, 2009). They felt this was done through a set of political moves that became known 'the third way' (Ferguson, 2004). Tied strongly to the writings of Anthony Giddens (1994, 2013), the 'third way' has become a political label denoting a desired transcendence of what was located (within this third-way logic) as a limiting political dichotomy between left and right (Driver and Martell, 2000). Advocated instead was a conciliation of right-wing ideas of economic governance with leftist social policy ideals (Panitch and Leys, 2001; Powell, 2000). This has been argued to have been experimented with throughout European centre-left organisations (Genz, 2006), but is particularly associated with the Blair government in the UK (Giddens, 2013).

Third-way principles have been argued to be centrally present in what is referred to as the New Labour modernisation project. Early on in New Labour's governance, the idea of modernisation was proposed as a 'hallmark of the Government' (Cabinet Office 1999:9). Despite the centrality placed on the term, it still exhibits significant ambiguity (Flynn, 2007). Those like Fairclough (2000) have examined this ambiguity through analysing various texts of the post-1997 Labour government and have identified the term *modernise* to be used in a range of different ways, whereas Finlayson (2003) goes as far to reject its analytical merit based on this definitional ambiguity. Here, for heuristic purposes, I use a broad definition that places modernisation as the contention that departmental boundaries were negatively constraining the development and implementation of policy initiatives (Squires and Wickham-Jones, 2004). The government at the time positioned this as a project of progressive and positive reform, endeavouring to ensure 'that everyone has access to public services that are efficient, effective, excellent, equitable and empowering' (PMSU, 2006:13).

The exact relationship of modernisation to neo-liberalism is contested. Some see it as a component of neo-liberalism, locating it as a simple extension of post-Thatcher Britain that is not especially different (see Burton, 2014; Hall, 2005) or describing it as a sub-project of neo-liberalism (Jessop, 2007). The third way is argued then to prioritise neo-liberal economic imperatives over leftist social politics, rather than creating a synthesis of them (Hall, 2005). Others see it not as a straightforward continuation with a new name, but as a continuation with notable differences. For example, Newman (2001) sees it as a continuation of Thatcher's neo-liberalism despite not seeing the market as the sole driver of public-sector reform. He finds that instead, there is less competition and much more emphasis on the development of partnerships between the public and private sectors (Mayo *et al.*, 2015). However, despite the analytical differences in the scale of neo-liberal relations, proponents of the counter style of narration all position neo-liberalism as having some kind of integral and centralised position in modernisation.

Central to modernisation in this understanding is the notion of 'joined-up government', an umbrella term denoting multiple ways of aligning organisations seen as previously distinct in order to pursue the government's objectives (Davies, 2009; Ling, 2002). The justification for this joined-up governance was the argument that departmental boundaries stifled the potential of policies, given that their neat distinctions contradicted the much more complex and messy reality of policymaking (Squires and Wickham-Jones, 2004). This shift away from traditional ideas of bounded departments instigated the construction of units, which would work cross-departmentally to address various policy problems (Bevir, 2005).

In relation to the new equality paradigm and the move away from anti-discrimination, many critical theories have sought to identify problems through a sweeping critique of neo-liberalised modernisation practices (see Burton, 2014; Kapoor, 2009; Owen and Harris, 2012). In this scholarship, the criticisms mentioned in the previous section are thus a result of this marketised logic, whether it be the burden on public organisations through alterations to or weakening of positive duties in the PSEDs, or through the decreasing

of budgets by streamlining commissions. This is all then presented as a logical and rational step to make anti-discrimination law more accessible and efficient, which is consistent with the neo-liberal tendency to position marketisation as logical (Duggan, 2003; Massey, 2012).

In this thesis, I argue for the importance of recognising neo-liberal politics and their pervasive spread to successfully investigate the new equality paradigm. However, I do highlight issues with the ways in which others (see Burton, 2014) have situated the paradigm within neo-liberalism - highlighting two significant problems.

First, it leads to reductive theorisations of the policy actors involved, positioning a range of actors as being nothing more than bodies implementing neo-liberal political projects. Drawing upon a number of studies (Davies and Peterson, 2005; Dobson, 2020; Peck and Tickell, 2002; Preston and Aslett, 2014) that examine resistance to neo-liberalism in a range of institutional settings, the thesis traces the complex and multiple relations that the actors interviewed have to neo-liberalism, which cannot be encapsulated in reductive binaries of being either for or against neo-liberal politics. Rather, these ideas are moulded in particular ways and sit alongside other ideas that may normatively be positioned as substantially different and oppositional to neo-liberalism. The key becomes looking at a range of more ambivalent, strategic and pragmatic alignments to neo-liberalism that cannot be reduced to the dichotomous reductionism of for/against binaries. As will be detailed in chapter two, we need to recognise that actors do not simply reproduce or adhere to the neo-liberal - but rather work in relation to it in complex ways. As Sasha Roseneil argued in conversation with Janet Newman (2012b), “[t]here’s a much greater comfort in the kind of pessimism tat says it's all neoliberal and it's all unstoppable than there is with really kind of grappling with what might we do with our power“ (Newman, 2012b: 157).

Second, it gives the impression that there is a single meaning of neo-liberalism. It implies that all those involved in contesting or supporting it understand it as consisting of the same thing. *Narrating Equality* positions itself in this opposition to this broad tendency by looking at how different ideas are

enacted and contested by a range of actors in space and time. In order to counter this, throughout the thesis, a map is sketched that shows the multiplicity of meanings attached to neo-liberalism by different actors and the consequences this has for practice. These meanings are not fixed, but perpetually dynamic, and are contested and supported by the same actor simultaneously. This is illustrated for example in chapter eight where one practitioner contrasts the idea of Neo-liberalism as being a tenant of the new Labour government and is instead something exclusively, for them, exhibited by the Conservative party.

Therefore I follow a number of authors (Neewman, 2000, 2012b) in arguing that we need a more sophisticated understanding of the neo-liberal, attuned to its contextual unfolding. Thus we need to understand the neo-liberal as 'a complex and hybrid political imaginary, rather than a straightforward implementation of a unified and coherent political philosophy' (Larner, 2000:12). To show this more complex idea of neo-liberal politics, I will draw upon relational ideas of policy, which are disciplinarily situated in social policy debates that have recently emerged in the UK.

6. Relational social policy

Narrating Equality follows a growing number of authors (see Dobson, 2015; Fortier, 2017; Hunter, 2015) by adopting a relational epistemological position in order to understand policy. The foundations of such work are a rejection of the idea of pre-given analytical objects and attention in favour of multiple, dynamic and fluid understandings of the social and the terms actors use (Roseneil, 2013; Roseneil and Ketokivi, 2016). The contention is posited that actors cannot be separated or abstracted from the vast array of transactional contexts in which they are embedded (Emirbayer, 1997).

The attention of the relational researcher, therefore, is not on the definition and comparison of discrete social phenomena – what Emirbayer (1997) terms a substantive analysis. In such a substantive analytical framework, analytical attention is given to identifying analytical objects and, in turn, categorising and codifying them into different typologies.

Rather than as substantive entities, relational ideas position the units of phenomena fundamentally 'in relation' – they are not defined through being something, but rather through the multitude of shifting relations in which they are embedded. They are as fluid and unstable as defined by that which they are not (Dépelteau, 2018), which Stuart Hall (1996) identifies as the *constitutive outside* (Hall, 1996).

Rather than seek substantive units of analysis and the complex taxonomy and typologies engendered by substantive thinking, the focus of this thesis is multiple lines of the constitution (Pedwell, 2008) that never lead to an endpoint (a finished social construct). Rather, they are perpetually and relationally affirmed and contested across a multiplicity of different sites (Dobson, 2015). As will be shown in Chapter Two, I foster this attentiveness to the perpetual relationality of analytical constructs through Pedwell's (2008) methodology of *relational webs*.

Of course, the desire to depart from the substantive is not an exclusive position taken by relational theorists; in many ways, it is at the core of the interpretative lineage of social science (David, 2010). A consistent theme of the thesis will be how, especially in critical policy analysis, the claim to provide constructivist accounts that transcend the substantive still provides monolithic analytical categories in which the substantive *is still residually present*.

The question then turns to the implications of this for social policy analysis? This will be addressed in far more depth in Chapter Two. However, for the moment, the answer, briefly put, is that this relational epistemology means a departure from understanding policy as an object and from understanding policy actors in reductively rigid and undefined ways (Clarke, 2019; Dobson, 2015; Fortier, 2010; Hunter, 2015).

This, in turn, means that relational social policy analysis expresses a concern that many accounts of policy actors obscure and jettison from analysis the sheer number of dynamic and complex relations actors are embedded in (Newman, 2012b). This obscuring is done in the name of crafting formulaic and reductive taxonomical typologies of discrete positioned actors. Rela-

tional theorisation of policy actors instead emphasises how there is no clear line between these actors and the other actors from which they are differentiated. Rather, this differentiation is relational, and, in turn, the positions they have are fundamentally fluid.

It must be stated clearly here that to argue that phenomena are not discrete *does not mean that they are the same* – it is not a 'flattening of difference' (James, 2015). As will be shown throughout the thesis, the boundaries discussed are highly political, and actors invest in them for a range of reasons. Neither does it deny the material implications of these differences. Instead, it argues that this shifting of such boundaries has material effects (Dobson, 2015).

By engaging with relational aspects to understand the justification of policy, a number of ideas are important. I thus want to take a moment to clearly introduce the core theoretical terms that will be employed throughout this thesis, namely *enactment* (Law and Urry, 2004; Mol, 2002), *narrative* (Andrews *et* al., 2013), *relational politics* (Hunter, 2015), *positionality* (Rose, 1997), and *policy worlds* (Shore and Wright, 2011).

The first of these is enactment. To talk of enactments is to understand the various practices that are positioned as constituting policy and law as being enactive rather than incremental. By practices, I reference the various actions that are normatively positioned as the accepted procedure for making that which is seen as a policy (*Gill et al.*, 2017; Wagenaar, 2004). Several authors (see Colebatch *et al.*, 2010; Freeman *et al.,* 2011) have diagnosed a practice turn in policy studies, arguing that an overly broad focus on political discourse has obscured the importance of those micro-practices performed by a range of different actors (Freeman, 2008). These practices are the basis for the above-mentioned relational politics, which include holding meetings (Tepper, 2004), creating guidelines and checklists (Easthope and Mort, 2014), writing memos (McCambridge *et al.,* 2018), establishing panels (Krause and Douglas, 2013) and formatting documents (Brown and Duguid, 2002), amongst many other activities. It will be shown throughout the thesis that these practices are often understood as incremental in that they stem

from a particular set of ideas over time, and thus are incremental in that they follow from a particular idea toward a particular vision of policy. This creates a linear model and follows the idea that all the practices in this linear sequence work with the same meaning about what is to be moved towards, which will be shown in Chapter Two to be the basis for theories of the 'policy process' (Hill, 2005; Sutton, 1999).

Fundamental to this model is a move away from seeing practices as expressive. As Judith Butler (1988) notes, to think about a practice as being expressive is to see it as expressing some kind of established meaning and, in turn, an established relationship to other practices. To think of practices as enactive is to reject the idea of there being an innate expression of how these practices relate to other practices. In turn, it allows us to show how these practices may be multiply and simultaneously positioned by different actors in many different ways (Mol, 2002). Therefore, it results in a theorising on the idea that 'policy enactment rejects a conception of policy as a coercive instrument of the state or as a fixed document' (Fortier, 2017:5). Policy practices stem then neither from the result of a rational orientation to a problem (the fixed document Fortier (2017) discusses) nor from an ideological attempt to gain power (the coercive instrument of the state Fortier (2017)). Thus, we do not have a series of practices incrementally or linearly moving toward a goal, but instead, a set of practices that do not move a thing forward, but rather multiply re-enact different ideas, multiply positioned by different actors (Law and Urry, 2004).

Thinking of the practices of relational politics as enactments in this way means that policy actors are not simply following a number of steps in a course of action. Rather, enactments work to reinstate and contest meaning. The implications of this are that meanings are precarious in that they can change at any moment (Hall 1997). Thus, when actors talk of a concept such as policy, its meaning is built and shaped through different relations. Thus, we need to understand how actors who may talk of the same words, concepts or ideas position those ideas – in other words, how they enact them. In relation to policy, this also takes us away from thinking that the de-

bates around the meaning or definition of particular terms happen exclusively within the 'academy'. Thus, when looking at what ideas such as policy (Chapter Two) and the state (Chapter Three) mean, I look not just to how academics have described and theorised them, but also to how the practitioners in other spatial and temporal contexts engage in contestation over what they are. Crucially, I look at how this enactment animates different practices – in that how actors understand a term like policy shapes how they perform the practices associated with it. It will be argued, as detailed in Chapter Two, that this enactment emerges from narration and the 'sense-making' (Anderson *et al.*, 2020) involved in this.

The second of these terms is narrative. As alluded to briefly in the preface, a broad definition of narrative is that it is an articulated set of events with a causal connection (Gunartnam, 2009). *Narrating Equality* approaches narratives not as providing information about an event – as vessels of information to be analysed (Andrews *et al.*, 2013). Rather, they are sense-making tools (Boje, 1991, 2001). They are how actors make sense of the world around them and other narratives (Rhodes and Brown, 2005). In line with my relational epistemological position, this sense-making is enactive and perpetual – it is not that a sense of what is being narrated is found and then narrative sense-making stops (Anderson *et al.*, 2020). Instead, it is a dynamic process that alters in relation to the peculiarities and specificities of specific sites. It is this sense-making that creates the semblance of coherence – through which actors bring objects, bodies and sites together. It will also be shown that understanding narrative as cultivating the semblance of coherence in this way allows us to transcend any neat distinction between the professional/personal or public/private, and avoids jettisoning a rich array of observations through these distinctions.

The third key idea is that of policy worlds (Shore and Wright, 2011). Upon advancing a relational idea of policy, the important question is how to understand the actors and sites that are involved, without creating a bounded idea of actors and sites. By bounded I mean the thinking that there is a substantive, identifiable and discrete set of actors making policy and creating sites upon which this is done and vice versa, that there is a clear set of

actors and sites not doing this, separated in some way through an identifiable boundary.

I evoke Shore and Wright's (2011) idea of the policy world as a heuristic tool that denotes a spatial and temporal configuration 'in which actors, agents, concepts and technologies interact in different sites, creating or consolidating new rationalities of governance and regimes of knowledge and power' (Shore and Wright, 2011:2). The concept of 'policy worlds' allows us to recognise that the enactments constituting that which becomes seen as policy exceed any intuitional bounds and that to look simply at confined ideas of institutions is fundamentally problematic (Dobson, 2020). As will be shown in Chapters Five and Six especially, those interviewed enacted different kinds of policy worlds in different ways

The fourth of these terms is politics. I take a broad idea of politics as the practices and activities constituting the power relations between actors (Leftwich, 2015). In particular, I draw upon Hunter (2005, 2015) to understand these practices relationally to highlight a constellation of different practices that are too often ignored, not just by rational and instrumental models of policy, but also in broad and sweeping critical discourse analysis of policy (see Bacchi, 2000; Fairclough, 2013) that will be critiqued throughout the thesis. Rather than reducing politics to a set of broad processes, the focus of this thesis is on what Hunter (2015) calls relational politics, denoting 'the everyday actions, investments and practices of the multiple and shifting range of people and other material and symbolic objects that make up the state' (2015:5). Thus, we move away from the grand theorising of broad political reprocesses in order to look at the quotidian frissons that are a part of being within the policy world. It is these relational politics that animate the policy world.

Finally, to look at narrative, enactment and the other ideas elaborated in this way allows us to understand that where actors act from is highly multiple and fluid. In this line of thinking, the focus is on the fourth key concept, positionality. Central to relationally appreciating the new equality paradigm is the move away from discussing actors as having a discrete, identifiable po-

sition from which they act. This discrete, identifiable position can be in terms of seeing them as just a civil servant, lawyer or academic. Rather than simply reducing actors to their occupational positions, the core of this thesis is to look at how they are multiply positioned across space and time.

There has been a significant number of writers who have been challenging this idea of a singular position through attempting to look at actors' multiple positioning. This attempt to understand the multiple positioning of actors has, however, tended to talk of these positions as discrete (see Stank, 2007; Strassheim, 2015). By discrete, I mean that these theorists tend to see actors at different times moving between different positions that are seen as distinct and easily separable in analytic models. It will be argued through the thesis that to devise such an understanding of discrete positions (be they singular or multiple) decontextualises and obscures the multiplicity of relations actors are embedded in (Austin *et al.,* 2012*,* Brah, 2001, Newman, 2012, 2013a, 2013b).

Thus, rather than talking of the positions of actors, I talk about their positionality – referring to the dynamic positioning of actors in different relations (Rose 1997), spatially and temporally (Sheppard, 2002). This changes over time the multiple, dynamic, relational interactions of inscription (how an actor understands their own position) and ascription (how they are positioned by others) (Brah, 2001; Hunter, 2003; Taylor, 1998). Positionality is the interplay between this ascription and inscription. It will be shown throughout the thesis that these enactments of inscription and ascription are fundamentally relational, so it is hard to clearly distinguish between the two as analytical objects (Guest, 2016).

7. Structure of the thesis

This thesis is broken down into two sections. The first consists of Chapters Two through Four; the second is Chapter Five onwards.

Chapters Two and Three elaborate and detail further the theoretical foundations of the remainder of the thesis. Chapter Two expands on the main themes of the thesis (briefly established in this chapter) by addressing the

idea of policy and how this can be understood relationally. It starts by engaging with definitions of policy. In alignment with a focus on enactment, *Narrating Equality* doesn't define 'policy'. Rather, following Wedel *et al.* (2005), the focus is on what is done in the name of policy, rather than treating policy as a substantive element of enquiry (a substantive social construct). This leads to the question of how labelling a set of enactments as 'policy' bestows a certain kind of authority. Thus, I establish a need to stop talking of policy as a thing, and instead talk of that which is positioned as policy.

Following this focus on the effects of positioning policy, Chapter Two explores the relationship between that which is positioned as policy and that which is positioned as law. Drawing upon a number of innovative works in legal anthropology (see Riles, 2006; Tate, 2020), it is argued that the distinction between that which is positioned as policy and that which is positioned as law is enactive in that it creates a multiplicity of sites and actors that are connected by perpetually dynamic power relations.

After this, relational models of that which are positioned as policy and law are shown to be fundamentally oppositional to ideas of rationality. The ambiguity of what is meant by rationality in policy scholarship is addressed, and a clear conception of how I use the term is then elaborated. It will be argus that this conception of rational analysis includes two key tenets – thinking of policy as disembodied and thinking of policy as referential. It will be shown that these two elements are residually present in much policy scholarship on the new equality regime, including many accounts claiming to be critical or constructivist. I will then go on to explore how this engenders what Clarke *et al.* (2015) term *dirty realism*, which is linked to a model of policy having an intentional coherence, as I also detailed briefly in the preface.

The next section addresses how these multiple enactments that are positioned as policy come to be positioned as policy. This section poses the question of how the impression of coherence and cohesion is cultivated. The answer to this is situated in terms of narration. Drawing upon the work

of Andrews *et al.* (2013) and Livholts and Tamboukou (2015), it will be argued that narration, as a sense-making process (Boje, 1991, 2001; Rhodes and Brown, 2005), can be seen as enactments by actors to impart the semblance of a coherent policy in different ways. The final section introduces Pedwell's (2008) work on relational mapping as a methodology that allows us to trace these narratives without reifying them as substantive entities.

Whereas Chapter Two looks at the idea of that which becomes positioned as policy and law, Chapter Three explores the spaces in which this is enacted and the actors doing so. It does this through focusing on the idea of 'policy worlds' (Shore and Wright, 2011) briefly introduced above. It is argued that we can heuristically talk of an equality policy world as a set of sites and actors that is enacted by actors engaged in the new equality paradigm. Through enacting this equality policy world, it is argued that practitioners, in turn, relationally enact an anti-discrimination policy world through which it is given relational meaning and power. It is contended that these are not distinct periods that at some point began and ended – for example, the anti-discrimination policy world beginning in the 1960s and ending in the 2000s. Rather than being bounded entities, the 'anti-discrimination policy world' and 'equality policy world' are enacted and re-enacted through talking of one another, and thus there are multiple simultaneous enactments of what constitutes equality and anti-discrimination policy worlds.

Exploring the idea of policy worlds in this way commences by interrogating how 'the state' is enacted in different ways (Cooper, 2016) and how this enactment has a symbiotic effect on how actors are interpreted. *Narrating Equality* approaches the state as an idea, looking at the alignments of bodies it enacts as an idea. The idea of the state and its institutions are situated as an organising mechanism (Cooper and Munro, 2003). Rather than seeing it as a discrete bounded entity, looking at the state and its institutions as an organising mechanism allows one to appreciate how simultaneously different ideas of the state are enacted by processually excluding and including different actors spatially and temporally. This exclusion and inclusion will be shown to be heavily linked to the distribution of authority.

Chapter Three then proceeds to emphasise the specificities and peculiarities of how the state is organised in relation to the new equality paradigm. It will introduce the literature on critical race (Goldberg, 2002; Lawson, 2018; Omi and Winant, 1989; Thompson, 2013), feminism (Kantola, 2007; Peterson, 1992, 2018) and critical disability theory (Lantz and Martson, 2012; Meekosha, 2002), exploring the state as creating and enabling racialised, gendered and disablist violence. My interest in addressing these debates is not to just establish the relationship between the state and these acts of violence. Rather, I look at how actors enacting equality through the state negotiate, affirm and reject these debates. I emphasise the role and position of ambivalence in looking at how actors do this.

The second section of Chapter Three looks at those actors being aligned to and jettisoned from the state as an idea. It will show how *policymaker* has emerged as the common term to describe these actors (Jones, 2014; Heidelberg, 2020) and how a range of other ideas have emerged as sub-ideas from it. These terms will all be shown to, in some way, reinforce and reproduce the idea of policy as a substantive object of enquiry. In order to move away from this substantive analysis, Jones' (2014) idea of *policy practitioner* is introduced.

Whereas Chapters Two and Three explore the theoretical foundations of *Narrating Equality,* Chapter Four details these theroetical Idas informed the methods chosen. The chapter chronologically details the steps taken to establish a framework of narrative textual analysis and narrative-free association interviews. The focus here is on the applicational issues. It begins by detailing how narrative methods were selected and used. This initially involved a 'stumbling around' (Taber, 2010) period focused on gathering 'tactical knowledge' (Bourdieu, 1990). Free association narrative interviews (Gunaratnam, 2009; Wengraf, 2001) were employed with the former; narrative analysis with the latter. The chapter then situates *Narrating Equality* within a feminist ethics of care. This attempt to foster a feminist ethics of care will be shown to have led me, in line with many others (Lancaster, 2017; Scott, 2006), to reject many assumptions that underpin established approaches to interviewing policy practitioners, notably in the form of 'elite

interviewing'. The measures stemming from this feminist ethics of care and rejection of 'elite interviewing' are then discussed, including the need to anonymise interviews and the potential limitations of this anonymity.

Chapters Five onward engage with and analyse the data from the interviews, and textual actors are introduced and analysed. The interviews were conducted using free association and were led by practitioners, but all exhibited a similar structure, a point of interest in itself. To properly appreciate this importance, the analysis is presented chronologically in tandem with the texts analysed.

Chapter Five concerns how practitioners commenced the narratives in their interviews. It will be argued that choices of how to start and how to finish, and the order in which different elements were narrated, are not arbitrary. Rather, as Edward Said (2003) argues, it is a strategic act of delimitation. Thus, how practitioners structure their narratives (in terms of where to begin) frames the narratives they tell in particular ways. It will be shown that this significant moment of commencement, across all the practitioners' narratives, operated to establish what I heuristically term an *ethical orientation*. It will be shown that this ethical orientation engenders what Andrews (2017) calls a habit of responding. This habit of responding will be shown to lead to a number of educational and occupational choices.

Chapter Five then proceeds on to introduce the ideas of encountering and stumbling. These ideas of encountering and stumbling are introduced in order to move away from the problems of normative ways of describing actors as entering into or becoming involved that are then positioned as policy and law. These concepts will be used to demonstrate that there are no discrete moments when practitioners become involved in what is positioned as policy and law. Rather, the work they do can be observed across different spatial and temporal contexts.

Chapter Six picks up where Chapter Five ends – looking at what happens immediately after the practitioners enter what they enact as the policy world. It will be argued that of the practitioners interviewed, we can heuristically identify two cohorts. The first are those enacting themselves as posi-

tioned in the anti-discrimination policy world and, in tandem, working on the 2006 and then later the 2010 Acts. The second group is comprised of those simply working on the 2010 Act and entering what they enacted as the equality policy world. In particular, this chapter looks at how the ethical orientations of practitioners, identified in Chapter Five, are challenged and extended by the practitioners navigating through these contexts.

It will be shown that one of the key things practitioners did who were engaged in the 2006 Act, and who therefore entered the anti-discrimination policy world, was to create a way for different actors to cohere together. It will be shown that this was consistently enacted in the context of relational politics. These relational politics will be shown in the form of the establishment of the EHRC, as well as using examples around the contestation around introducing human rights rhetoric alongside ideas of equality.

Chapter Seven argues that in the narratives told by the practitioners, we can identify what can hermetically be termed a tension between simplification and expansion. It will be argued that, using Hogget's (2006) ideas of moral institutions, these are not separate forces. It will, and here in particular, draw upon the ideas of approaching the nuances of neo-liberal power discussed above.

I will then proceed on to illustrate how this 'tension' unfolds in the enactments of the practitioners in the policy world through an example – the struggles and constellations around the groups that should be considered to have 'protected characteristics' under the 2010 Equality Act. The chapter elucidates and illustrates how previously excluded groups were included in the protection of legislation through the introduction of the protected characteristic framework. This framework included groups that were already protected on the 'grounds' of previous anti-discrimination legislation (for example 'race') and introduced new grounds, such as maternity; I explore how the practitioners discussed this process. This chapter will address the corpus of criticisms and arguments surrounding the 2010 Act in terms of its failure to include a range of groups in its protection (Hand, 2015). The example of the 'caste question' (Waughray, 2014) is introduced as a way of

understanding how protected characteristics were justified and what constituted a protected characteristic. It will show that while there was a desire to cover as many groups as possible who were experiencing discrimination or inequality (expansion), there was also a desire to keep this framework as tight as possible (simplification). This did not lead to a prioritisation of simplification over-expansion; rather, the practitioners interviewed narrated engaging in practices of expansion in what they positioned as a 'simplificatory manner'.

Chapter Eight introduces and addresses the idea of post-policy and post-law. While *Narrating Equality* takes the position of seeing policy as processual, consistently produced and un-finished (Clarke *et al.*, 2015; Gill, 2017), as will be detailed in Chapter Two, this is not shared by practitioners. This chapter looks at where they see the creation of policy as stopping and how this draws a line between creation and implementation. Therefore, when I talk of 'post-policy' and 'post-law', I am referring to a number of narrative mechanisms employed by the practitioners as an act of delineation that works to position certain practices as happening after a policy and law, and, in turn, affecting how that law unfolds. When referring to this unfolding, all the practitioners referred what would normatively be positioned as 'implementation', and in particular, an 'implementation deficit'. It will be demonstrated that in their narratives, the practitioners all drew upon ideas of what Dickinson (2011) astutely terms 'top-down' and 'bottom-up' implementation.

It will be shown that many issues of the Act are contextualised as part of the context in which it is introduced. The 2010 Act was the last piece of legislation passed in Gordon Brown's tenure; Flacks (2012) argues that it was 'one of the dying wishes of the New Labour government' (Flacks, 2012:396). It will consider how the practitioners enacted the idea of New Labour and its modernisation project, and how this is contrasted with the coalition government under David Cameron. It will be shown how the practitioners narrated Cameron's collation government as creating a hostile neoliberal 'policy environment' that was unreceptive to the strengthening of

anti-discrimination legislation. This notably involved the subjection of the 2010 Equality Act to the red-tape challenge.

The final chapter concludes the thesis by re-iterating the importance and necessity of relational thinking in social policy. It will conclude that rather than serving as a sweeping pattern of neo-liberal reform, the new equality paradigm of the 2000s can be better understood as a relational web of different contestations and affirmations of neo-liberalism that were rooted in the positioning and repositioning of different actors. Narration will be argued to play a fundamental role in giving this a sense of coherence – to be seen as a discrete shift.

This last chapter will argue that while the importance of contextuality and specificity has been argued for throughout the thesis, that does not mean there are not potentially promising tools that can be used and adapted to study other areas. It will identify a number of different areas for future research, and it will also further reflect on some of the limitations of the current study and how further work on the new equality paradigm may correct them. For example, the particularly English-focused nature of the research, as well as changes in terms of equality and anti-discrimination law in relation to the Covid-19 pandemic, in addition to Brexit.

Chapter Two

Transcending policy coherence through the enactment of narrative sense-making

1. Introduction

The first chapter outlined the dominant style of narrating anti-discrimination legislation in the UK and a counter-style to this that positions the new equality paradigm as a neo-liberal project. Chapter One then proceeded further to situate the thesis epistemologically within a relational understanding of the social (Emirbayer, 1997). This involves a commitment to analysing the fundamental relationality of the social and a move away from exploring these through rigid typologies and distinctions that deny the dynamic quality of the social through the analytical imposition of rigid categorisations.

Following on from this, this chapter establishes further what I mean when talking of policy and law, and how this conception of policy and law complements the relational epistemological position briefly alluded to in Chapter One. At the core of this chapter is an alignment with a concern voiced by a number of authors (see Clarke *et al.*, 2015; Dobson, 2015; Newman, 2012a) that the supposed movement away from rationalism through constructivist and interpretivist models of policy are not as transcendent of rationality as they argue themselves to be. Instead, they have reproduced rational models of policy actors and sites of policy address in different ways. This chapter proposes that in order to overcome this difficulty, we need to adopt relational methodologies and look at the importance of narration.

The first section starts by addressing the cross-disciplinary efforts to either establish or not establish a fixed definition of policy. On the one hand, it will be demonstrated how a number of scholars have disengaged from and rejected the task of defining policy on the grounds of it having a 'taken for granted meaning' (Ball, 1994; Hill, 2005). On the other hand, it will be elucidated how an opposing corpus of authors actively embraces the task through formulating complex and sophisticated typologies (Jenkins, 2007). It will be shown that *Narrating Equality* neither takes the idea of policy for granted, nor does it adopt a typological definition. Rather, following observations by Wedel *et al.* (2005), I am concerned with what defining and identifying enactments as policy does. It will be argued that such identification of an action as policy grants a particular kind of vertical authority to these practices (Shore and Wright, 1997).

The section then goes on to address the relationship between policy and law. The reason I discuss policy rather than just law is then elucidated and justified. It will be argued that demarcations of law vs policy are not simply reducible to a technical distinction based on separating certain identifiable practices from other identifiable practices (Goodale and Merry, 2017; Pirie, 2013; Tate, 2020). Rather, drawing upon ethnographic observations from legal anthropology (Riles, 2006; Tate, 2020), it will be shown that the author-

ity associated with both that positioned as policy and that positioned as law is connected to this distinction. The 'law and policy distinction' is not technical, but is rather political - it is a dynamic and shifting relational enactment that works to position different objects and bodies with different kinds of authority in different spatial and temporal contexts (Riles, 2006).

After establishing that the concern is with how policy and law are mobilised as ideas to grant authority to enactments, the nature of those enactments is studied. Section two explores cross-disciplinary concerns with 'rational' models of policy (Blackmore and Lauder, 2005) and the efforts to transcend these models. It will be argued, however, that the term rationality is widely, but also ambiguously, used (Zafirovski, 2003). It is argued that in light of this ambiguity, we need to clearly establish an understanding of what diagonal policy analysis means. I do this by highlighting two significant tenets of what this thesis contends to constitute a rational model of policy. I then argue that many of the supposed attempts to transcend the rational fail on these tenets, and I will demonstrate this with examples from scholarship on the new equality paradigm.

The first tenet is *disembodiment*. Here, I introduce the expansive and established feminist and critical race theorists who have shown that rationality as an ideal is historically rooted in the enactment of the white, male, middle-class subject (Harraway, 1997; Puwar, 2004; Swan, 2010; Vincent, 2006) and is something positioned as absent in the bodies objected from this idealised subject position (Bourke, 1998; Conor, 2006; Frankenberg, 1997). The implications of this for policy and law are then elucidated. It is argued that to look at policy rationally means to disembody those who enact that which becomes seen as policy. It will be shown that many critical accounts of the new equality paradigm still have not fully or even adequately transcended this, presenting the actors of policies in reductive ways through broad discursive analysis of neo-liberalism. Burton's (2014) work will be used as a key example of this. Although this work is fundamentally necessary, it will be argued to be problematic unless theoretically supported with more substantive and nuanced enquiry into the actors involved.

Second, rationalist models of policy are based on *referentialism*. By referentialism, I mean a way of thinking whereby policy problems are seen as objective, out-there phenomena to which a policy responds (Bacchi, 1999; Considine, 2005). In this way of thinking, talking about these phenomena is a referential action – it refers to something that is there and is responded to. It will be shown that this is present in much of the literature on the new equality regime, with Hand *et al.*'s (2012) work being an example of this. This referentialism is then contrasted with various authors' claims that they transcend this by focusing on how problems are constructed. However, the extent to which this constructivist tendency fully allows for an escape from rationality is questioned. It is argued that many accounts that are considered constructivist fail to fully transcend preferentialism through creating static (Dobson, 2015) and singular (Hunter, 2015) analytical categories that obscure the multiplicity and dynamic enactment of policy problems. It will be shown that this is the case in the critical literature that addresses the new equality regime; this will be done by employing what I will call a 'methodology of contradiction' that involves policy research becoming about identifying the underlying purposes and motives of a policy that are fundamentally incommensurable with and that contradict a policy's stated aims. Using this methodology problematically leads to what Clarke *et al*. (2015) term 'dirty realism'.

The next section makes the case that the residuals of the disembodied subject and referentialism can be overcome through using relational analysis. Central to this is the idea of relational hinterlands (Hunter, 2005). The idea of relational hinterlands is used to challenge the idea of coherence. By coherence, I mean the understanding that there is an essential objective (rationally solving an 'out-there' problem or an underlying political reason) of policy. It will be argued that although there is no internal coherence to that which becomes seen as policy, there is an investment by a range of actors for it to appear that way – to give policy the semblance of coherence.

The focus on the appearance of coherence then leads to the new section, *Narrating Policy Coherence*. This section addresses the following question – how is this semblance of coherence achieved? It is argued that such an achievement is made through narrative (Trouillot, 1995). This section begins with a brief definition of narrative as an articulated sequence of events with a claimed casual connection (Cobly, 2001). The way this has been taken up in policy analysis will be shown most notably to be with what I heuristically term 'policy as narrative' approaches (see Hukkinen *et al.*, 1990; Roe, 1997). It will be argued that this framework is problematic and falls within a Lobovian (Patterson, 2013) model of narrative that is fundamentally incompatible with relational epistemology. In order to move past this Lobovian theorisation of narration, a particular model will be forwarded – that of narrative as fundamentally dialogic and processual, which has been termed an experience-centred approach (Andrews *et al.*, 2013; Patterson, 2013; Squire, 2013). Understanding narratives through this experience approach will be argued to allow policy scholarship to understand narratives working to bring other objects, spaces and bodies as coherently constituting policy. At the same time, they bring other spaces, objects and bodies together to contest what is seen as policy, and in turn, shape it in such a way that changes what is seen as policy. This will be shown to work through narrative sense-making (Anderson, 2020; Trouillot, 1995).

The final section, *Mapping Relational Webs*, concludes by establishing the methodological position taken to understand policy in the way forwarded throughout the chapter up until that point. It will be concluded that methodologically, Pedwell's (2008) idea of relational webs is the most suitable way to trace these narratives. This methodology will be shown to rest, not on theoretically and empirically establishing particular patterns for comparison, but rather on the focusing on lines of constitution that link different enactments. This methodology accomplishes all of this while simultaneously avoiding reification of comparison and paying attention to the perpetually dynamic, multiple and processual nature of the social.

2. Moving away from ‘policy’ and ‘law’ towards that positioned as policy and law

As Wedel *et al.* (2005) diagnose, there has been a proliferation of ‘policy studies’; these have moved the analysis of policy away from the areas of political science and the study of public policy initiated by Charles Merriam in the early 20th century (McCool, 1995) and into a range of disciplines and multiple ‘inter-disciplinary fields’ that incorporate policy into discussions of a particular theoretical paradigm or topic. We thus observe policy analysis in linguistics (Wodak, 2009), critical policy studies (Fairclough, 2013; Fischer *et al.*, 2015; Howarth, 2010; Orsini and Smith, 2011) and anthropology of policy (Lea, 2008; Shore and Wright, 1997, 2011; Wedel *et al.*, 2005), amongst others. Contemporaneously to this proliferation of different fields of policy studies, there has been an increasing use of the term *policy* in a range of institutional settings that are external to public administration, which is where policy is normatively positioned as its traditional site (West, 2004). This expansion of institutional sites includes schools (Braun *et al.*, 2010), higher education (Fairweather, 2002) and healthcare organisations (Scott *et al.,* 2000).

This simultaneous proliferation of the examination of policy both in the academy and across a range of institutional spaces is important, as it has afforded the term policy a ubiquity (Wedel *et al.*, 2005). The term policy is used so frequently, with such scope, that its meaning is not either singular or self-evident (Ball, 1994; Hill, 2005).

In the context of this ambiguity, the task of defining what is meant by ‘policy’ has not only been approached differently, but rejected altogether. Across different disciplines, some scholars do not even engage in the task at all, treating it as self-evident or taken for granted. Birkland (2019), Hoppe (2019) and Wilson (2006) note this lack of engagement in defining policy as prevalent in public policy scholarship; Jenkins (2007) in the sociology of policy; and Ball (1994) and Gale (2007) identifying it within education policy studies. While there is disengagement with the task by some scholars, others warn

of the problems and dangers of defining policy. For example, Hill (2005) contends that policy is inherently characterised by 'definitional problems' because it is challenging to identify concrete and specific processes, given its complexity, and to give it a fixed definition obscures this complexity.

Some take issue with this tendency to take policy for granted, and therefore do not acknowledge or address the warnings against defining policy of those like Hill (2005). Instead, they have proliferated a corpus of typologies and definitions. There are review articles and papers that have helpfully given more comprehensive overviews of these typologies than there is space to do here (see Stewart, 2014; Ward *et al.*, 2016), as well as a number of texts that study definitions of policy genealogically and etymologically (see Hoppe, 2019; Wedel *et al.,* 2005). However, we can briefly note that most of these typologies and definitions broadly describe policy as some formalised course of action (see Becker and Bryan, 2012; Hodgson and Irving, 2007; Hogwood and Gunn, 1984; Jenkins, 2007). Distinctions are then made by different authors to describe different variations of this formalised course of action. This can be through locating it in terms of the spaces in which it unfolds (see Hodgson and Irving, 2007), in terms of temporality of policy being a past or future stated intention (see Becker and Bryan, 2012), or as a text in terms of official documents and as a discourse, in terms of the rhetoric surrounding these texts (see Ball (1996) for an example of such a definition). These definitions are then usually specified further in relation to the specific area studied – for example, the common definition of public policy is a course of action taken by or the intentions determining the actions of a government (Page, 2008; Peterson, 1992).

In approaching these debates, I deliberately and unapologetically do not define policy. This is not because I take policy for granted or am cautious of the definitional difficulties those like Hill (2005) detail. Rather, in line with my focus on enactment, I do not define policy to avoid substantive analysis and move away from seeing a particular policy or set of policies as an object (Clarke *et al.*, 2015; Zittoun, 2009). Instead of crafting a definition, my concern instead is with the labour performed by different definitions of policy.

Following Wedel *et al.* (2005), 'the key question is not 'What is Policy?' but rather, 'What do people do in the name of policy?' (Wedel *et al.*, 2005:35). When looking at the labour of definition, I am looking at practices understood as enactments, as elucidated in the previous chapter. Thus, to spell it out clearly, my analytical object study is not policy, but the *enactments that become positioned as policy and those enactments that are not included in this label*.

It is important to look at enactments that are positioned as policy rather than a specific policy because it allows us to appreciate the contestation around the application of the term. If we were to define policy as a particular bounded social construct (as a constructed object (Clarke *et al.*, 2015)) that involves a specific set of practices, the issue of where to draw analytical boundaries arises. By citing a particular entity as being the social construct of a policy, the implication is made that certain practices and actors are involved in that policy. This raises a number of questions. Does the actor who is positioned as being involved in policy agree with the analytical decision by me as the researcher? What if the actors I say are involved in policy reject this? Are there actors that see themselves as involved that are excluded? Does it matter that a series of practices that may be aligned with what becomes a policy were not deliberately seen as such by those enacting these practices? In this way, to talk of a policy as an analytical object obscures contestations of whether someone is involved in a policy.

To talk of the enactments that become seen as policy as an analytical object allows us to avoid obscuring contestation of who is involved by bringing the involvement and contestation of this involvement to the analytical foreground. It allows us to look at the ways in which policy is used as a term to tie different actors' bodies, objects and spaces together and how this is challenged. It will be shown later in the chapter that this tying together of different objects and bodies is done through practices of narration.

Furthermore, it is important to look at the labour of definitions in terms of enactment. To define policy is to define what can be done through policy.

Understanding what policy is, in turn, shapes how actors 'do' policy. Throughout the thesis, it will be shown how those interviewed use various terms (the 'capacity of policy', 'the potential of policy) and how this differs between different actors.

Now that I have established the focus on the application of the term policy to certain policies (and in turn, its lack of application to other practices), the question then becomes what the effects of this application are. What does labelling a set of enactments as policy have for how those enactments are viewed? Looking at the enactments that become seen as policy orientates the research towards looking at the distribution of authority. As Shore and Wright (1997) note, when a set of practices is defined as policy, it establishes certain claims to truth or validity and adopts a vertical hierarchical position over other modes of action. This authority is relational – changing in relation to the exact ways the term policy is enacted at different times. Authority is not a definable force, and it changes across time and space.

In line with understanding meaning as relational, it follows that an interest in what is defined and positioned as policy simultaneously is concerned with that not positioned as policy. Running throughout the thesis is a concern with how certain actions are positioned as being distinct from policy. Some of those interviewed made a distinction between policy work and their earlier activism, the latter being seen to be more associated with personal interests, as opposed to that positioned as the more 'objective' work of policy. So, at the same time, describing something as policy allows a particular validity and verity to be ascribed to certain enactments; it also allows authority to be taken away from other enactments.

I have, up until this point, spoken at considerable lengths about policy. The important question can be posed of why am I doing this when the explicit focus of the thesis is on the justifications for two laws – the 2006 and 2010 Equality Acts? To fully grasp the 'new equality paradigm' in the relational manner that I intend to pursue, it is important to speak of that which is positioned as policy and that which is positioned as law, not just what is posi-

tioned as law. This is because the distinction between policy and law is relational (Pirie, 2013). That which is positioned as policy is normatively understood as constituting the foundation for that which is positioned as public law (Birkland, 2001). Thus, to look simply at that which becomes seen as law would jettison from analysis an important configuration of different relations.

To look at that which becomes seen as policy in order to understand relationally that which becomes seen as law in this way means looking at the distinctions between the two. However, this does not mean looking at these distinctions in order to appreciate how they may be different. This kind of distinction is typically made by stating that policy is discretionary in a way that law is not (Kreis and Christensen, 2013) or seeing policy as a preference and law as a coercive instrument (Solanke, 2009); neither position argues that a distinction is not tenable. These arguments have been made through the establishment of the field of study of 'law and public policy' (Clune, 1993; Kreis *et al.*, 2013). Resulting from this field of 'law and public policy' is an increasing call to recognise those actors traditionally considered in the domain of law as also being involved in policy (Barclay and Birkland, 1998), notably emerging after Dahl's (1957) seminal analysis of the US Supreme Court as being a political, rather than solely a legal, institution. This position does not tend to engage with the arguments that the two are increasingly conflated (see Tate, 2020), something noted to be specifically present in relation to anti-discrimination and equality (see Solanke, 2009).

The reason I am evoking the distinction between policy and law is to explore the implications of making or not making such a distinction. In alignment with my focus on relational enactment, I do not engage with the debates around the difference between law and policy in terms of establishing the differences between them as fixed analytical objects. A number of legal anthropologists have taken up the questions of what law and policy mean in relation to one another and have explored them ethnographically in different policy worlds (Goodale and Merry, 2017; Pirie, 2013; Tate, 2020). They have

shown that the distinction between policy and law does not involve simply differentiating between two different social processes, but rather it is something that enacts a range of different relationships and subject positions. In short, the policy/law distinction has been shown to be very important in distributing different kinds of relational authority.

The different enactments of the policy/law distinction were a consistent theme of the interviews I conducted. Echoing findings such as Page and Jenkins's (2005) astute ethnography of civil servants, the demarcation between those involved with policy and those involved with law was mobilised in order to create particular positions for different actors (Page, 2003). The phrase 'I am a law person, not a policy person' was stated on a number of occasions to enact the positioning of different actors and themselves vis à vis these actors. The law/policy distinction is not simply about demarcating the line between practices. Instead, being involved in law or policy is an identity that is relationally defined in that to enact an idea of being involved in law enacts different ideas of what being involved in policy might be. This will be shown in Chapter Eight in particular. It will be argued in Chapter Eight that in discussing the 'red-tape challenge', to which the 2010 Equality was subjected, several practitioners positioned this challenge as a work of policy. They enacted a relational distinction between law (which they were involved in) and policy (the neo-liberal agenda of David Cameron's government).

3. Rationalisation of that positioned as policy and law

As mentioned above, there have been many disciplinary attempts to understand that which is positioned as 'policy', generating multiple fields of inquiry (Wedel *et al.*, 2005). Reductively, but also heuristically helpful, we can identify across all of these fields of policy inquiry a concern with and, subsequently, an attempt to move away from what is identified as a rational conception of that positioned as policy and/or law (Shortall, 2013). This concern to transcend rationality is typically situated as having emerged in political science in the 1970s in association with constructivist (Hay, 2015)

and interpretive (Yanow, 2007) public policy inquiry, and then later with other interdisciplinary policy fields (Goodwin, 2012). The extent of this transcendence has been questioned; scholars at different points across different disciplines have cited a resurgence of 'rationalist thinking'. For an example of those warning against this resurgence, see Sanderson's (2002a) astute criticism of the 'evidence-based policy making' movement and the response to this in the discipline of social policy.

The relational epistemological position I have adopted is based on a need to transcend rational ideas of that which becomes policy and law. However, the way this has been done in parts of the established, existing literature is problematic in various ways (Clarke *et al*., 2015; Dobson, 2015). To elucidate further, it is helpful to first identify how rationality has been conceptualised and critiqued in critical policy analysis.

Rationality, as a foundational concept in the enlightenment project (Hamilton, 1992), can broadly be understood as a philosophical idea that invests in the positive exercise of reason and the idea that actors can gain knowledge through employing logic (Honneth, 1987). In terms of that which becomes seen as policy and law, we can see this translating, at a very general level, to the idea of that positioned policy as rationally orientated around ideas of policy as 'problem-solving' (Bacchi, 1999; Bletsas and Beasley, 2012; Goodwin and Lea, 2008). That positioned as policy and law is conceived of as positive in its nature, designed to have a positive effect to prove a particular situation or negate a negative one (Shulock, 1999). Policy is a set of responsive actions in relation to a pre-given, existing problem (Anderson, 2014; Greco and Stenner, 2008; Shore and Wright, 2011; Wedel *et al.,* 2005). The practice of that positioned as policy and law is broken down into logical stages and theorised in a set of identifiable outputs (Durnová, 2015; Fisher, 2003; Knill and Tuson, 2012). This unfolding of that positioned as policy and law in linear stages, in turn, implies a 'finishing' of it (Gill, 2017). That positioned as policy and law is conceptualised at some point as being completed and unaltered after that (Clarke *et al.*, 2015). After the completion stage is implementation, which is performed in a way that

positively maximises its effects in relation to resources (Dickinson, 2011). This provides the foundation for law, which works as a necessary and positive instrument for the bettering of society (Birkland, 2001; Shore and Wright, 1997).

However, despite this broad sketch of what a rational idea of policy would involve, how it actually works is both vague and contested. Navigating the literature addressing this debate is difficult on numerous grounds.

The first problem is the ambiguity of the term *rationality* itself. We need to pay attention to warnings of those like Zafirovski (2003, 2008) and Rutar (2020), who have crafted sophisticated genealogies of the term rationality in social science and economics, and identified that it is problematically used in so many ways to the extent that its meaning is ambiguous. Zafirovski (2008) has made distinctions in its usage, charting a progression from a classical model of rationality to a utilitarian-economic understanding of it. The former is rooted in the idea of reason as an achievement and a separation of mind and body (Grosholz, 1991, Ross-Smith and Kornberger, 2004), which is maintained until the Cartesian method– the latter is driven by the maximisation of profit (Zafirovski, 2008). However, even these broad distinctions still do not fully account for the complexity of what rationality denotes philosophically. This lack of fixed meaning is further complicated by the growing analytical subdivisions of rationality in policy analysis. For example, we can observe policy scholarship on bounded rationality (see Cyert and March, 1963; Simon, 1955, 1957), as well works (see Sanderson, 2002b) that draw from the Weberian and Frankfurt school critical theory models of instrumental rationality (Cook, 2004).

Second, there is the problem of talking about a rational conception of policy when rationality has been shown to be fundamentally contextual. Flyvbjerg (1998) has famously argued that rationality is, in itself, fundamentally context-dependent and that it is only in analysing specific power formations that we can understand its social implications. There is, then, the issue of

seeing it as a singular political force – obscuring how it relationally interacts with other social forces, in particular, spatial and temporal contexts.

Third, identifying the authors associated with this theoretical positioning is complex. Certain models of policy scholarship are manifestly labelled as rational, notably rational choice theory (see Neimun and Stambough, 1998; Ullen, 1990). However, there are then those labelled by other scholars as rational – usually in what is termed 'the textbook rational approach' (Shorthall, 2013; Wilkinson, 2011). This creates a problem, as there are those who are positioned as providing a 'rational model' of policy who would dispute and reject this label. Furthermore, as will be detailed much more extensively below, there is the growing criticism that many attempts to tackle rationality in policy, which have taken place across different fields, do not fully transcend it (see Dobson, 2015; Newman, 2012a).

In short, identifying an understanding of that which is positioned as policy and law as rational doesn't clearly, in and of itself, lead to a clear understanding of the social phenomena being referred to and, in turn, scrutinised. Therefore, it is imperative to clarify exactly what *Narrating Equality* means by rationality and, in turn, rational policy analysis. It is important to clearly elucidate how this draws upon and departs from the various criticisms of rational policy discussed above. Furthermore, the peculiarities and specificities of rationality in terms of equality and anti-discrimination need to be elucidated. In order to clarify what exactly a rational conception of that which becomes positioned as equality policy and law would look like, I will argue that it is important to think about it in terms of two tenets – disembodiment and referentialism.

3.1 Disembodying that positioned as policy and law

The first of these two tenets of a rational model is the disembodiment of that which becomes positioned as policy and law. By disembodiment, I reference a set of theoretical and methodological tools across a range of fields of policy studies and epistemological positions that work to obscure or

simplify the complexity of policy actors' positionality to different extents (Lea, 2012). As mentioned in Chapter One, by positionality, I mean the multiple dynamic set of relations constituting the interplay between ascription and inscription that make talking of an actor as occupying a singular position or multiple discrete positions untenable (Rose 1997; Sheppard, 2002). This denying of actors' complex positionality leads to the actors involved in that positioned as policy and law being 'unlocated' (Gill, 2012). This, as will be shown later in the sections, obscures the relational politics that constitute the experiences of those actors in policy worlds.

In order to illustrate how this disembodiment unfolds, this section will start by looking at the inextricable links between historical enactments of white masculinity and rationality (Vincent, 2006). These linkages will be argued to enact what Haraway (1997) describes as *the figure of the modest witness*. It will be shown that in many ways, policy actors have been treated in the literature on the new equality paradigm as modest witnesses in this way. It will be demonstrated that there are two integral components to this – first the jettisoning of what Freeman and Sturdy (2015) call embodied knowledge, and second, what I will refer to as 'disembodied linearity'. It will be shown that both the discarding of 'embodied knowledge' and disembodied linearity are present in various 'critical' theories that themselves manifestly claim to critique or transcend rational accounts of that which is positioned as policy and law.

There is a substantial and established literature from feminist and postcolonial theory that critically interrogates the manner in which rationality has been relationally applied to certain bodies at the expense of others (Broeck, 2002; Swan, 2010). This scholarship artfully explores how, across different temporally and spatially dispersed sites of knowledge production, particular bodies are privileged as being able to cultivate rationality (Nagl-Docekal, 1999) – in particular, white heterosexual men (Puwar, 2004; Vincent, 2006). This works relationally (Frankenberg, 1997; Probyn, 1993); the Cartesian split between mind and body discussed in the above section has been argued to mobilise an implicit assumption, giving dominance to one part of

the dualism at the other's expense (Gatens, 1991; Ross-Smith and Kornberger, 2004).

For those bodies attributed rationality, we can observe how the white male subject becomes what Harraway (1997) terms the 'modest witness', a figure she analyses as being instrumental in the development of eighteenth-century science. As a model for cultivation of intellectual knowledge, the modest witness is able to objectively report the results of rational experiments and observations (Haran and Kitzinger, 2009). As Redfield (2006) notes, the modest witness loses all history in that the reasons they are performing particular actions, their privileges and oppressions, are not seen as relevant to or affecting these actions. In short, the modest witness is positioned in this logic as detached from or transcending their positionality.

It must be addressed that there are, of course, a number of authors who have claimed to have transcended this disembodied modest witness in analysis of that positioned as policy and law (Fischer, 2003; Fischer *et al.,* 2015). However, as I will argue, these ideas are still residually present – not directly reproduced, but approximated. I use the term *approximated* carefully here in order to not describe it as a direct reproduction. Rather, we can diagnose elements (in terms of theoretical and methodological tools) of it that are present in different ways. In specific relation to policy studies, we can see this jettisoning of positionality in different ways. I will argue that we can observe this in the way policy actors are understood – certain aspects of actors become phased, while others are unmentioned, notably 'embodied knowledge' (Freeman and Sturdy, 2015). This leads to what I will show to be a reductive and disembodied idea of the policy actor in numerous ways.

First, disembodied rational ideas of actors involved in that which becomes positioned as policy and law lead to the idea of the policy practices briefly elucidated in Chapter One being replicable. By replicable, it is meant that a core set of such roles are distributed to everyone and that they can be done so consistently in the same way, as long as the individual has specific quali-

fications and training, which, in turn, provide knowledge and skills. This, as Wagenaar (2004) astutely notes, creates a sense of how these practices are performed as being taken for granted and singular.

There is, of course, a substantial existing literature that has already challenged this replicability in different ways – looking at how these practices are performed in relation to shifting contexts (Anderson, 2017). Those engaged in the practice turn mentioned in Chapter One (see Wagenaar, 2004) have consistently argued that these practices and the actors engaging in them are overlooked in analysis. This literature looks at the 'micro' tasks of policy and how these are enacted differently (see Bourgault and Van Dorpe 2013; Caron and Giauque 2006; Page, 2003; Page and Jenkins, 2005; Stanley, 2016). This body of work challenges the replicability of practices and looks at actors as being creative, focusing on how they navigate shifting braces rather than simply carrying out formulaic sets of tasks (Howard, 2005). Furthermore, this creative unfolding of practices is said to be constantly negated in relation to broader processes such as administrative reform (Page and Jenkins, 2005).

This 'practice turn' literature is helpful in looking at the dynamic positioning of an actor's occupational positionality. However, this literature also fails to address a number of other aspects of actors' positionality, acting to undermine the idea of practices as replicable. However, we need to take this further. Absent from this 'practice turn' analysis is what Freeman and Sturdy (2015) term 'embodied knowledge'. Freeman and Sturdy (2015) show that this knowledge is tied to the experiences of actors and embodied in the sense that it shapes how they move throughout the policy world. This embodied knowledge is in contrast to inscribed knowledge, which is codified in material artefacts, such as books, reports or guidelines (for example, Marais *et al.,* 2021). This inscribed knowledge is easily reproduced and involves some form of abstraction in that it takes certain elements (rather than others) of this embodied knowledge in order to inscribe it into a particular artefact.

Narrating Equality has a key interest in elucidating the political relations through which this embodied knowledge becomes codified. As will be shown in Chapter Four, the process through which knowledge becomes encoded into a 'document' is linked heavily to enactment of authority. Thus, the transition from embodied to inscribed is a political relation of power distributing a particular authority to knowledge as speaking for a collective body. It presents it as having a legacy and an objectivity that purely embodied knowledge may lack in different institutional sites.

This can, for example, include experiences of oppression or privilege, or of engaging with particular services, and the discomfort that is associated with this (Jones,). This takes us beyond simply understanding actors as having particular intentions upon which they act. It looks at how their positionality and the experiences resulting from this shape how they understand the sites they are situated in, the practices they are tasked with and the other actors they encounter through this (Mayblin, 2014).

It must be recognised that embodied knowledge is normatively seen to be present in that which becomes positioned as policy through 'stakeholder engagement' (Mathur *et al.*, 2008) or through consultation such as focus groups or research using particular kinds of methods (see Greenhalgh (2016) for a narrative method in health policy by the World Health Organisation). This is reflected in a notable literature (see Barnes, 2009, Meriluoto, 2018) showing how different kinds of embodied knowledge are inscribed in different texts. However, my concern here is the embodied knowledge of those positioned as 'making' policy.

A number of studies have mapped how (while not explicitly using the term) embodied knowledge shapes how that which becomes positioned as policy is shaped and altered. Thomas (2007) explores how Asian youth workers implement community cohesion policy by drawing upon their own experiences of being from those communities. Similarly, Vincent and Eveline's (2008) study astutely looks at how aboriginal policy actors in Western Australia mobilised their own experiences to challenge how a non-intersectional white conception of gender is used in domestic violence policy, which jetti-

sons the specificity of aboriginal women's experience of domestic violence. Furthermore, Meloy's (2015) work looks at how an understanding of what constitutes gendered violence differs between female and male policy actors, the former sharing a broader understanding of the term that is informed through experiences. Mayblin's (2014) study of civil servants in the health department looked at how they drew upon experiences of their own health or that of family members and friends in order to identify the kinds of people researchers needed to talk to.

Throughout this thesis, these findings will be corroborated. It will show that participants shaped their understanding of the 'policy problem' to be addressed through recounting experiential knowledge. This will be highlighted, in particular, in Chapter Five, when it is discussed how different practitioners develop what I will term an *ethical orientation,* which is expressed through their activism. In particular, it will show how this led to a habit of responding in terms of how their experiences orientated them towards enacting particular ideas in particular ways.

However, it is not only that actors bring embodied knowledge into their work on that positioned as policy and law; this labour generates and alters embodied knowledge. There is a particular specificity of this in relation to anti-discrimination and equality, which concerns the manner in which privilege is confronted, denied, re-enforced and/or atoned for. A growing body of literature has amassed that looks at the discomfortable positions privileged actors take up when becoming involved in that which is positioned as equality and anti-discrimination policy and law (see Batty, 2005; Jones, 2014; Kowl, 2015; Lea, 2008). Jones (2014) artfully sums up the imperative of this literature when discussing how '[a]s someone working on policy, it can be uncomfortable to recognise that one is in a relatively privileged position compared to many of the people for whom one is working' (Jones, 2014:1). This can lead to denial and an unwillingness to engage in particular issues. It has also, however, been shown to lead to different forms of recognition and negotiation.

Lea's (2008) artful and engaging ethnography of 'white' practitioners in Australia engaging in health policy to 'assist' aboriginal communities provides an astute example of such recognition and negotiation of privilege. In analysing the way in which these practitioners craft how they see their occupational positions and the ideals of how they think these occupational positions should be performed, Lea (2008) identifies the enactment of a particular figure, what she calls the 'helping white'. This position is enacted relationally by these practitioners against an idealised narrative of the traditional 'white' policy actor. This ideal is one of a practitioner who is oblivious to or who denies the legacies of colonial violence constituting the political terrain upon which aboriginal health policy is enacted. Rather, the 'helping white' is positioned as a more reflexive identity – and this reflexivity is seen as something crafted through engaging with aboriginal communities. Thus, as opposed to disembodied ideas of policy, actors negotiate their positions in different ways 'by doing work on themselves' (Jones, 2014:17).

This work on themselves can be thought of as generative of new embodied knowledge – of privilege and how to show recognition of it (and its negative implications) through a series of practices. The generation of this new embodied knowledge is important, as it shapes how they continue on to engage in enactive practices that become positioned as policy and law. This will be shown to be the case for multiple participants in the framework. As will be shown in Chapter Six (section 2.2), one practitioner explored this in relation to intersectionality. Positioning themselves as engaging only in issues of 'race' (through working for the CRE), they narrated how they began, and how, through working in the EHRC, they learned about what they enacted as intersectional politics.

Now that we have established the presence and importance of embodied knowledge in policy worlds, we need to look at its reception. It has to be stated here that this experiential knowledge is not simply applied or generated neutrally. Rather, it is contested through relational politics. For example, in her autobiographical reflections on creating institutional diversity policy, Swan (2010) details how a committee convened to audit and assess the

findings of an initial report consistently criticised the use of qualitative auto-biographical evidence in the report and asked for more quantitative data. Similarly, Anderson (2017) noted how the civil servants they interviewed position discussions of their own experience as being 'unprofessional'. This is further corroborated by others such as Puwar (2004), who, in her astute engagement with black female civil servants, notes how their personal knowledge is constantly challenged in predominantly white male policy worlds.

Up until this point, I have detailed how embodied knowledge is fundamental to that which becomes positioned as policy and law, and a key aspect in the disembodiment of that positioned as policy and law is the obscuring of embodied knowledge from analysis. I will now argue that a second integral aspect to the disembodying of that which becomes positioned as policy is what I term a 'disembodied linearity'.

There is a growing body of literature that shows not just how the positionality of the actor may shape how they see that which becomes seen as policy and law, but also how what is positioned as policy and law is viewed through the identity of the actor. Key here is the challenging of a linear idea of production – the idea that a policy actor makes a policy that is then, at some point, finished. The actor comes before the policy – they make it and then their relevance to the policy is no longer apparent after it is enacted. This obscures the way in which the positioning of actors affects what is positioned as policy and law. The multiple patterns (as detailed in Chapter One) of ascription Brah (2001) discusses animates how that which is positioned as policy is understood. In short, actors are positioned is also how policy is positioned. This, in turn, separates how policies are viewed from the actors associated with them. McLaughlin and Neal's (2004) astute analysis of the Parekh report exemplifies the way policies are read well through bodies.

The *Future of Multi-Ethnic Britain* report, known colloquially as the Parekh report, was the end product of the Commission on the Future of Multi-Ethnic Britain (CFMEB), published in 2000 (Parekh, 2003). The report aimed to

explore the implications of increasing diversity for the UK, and it was chaired by Bhikhu Parekh (Uberoi, 2015). Although its launch was somewhat uneventful and the report gained little attention from the print media of the time, the reception of the commission's final report was the opposite. Its publication became positioned as an attack on British values by the UK right-wing press, particularly the *Daily Mail* (Olssen, 2004). Sally Tomlinson (2005), one of the CFMEB commissioners, has noted how this reaction was tied into one passage in particular – the claim that Britishness as an identity has covert racial connotations. The government at the time was originally supportive of the commission, but this changed with the increasing press coverage. Jack Straw changed his speech at the launch to openly reject the Commission's stance on national identity (McLaughlin and Neal, 2004). This speech transformed the report from a visionary, inside-track policy template to guide 21st-century approaches to race to a politically atrophying and untouchable, contentious document.

McLaughlin and Neal (2004) contend that an integral component of this process was the crafting of a particular subject – that of an elite, academic of colour criticising the 'traditional British way of life' – later shown to be the trope of the 'liberal elite' (Pitcher, 2019). They show how its meaning was instead established and enacted through a range of actors who were aligned and associated with the policy:

> it was the non-White status of key 'public face' Commissioners such as Professor Bhikhu Parekh and Professor Stuart Hall that fed into a racially connotated chain of meaning which appeared to equate non-whiteness with non-attachment to the British nation…Who the Commissioners were, particularly those that appeared as the public face of the Commission, impacted on their voice within the public sphere and the reception of this explicit form of public intervention' (McLaughlin and Neal, 2007:915)

This process has also been noted in more contemporary works, such as Palmer's (2020) analysis of the positioning of Dianne Abbott, the first black female Member of Parliament, and how the enactments she was positioned

in were read through her positionality. This will further be shown to be the case in Chapter Eight when showing how a number of those interviewed narrated how the Equality Act was positioned in different ways through its close association with Harriet Harman as a political figure.

Both the body of work of Mclaughlin and Neal (2004) and Palmer (2020) takes us beyond simply looking at what is simply written in the report as causing the reaction to adding the positioning of the policy. Disembodied ideas of policy position the actors as making a policy, rather than the positioning of those actors shaping how the policy is positioned – how that which becomes policy is read through bodies. A problematic linearity between production and reception is enacted, which detrimentally locates actors only in the first half – a disembodied linearity.

3.3 Disembodying the new equality paradigm

To summarise thus far, we have established how rational ideas of that which become positioned as policy and law work to create abstract disembodied ideas of policy actors. This section will show how those accounts that are argued to be more critical still, in some ways, fail to fully transcend the idea of the modest witness engaging in replaceable policy tasks. It will be directly shown with examples from the new equality paradigm, looking at the work of Burton (2014) in particular.

There has been a beneficial move to looking at discourse and the discursive construction of politics (see Bacchi, 2000; Goodwin, 2011), all of which challenge rationalist ideas of policy as ‘value free’ (Fisher, 2003). While undoubtedly helpful and important, this is not totally unproblematic, as there is a tendency to obscure the actors enacting that which becomes policy and law. Clarke *et al.* (2015) argue that there is a problematic inheritance from the work of Raymond Williams (1977) in critical policy studies – reductively emphasising what Williams (1977) terms the ‘epochal’. Epochal, in this sense, denotes a cultural process being positioned as a system with dominant determinant features (Newton, 1997).

While helpful in its critical focus, this epochal analysis leads to a reduction of 'the complexity of a historical moment to the "rolling out" of a dominant tendency' (Clarke *et al.*, 2015:51). This focus on the epochal engenders a tendency not to overcome, but instead to reinforce, the disembodied policy actor. We can see this by looking at examples within the analysis of the new equality paradigm.

In terms of the new equality paradigm, this dominant epochal tendency is, as mentioned in Chapter One, presented as being neo-liberal. This body of scholarship, while methodologically diverse, all begins with analysis from a position that sought to identify how both Equality Acts fit into a broader constellation of political movements. Burton's (2014) analysis of the 2010 Act is a particularly notable example of this:

> To sum up, the EqA is the product of neoliberalism's pervasive influence on the equality policies of both the former New Labour Government and the current Conservative-led Coalition. As a result, its failings are not unique— in fact, they mirror a trend whereby neoliberalism has persistently and perniciously impaired the ability of feminism to effect meaningful change (Burton, 2014:114).

Burton's (2014) work is fundamentally helpful and important in identifying the gendered violence enacted through neo-liberalism. The problems are with the way in which this critique is oriented – in particular, the claim that the 'failings' of the Act are not 'unique'.

Methodologically, Burton (2014) exemplifies the problem with the epochal through decontextualisation of the specificity of the new equality paradigm by contextualising it within the broader neo-liberal project. The new equality regime is studied as symptomatic of broader focuses without engaging with how neo-liberalism was complexly both affirmed and rejected across a temporally and spatially diverse array of sites (which will be argued in the next chapter to constitute an 'equality policy world'). In this epochal style analysis, the policy actor is still disembodied, and their positionality and re-

sulting embodied knowledge are obscured. Unless complemented with more specific analysis, policy actors' multiple and dynamic positionality become obscured, and in turn, this affects the unfolding of relational politics.

Newman (2012b) has artfully noted how in analysis of equality politics, there is a reductive binary that, on the one hand, emphasises incorporation and, on the other, celebrates individual agency. This epochal analysis of neo-liberalism reproduces this – we have a situation whereby actors are positioned in a reductive binary of either being for/against neo-liberalism. As Hunter (2003) notes, these binaries create unidimensional subjects in that they are either overtly against neo-liberalism or 'seem to adhere to the dominant policy discourse by virtue of their interest in maintaining their powerful position within the policymaking process' (Hunter, 2003:332). Categorising subjects into such binaries works to jettison embodied knowledge from analysis. Through trying to identify via this binary, analysis becomes stuck in methodology whereby a nuanced understanding of how actors understand and enact neoliberal ideas are reductively obscured by a problematic commitment to position them in a reductive dichotomous typology. This will be further shown in section five, *Narrative coherence,* where, drawing upon ideas of polyphony (Boje, 2001), I will transcend this reductive binary of opposition or compliance to show how actors incorporate both ideas for and against neo-liberalism in the way they negotiate policy worlds.

3.2 Referential policy

To summarise thus far, we have established how disembodied (to varying extents) understandings of actors pervade rationalist theories of that which becomes seen as policy and law. In this section, it will be argued that the other complementary and inter-connected tenet is referentialism – the idea that the target of what becomes seen as policy is a pre-existing problem that is referred to (Baachi, 1999). This section will show that although many constructivist accounts of policy argue this to be transcended through identifying a number of practices that frame policy problems, these constructions are still analytically shaped in a problematically static and monolithic

way (Dobson, 2015). Using the example of what I will heuristically term a *methodology of contradiction* in the analysis of the new equality paradigm, I will demonstrate how referentialism is still residually present in many of these constructivist accounts that are argued by those such as Hurd (2009) to transcend rationality.

By referentialism, I refer to the idea that discussions of policy problems are references to pre-existing objects (Bacchi, 1999). In a referential understanding, that which becomes policy is a positive action that solves a problem (Shulock, 1999). That which comes to be seen as policy and law are, in this model, ocular-centric in that they refer to that which they see (Solanke, 2009). Referentialism is a fundamentally substantive way of thinking in that it reifies an existing phenomenon that is static in that it is seen to remain the same throughout the 'policy process', which is seen to shape a response to it.

In order to move away from this substantive analysis, which is induced by seeing that which becomes policy and law as referential, it is important to look at how referring to a 'policy problem' is not a referential act. An extensive body of literature has amassed that elucidates how the 'problems' addressed by that positioned as policy and law are not referred to, but rather created through the enactments that become seen as policy and law (Considine, 2005). Instead of developing reasons to positively address a particular problem, we can understand how the problems in question are brought into being (Fischer, 2003; Linder, 1995). Analysis, in this lineage, then becomes concerned with 'problem representation' rather than 'out-there' problems (Chan, 2018; Rochefort and Cobb, 1993).

The origins of this thinking are disputed (see Hay (2015) for a detailed cartography of such contestation across multiple disciplinary fields). One more traditional root in attempting to pinpoint this development would be the constructivist models in political science – particularly international relations theory (Hay, 2015) and in turn, public policy (see Rochefort and Cobb, 1993). This, however, is contested by those like Baachi (1999), who situate it

within the social problems literature of sociology. Furthermore, the issues of locating this model of thought in these genealogies have obvious problems, given their Eurocentric nature. The idea of the problems of policy has obviously been present in the work of various marginalised struggles. We can see constructivist ideas of policy present in pan-Africanist criticisms of the creation of the 'black population' in policy (Adi, 2018) and in Stokley Carmichael's writings on the state (Stewart, 1997). Others have noted how the ideas of constructionism are present in the writings of scholars of colour who are typically absent from the Eurocentric genealogy of political science constructivism – Adem (2021) noting this in relation to Ali Mazrui's writing.

Regardless of the genesis for this thinking, it is an important and significant point that is central, both to this thesis and to any attempt to provide a relational model of that positioned as policy and law. However, we need to seek caution in terms of aligning with constructivist thinking. We need, as Dobson (2015) notes, to directly challenge the idea that constructivism aligns with an anti-rationalist position (Dobson, 2015), despite attempts to position them as fundamentally opposite (see Hurd, 2009). In commenting on how social constructivism has been applied to the objects of policy in social policy, Dobson (2015) contends that 'even where those phenomena are understood as socially constructed, there remains a tendency to think and write in terms of discrete, contained and pre-given phenomena' (Dobson, 2015:688). To put it bluntly, simply because it is said that something is socially constructed does not mean that it is understood and fluid or substantive. There is still a residual referentiality – it is just that this reference is to a construct rather than a pre-given object.

Such social constructionism is susceptible to what Clarke *et al.* (2015) call *dirty realism,* where the focus of critical enquiry is on finding and locating a reified analytical object, rather than looking at how relations of power, such as neo-liberalism, are fundamentally fluid and enact their violence in much more multiple and dynamic ways. We thus have 'mutually exclusive perspectives, discrete, existing side by side, in a transparent space, whilst in the centre the object of the many gazes and glances remains singular, in-

tangible, untouched' (Mol, 1999:76). This moves away from reductive constructionist accounts that look at how different objects are constructed.

We can see this dirty realism as a key component of analysis of New Labour's equality policy and legislation, of which the new equality regime is argued to be a substantial part. This is notable in what I will here term a methodology of contradiction – based upon the idea that we can identify what a policy says and what a policy is as discrete units, which, in turn, contradict each other. This methodology is used across a number of different studies that could be argued (reductively but heuristically) to constitute a dominant critical style of narration. As with the style of narrations discussed in the previous chapter, this is not a single narrative, but a constellation of different narratives with similar tenets. What ties them together is a broad analytical focus acting to obscure how domination and violence are enacted via relational politics.

As discussed in the previous chapter, the post-1997 Labour Party positioned itself as fundamentally supportive of the new equality regime and the broader goal of creating a more 'equal' society (Gedalof, 2013). At the same time, there has been a counter style of narration, briefly detailed in Chapter One, arguing that the 'third way' (Giddens, 2013; Powell, 2000) means that New Labour's investment in equality is 'contradictory' (Lister, 2011; Prideaux, 2001), 'Janus-faced' (Craig, 2011; Smith, 2001) and 'riddled with incommensurable commitments and aspirations' (Back *et al.*, 2002:453). The key argument of this criticism is that this commitment to equality is incommensurable with the neo-liberal political character of New Labour's modernisation detailed in the previous chapter. It is argued that this was expressed through a 'what works' approach to governance (Lister, 2001).

This theorising of New Labour as having a contradictory stance on equality has been predominantly based on the inheritance of previous Labour leader John Smith's policy proposals and how these were edited and omitted by Tony Blair (Burchandt and Craig, 2008). It is argued that we can use this report as a way to understand the incommensurate and contradiction of New

Labour, in that comparing the political orientation of John Smith's Labour Party with New Labour allows us to understand its alignment with the rhetoric of previous Labour governments' versions of equality, but simultaneously, a departure from them. Although there have been many comparisons between Tony Blair's party and previous incarnations of the Labour Party (see Page, 2007), it is helpful to explore John Smith's legacy, as the chronology (Blair directly following Smith as party leader) allows us to see direct shifts away from him.

Key to John Smith's thinking was the Commission of Social Justice (CSJ), which was established by Smith in 1992 (Commission on Social Justice and Institute for Public Policy Research, 1993). The commission actively employed the philosophy of social justice to stimulate equality in the UK (Burchandt and Craig, 2008; Erskine, 1995; Haddon, 2012). The CSJ was envisaged at its conception as a means to provide future Labour governments with a practical framework, with John Smith as leader (Haddon, 2012; Merrett, 2004).

The connotations and definitions of social justice in social science and activism are varied (Piachaud, 2008) and are argued to be conflated and confused with other terms (Tomlinson and Schwabenland, 2010) (see Fraser (2009) for an astute survey of the way the term has been used politically). For the CSJ, social justice was argued in the final report *Social Justice: Strategies for National Renewal* (Commission for Social Justice, 1994) to be constituted of four principles. First, the equal worth of all before the law. Second, the right of all to access basic needs of income and shelter. Third, the right to opportunities. Fourth, unjust inequalities should be eliminated, or at least reduced as much as feasible.

Smith's death altered this positioning with the Labour Party, with his successor Tony Blair crafting a public image as a much more politically cautious figure (Stuart, 2006). The 1997 election corroborated this distancing of the CJS and its conception of social justice from the Labour Party. The third-way approach detailed briefly in the previous chapter attempted to en-

act a focus, not on social justice, but rather on social inclusion. This shift away from social justice is argued in this style of narration to be undercut by an investment in marketised policies (Hall, 1998).

This undercutting of equality with marketed policies is argued to manifest most notably in a problem-solving approach to inequalities (Lister, 2001), embodied in a 'what counts is what works' philosophy (Perkins *et al.*, 2010). This philosophy, Lister (2001) argues, is less threatening than serious structural change, and also diverts attention away from the need for it; it also leads to a reluctance to discuss redistribution. Government is recast as an entity that should solve problems as efficiently as possible (Newman, 2001). This positioning of government as a problem-solving endeavour is argued to create a series of contradictions in the discursive commitment to equality. This led Stuart Hall (1998) to criticise the Labour government's radical potential – arguing that New Labour observed accelerating social inequality while denying structural forces, thereby preventing equality.

Those arguing that New Labour was a contradictory political project argue that this contradiction was exemplified further in the 2005 election and the movement toward 'fairness' (Dolowitz, 2004; Fairclough, 2000; Pitcher, 2006, 2009). In contrast to the concrete ideas of citizens all having certain rights, as elucidated in the CSJ, here, it is argued that the language of fairness created particular figures, those who were being treated fairly or unfairly, that contradicted alignments with equality. Pitcher's (2006) analysis of New Labour's presentation of immigration in the run-up to the 2005 general election is a good example of this style of thinking. Pitcher (2006) points to the way an idea of fairness is cultivated, which presents allowing immigration as fair and characteristic of the 'character' of a historically tolerant and moderate British populous (Wetherell, 2008). However, in a double move, this fairness is located as being under threat through a set of narrative mechanisms that work to position the generosity of Britain being taken advantage of. These sets of narrative mechanisms work to position New Labour's anti-immigration as not being racist in the way, commonly, the Conservative Party's stance is perceived (Mulvey, 2010).

This focus on the contradictions of New Labour's stance on equality has been applied specifically to the new equality paradigm. Gedalof (2013) is a quintessential example of this, situating her work on New Labour equality policies and documents leading to the Act thusly:

> My purpose in examining these documents is not to provide a detailed critique of the effectiveness of the policies they proposed, but rather to critically examine the underlying definitions and discourses of equality and diversity that are deployed (Gedalof, 2013:118).

While varied in the exact theoretical and disciplinary positions adopted by this literature, we can identify in it the work of a 'methodology of contradiction'. Methodologically underpinning this corpus of work is a way of analysing that which becomes positioned as policy and law through attempting to move beyond the commitment to equality through understanding the underlying intentions. Methodologically, the starting point of inquiry is identifying a disparity between commitments and actions. The problems that are constructed in that which is positioned as policy and law are argued to not be self-evident, but rather constructed through a set of different practices.

It must be stated very clearly that I align myself with the important critical intention of authors like Gedalof (2013) to interrogate reductive ideas of policies as a self-evident good – as something that just happened because it is the reasonable thing to do. It is vital to question what is said to be done. We need to be aware of how these ideas can, as Ahmed (2005, 2007, 2009 2012) brilliantly and astutely writes, can be non-performative. Thus, the critical enquiries cited above, all seeking to problematise these claims, are fundamentally important in many ways.

However, this methodology of contradiction does not fully transcend referentialism. In crafting critical accounts, we need to be analytically careful avoid doing so without simplifying power to the point where it becomes a discrete object – as is done in the methodology of contradiction through

emphasising a definable underlying intention as a fixed malignant entity. Rather, we need to understand the operation of power as dynamic, contested, and relationally morphing. We have a set of practices that work to enact power relations that are not statically identifiable as underlying, but that appear in multiple temporally and spatially shifting forms, perpetually relational across space and time. It will be shown below that it is helpful to understand these acts not as contradictory, but rather as a 'relational hinterland' (Dobson 2017; Hunter, 2015).

4. Moving beyond coherence: relational hinterlands and justifications

To summarise thus far, I have argued that in many ways, the growing critical literature on the new equality paradigm is unquestionably and fundamentally helpful in how it draws attention to the interplay of neo-liberalism and that which is positioned as equality law and policy. However, at the same time, this set of methodological and theoretical tools also works to problematically disembody the policy actor and reify the idea of a discrete underlying entity in that which becomes seen as policy and law. This leads to a residual presence of the rationality that these approaches claim to have transcended. It has been argued that it is important for critical accounts to move past this idea of a disembodied policy actor and the underlying intent of policy. Following Hunter (2015), this section argues that in order to cultivate a critical account of policy that does not jettison the complexity of actors' positionality or reify an underlying objective of policy, it is useful to think of a 'relational hinterland' as describing how policy actors work in relation to one another.

It can be argued that accounts of the new equality paradigm surveyed throughout the chapter so far are based on the idea that actors are working in relation to one another through ideas of coherence. This coherence can be in the more traditionally rational sense, where attention is given towards problem-solving and that which becomes seen as policy is said to cohere around a 'policy issue' and the attempt to 'correct it'. On the other hand, this coherence can also occur in more reductive and generalising iterations

of critical theorising discussed above (see Burton, 2014; Gedalof, 2013), where the coherence is around an underlying set of intentions or a broader political project of which a policy is a symptom – in the case of the new equality paradigm, the neo-liberal. In each instance, there is a central set of tasks (be it solving an 'out-there' existing problem or implanting a set of power relations) through which that which is positioned as policy and law coheres around through actors either submitting to or resisting it. What this section will argue is that in order to fully appreciate the policy actor as embodied and 'policy problems' as fluidly and multiply (rather than singularly and monolithically) enacted, we need to move beyond ideas of coherence – and that Hunter's (2015) idea of a relational hinterland allows us to do precisely this.

A hinterland is a normatively used geographical term to refer to an area behind something. To think about relationality in the sense of a hinterland, as Hunter (2015) does, allows us to reimagine how actors are orientated to one another and how they work with other actors in policy worlds. To look at these actors as working on solving an identifiable problem (either an identifiable problem or underlying intentions) is disrupted. Rather, there are different enactments of ideas about what constitutes 'equality' and 'policy', which are informed by the experiences of these actors. Thus, even when actors all appear to be working on something positioned as policy or positioned as equality, the understandings of these are shaped by the experiences of and different relations in which actors are engaged – they do not cohere naturally.

It must be argued that to state that there is no internal coherence does not mean there are no attempts to present the semblance of coherence. There is a political investment in looking coherent. As Sevä and Sandström (2017) and Carmel and Paul (2010) argue, the idea of a coherent policy where the involved actors appear to have come to a rational consensus holds political sway in policy worlds. This was a consistent theme of the interviews. Participants placed value on coherence as well – talking of how it 'all came together' or 'what made it all link'. Furthermore, as will be illustrated in

Chapter Six, a number of the practitioners worked to provide a sense of coherence – narrating the need for 'cohering together' as part of a major policy problem they were, in their words, 'working on'**.** Therefore, while understanding actors working together through a relational hinterland, we need simultaneously to understand the political labour of giving the semblance of a cohesive and coherent effort to move toward a particular goal (Hunter, 2015).

In order to understand attempts to impart an idea of coherence, I argue that it is vital to look at narrative and, in particular, an understanding of narrative as sense-making (Anderson, 2020), operating relationally through the polyphonic (Boje, 1991).

5. Narrative coherence

Up until now, the chapter has sketched out how relational thinking can enlighten us to observe how that which becomes seen as policy and law are not cohesive practices but a series of enactments in a 'relational hinterland' (Hunter, 2015). Whereas coherence has been established not as something innate, the semblance of it is something to be strived for. I have argued that justification creates a semblance of coherence. This section explores how the justification that attempts to give coherence to these constellations of actors, sites and powers can be understood as narratives, in particular sense-making narratives (Anderson, 2020).

To explore this, I start by establishing a definition of narrative and, in turn, the hermeneutic position I take towards narratives. It will be argued that narratives are not articulations that recount events, but that they relationally enact different experiences through sense-making. I then compare this idea of narrative to how narrative has been traditionally understood in policy research, particularly in the work of Roe (1994) and those advancing the narrative policy framework (Jones and McBeth. 2010). The case is then made that it is through enactments of narrative sense-making (as justifications) that confer coherence to that which becomes positioned as policy and law.

This narrative sense-making will be shown to be fundamentally polyphonic (Boje, 1991).

5.1 Defining a narrative

There has been considerable debate around the definition of the term *narrative*, encompassing different disciplines and schools of thought (Kim, 2015; Tambouka and Livholts, 2015) and questioning its relation to other concepts, notably story (see Paley, 2009) and plot (Cobly, 2000). However, a broad idea that gives these competing definitions semblance is that of 'narrative' as an articulated sequence of events with a claimed casual connection between them (Gubrium and Holstein, 2012; Gunaratnam, 2009; Gunaratnam and Oliviere, 2009; Richardson, 1995; Watson, 2008). As Cobly (2001) notes, '[a]t the lowest level of simplification, narrative is a sequence that is narrated' (Cobly, 2001:7).

As briefly elucidated in Chapter One, *Narrating Equality* is broadly situated within what has been termed *narrative research*, an area of social scientific enquiry that draws upon the vast and extensive literature on narrative in the humanities and psychology in order to elucidate its presence through qualitative social scientific enquiry. As also detailed in Chapter One, we can identify a heuristic demarcation within this field of narrative research. This can broadly be identified as a turn away from what has been called event (Andrews *et* al., 2013) or socio-linguistic-centred (Georgakopoulou, 2006) theory, toward what has been described as an experiential (Andrews *et al.*, 2013; Squire, 2013) or interactional/contextual focus (Georgakopoulou, 2006). Ryan (2017) similarly describes this as a movement from narratology to a cultural theory of narrative.

The former of these, the textual socio-linguistic thread, is most notably present in the work of Labov (see Labov and Waletzky, 2003). The event-centred, socio-linguistic school interests itself with an articulated recounting of certain past events by narrator (Andrews *et al.*, 2013). This school of thought is premised on the idea that analysis can access an understanding

of an event through narrative (Patterson, 2013). In these hermeneutics, narrative becomes a mechanism through which to understand that which has happened (Benson, 2014).

The central tenets of event-based analysis have emerged in other schools of thought. Although the Lobovian terminology and framework are not explicitly used, the idea of narratives as representing and serving as a tool to understand events is still present. Riessmann (2008) astutely notes this presence in particular narrative models of thematic narrative analysis. Riessmann (2008) argues that it occurs where analysis is presented in a decontextualised manner – presenting a series of themes without endeavouring to explore the context in which they were enacted. The themes of narratives are 'presented as if they dropped from the sky' (Riessman, 2008:62).

This lineage of Labovian research, which focuses on narratives as coherent wholes with neat and discrete boundaries, has emerged in policy studies through what I heuristically describe as a 'policy as narrative' orientation. Although methodologically and theoretically different in many ways, this 'policy as narrative' orientation endeavours to position policies themselves or particular documents as singular narratives. Emery Roe's (1994) work is instrumental in shaping this theoretical tradition (Jones and McBeth. 2010).

In *Narrative Policy Analysis: Theory and Practice*, Roe (1994) integrates narratives and the potential of narrative analysis into public administration scholarship, applying literary modes of analysis to a range of contemporaneous policy issues. These different locations of policy, or locations of its enunciation, are described by Roe (1992) as 'containers' of policy narratives. This is something echoed by others who later on speak of a policy narrative (see Miller, 2020; Shanahan *et al.*, 2011) or those such as Pollitt (2013), who identified white papers as narratives, or Jones and McBeth (2010), who advance discussing 'narratives for study' in what they term their 'narrative policy framework' (see also Shanahan *et al.,* 2018).

Although it helps introduce ideas of narrative as being important to the study of that which becomes positioned as policy and law, there are numerous problems with this 'policy as narrative' lineage of narrative enquiry. This 'policy as narrative' approach identifies narratives as discrete and bounded, and is consequently incompatible with the thesis' relational epistemological position. To speak of a policy or a particular text as a narrative presents them as cohesive, singular narratives that are articulated in a standardised finished form – in short, a substantive analytical object. Rather, as will be shown below, what constitutes the terrain of that which becomes positioned as policy and law are a multiplicity of different narratives that shift relationally, depending on context and audience. Therefore, that which becomes positioned as policy and the documents that are aligned with this do not contain narratives – neither are they narratives. Rather, they are what I will call (and expand upon much further below) *narrative sites*. They represent particular meeting points in the points for the interaction and contestation of a number of different narratives, and these are re-enacted in different ways upon each articulation. To elucidate how the semblance of cohesion is provided in this way, I introduce a model of narrative as experiential and sense-making (Andrews *et al.*, 2013).

5.2 Experiential narrative sense-making

To move away from thinking of discrete singular acts of narration-recounting events, I follow those like Livholts and Tamboukou (2015) and Paley (2009), who argue against understandings of narratives as descriptively recounting the world. In this reading, the act of narrating is not simply recounting reality, but *enacting it* (Andrews *et al.*, 2013). This follows in what is termed experiential/interactional research, which has emerged as a corrective to and an interlocutor of event-based inquiry (Squires 2013). Experiential/interactional models of narrative are premised on the objection that event-based scholarship assumes a consistency that characterises this narrative representation (Georgakopoulou, 2006). In this experiential/interactional reading, narratives, rather than having consistency across each narration, instead shift and morph in relation to context (Cossett *et al.*, 2000; Tamm, 2013).

Narrators do not re-tell narratives as an act of clear reproduction – rather, each articulation constitutes a new narrative (Kuhn, 2002). The same narrator will narrate the same thing differently upon each enunciation in relation to changes in their positionality (Anzte and Lambeck 1996). Andrews (2014) astutely captures this in a discussion of narrators as reflexive time travellers – the narrator understanding the past in light of the present and hoped future.

It is important, in relation to that which becomes positioned as policy and law, to look at narrative experientially/interactionally in this way because it draws our attention to narrative as sense-making (Boje, 1992; Rhodes and Brown, 2005; Trouillot, 1995). There is an extensive established body of literature on the ways in which actors make sense of their lives through narrative (Anderson, 2020; Bruner, 1987), notably present in works of those like Jean-Paul Satre (1958) and Paul Ricoeur (1984). The broad orientating point of this scholarship is that it is through creating causal links between different events, actors and sites that actors apply meanings to them and the relationship between them (Ochs and Capps, 2001).

In taking about narrative-sense-making, we have to be careful about how this is applied. It must be stated clearly here that by this, I do not mean that narrative sense-making in policy worlds is a way to better understand a substantive out-there issue. Neither is it a confluential process whereby actors all come together through narration to make sense as a group through producing a shared constructed idea of sense (see Abolafia (2010) or Brown *et al.* (2008) for examples of such analysis). Rather, in line with my relational epistemological position, there are multiple, different shifting ‘senses’ held by different actors that are tied deeply to those actors’ positionality. Creating links in this manner is fundamentally relational in that how actors make sense, in turn, shapes how those actors position themselves (Anderson, 2020).

This has been noted by a growing number of actors in relation to that which becomes positioned as policy and law. Kaplan (1986) seminally discussed

how policy actors 'can think in a narrative form about who should do what, and how, when and why they should do it in order to address policy dilemmas' (Kaplan 1986:770). Kaplan's (1986) cotnentions have been echoed in the findings of a growing corpus of ethnographic policy research (see Jones 2011, 2014; Scuzzarello, 2015; Stevens, 2011). For example, in her astute analysis of community cohesion policy-making, Jones (2014) notes how narrative was used 'to claim a space from which to speak about issues where questions of power and situated knowledge were near the surface' (Jones, 2014:21).

Sense-making in this understanding is intricately tied to enactment. As briefly alluded to in the previous chapter, it is through narrative sense-making that actors enact. How actors narratively produce a sense of policy worlds shapes how they enact ideas such as the 'state' or 'policy', and these enactments alter over time.

To appreciate narrative sense-making in this way is important in relation to understanding the new equality paradigm because this sense-making informs future practice (Anderson, 2020). It is not simply about how individual actors frame those policy worlds – something exclusively bounded in their minds – narrative sense-making shapes how they engage, within relational hinterlands and with other actors in policy worlds. For example, in her astute comparative analysis of immigration policy contexts in Sweden and Italy, Scuzzarello (2015) notes how actors narrate 'what is wrong with the present situation in a way that shapes its future transformation' (Scuzzarello, 2015:58). Thus, not only is sense-making based on embodied knowledge, through directing action, it can also work to generate new embodied knowledge.

5.3 The relational politics of sense-making

So far, I have elaborated how, when we are talking about justifications for the new equality paradigm, these justifications result from this sense-making process and, in turn, are contingent and vary over time – they are re-en-

acted differently through each sense-making act of narration. There are some problematic implications of talking about sense-making. The immediate issue with this kind of language is that it implies that actors are simply trying to situate different elements to make sense. It implies that the processes discussed are apolitical in that they are simply trying to make elements cohere to be accessible – in that there is a definable ideal of sense that can be reached. However, sense is not an objective, descriptive category. Rather, 'sense' is, in and of itself, political; what constitutes it is contested through relational politics.

To fully capture and appreciate the contestation of 'sense' through relational politics, we need to recognise that sense-making narratives exist in contexts where we can (reductively but heuristically) posit there to be a multiplicity of different, interacting narratives (Boje, 1991; Doolin, 2003; Hazen, 1993, Järvinen, 2004). As Järvinen (2004) contends, narration is always an interactional achievement. Included in this multiplicity of narratives are those operating in order to influence and inform that which is positioned as the appropriate and inappropriate ways sense-making should be undertaken. In her ethnography of community cohesion policy in a London local council, Jones (2014) artfully notes how, in the contexts of policy worlds, there exists a constellation of different narratives about how practices should be performed. These narratives include a set of ideas about how best to make sense. Doolin (2003) uses the idea of ordering narratives to denote a similar idea, while Czarniawska (2007) discuses 'stories that organise' and Dobson (2020) uses sector speak.

These narratives sit outside of the official occupational guidelines and rules about professional conduct, and are not officially written down or codified in a specific site. They can supplement these guidelines, for example, in anecdotes that work to illustrate why these guidelines are necessary or what the easiest and most practical way to fulfil them might be. On the other hand, they can also show how these guidelines are archaic and offer ways to resist and navigate them. In both cases, they work to shape how actors should or shouldn't make sense of the world and how to narrate their

perspectives. For example, Boswell *et al.* (2011) argue that in policy worlds, there are narratives about what constitutes a 'good narrative' – in terms of being simplistic and 'coherent'. Boswell *et al.*'s (2011) findings are corroborated by Stevens' (2011) astute ethnography on UK civil servants' collected evidence.

As will be shown in the forthcoming chapters detailing the interviews, this was also a particular theme in the interviews – many actors noted how narratives about how, in the words of one practitioner, 'things used to be done'. As will be shown in Chapter Seven, this is linked in different ways to a neo-liberalized focus on efficiency. Therefore, sense-making occurs within contexts that are populated by narratives that argue for the correct and the incorrect way in which sense can and cannot be made.

5.4 Polyphonic narratives: Moving beyond 'policy as narrative'

So far, I have sketched an idea of narrative sense-making and situated this sense-making within the context of multiple, perpetually interacting narratives. This sections explores what this interconnection. It is not simply that different narratives exist and influence one another. Rather we need to challenge any ideas that we can neatly separate these narratives. Instead we need to understand them as operating polyphonically (Boje, 1991, Doolin, 2003).

The idea of polyphony is present in the work of literary scholar Bakhtin (1981, 1984) In reference to moments in a text whereby multiple points of view are granted simultaneous expression (Cooren and Sandler, 2014). Numerous narrative scholars have adapted the idea of polyphony and shown how it is integral to understanding narratives (see Brown, 1998; Gurbium and Holsteein, 1998; Wolf and Hicks, 1989). It is argued that narratives are many-voiced (Boje, 2001) and have 'dispersed ownership' (Gubrium and Holstein, 1998). In particular they have identified the importance of understanding polyphony in organizational contexts (Belova *et al*, 2008), such as the ones the participants interviewed where at different points a part of.

We can use the concept of polyphony as a theoretical tool to move beyond this multiplicity of narratives (identified in the last section) being seen as simply existing together in a particular site. Polyphony allows us to explore the complexities of positionality and how we can not tenably work with a theoretical model which positions actors as having singular narratives that come from a singular position. Rather the narrative articulated represents a multiplicity of different voices (Boje, 2001) that show the complexity of the political contexts in which they are based. The ways in which different ideas are polyphonically integrated is not arbitrary but political and show which ideas have authority in particular contexts. To fully appreciate this we need to understand this polyphony as being implicit or explicit (Azlfaro, 1996).

By explicit, a direct referencing of other narratives is meant. For example, in the findings to be presented later in the thesis, some actors clearly shaped the narratives they enacted in the interview around narratives from other figures in the equality world. To speak of an implicit intertextual relation is to reference how narratives do not directly name another narrative, but rather, they incorporate dominant elements of narratives or actively narrate into their own narratives the stories of others (Gurbium and Holstein, 1998). To look at polyphony in this way also leads us to understand relational politics in a more nuanced fashion by problematising the idea of a narrative being for or against a particular political position. Instead, narratives incorporate, reaffirm and challenge a multiplicity of different narratives that are normally positioned as oppositional.

As Stevens (2011) notes, the ideas and categories drawn upon in sense-making narration ‘will often have been set already by the general thrust of government policy, within the thought-world that structures the approach that policy-makers take’ (Stevens, 2011:245-6). However, this does not mean a complicit subscription to these narratives’ ideas and categories. Rather, narrators draw upon in different ways that can both challenge or perform.

There is an increasing body of work on equality politics that moves beyond how engagement with dominant styles of narration is aligned with a straightforward ascription to their tenets. For example, Zanoni *et al.* (2010) note how actors instead 'selectively appropriate them, and re-combine them with other available discourses to make sense' (Zanoni *et al.*, 2010:17). Those like Ahmed (2015) have astutely shown this through empirical enquiry. In the context of a move away from equality in many institutional settings toward diversity, Ahmed (2015) shows how, by getting people to listen, 'diversity' is adopted by this and other practitioners as a 'trojan horse' (Jason and Stablein, 2006), on the surface voiding discussions of racism, but tethered (Hunter, 2008) to anti-racism rather than engaging in purely celebratory enactments.

As will be shown throughout the thesis, we can see how neoliberal narratives are approached similarly by actors. Reflecting findings in other research projects (see Jones *et al.*, 2012; Özbilgin and Tatli, 2011), the relation of actors to neo-liberalism is much more complex. This will be elaborated upon and explored in much further depth throughout the thesis, and in particular, in relation to what I shall diagnose in Chapter Six as a tension between simplification and expansion.

Understanding narrative sense-making relationally in this way directly challenges the 'policy as narrative' literature detailed in the previous section, whereby policies and 'documents' are positioned and, in turn, analysed as discrete narratives – as 'self-sufficient wholes' (Kristeva, 1980). Rather than discrete narratives, we have multiple, relational polyphonic narratives where there is no clear point at which one can clearly separate them from other narratives. In contrast to the policy as narrative literature, which premises analytical enquiry on exploring the nature of a singular narrative, this relational orientation to narrative that I adopt here is premised on the insistence that narratives can only be fully understood when contextualised in relation to a multiplicity of other narratives.

This is why, in the previous chapter, I discussed a style of narration and counter-narration rather than dominant narrative and counter-narrative. To do the latter would treat them as if they were discrete, singular narratives recounted the same way upon each act of narration.

To look at relationally narrative sense-making in this way is fundamentally helpful, as it reorientates analysis back to the individual actor and their positionality. In contrast to the sweeping, disembodying discourse analyses that position the new quality paradigm as a result of the unfurling of the dominant tendency of neo-liberalism (see Burton, 2014), narrative sense-making allows us to understand the multiplicity and heterogeneity of practices of complex actors, which lead to that which becomes policy and law. It moves us away from talking about actors as having a clearly identified set of intentions (be they negative or positive) that they act upon logically and rationally in order to achieve a discrete outcome over a stretch of time. Rather, fragmenting this linear model, the meanings and understanding change constantly in relation to others' narratives. Narrative sense-making builds upon experiential knowledge and is a way of making sense of spaces and how experiential knowledge and positionality are embraced or contested within these spaces.

Now that I have established the importance of narrative sense-making, the question turns to how I methodologically position and orientate my research in order to appreciate its complexities.

6. Relational webs

Up until this point, I have elucidated how relational understandings of that which is positioned as policy and law are helpful in moving us beyond reductive accounts rationalised ideas. Through understanding the relations of actors to other actors and different sites as a relational hinterland, we can move toward an understanding of justification as a form of narrative sense-making. The question then becomes how to study this methodologically.

In posing this question, the immediate concern is how to trace this relational complexity without reifying it as substantive. In endeavouring to trace the various reactions that lead certain actors to identify as politically 'feminist', Carly Guest (2016) warns how a lot of attempts to trace gather the multiplicity of threads involved in these narratives often offer reductive, overarching accounts that risk erasing the very threads they want to represent. Guest (2016) contends that this runs the risk of positioning liminal and shifting phenomena into reductive, substantive, bounded categories.

In recognition of these potential challenges, I turn to Pedwell's (2008) methodological writings on constructing relational webs. Pedwell (2008) advances the idea of relational webs in contrast to methodologies that compare particular phenomena to elucidate sameness and difference. Comparative models, Pedwell (2008) argues, fail to look at the relationality of conception and difference through producing discrete analytical categories.- Comparison requires some establishment of bounds and, in turn, risks generating an overly substantive analysis.

To avoid this, Pedwell (2008) argues that instead of commonality and difference, it is helpful to focus on constitutive connection. This differs from the concept of commonality that is present within ideas of comparison whereby commonality and difference become categories by which to assess the relations of different analytical objects.

Analysis becomes attentive to the connections and interlinkages between various practices, and the fundamentally contingent and volatility of the social – without presenting these as analytically discrete objects (Roseneil and Ketokivi, 2016). We have, then, not a typology of sameness and differences, but rather something that resembles a web – a relational web showing multiple relations that change relationally over time and space. **Therefore the process of engaging with research is not one of incrementally identifying phenomena - establishing what a particular element is and moving onto the next. Rather a relational web is woven and newer units of ana-**

lysis shape and alter relationally the meaning attached to those already studied (Pedwell, 2008).

7. Conclusion

This chapter has laid out the theoretical and methodological tools I employ in order to understand justifications for the new equality paradigm as shifting, relational and multiple. To do this, I departed from understanding justifications for the new equality paradigm as a rational, coherent or consensual process. This has been shown to differ from previous work on the new equality paradigm in that it avoids the rationalism of those seeing it as a logical set of practices that move towards an objective social good (see Dickens, 2007; Hepple 2010, 2014), as well as more critical accounts that position it as a result of monolithic and static underlying intentions and broader cultural impulses (see Burton, 2014; Gedalof, 2013). This offers a far more nuanced understanding of neo-liberalism and the peculiarity of the context of anti-discrimination and equality law, rather than seeing it as a top-down application that treats the new equality paradigm as a symptom of a broader process whilst ignoring its peculiarities.

I have elucidated that both the more traditionally positioned rational scholarship of the new equality paradigm and the growing corpus of critical arguments can be seen to rest on a disembodiment and referentialism of that which becomes positioned as policy. I have introduced Hunter's (2015) idea of a relational hinterland to open up a new way to understand the relations of actors to one another in policy worlds – fundamentally troubling ideas of coherence. At the same time as noting a fundamental lack of coherence in that which becomes positioned as policy and law, the political investment in presenting coherence was emphasised. This led to a focus on how actors attempt to endow and present a semblance of coherence and the mechanisms through which this is done. It was argued that narrative sense-making helps to elucidate this.

In order to map these enactments of narrative sense-making, Pedwell's (2008) methodological insights on analysis as 'mapping relational webs' have been argued to be helpful. This methodology permits us to elucidate the multiple relational lines of the constitution of narrative sense-making without reifying these narratives as static, discrete objects of analysis, which could have been the case with a comparative methodological focus.

The next chapter looks at how this understanding of what is positioned as policy and law affects how we understand the sites and actors through which this positioning occurs.

Chapter Three

Equality Policy worlds and equality practitioners

1. **Introduction**

The previous chapter established the focus of the thesis not as policy or law as such, but as the processes through which various enactments become positioned as policy and law. It situated this within a lineage of critical research-orientated around displacing rationality as the animating entity in the creation of that which is positioned as policy and law. Chapter Two then further elucidated how this rationality, through disembodiment and referentialism, residually presides in a number of 'critical' works on the 'new equality paradigm'. It was argued that in order to fully transcend these interconnected rationalising tendencies in critical policy studies, it is necessary to explore narrative sense-making. It was argued that Pedwell's (2008) methodological work on 'relational mapping' is of great benefit for elucidating these enactments of narrative sense-making without reifying them as substantive and static units of analysis whereby their relationality is obscured.

This chapter expands upon this to further appreciate the contexts in which policies are enacted and the processes animating them within this context. To do this, I expand on the idea of policy worlds (Shore and Wright, 2011), which was briefly introduced in Chapter One, to situate analytically a set of spaces and actors that engage in the enactments that become seen as 'policy'. It is argued that we can heuristically identify an 'equality policy world' upon which the enactments leading to the new equality paradigm unfold. It is contended, in line with the relational epistemological orientation of the thesis, that this 'policy world' cannot be thought of as either spatially or temporally bounded. The policy world is not something that is identified; rather, it is enacted.

It is then argued that the idea of the state serves as an important set of sites and actors within this equality policy world. *Narrating Equality* enquires into

how the idea of the state is mobilised and how this is able to give authority to different actors in different ways within the equality policy world. Hence, following Cooper and Munro (2003), the state will be understood as an 'organising principle'. This allows us to understand how the idea of the state is used by different actors to align other actors and sites with authority, and that being aligned with the state brings in democratic political systems. Therefore, when engaging with several debates around the role of the state in contemporary politics (particularly arguments around its role in perpetuating violence (Goldberg, 2002) and claims of it being hollowed out (Clifton, 2014; Rhodes, 2007)), I am not taking a particular stance on the issue, but instead am exploring how the actors involved in the new equality paradigm understood these debates and how their understanding of these debates informed their practice.

Once the idea of an 'equality policy world' is established, attention shifts to the actors in these worlds. The dominant vocabulary used to describe these actors as 'policy makers' (Heidelberg, 2020) is critiqued. The contention will be made that we need to understand the work of such actors not as makers (producing something), but as practitioners (Jones, 2014) who are consistently working and reworking that which is positioned as 'policy'.

2. Equality policy worlds

As noted in the introduction, one of the core theoretical concepts of the thesis is that of 'policy worlds', which denotes an unbounded, fluid and multiply positioned constellation of agents, concepts, actors and spaces that constitute the field in which that which becomes positioned as policy and law is enacted (Shore and Wright, 2011). This allows analysis to depart from the idea of a bounded body of actors (all known to one another) occupying a clearly defined site or set of sites, attempting to produce that which is positioned a policy. Rather, there are spatially and temporally dispersed actors across a number of locations that are not necessarily aware of one another and who may also contest one another's involvement. This contestation will be shown to be the case in Chapter Seven, where different

practitioners talked about how certain actors were not represented in the DLR, whereas others debated this narrative.

A growing corpus of scholars (see Fischer, 2003; Johnson, 2015; Skogstad, 2008) have begun using the idea of 'policy communities' to examine the configuration of actors, sites and spaces that Shore and Wright (2011) discuss as a 'policy world'. Policy community is argued in the same way as policy worlds to shift analysis away from thinking of those involved in policy and the sites of it to be confined to a set of official occupational positions. Rather, there is a broader constellation of different actors (not purely positioned in official 'policy' occupational roles) and spaces that work as a community in a way that transcends formal institutional spaces.

In some ways, talking of 'policy communities' is very helpful in that it seeks to bring into analysis a number of factors that are not necessarily employed in what are normatively seen as the sites producing that positioned as policy and law. However, what is problematic about it is the word *community* in that it implies that all actors are known to one another and, furthermore, that they see the other actors as being a part of that which becomes positioned as policy and law.

2.1 The relational enactments of the 'anti-discrimination policy world' and the 'equality policy world'

Departing from this understanding of policy worlds discussed by Shore and Wright (2011), I argue that we can heuristically talk of an 'equality policy world', which constitutes the sites, actors and objects that are positioned as working to enact that which becomes seen as the new equality paradigm. The statement 'that are positioned' is crucial here. In line with my relational epistemological position, this equality policy world is enacted.

This equality policy world is neither spatially nor temporally bounded. By spatially unbounded, I mean that there are no clear borders that can be identified whereby the sites and spaces in which the enactments that be-

come seen as policy occur can be said to stop. Rather, it is constituted through various sites that are expanding and retracting, with dynamic and contested boundaries, rather than stable and discrete ones.

This is particularly important in being able to sustain an analytical framework in which the experiential knowledge and relational hinterland detailed in Chapter Two can be recognised. To establish a set of bounds is to establish a limit on the kinds of knowledge that can be incorporated into those enactments that become positioned as policy and law. Furthermore, to talk about bounds in this manner obscures how different ideas are interrelated and contested (the relational politics of embodied knowledge) is obscured. As will be elaborated in much more detail throughout the analysis chapters, understanding policy worlds as spatially unbounded in this way allows for the inclusion of a number of actors and sites that, as Newman (2012a) astutely notes, are typically excluded from policy analysis through public/private binaries.

Furthermore, to understand the equality policy world as lacking spatial bounds means that we challenge what I will here heuristically identify as a visibility/invisibility model. A quintessential example of what I term a visibility/invisibility model is Wodak's (2009) Goffmanian analysis (see Escobar's discussion of 'behind the scenes' and Yackee's (2015) discussion of 'of the record' politics for similar models). Wodak (2009) uses Goffman (2002) to talk of the *backstage*, which she refers to as the practices that constitute the everyday occupational life of policy actors. This differs from what Wodak (2009) describes as the show of the front stage, which is that which is visible to the media and general public.

While it is, in some ways, helpful in breaking down disembodied understandings of the state (explored far more below), visibility/invisibility models problematically generate substantive units of analysis. What is problematic is that the discussion of the front and backstage creates a demarcation of space that is rejected through the idea of the state as organising and incompatible with the relational methodology detailed in Chapter Two. To en-

act a boundary between the visible and invisible is problematic, as it raises the question as to whom it is visible/invisible. It creates two universalised analytical positions (those who can see and cannot see) and thus obscures and erases the complex different vantage points that a constellation of different actors can have regarding that which is positioned as policy and law. We thus fall into a trap of looking at those involved/not involved in that which becomes positioned as policy and law, as if this were a simple task where such actors could be clearly and neatly positioned as one or the other. Furthermore, adopting a visible/invisible model of the policy world also has the problematic implications of creating a singular, static boundary that is not recognised to shift spatially or temporally.

It must be clearly stated here that to understand the equality policy world as not being spatially bound, however, does not mean that actors do not try to establish bounds. Rather, it is quite the opposite. As detailed in Chapter Two, there is a range of narratives about what constitutes that which is relevant to policy and how is and is not involved. Hence, we cannot identify descriptive bounds (objectively delineating those actually and those not actually enacting policy), but this does not mean that we cannot identify *political enactments of bounds*.

By conceptualising the equality policy world as temporally unbounded, I mean that the equality policy world cannot be seen as clearly starting at a particular point. When looking at when a 'policy world' is said to start, there are a number of questions that may arise. Is a policy started during what policy process theory describes as 'agenda setting' (see Birkland, 2007)? Or is it when an actor starts to enact conceptions that will, at some point, be incorporated into that which is positioned into policy?

As will be further detailed in Chapter Five, I deliberately challenge the idea of agenda-setting as a clear starting point to that which becomes positioned as policy and law. As will be detailed in chapter five, many interviewees spoke about how they thought about many of the conceptions that they enacted through that which become positioned as policy before what

they positioned in their own words as ‘becoming involved in policy’, or as one participant said ‘officially work on policy’. This participant used ‘officially’ here to describe when they were officially employed by what they positioned as the ‘state', but described how many of the ideas that they expressed were formulated, in their own words, ‘long before this’. Thus, we cannot easily pinpoint an exact commencement point without running the risk of obscuring a range of moments of enactment that later constitute that which becomes positioned as policy and law.

This lack of temporally fixed commencement also means abandoning ideas that the ‘equality policy world’ clearly took over from a previous policy world. It is not the case that there was an ‘anti-discrimination’ policy world that existed before the new ‘equality policy world’ either replaced it or what the anti-discrimination policy world was transformed into. There is no discrete demarcation between the two – they are interconnected.

It is not simply that there is no clear break between them in terms of one ending and another beginning. Rather, what is constitutive of an anti-discrimination policy world is relationally constituted through the equality policy world. When actors define what constitutes the equality policy world, this is relational to what constitutes the anti-discrimination policy world. Anti-discrimination policy is not something that happened before the equality world, but was instead relationally and perpetually constituted through identifying and discussing the ‘equality policy world’. Therefore, we cannot say that an equality policy world begins at a particular historical juncture, nor can we say that the anti-discrimination policy world clearly finished; rather, it was enacted relationally through discussing the equality policy world.

As will be shown in Chapter Six, through their narratives, the practitioners enact different policy worlds. This is in terms of how they describe entering what they position as the policy world, and in turn, how this policy world consequently enacts other policy worlds relationally though this.

By not seeing the equality policy world as being temporally and spatially fixed, the emphasis is on *partiality*. The 'equality policy world' is not something that we can have a clear grasp on or from which we can representatively sample. It is always dynamically moving and is complex to the extent that there will always be things unseen. Furthermore, as will be detailed in Chapter Four's discussion of my situated knowledge (Gherardi, 2008; Haraway, 2003), my understanding of it is shaped through my own positioning.

Now that we have established the ideas of the equality policy world and anti-discrimination policy world as relational enactments, it is helpful to elucidate components of it that can be argued to be significant.

2.2 The organising principle of the state

In terms of the equality policy world, while always partial, we can begin to identify the important spaces and actors that informed my theoretical account of it. Obviously, the state is a key figure in the equality policy world. This sub-section elucidates how *Narrating Equality* approaches the state through Cooper's (2016) discussion of 'states at play' and Cooper and Munro's (2003) idea of the state as an organising principle. It will then elucidate how the concern is not with establishing a particular understanding of the state and its institutions, but rather, that my concern is with looking at how different actors (and particularly the participants interviewed) understand it and how this understanding influences their actions within the equality policy world. This will be shown to be particularly the case in relation to debates around the extent to which the state can be seen as working against inequality.

There is an extensive and established body of literature that moves us away from seeing the state as an anterior entity (Lea, 2012). Following this literature, I understand the state as an 'organising principle' (Cooper and Munro, 2003). In talking of the state as an organising principle, Cooper and Munro (2003) refer to how, in evoking the idea of the state, a set of roles, powers, institutions, spaces and practices are organised discursively to be aligned in

ways constituting the state. Thus, there is no single identifiable body that is a state. This, of course, does not mean that the state has no material effects and simply exists at a discursive level. Rather, as Cooper (2016) notes, enactments of the state emerge 'in the oscillation between those socio-material practices identified as state practices and imaginaries of statehood' (Cooper, 2016:411). There are material practices that are positioned as the practices of the state, but these are not inherently identified or accepted as being part of the state. Rather, their inclusion in the state or not in the state works to shape enactments about what is seen as the state rather than simply flowing from and being the expression of a 'state'.

In line with my relational epistemological position, the way the state is evoked to organise different actors, roles, powers and institutions together is multiple and dynamic. This organising that Cooper and Munro (2003) detail is neither final nor singular, and it is performed differently by different actors (Brenner, 2004; Trouillot *et al.*, 2001). This is supported by an expansive body of literature (see Jessop, 2016; Newman and Clarke, 2014) that highlights the different orbiting ideas of the term 'the state' (see Post (1964) for an etymological analysis of these different uses originating from the twelfth century).

However, it is not just that different actors have different enactments of the state. To extend this further, I follow Cooper (2016) by looking at 'states at play'. By 'states at play', Cooper (2016) references a set of enactments of the state that not only reflect different understandings of it, but also the political experimentation of imagining different possibilities of what the state could be. Enactments of the state are not simply 'what it is thought to be'; rather, they can be experimental, working as imaginative political ideas about potential hoped-for futures. Furthermore, they can also be strategic, formed in order to accrue particular authority.

Looking at hoped-for futures or strategically formulated ideas of the state, in turn, means that actors can engage in simultaneous multiple enactments of the state, which are dependent on the contexts in which they are situ-

ated. Therefore, states do not only vary between one another, but also by the ways the state is organised or by the ways different actors vary.

To understand the state in this way is vitally important to understanding justifications for the new equality paradigm on numerous grounds. Looking at how different enactments of the state organise actors in different ways is not simply an exercise in mapping conceptions or idealisations. These different understandings do not simply sit on a conceptual terrain. Rather, and crucially, they inform practice (Thelen *et al.*, 2017). By inform practice, we refer to the ways in which the capacities and power of the state are understood and be can said to orientate their action in relation to said practice. What the state is seen as capable of achieving reflects how actors understand the capacity of that which becomes positioned as policy and law.

Furthermore, it is important to look at the enactment of the state, given the obvious point that is commonly made, that through being part of the 'state', actors are seen as being legitimately able to sanction policy or recruit advisors for it (Sharma and Gupta, 2006; Shore and Wright, 2011). As Knil and Tosun (2012) note, policy is not only positioned in a common-sensical way, but also framed academically, as understanding as something done by the state. This positioning of the state is important to examine, as being aligned with the state grants particular kinds of authority. Therefore, how actors enact the state works to organise relations that give certain actors political authority and, similarly, that retract authority from others. This is not at all a singular process. Rather, certain actors can be simultaneously positioned as having authority by certain actors and others organising the state differently in order to exclude them from having authority.

The participants interviewed all identified themselves as part of the state and positioned the state in the way Knil and Tosun (2012) note. They all narrated the state as being significant in the shaping of what they positioned as policy and law. This is of interest, as there has been an increasing body of literature noting the changing role of the state in that which becomes seen as policy (Davies, 2000). This includes work on the 'hollowing out' of

the state whereby its functions and responsibilities are dispersed to various orbiting bodies (Clifton, 2014; Rhodes, 2007). This hollowing out of the state has been argued to engender an institutional void of policy – troubling the idea of an easily identifiable set of state institutions (Hajer, 2003). This is particularly important in terms of the specific political context of the time. New Labour models of network governance discussed in Chapter One have been argued to disperse the bodies enacting that which becomes positioned as policy and law, and, in turn, weaken the centrality of the state (see Cerny and Evans (2004) and Dickinson (2014) for an example of those making such arguments).

Despite this, in the practitioners' narratives, the state still emerged as the major (but not exclusive) body involved in that which becomes positioned as policy and law. There was, of course, recognition in their narratives of many organisations external to it (as will be shown below). However, the state and its institutional forms were still enacted (of course to varying extents) as being central in the participants' narratives. As will be shown in Chapter Six, I do not address whether they are actually in the state or use their narratives to make an actual conclusion or take a position within debates around the hollowing out of the state. Rather, my interest is in how ideas of hollowing out emerge in the narratives and what the political implications are of this.

It is very important, however, to emphasise clearly that being self-positioned as part of the state is not a straightforward alignment. Rather than fall into neat and reductive ideas of inclusion in the state being synonymous with supporting it, we need to follow a number of scholars (see Jones, 2014; Kras *et al.*, 2019; Newman, 2016) in recognising how actors within the state and its institutions have a complex and ambivalent relationship toward the state.

In order to fully establish the nature of this ambivalence, we need first to look at the peculiarities and specificities of understanding how the state is enacted in relation to the new equality paradigm. There is an expansive and

established literature on investment and complicity of the state in various patterns of oppression and how this has been historically jettisoned from social and political theory. This expands on initial iterations from a Marxist conception of the state (see Hay (1999) for a survey of the different ideas of the state in the classical and neo-Marxist traditions). There has been an expansion of these ideas of the state (see Solomos (1986) for a much more comprehensive analysis of this lineage than can be provided here) toward identifying the racial (Goldberg, 2002; Lawson, 2018; Omi and Winant, 1989; Thompson, 2013), gendered (Kantola, 2007; Peterson,1992, 2018), disablist (Lantz and Martson, 2012; Meekosha, 2002) and heteronormative (Turner and Vera Espinoza, 2021) practices of 'the state', as well as the intersection of these (see Boris, 1995).

Critical race scholars have conceptually introduced the idea of the 'racial state' (see Goldberg, 2002; Kapoor, 2013; Kapoor *et al.*, 2013; Kurtz, 2009). In this corpus of scholarship, the orientating contention is that the 'modern state, in short, is nothing less than a racial state' (Goldberg, 2002:2). Omni and Winant's (1989) seminal work *Racial Formation in the United States* describes the racial state as a system of government where all of its major institutions employ and reproduce 'racialised' understandings in order to create policies. For Omi and Winant (1989), this is not a cohesive and homogenous process, but rather, different institutional bodies doing so in different ways that are sometimes at 'cross purposes'.

A notable example of these racialised optics that Omi and Winant (1989) argue for is the creation of 'racial categories' (Jung and Almaguer, 2004) whereby the tropes employed by the state are explicitly and (much more in recent times) implicitly racialised (Lopez, 2010; Squires and Squires, 2014). We can see examples of these categories in Neubeck and Cazenave's (2001) discussion of state welfare racism and the use of racialised tropes of black single mothers as 'welfare queens' as mechanisms to shape policy and justify the repeal and cutting of provisions. Furthermore, these racialized optics have, in turn, been empirically shown to engender racialised control of particular bodies (see Amar, 2010; Kalra and Mehmood, 2013).

From a similar orientation to these critical race scholars, feminist theory has increasingly come to talk of gendered states and the gendered optics of state institutions and policies (Boris, 1995; Peterson, 1992, 2018). We can see these in seminal feminist critiques of policing and the criminal justice system's response to male violence (Radford and Stanko, 1994). Similarly, those like Connell (2005) have looked to how gendered optics have emerged in state institutions by examining what they call 'gender regimes' in public sector organisations and how this alters policymaking. An example of such a regime is present in Nancy Fraser's (2016) seminal work on 'housewife-isation', whereby state policies created the family as a result of the contradictions of capitalism requiring previously exploited women and children to be positioned in a sphere of care. The gendered optics of state institutions discussed by Fraser (2016) have been reflected in an extensive number of other studies (see Araujo and Tejedo-Romero, 2016; Briggs, 2000; Farrell and Titcombe 2016; Sumbas, 2020).

It is vitally important to understand these critiques of the state in relation to the new equality paradigm. 'The new equality paradigm', as detailed in Chapter One, is fundamentally positioned as the ideal mechanism to successfully curtail the operation of discrimination and oppression and the inequality that results from the operation of both (Hepple, 2010). This is situated within a broader political climate whereby, as detailed in Chapter One, equality is positioned as an axiomatic social good (Ahmed, 2005, 2007, 2009, 2012; Burchardt and Craig, 2008; Mayo *et al.*, 2015).

We thus need to reflect on the important questions many scholars (see Horejes and Lauderdale, 2007; Hunter, 2015) have posed – can the state promote equality? How do we reconcile the idea that state organisations entrench different racialised, gendered and disability inequalities with the notion that organisations of the state should serve as a new advocate for equality, as resented by the equality paradigm? What does it mean when terms like intersectionality (rooted in black feminist scholarship and politics (Pheonix and Pattynama, 2006)) become employed by state institutions (see

Equality and Human Rights Commission, 2020)? What kinds of histories emerge and are obscured as a result of this?

My interest in these questions (all oriented in different ways around 'what it means for the racial/gendered/disablist state to do equality?') is not to answer them. I do not seek to provide a reflection on whether an equality state is or is not ultimately possible, given its composition and history of the actors and spaces organised as part of the state. Rather, I am interested in how those involved in the new equality paradigm understand and address these debates, and how this shapes the relationship those actors foster to that which becomes positioned as policy and law. As will be shown below, this raises questions of ambivalence and pragmatism.

Although many of those interviewed were involved in academia in some way and would therefore have potentially been exposed to these debates, these arguments about the status of the state are not something that is in any way confined to academia. There have, of course, been various public inquiries into state institutions, notably, as mentioned in Chapter One, the McPherson (1999) Inquiry (Bhavani, 2001; Lea, 2000; Mclaughlin and Murji, 1999; Murji, 2007), the David Bennett Inquiry (Paterson and Leadbetter, 2004) and the Ministerial Board on Deaths in Custody launched in 2009 (Rappert *et al.,* 2020), amongst many others. Similarly, these debates have also emerged on several media platforms (see Aldridge, 2010; Hill and Revill, 2008; McVeigh, 2014). Furthermore, there were a number of high-profile cases discussing racialised and gendered discrimination by institutions of the state that arose near the time of the interviews. These include, among many others, Chief Constable of West Yorkshire Police v Khan (Connolly, 2000), London Borough of Hackney v Sivanandan (Duncan, 2016), Essop v Home Office (Fredman, 2018). In short, these were debates that all the participants were likely exposed to, and in the interviews, many of the participants articulated awareness of various aspects of them. This was reflected in the interviews, which all referenced these debates in differing ways.

Although these relationships were not directly asked about (Chapter Four specifically details the narrative interview design and the questions asked), it was something posed by the participants themselves. In line with previous work (see Newman, 2012b), I found that this relationship was ambivalent. As will be shown in Chapter Five, certain participants positioned themselves at different points in their lives as part of movements that are normatively, at different points, positioned as against 'the state'.

This was usually positioned as something that happened, in the words of a certain participant, 'in their youth' (detailed further in Chapter Five).

Similarly, another key moment participants noted was in terms of representing cases. As will be detailed much more in Chapters Five and Six, many practitioners began their careers as practicing lawyers. This echoes Mayo *et al.*'s (2015) observations that many notable equality lawyers began their work in law centres and that they have represented certain legal cases against the state in court (discussed in much more detail in Chapter Six).

Thus, following a number of authors (see NeJaime, 2012; Newman, 2012b), I am interested in the complexly ambivalent relationship equality policy actors have to the state. There is a lineage of this mode of analysis in an existing body of work on tempered radicalism in institutional settings. Coined by Meyerson and Scully (1995), the idea of tempered radicals has increasingly been deployed in a number of qualitative research inquiries in order to problematise reductive binaries between affirming/rejecting the idea of the state by actors in various state institutions (see Bereni and Revillard, 2018; Johnson Ross, 2019). The 'tempered radical' is an institutional actor who is committed to a particular community or cause, which is positioned (by themselves or a range of other actors) as fundamentally differing from the dominant institutional culture (Meyerson, 2008). However, at the same time, they also have commitments to that institution and believe that it has promise and that there is a potential capacity within the institution for them to make (to varying extents) changes that are aligned with their political orientation.

3. Moving beyond policymakers towards policy practitioners

To summarise thus far, I have established the heuristic analytical categories of ‘anti-discrimination policy world' and the ‘equality policy world’, which constitutes a constellation of different sites, actors and objects. I have looked at the role of the state in this policy world and the ambivalent relationship actors have to it.

Now that we understand the field of the equality policy world and the ambivalence of actors toward it, the fundamental question becomes how to analytically understand these actors. Up until this point, I have casually employed the term ‘policy actor’ to denote those enacting the practices that become positioned as policy and law. This section endeavours to find more specific labels that allow us to more precisely understand the specific roles and positionality of these actors. It will be shown that the primary point of concern here is on what terminology should be used that complements the relational ideas elucidated in the previous section and avoids reifying these the roles of actors as either bounded or stable.

In taking up this task, numerous issues can emerge. One complicating factor is that, in terms of the historical context of the time of the new equality paradigm (the late 1990s and 2000s), there have been many scholars exploring the increasing array of actors involved in policy. These notably include, for example, the ideas of intuitional voids (Hajer, 2003) discussed above. Similarly, we can observe trends toward ‘collaborative governance’, whereby participatory budgeting and citizen advisory committees have enabled the engagement of a broader range of actors (Cain *et al.*, 2006; Michels and De Graaf, 2010). Thus, we need to develop a terminology that does not just restrict analysis to a set of actors that are already ‘known’. This would, in turn, be unaccommodating of new actors that are drawn into the construction of what is positioned as policy and law.

However, on the other hand, we need to be careful with the specificity of language. When looking at identifying a suitable concept/set of concepts with which to refer to actors, there is the potential work of reifying a substantive idea of them. We need to be careful of falling into a typological structure that denies the fluidity of the roles and practices of different actors, since this would lead us to talk of discrete positions rather than, as argued in Chapter One, positionality. In short, there is the danger of reifying reductive and overly specific positions that ignore the manner in which positionality and the temporally spatially unbounded means that actors cannot be confined to overly neat positions.

In reflecting upon these challenges, I start by engaging with and exploring the existing language present to denote these actors. As Jones (2014) notes, the most common term, both normatively and academically, is 'policy maker'. Heidelberg (2020) has astutely shown this, tracing how the term was introduced in the 1920s and then has risen exponentially to denote a range of professional positions.

There has been notable criticism of how the term 'policymaker' conflates and homogenises a range of positions. For example, Wyatt (2002) argues that the use of the term policymaker has obscured differences between what they term deciders and advisors. Empirically, when engaging in qualitative research with policy actors, Dobbins *et al.* (2007) and Haynes *et al.* (2015) both found that a number of actors rejected the term and used instead 'decision maker'. Others (see Kothari *et al.,* 2011) have argued that policymaker is an umbrella term under which labels such as decision-maker fall.

Regardless of whom the term is applied to, in particular, applying it to any actor is problematic and incompatible with the relational project proposed here. A cluster of theoretical challenges coalesce around the verb 'making'. First, to talk about a policy as being made is to identify it again as something identifiable – rather than looking at the way enactments are positioned as policy. Second, the idea *to make* implies it is finished. 'Making' wrongly

‘assumes that policy is something that is made in one place, enshrined in a document implemented elsewhere’ (Jones, 2014:5). Furthermore, policy maker and, in turn, the idea of making on which it is based, disembodies policy through presenting the process described in a depoliticised and formulaic manner. To ‘make’ can be used in a fashion that implies following a set of rules or procedures – removing a comprehensive appreciation of relational politics from analysis.

Others have tried to move beyond the problematic implication of ‘policy-maker’, proposing instead the idea of ‘policy worker’ (Gill, 2012). This moves away from making and towards working upon – which is helpful for avoiding the problematic implications of policymaking and thinking of policy as something that is made. However, it is problematic in that it implies that there is a formal relationship of employment or occupational position in order to be involved in that which becomes positioned as policy and law.

Another alternative to talking in terms of policymakers is to reframe them as stakeholders. There has been a growing move toward discussing actors as stakeholders, which is, in turn, argued to include a number of previously ignored influential actors (Brugha and Varvasovszky, 2000; Shulock, 1999; Varvasovszky and Brugha 2000). This has roots in management and organisation analysis, termed by Edward R. Freeman (1984), and has been used in policy analysis in order to identify a range of actors invested in a ‘policy problem’ and, in turn, trying to shape responses to that policy problem. This discussion of stakeholders is not entirely unhelpful. First, it takes us away from disembodied rational accounts of policy actors who have no investment in the idea that which becomes seen as policy. Second, it moves us toward understanding the multitude and heterogeneity of actors enacting that which becomes policy. However, at the same time, it is fundamentally problematic and incompatible with this thesis’s epistemological orientations on a number of different grounds.

First, it is problematically confusing to talk of ‘stakeholders’, given the political context being studied. Stakeholder as a term is not simply used by

academics, but also has currency as a term in the equality policy world more broadly. This is particularly notable regarding the idea of 'New Labour' and its discussion of the stakeholder society (Froud *et al.,* 1996). To then use 'stakeholder' as a term to describe a range of political actors normatively termed policymakers would then be problematic when, as I do in Chapter Seven, looking at how the term stakeholder is specifically used in documents, as well as how it is employed by those interviewed.

Second, speaking of stakeholders as individuals or institutions having an investment in policy (Brinkerhoff and Crosby, 2002) is fundamentally problematic and contrary to the relational epistemological position I take. To have a stake in something implies there is something definable and discrete to have it in. To be a stakeholder in terms of equality policy and legislation reifies the idea of a singular, identifiable problem of equality or equality policies. In short, 'stakeholder' as a term problematically and latently reifies the idea of policy and law as an object.

Third, to have a stake implies an active engagement - actively working to change that which becomes seen as policy and law. It excludes how certain actors may be positioned by some as being involved in policy, but themselves contest having a 'stake'. It ignores how, for example, evidence from research is used to shape policy when the actors conducting such research never, in the first place, intended for it to become or thought of it as constituting that which becomes what they would position as policy and law.

In contrast to these terms (policy maker, decision-maker, policy worker, stakeholder), I follow Jones (2014) and Hartley *et al.* (2019) in adopting 'policy practitioner' in order to empathise with the consistent working and reworking such actors engage in. Using the term 'practitioner' like this is helpful as it does not imply that policy is an object in the same way that 'policy maker' does. To describe someone as a practitioner means they enact a variety of skills in relation to something, without concluding that there is a static product. At the same time, it does not imply a formal relationship to that which becomes positioned as policy and law in the way policy work-

er (Gill, 2012) does. Furthermore, it avoids the issues around stakeholders both because it is not used in the policy world in the same way stakeholder is, and it also does not require a particular policy or policy problem to be identified.

4. Conclusion

This chapter has attempted to provide the context and the animating forces for the narration of policy detailed in Chapter Two. It started by arguing for the existence of a spatially and temporally unbounded equality policy world constituting a consolation of different objects, sites and actors. The spatially and temporally unbounded nature of this was emphasised in that it cannot be seen to commence at a certain point or span a particular set of enclosed sites – and it does not neatly and chronologically follow an anti-discrimination policy world as a discrete historical moment.

It has been argued that a key part of this equality policy world is the state, which is understood as an organising principle (Cooper and Munro, 2003). It has been shown that there are multiple organising principles (enactments of the 'state') and that they are not final, but dynamic and adapting over time – what Cooper (2016) terms 'states at play'. It was argued that my concern is not to identify with particular ideas of the state, but rather to understand how practitioners understood the state and how this, in turn, informs their practice. I then introduced the ways in which the state as an organising mechanism works to align different actors as having the authority to enact policy, given that policy is prefixed to the state in dominant organisations of the state. Furthermore, I introduced ideas of ambivalence to the state, which provide the theoretical foundation for much of the discussion of practitioners' experiences discussed particularly in Chapters Five and Six.

The ways in which actors engaging in this equality policy world are positioned theoretically was then interrogated. The term *policymaker* was identified as having a dominance as the shorthand for referring to such actors (Heidelberg, 2020). However, the need to move away from the idea of poli-

cymakers towards the use of the term *policy actors* was argued for, and the concept of *policy practitioners* (Jones, 2014) was positioned as a beneficial corrective to these theoretical problems.

The next chapter asks how *Narrating Equality's* theoretical understanding of that which becomes positioned as policy (detailed in Chapter Two) and the sites and actors implicated in this (this chapter) can be investigated empirically. It will argue that the answer to this lies in narrative research techniques, notably narrative analysis (Alleyne, 2015) of documents and narrative interviewing techniques (Gunaratnam, 2009; Hollway and Jefferson, 2000).

Chapter Four

Methods

1. Introduction

Chapter Two established *Narrating Equality's* point of concern with policy or law not being considered as objects, but rather the definitional work of the two terms as of interest. It argued against theoretical and methodological claims that we can identify an innate coherence of that which becomes policy and law, be this through problem-solving or an underlying set of interests. Rather, a semblance of coherence is enacted through narrative sense-making. Pedwell's (2008) methodology of relational webs was identified as a way to analyse this sense-making without reifying the narratives as substantive or obscuring the complex relations the narratives are situated within. Chapter Three looked to the enactment of policy worlds (Shore and Wright, 2011). It was argued that there is no clearly defined space where that which is positioned as policy or law is made. Rather, we can observe the anti-discrimination policy world and the equality policy world as relational enactments. This chapter shows how this understanding of policy, methodological orientation and context informs the methods I mobilised in order to understand justifications for the new equality paradigm as relational and dynamic.

As previously mentioned in chapter One, this thesis is fundamentally a narrative research project and, in turn, employs narrative methods. As I will detail in this chapter, these narrative methods included narrative analysis of 'documents' (Alleyne, 2015; Riessman, 2008) and narrative interviewing (Gunaratnam, 2009) of policy practitioners. Typically, narrative research and the methods employed to conduct it are orientated towards a small number of cases (Gunaratnam, 2009; Stanley, 2008). They consist either of one person or a relatively small group. Here, the scope contrasts rather significantly, looking at narratives on a much greater scale, interviewing 14 practitioners and analysing 54 'documents' (see appendix for full list). So as to elucidate the justifications for choosing each method in my research, as well as to explore the problems encountered upon mobilising them, this chapter is

written chronologically. It details the decisions made and the success of these, as well as the necessary alterations that were made to them as they occurred.

The first section, *tactical intelligence,* will show how my choice of and, in turn, mobilisation of methods was guided by what Bourdieu (1990) terms the amassing of 'tactical intelligence'. This amassing of tactical intelligence will be shown to involve initial attempts to establish a grasp on the equality policy world. This, in turn, orientated the identification of participants to be interviewed and 'documents' to be analysed. It will be argued that this details a particular understanding of the object of analysis. In accordance with the relational epistemological position established throughout the previous three chapters, it will be stressed that this understanding of the equality policy world is fundamentally partial.

The next section introduces the textual analysis, looking at the multiple interconnected processes for identifying the relevant 'documents' for the research. It will be argued that 'documents' are not simple vessels of information – what has been termed an orthodox approach to documentation (Drew, 2006). Following on from this discussion of the nature of 'documents', I then look at how the documents were identified in terms of assessing how texts were positioned as such through complex webs of power relations. Following their identification was an analysis of these selected 'documents'. The textual analysis was performed prior to the interviews, as it was thought that the interviews would make reference to them. As will be shown, this was the case, and this ordering of methods was therefore helpful. It will be shown that in analysing the 'documents', methods such as narrative coding (Bilton and Soltero 2020) were not used, as this would fragment the narrative.

The following section, *Selecting interviews and identifying and recruiting participants***,** identifies the reasons why narrative interviews were considered the best method to address the research questions. It does this through briefly addressing attempts to use alternate methods, notably focus groups.

It will be argued that the decision to use narrative interviews was based on a particular hermeneutical position on interviews. This hermeneutic position saw them not as data gathering events, but rather as a point where the interview data is constructed between interviewer and participant (Anim-Addo and Gunaratnam, 2013; Kvale and Brinkmann, 2009; Sinha and Back, 2013). The section then gives a brief overview of narrative interviews as a particular technique and explains the focus on a singular, broad question in order to limit the constraints the interviews place on produced narratives. It is argued that this best complements the aims of the thesis through the interview in and of itself being a site of narrative sense-making. The argument for using narrative interviews is made through contrasting my singular, broad question hypothetically to a more traditional semi-structured interview design and the style of data this semi-structured interview design may be argued to generate.

The section that follows details the transcription practices. Transcripts were transcribed fully in line with what Hammersely (2010) terms 'descriptive transcription'. Practically, this was conducted in line with notable narrative researcher Riessman's (1993) astute advice about transcribing interviews in rounds, adding more detail on each round of transcription.

Following on from the discussion of transcription, the next section looks at how these transcripts were then analysed using narrative analysis techniques. This will be shown to have directed how I analysed the transcripts – the analysis covering what are heuristically described as thematic, structural and performative elements of the narrative. The observation that narratives cannot be seen as singular, as identified in Chapter Two, is central to this analysis.

After chronologically detailing these stages, the final section addresses the ethical implications of the research. I situate the research broadly within a feminist communitarian model of ethics (Christians, 2003). It will be shown that at the core of this model of ethics is locating ethical practice as a consistent concern rather than an element of research gleaned at the beginning

of an enquiry (Denzin, 1997). Thus, I not only created a set of ethical procedures that existed in the initial research design, but I consistently altered this throughout the fieldwork. It will be shown that in order to do this, I move away from reductive ideas of ethics in interviewing policy practitioners, notably emerging from the literature on 'elite interviewing' (Scott, 2006; Lancaster, 2017). It will be shown how this feminist communitarian model of ethics and the transcendence of elite interviewing tactically altered and informed how I conducted the fieldwork. In particular, issues of informed consent, the need to anonymise data and the issues of anonymity with small but easily recognisable populations will be touched upon.

2. Tactical intelligence: The equality policy world as a field

As detailed in Chapter Three, I am exploring the equality policy world not as a spatially or temporally bounded entity, but as a dynamic set of relations between objects, sites and bodies, which, given its complexity, can only be understood partially. This equality policy world, I argue, constitutes the field of my research. *Narrating Equality* works with a conception of the 'research field' that allows a number of activities traditionally jettisoned from the idea of fieldwork to be understood as part of it. Traditionally fieldwork is conceptually conflated with visiting the field, immersion, the logic unfolding, and ideas that the research is impossible without it (Wolocott, 2005). *Narrating Equality,* however, departs from axiomatic associations between fieldwork and travel through understanding it not as a matter of physical location, but rather as an analytic standpoint (Hyman, 2001). Following Dubois (2015), I understand the field as neither a defined physical location nor a particular bounded group of organisations, but instead as the policy world itself. The question then turns to how to approach the equality policy world as a field. In endeavouring to answer this question, *Narrating Equality's* fieldwork commenced by attempting to generate what Bourdieu (1990) terms a *feel for the game* or *tactical intelligence* (Bourdieu, 1990:103).

Amassing tactical intelligence is not a search for participants. Rather, it is a process that aims to generate an understanding of the political grammar

and terrain that will allow a sense (rather than a firm knowing) of how to identify and approach participants and the methods to be used (Grenfell and Lebaron, 2014). Tactical intelligence also, I argue, includes an appreciation of different power relations and framings of the actors and sites that the participants discuss in the interview.

In practice, this meant establishing an understanding of key collective bodies from which I would then later recruit participants and identify 'documents'. Generating this tactical intelligence, therefore, was performed in accordance with the methodological emphasis on relational webs detailed in Chapter Two (Pedwell, 2008). Hence, it was not an effort of categorising different collective bodies in terms of looking at how they positioned different actors. This would, in turn, generate taxonomies and typologies of the different analytical units involved. This was avoided, as to do so do would obscure the relationality of the given field and fall into the trap of constructing discrete substantive research objects. Rather, approximating a process of what Taber (2010) terms a 'stumbling around', the focus was on constitutive connections – on trying to establish sets of relations that were always acknowledged and understood to be temporally and spatially specific.

The web (Pedwell 2008) of constitutive connections that encompassed this tactical intelligence was not treated as a holistic cartography of the policy world in that it could be argued to representatively reflect the key facets of the equality policy world. To treat tactical intelligence of the equality policy world as a holistic cartographic in this fashion would obscure the fluid and spatially and temporally unbounded nature of it, as well as my own positionality (Corlett and Mavin, 2018) in assessing this cartography. Rather than a holistic cartography, this web of connections allowed for an understanding of constitutive power relations that allow different actors to move in the equality policy world in particular ways.

It must be noted that this was performed with great sensitivity to particular political implications. As Hales and Honey (2015) astutely note, '[d]efining the research population is an act of category construction with profound

intellectual and moral implications' (Hales and Honey, 2015:2145). To talk about the actors necessary to be interviewed politically can either challenge or reproduce different framings of the equality policy world, which, in turn, generate particular configurations of power. To understand this problem fully, it needs to be contextualised in terms of the substantial critiques of policy analysis regarding the exclusion of different actors in the analysis of power hierarchies.

Since Lipsky's (1971) writings on street-level bureaucrats, we can see a lineage of policy scholars who have argued for particular classes of actors to be excluded from or reductively positioned in policy studies. Page and Jenkins (2005), for example, argue that only a number of senior bureaucrats and civil servants have been prioritised in public policy scholarship as 'relevant' in terms of shaping the direction of that which becomes positioned as policy and law. Relationally to this prioritisation, a number of other occupational positions only perform standardised, 'non-creative roles'. This, in turn, for Page and Jenkins (2005), jettisons a 'cast of thousands' from policy analysis, with significant political implications. Therefore, it is important to move away from seeing the identification of actors as a descriptive activity. Rather than descriptive, we must understand this action as ontologically political (Law and Singleton, 2013) in that "[r]esearch practices do not simply investigate or make sense of an external reality" (Singh et al, 2014:828). In short, the question of involvement enacts ideas of who holds power rather than being a simple task of identifying a clear population.

When engaging with these highly important questions of the politics of representation (as enacting), it is important to avoid positioning this as somehow identifiability 'fixable'. We need to stay clear of claiming this problem is avoided by bringing newly recognised actors into the analysis. Making such claims simply reifies and reproduces the idea of a bounded policy world – to correct exclusion through including new actors implies that there is an identifiable gap to be filled and that this gap can only be established through identifying specific limits to what constitutes a policy world. To position exclusion as fixable is based on a bounded idea of the equality policy world

that a researcher can somehow know the full extent of. Thus, all that can be done is to stress the constant partial element – to represent and acknowledge the unknown. However, at the same time, to say that this is partial and not in some way 'fully representable' does not mean we should not do this work or these actors we do bring in are not important. Rather, it is simply noting the limitations and the consistent presence of the unknown.

2.1 Sketching out of tactical intelligence

Now that we have an understanding of tactical knowledge as a partial (rather than holistic) understanding of certain (not all) constitutive power relations of the equality policy world, the question turns to how this was mobilised and the actual results of generating this knowledge? To put it simply, the question becomes how this knowledge was collected and what was actually gained from this collection?

Regarding the practices generating this tactical intelligence, an obvious starting point was the literature review, which had already been conducted. This provided a broad understanding of notable texts and relevant actors (both collective and individual). From this, it was established that the notable sites (and it must be stressed that practitioners participating were all involved in many of these sites, often simultaneously) were obviously the three existing commissions prior to the 2006 Act (CRE, EOC, DRC), as well as the EEHRC that replaced them. The EHRC has an archive page with all the publications it has issued (Equality and Human Rights Commission, 2020). These 'documents' cited a number of particular figures and other 'documents' which were useful. The three 'legacy commissions' did not have a centralised digital archive in the same way the EHRC did, but there were copies of reports available in various libraries and kept by different organisations. These libraries and organisations were contacted to request access.

Alongside this, a number of media archives were used. This was most notably the British Newspaper Archive (https://www.britishnewspaperarchive.-

co.uk) and the Guardian News and Media Archive (https://www.theguardian.com/info/2017/jun/26/how-to-access-guardian-and-observer-digital-archive). A full list of the keywords searched for may be found in the Appendix.

The media data and the literature reviews also led me to a number of helpful networks. One obvious, notable aspect of this was the professional networks for equality and human rights lawyers – at both the UK and international level. Regarding the former, noble here was the *Discrimination Law Association* (Malik, 2007) and the *Human Rights Law Association*. Regarding the latter, I identified the *European Equality Law Network.* Each had websites with various documents, and the organisations were themselves emailed directly to ask if there were any relevant 'documents' etc. that were not present online. These 'documents' also helped to identify other bodies involved.

Another notable corpus of actors and 'documents' identified were through the multiple third-sector organisations such as Race on the Agenda (ROTA), Runnymede Trust, and Stonewall (Nolden *et al.*, 2020). Similarly, campaign groups such as *Unite Against Fascism* were also identified. All of these had online databases of documents. Emails were also sent to confirm whether there were any older 'documents' of interest not listed on the website.

Academia was considered a notable and important area that also was deeply inter-connected and co-constitutive of other sites. Many of the actors and sites important in academia had already been sketched through gaining tactical intelligence on other sites. In particular, there were a number of academic publishing networks and series. This included members of the editorial teams and consistent contributors to or guest editors of journals such as the *International Journal of Discrimination and the Law* published by Sage, *Equality, Diversity and Inclusion* published by Emerald, and *European Labour Law Journal* published by Sage. Many of those involved in anti-discrimination legislation and the Act have been involved in academic publishing as well. For example, Bob Hopple has written a number of books (see

Hepple, 2014; Hepple *et al.*, 2000), and the Blackstone's Guide to the Equality Act 210 was edited and contributed to by several key figures in the EHRC, including Susie Uppal, Anthony Robinson and John Wadham.

3. Textual analysis

Following on from the cultivation of tactical intelligence (Bourdieu, 1990) was the identification of 'documents' and the submission of these 'documents' to textual narrative analysis. There is an established literature that shows the centrality of 'documents' and documentations to policy in general (Fortier, 2010) – Smith (1984, 1990) going as far as to argue that in normative framings, the work of government is not considered formal until it is documented. Furthermore, much of what the practitioners in the policy world do is considered to be 'documentation' (Hunter, 2015), or something that should or, equally as important, should not be 'documented'. Thus, it is vital to analyse policy 'documents' as part of the fieldwork. This section first identifies the theoretical understanding that I have of 'documents' and how this influences how I selected and analysed the ones included in the fieldwork. Following this, the methods used to analyse these 'documents' are studied, in particular, what I will term a 'thread' approach to narrative analysis.

3.1 Understanding and selecting 'documents' as replicable texts

In order to fully understand the analysis of 'documents' I employed, it is important first to establish what I mean when speaking of 'documents'. I have, up until this point, used the term document with inverted commas. This is because I follow a number of authors (see Freeman and Maybin, 2011; Hunter, 2008; Riles, 2006a, 2006b), who understand 'document' not as a descriptive term, but rather an authoritative one in contemporary bureaucratic contexts (Hull, 2012,). To elaborate this further, I make a distinction between 'document' and text.

Rather than look at specific, detailed typological distinctions of what a text is (see Lotman (1997) for a typifying example of this), I follow Bakhtin's

(1986) seminal definition of a text as any ‘coherent complex of signs’ (Bakhtin, 1986:103). This allows a number of different texts to be included, such as oral and visual ones (Putnam and Coreen, 2004), rather than understandings stemming from more traditional strains of literary theory that have simply understood it as a ‘written object’ (Chanfrault-Duchet, 2000).

A ‘document’ is not a form of text in that it denotes a kind of text-based on exhibiting particular stylistic requirements in a typological model. It is not through particular stylistic features that texts become ‘documents’. Rather, it is a relational process – in relation to other texts through power relations. ‘Document’ is a political label that grants the text assigned it a particular status (Atkinson and Coffey, 1997; Riles, 2006). It becomes the ‘official voice of an institution’, speaking for that institution (Ahmed, 2012; Brown and Duigid, 2002). As Day (2014) argues, ‘document’ as a political label works to allow a text to operate as evidence, as giving weight to an argument that something exists, happened or will happen in policy worlds. The label of document allows the narratives in those ‘documents’ as records and facts taking on independent existence (Atkinson and Coffey (1997). The authoritative nature of the document has been demonstrated and corroborated in ethnographic findings. For example, Riles’ (2006b) ethnography of UN negotiations shows how ideas were only credited value if located in particular ‘documents’ aligned with particular bodies. These sets of processes through which a ‘text’ becomes a ‘document’ need other texts. Therefore when we are looking at ‘documents’ in a context, we are then fundamentally also looking at what texts are not documents.

Now that we have established the place of ‘documents’ as a relationally dynamic positioning rather than a descriptive label, the question turns to how texts become documents. I follow Smith and Turner (2014) in understanding this as a result of replicability. Replicable texts are those ‘which can appear again and again in different places and at different times and even for different people to read, watch, or listen to’ (Smith and Turner, 2014:5). This quantitative proliferation works to grant authority through an association of

coverage with taking on the official position of the collective body the document is said to represent.

In terms of how these theoretical understandings practically informed the research and my selection of method, a body of ‘documents’ was initially identified and analysed prior to the interviews. The decision was made to order the methods in this way because many of the policy practitioners were involved in writing or advising on these ‘documents’. Therefore, the ‘documents’ could be mentioned in the interviews and it would be helpful to therefore have an understanding of them prior to the interviews. The initial tactical knowledge detailed in the previous section orientated the analysis to the sites from which it was possible to gain the ‘documents’. When engaging with these sites, the question then became about how to identify relevant ‘documents’. If ‘document’ is a political category rather than a descriptive category, it is not simply a process of identifying particular features of a text, but rather the identification of particular power relations.

In order to identify these particular power relations, a heuristic decision was made that we can understand a text being a ‘document’ through its positioning on official websites for archives of the organisations discussed in the above section, *Sketching out tactical intelligence.* This was, of course, reductive, but it worked heuristically. This was also done with the thought that (as will be mentioned below) if there were any significant ‘documents’ excluded from this list, that they would likely be mentioned within the interviews. This was, as will be shown in Chapter Seven, the case in one interview. Mobilising these criteria led to, in total, 54 ‘documents’ being selected for textual analysis. The full list of ‘documents’ analysed is present in Appendix item one.

The question then turns to why would we not look at texts that did not become ‘documents’. This is very important, given the relational nature of ‘documents’ discussed above. The obvious answer is accessibility – the implication of these texts not becoming ‘documents’ is that they were not placed on websites. This does not mean that these texts were excluded

completely from analysis. As will be shown later in the thesis, however, the interviewees talked about various texts that did not become ‘documents’.

3.2 Narrative analysis of ‘documents’: re-imagining analysis as threads

Once the relevant ‘documents’ for analysis had been established, they were then subjected to narrative analysis. In attempting to mobilise my choice of methods with my relational epistemological position, the major point of concern became how to avoid a narrative analysis of ‘document’ that treats a ‘document’ as a record of information rather than a political label as discussed above. How do we analyse ‘documents’ in a way that allows for an appreciation of why they become seen as ‘documents’ in relation to other texts denied this position? To do this, I employed what I term a thread-based understanding of narrative.

Traditionally, narrative textual analysis typically looks at the content of the text, working upon the orthodox of texts as containers of information (Drew, 2006) (see Freeman and Maybin (2011) for an astute, detailed survey of different studies in this regard). This has also bled over into narrative analysis of policy ‘documents’ which adopts the ‘policy as narrative’ approach discussed in Chapter Two (see Roe (1994) for an exemplar of this mode of narrative textual enquiry).

My focus was on looking at the content but trying not to give the impression that this is equivalent to a singular narrative. In short, as detailed in Chapters Two and Three, the emphasis was on seeing these ‘documents’ as narrative sites rather than as singular narratives. Practically speaking, this meant that analysing texts was not about collecting data, but permitting an understanding that can, along with the interviews, allow us to see how texts circulate and gain replicability. Hannah Jones’ (2014) methodological reflections provide an insightful and helpful foundation from which achieve this. Jones (2014) looks at what are located normatively as the narrative of a policy, and questions the apparent coherence characterising them:

> These narratives can be studied and their internal contradictions, assumptions and exclusions demonstrated. Their production and publication is used to structure histories of what happened, when, and why. The narratives *in* the document are important in that they are the product of negotiations, as well as being texts on which further negotiations work (Jones, 2014:20)

Given the focus of this thesis on narrative sense-making, the idea here of further negotiations is incredibly helpful and important. It allows us to appreciate 'documents' not as simply codifying information or presenting it. Rather, it becomes seen as a component of narrative sense-making – of something made sense of and the narratives of which as being re-enacted differently through sense-making as opposed to having a static intrinsic meaning. In order to appreciate 'documents' in the manner Jones (2014) elucidates, I drew upon multiple traditions of narrative analysis.

As is common across many social scientific techniques, narrative analysis has witnessed a fragmentation in its employment, with several different approaches (or at least what scholars position as different) emerging (Alleyne, 2015; Riessman, 2008). Varying analytic sub-approaches to narrative analysis have been demarcated, and all are argued to possess different sensibilities and cultivate different analytic insights that are, in turn, best suited to different epistemologies and kinds of analytic enquiry (Kim 2015). For a more compressive analysis of the development of different styles of narrative analysis in social science, see Goodson and Gill (2011) and Reisman (2008).

In all of these sub-approaches, particular (quite reductive) distinctions are employed, which, in turn, dictate the suitability of the approach to producing different kinds of data. Although other demarcations are present, it can heuristically be argued that the most common distinction in narrative is a three-part model consisting of structural, thematic and performance/dialogical analysis (Esin, 2011; Reissman, 2008).

Structural narrative analysis focuses on the composition of the articulation and its organisation by the narrator (Riessman, 2008). Under analytical scrutiny are the narrative's 'deep structure' (Wengraf, 2001) or 'building blocks' (Alleyne, 2015). Questions are thus posed as to how narratives are structured to create particular 'sorts' of presentations to the audience and, in turn, particular 'sorts' of effects and labour (Coffey and Atkinson, 1996).

Thematic analysis, on the other hand, positions the 'content' (however this is defined) as the analytic focal point (Byrne, 2003; Reissman, 2008). The narrative analyst's task, therefore, is to identify the themes, which are understood as 'something important about the data in relation to the research question and represents some level of *patterned* response or meaning within the data set' (Braun and Clarke, 2006:82).

Contrastingly, performance/dialogic analysis of narratives focuses on the idea of joint construction (Jackson, 2006). Attention in this lineage of analysis is given to how narratives are performed between the actors (Riesman, 2008). The concern becomes 'activation', the elements which triggered the narratives' enunciation or flow (Harphy and Einarsdottir, 2012).

As with most other narrative scholarship, the current project may therefore be expected to locate the analyses within a single route. The choice of route would be determined by the perceived suitability of the research on the basis of the 'sorts' of data it wished to produce, or the kinds of narrative analysed. In terms of my research, this was initially the case. The methodological alignments and the focus on how authority is accrued through narrative seemed to position thematic analysis as the most complementary. However, in practice, when conducting this, a purely thematic focus was inadequate for gaining an understanding of the 'further negotiations' Jones (2014) notes. Thinking specifically about how I wished to examine relational politics and the sense-making nature of 'documents' as narrative sites, it became clear that my analysis needed expanding and modifying in order to encapsulate structural narrative elements.

Although the themes had been identified, a lack of structural attentiveness meant that an appreciation was missing of the ways in which these themes emerged in the 'documents'. This echoes a common criticism of thematicism in that it reduces narratives to their contents – comprehending language as little more than a linguistic resource (Reissmann, 1993, 2008).

This became particularly problematic when I began to think about the nature of the new equality paradigm and the place of 'documents' within it. The new equality paradigm's call for simplification and the aligned ideas of there being an excessive amount of bureaucracy (Hepple, 2010; Hepple *et al.*, 2000) has become somewhat of a move against documentation. The 'document', as Hull (2012) argues, has become one of the symbolic typifications of bureaucracy in the anti-bureaucratic imaginary. Thus, it is of interest in and of itself to look at how the narratives in these 'documents' are structured, given that the arguments are against excessive documentation and bureaucracy. The question becomes how does the structural composition of a document's narrative change in contexts where the purpose is directly or indirectly to produce them? What does an 'anti-document' 'document' look like structurally? How does the way it is written, its length, its organisation, work to exemplify ideas of efficiency and simplicity? How does the writing of 'documents' in this way produce, reproduce and solidify institutional norms of how to create 'documents' and impact further negotiations in the way Jones (2014) identifies? This is very important because, as will be shown in Chapter Seven, there is an emphasis on the sites through which the practitioners move that the narrative in 'documents' be structured through a tension between what I will call simplification and expansion. In particular, the idea of onerous legislation, evoked by one practitioner, will be shown to exemplify this.

However, when thinking further about this, the possibilities of using either structural or thematic analysis seemed limited. Focusing simply on structure or themes can lead to reifying the 'policy as narrative' approach critiqued in Chapter Two. I became increasingly interested in understanding how the narratives in 'documents' are polyphonically related to other narratives. To

answer this particular problem, it is thus helpful to turn to performative/dialogical narrative analysis.

In integrating the way in which ideas of bureaucracy shaped how 'documents' are produced, it became evident that the structure of ‘documents’ in terms of simplification has to also be understood dialogically and performatively. Several important questions are raised. To what extent are the documents’ structures influenced by simplification? Are ‘documents’ narratively structured in a way to appease ideas of simplification? How is the need to adhere to particular stylistic requirements performative?

In short, I began to realise that each narrative analysis method (thematic, structural, performative/dialogical) has certain elements that the others do not, which made the choice of selecting a single one challenging and complex. But it is not just that I applied these various kinds of analysis together. Rather, I specifically and carefully did so in a manner to mirror what I term *narrative threads*.

In implementing these different kinds of analysis, the obvious route would be to simply employ all of these together. They can be applied chronologically, one after another, as different analytical ‘levels’ to provide a seemingly more holistic understanding of the object under analysis. However, this ‘solution’ is problematic, as it enacts and treats these kinds of analysis as separate. For instance, the thematics of many narratives were enacted through its structure. However, if analysis centred the thematic, it is not just that structural phenomena are obscured, but the relation between them. This is something similarly obscured by conducting a focus on thematics *then* on structure. Thus, the idea of narrative threads is introduced to cultivate an attention to such relations.

Contrasting the metaphorical language of levels, paths or streams, whereby the metaphorical work evokes ideas of separate trajectories, a thread is deliberately employed here to emphasise the ways such narrative patternings *are inherently intertwined and inseparable*. Each of these elements is like a

thread that constitutes a rope. If the structural, the performative and the thematic aspects are threads, then the rope in this metaphor is the narrative. The threads work with other threads to compose the rope – it is the fundamental interconnection of narrative threads that create the narrative. In line with the thesis' methodological orientation (Pedwell, 2008), I am arguing that such elements should only be seen as a heuristic tool because otherwise, attention is distracted from how such elements are fundamentally co-constitutive and work together, rather than just side-by-side. The issue with taking a single narrative analysis model (either thematic/structural/performative-dialogical) is not about excluding particular discrete elements, but rather obscuring the fundamentally relational interconnections of them. Thus, there was an attentiveness carried throughout the textual analysis to how particular 'elements' (taken as hermeneutic, not actual distinctions) operate together. I did not read the 'documents' looking for structural elements, thematic elements and then a third time for performative elements. Rather, I focused on how all these elements were simultaneously constitutive of particular narrative elements so as to keep at the forefront of my analysis how these are all fundamentally intertwined and connected.

4. Interviews

Up until this point, I have established the textual analysis and the tactical intelligence from which it emerged. This section looks at how interviews with policy practitioners were conducted and how this complemented the tactical intelligence and narrative analysis of the texts. It will begin by discussing the selection of interviews as a method, notably positioning this choice against potentially selecting focus groups. It will then identify specifically the tenets of narrative interviewing as a method, and its focus on free association. Following this, it will be shown how the thread method of narrative analysis was used in order to analyse the interview transcripts and how this was adapted to look at the interview transcripts as something other than 'documents'.

4.1 Selecting interviews and identifying and recruiting participants

Interviews with practitioners were decided upon because they would allow me to gain perspectives on the enactment of policies from practitioners. Initially, other qualitative methods were considered, notably focus groups. The initial idea was that this could provide a way to observe relations between practitioners and how different narrations were re-affirmed and contested (see Ryan and Hill (2014) for an astute example of focus groups working this way with policy actors). However, this idea was abandoned given the range of associated ethical implications and practical difficulties.

The primary concern with using focus groups was relational politics. The practitioners' narratives were, in many ways (as will be expanded upon much further below in the ethics section), sensitive. One-to-one interviews are seen as preferable to focus groups in this regard, as power dynamics between potential practitioners may lead to the editing of narratives or discomfort with articulating narratives. This could particularly be the case in terms of airing particular criticisms of colleagues, as participants could still be working together or in the same institutions.

There have been those (see Hoppe *et al.*, 1995; Kitzingen, 1995) who contend that focus groups can cultivate the emergence of sensitive topics. The argument is that the synergism engendered by the group dynamic can operate to erode barriers that emerge with sensitive questioning in interviews, with more forthcoming narrators 'breaking the ice' on sensitive topics. However, even if this were the case, there are also practical considerations, such as the challenge of getting hard-to-reach participants to be available at the same time. This is even more the case given how, as will be shown below, challenging it was to access participants for singular interviews. It was initially thought that given the practical difficulties that would arise with such a dispersed and busy population, that digital focus groups could transcend access issues (Murthy, 2008). However, there would still be the issues of practically arranging for all practitioners to be present online simultaneously. Furthermore, as will be detailed much further below, online methods can disembody qualitative research methods in a way that physi-

cal presence does not (Hydén and Antelius, 2010; Irvine *et al.*, 2012; Novick, 2008).

In terms of shaping an idea of who to interview, I worked with a loosely defined idea of anyone seeing themselves or being seen by others to be involved in advising, drafting or shaping the direction of the 'new equality paradigm'. The wording here is important and was chosen in relation to other methodological approaches to interviewing policy practitioners, notably expert interviewing (Dorussen *et al.*, 2005).

First, it is important to stress the phrase 'seeing themselves/being seen by others'. This allowed me to manoeuvre around the issues of seeing 'policy' as a discrete object with particular identifiable actors who are considered to be or not be a part of it. Second, 'anyone involved' was also a precisely chosen use of words. It is specifically phrased in apposition to terms such as 'the most significant', 'influential', 'highest ranking' actors (which would be done in expert interviewing). For quintessential examples of 'expert interviewing's' categorising of policy practitioners into typologies of importance and level of expertise, see Beyers *et al.,* (2014) and Van Audenhove (2019).

Rather than attempting to impose a frame of importance/un-importance upon the potential actors prior to interviewing them, I instead worked with the idea that I cannot know the relevance of actors before the interview, and that this would emerge in a highly contextual and fluid manner. Furthermore, ideas about how to identify 'important actors' are not simply descriptive, but political and constructive in how they enact (rather than simply describe) power relations. To identify actors on that basis of a pre-conceived, static idea of importance or influence (for example, only to look at those named on 'documents' etc) implements a reductive pre-configured idea of power and hierarchy onto a particular set of sites. It would deny the dynamic specificities and peculiarities of the actors and sites constituting it. Therefore, the identification of research participants was not necessarily driven by trying to find 'the most important'. Rather, the criteria included anyone with

involvement in the new equality paradigm in terms of officially being employed as part of the bodies tasked with its creation (commissions, civil service) or advising on the paradigm in some way.

It is important to emphasise that the claims made here need to be carefully stated. To avoid imposing these generalised hierarchies does not mean that I am presenting an alternate 'true' hierarchy and a full understanding (and, in turn, corrective) to previous accounts. Of course, I cannot know all the actors involved in that sense and the ones named in 'documents' are the most easily identifiable. Thus, it must again be stressed (as was emphasised in the tactical knowledge section) that this is not a full representation of actors and, given the complexity of the equality policy world, such a full representation is something fundamentally unattainable.

Now that we have established the conceptual parameters for recruiting participants, the question turns to the practical act of identifying them. This identification process was, of course, heavily assisted by the tactical knowledge generated at the commencement of the fieldwork. However, it was also further supplanted with information from references and authors in the textual analysis. This involved creating a list, first, of names from 'documents', and second, of names of organisations to further look into and in some cases contact and, in turn, ask for participants. One hundred and fifty-seven different potential participants were identified and emailed.

The participants were recruited via email. The email, shown in Figure 1 in the Appendix, was carefully phrased. To avoid misunderstandings of the nature of the research, the recruitment email was framed specifically in order to convey that the project was not simply about gaining information about the work of policy, but that it would also have a strong biographical element. Furthermore, attached was an information sheet and the consent form that they would be asked to sign if they would agree to participate in the research.

Taking warning from a body of previous research interviewing similarly positioned actors (see Goldstein, 2002; Puwar, 1997), it was expected that responses to this would be very low and the likely range of participants would be between 10 and 30. As was expected, this was the case, and 14 participants were recruited. Chapters Five and Six fully break down the interviewees' occupational positioning and their shifting locations within the equality policy world.

4.2 Narrative interviews

To summarise thus far, I have established how I have identified and recruited interview participants. I will now discuss the specific method of narrative interviewing used and how it complements the relational epistemological position.

In total, 14 interviews were conducted between September 2016 and October 2017. Following a corpus of scholars (Brown, 2020; Dodge, 2010; Kempeneer and Van Dooren, 2020; Matthews, 2012; Shaw *et al.*, 2015; Vandenbussche *et al.,* 2020), I employed narrative interviewing techniques (Hollway and Jefferson, 2000; Gunaratnam, 2009; Wengraf, 2001) to interview policy practitioners. It will be argued that what makes narrative interviewing so complementary to the key aims and theoretical positions of *Narrating Equality* is that it enables a rich and detailed understanding of how practitioners construct the elements of the equality policy world and new equality regime. It permits areas of importance to the participants that may be unknown to the researcher to emerge easily, whereas more traditional structured interviews problematically direct the flow of the exchange only to that the interviewer wishes to uncover (Wengraf, 2001).

Before going further into the details of narrative interviewing, however, it is important to understand how my epistemological relational position informs how to understand the interviewing practice and what the results of interviews can be argued to represent. Rather than looking to figure out what happened (as is the motivation for event-based narrative research), my ex-

periential understanding of narrative sense-making means my analytical interest is on the manner in which different actors and concepts in the narratives were enacted. To understand how this informed my interview practice, it is first important to explore and emphasise the importance of the hermeneutics of interview data.

In terms of understanding the purpose and potentials of qualitative interviewing, I follow an extensive, established body of literature that moves interpretation of interview practice away from a 'naive' (Atkinson and Silverman, 2003) understanding of qualitative interviews as the 'collecting' of data (Back, 2010; Borer and Fontana, 2012). Rather, in line with what has been termed a 'radical critique' (Hammersley, 2003) model of interviewing, interview data is not understood as abstracted in that it is 'out there' to be gathered by the researcher through the interview (Kvale and Brinkmann, 2009). Instead, it is fundamentally contextual, with the unfolding of the encounter *shaping that which become the data* (Anim-Addo and Gunaratnam, 2013; Gubrium *et al.*, 2010). The way in which questions are framed is not a tool to 'abstract' information but rather, is relational to the context of the interview (detailed below) and shapes how the data develops (Sinha and Back, 2013).

It is important to emphasise the hermeneutics of interview data in this way because it informed how I designed the interview procedures and questions (and as will be shown in the next section). In line with this 'radical critique' (Hammersley, 2003) understanding of interviews, the choice of interview techniques and the formulation of questions, therefore, is not about 'accessing' data in terms of delving into particular areas to gain the desired information. Rather, questions can be used as indications of how practitioners enact the equality policy world, in addition to the new equality paradigms and the 'policy problems' it was supposed to address. These enactments were understood relationally in terms of my questions and the broader political context.

So far, I have established how the interview data were conceptualised as ontologically political (Singh *et al.*, 2014) in that they enacted ideas of the new equality paradigm, rather than simply asking about it. The question then became how to handle this (my construction and shaping of the interview through questions), given that my focus was on how practitioners enacted the 'new equality regime'? I thus needed an interview method that would permit the participant to narrate these enactments that minimised my own framings in terms of interview questions. The word minimise is vital here – there is, of course, no way to fully permit a non-directed interaction. However, this does not mean that there are ways to lessen the effects of this. Taking this, I decided that narrative interviews, with a focus on minimising (rather than avoiding) the interviewer's construction, were the most suitable and beneficial of the interviewing techniques.

A 'narrative interview design' (Wengraf, 2001) (similarly termed free-association interviews (see Hollway and Jefferson (2000)) is premised on an attempt to minimise how the interviewer dictates the way in which articulations are shaped. Translated into practice, narrative interviewing moves away from formulating a set of questions, which is common in qualitative structured or semi-structured interviewing methods (Brinkmann, 2014). Rather, narrative interviewing focuses on asking a single question, and potential, but not necessarily employed, sub-questions are constructed so as to be conducive to rich, detailed answers guided by the participant (Gunaratnam, 2009; Wengraf, 2001).

The singular question is framed and articulated broadly regarding particular themes and casting the realm of interest broadly in terms of asking 'what happened?' (Hollway and Jefferson, 2000). This is in contrast to questions requesting generalisations and opinions (Gunaratnam, 2009) and constraining narrators to positions articulated at the interview's commencement (Rubin and Rubin, 2004).

In terms of how this was employed practically, I asked all of the participants the following question – *how did you become involved in these issues?* The

decision to frame the question as I did was centred around two particular terms – ‘involved’ and ‘issues’. Both were chosen deliberately on the basis of being vague and non-specific. To understand the deliberately vague wording and why it was chosen, it is helpful to compare its wording to hypothetical alternative questions.

I decided to use ‘involved’, as this could be framed by participants as being officially employed in the equality policy world, or as pretty much all the actors did, discussed as occurring much earlier through activism. Either way, the choice of where to start was seen not as arbitrary, but important in and of itself. If, instead, I had asked specific terms or phrases like ‘employed’ or ‘started working on’, this would confine the interview data to when they ‘officially’ started working in particular positions. Other important elements unknown to me that the practitioners would have thought important would also be jettisoned from the narrative. Furthermore, a tone could be set whereby all that is seen as relevant is the specific occupational positions of the actor. This could resultantly eliminate disclosure of experiential knowledge that was developed within these periods.

Similarly, ‘issues’ could have been phrased differently in more specific language. For example, I could ask about legislation or policy. Furthermore, I could have prefixed issues with ‘equality’, ‘anti-discrimination’ or even ‘human rights’. However, as mentioned in the preface and introduction, one of the defining features of the new equality paradigm is the way it is argued to bring a multiple different set of problems together in order to propose a particular problem that needs reform – be it human rights, simplification, etc. Thus, I deliberately asked about ‘issues’ so as to understand how the practitioners constructed connections between these elements together, rather than engage in a more restrictive interview framing that may exclude this. Given that all participants were given an information sheet (see Appendix) that detailed the project’s interest in the new equality paradigm, it was not the case that ‘these issues’ were completely unspecific. Although one participant responded by asking, ‘well I suppose you mean anti-

discrimination?', the rest did not query this at all, and none rejected the question outright over vagueness.

In short, the terms 'issues' and 'involved' allowed different kinds of embodied knowledge to emerge that would have been cut off when talking about how actors were employed and particular positions in specific relation to that which becomes positioned as policy and law.

There were initial hesitancies in employing this kind of narrative questioning, as phrasing the question in this way has been problematised in previous qualitative research with policy practitioners. There is an expansive body of literature that explores the power dynamics of qualitative interviews with policy practitioners, arguing that in these contexts, there is a need to present questions in certain ways. Harvey (2011) exemplifies this literature by arguing that researchers, when interviewing policy actors, need to show knowledge about the area being interviewed. Researchers who interview policy practitioners have to, Harvey (2011) contends, prove that they are deserving of the time of the participant.

This was initially a point of concern, given how deliberately unspecific and broad the question was. However, a similarly growing body of research has argued that policy actors are more amenable to broader questions because they give them space to go into the level of detail they feel may be missed from existing accounts of that which is positioned as policy and law (see Beamer, 2002). Furthermore, it was thought that even if practitioners disliked the question and requested for it to be more exact is, in and of itself, a point of analytical interest in that it shows values attached to specificity. Practically speaking, once this broad initial question was asked, none of the participants actively critiqued the question or displayed a negative reaction to it.

In traditional semi-structured interviews, there are multiple, loosely phrased questions or themes with potential room for manoeuvring (Dearnley, 2005; Leech, 2002a). In narrative interviewing, the approach to questions after the

initial broad question is different. Central to the narrative interview method is that the development of the interview is based on 'free-association', which means there is a commitment to, as much as is possible, the interviews being guided by the participants rather than the researcher (Archard, 2020). Whereas many guides to semi-semi-structured qualitative interviewing (see Ulin *et* al., 2004) provide different techniques and methods to keep the interview 'on topic', this is strictly avoided in narrative interviewing. Rather than direct the flow of the interview with follow-up questions, the interviewee is free to make associations with different narrative elements and take the interview into different places (Hollway and Jefferson, 2008). This also means that the guiding itself is not seen or analysed as arbitrary. Rather, it reveals different ideas, values and ways of narrating, and therefore, as will be shown below, how the narrative unfolds is central to the analysis. The idea of something being off-topic is rejected, as the linking to anything shows different values and attachments to that which is linked from.

For example, one practitioner began talking about the protected characteristics covered in the act and how these were decided upon and also contested across a spatially and temporally dispersed range of sites. They then asked me specifically if I was interested in caste discrimination, to which I answered affirmatively. The practitioner then began to put a more intense focus on it, and the way they selected this example and talked about it was in and of itself of interest. This, in turn, provided an account of their working as a lawyer with various anti-caste groups in the UK, and how this elucidated how, to them there were large amounts of political struggles previously unaware of. This involved large amounts of legal campaigning that argued against the dominant style of narrating in the policy equality world at the time when it was argued that a new category of 'caste' was unnecessary, as it could be legally covered under the legal category of 'race' (this is something much further expanded upon in Chapter Seven). The practitioner discussed how this was a political moment, and they shared their thinking in terms of these categories as being political, rather than simple technical descriptions. The free association that led to this set of ideas, and the empha-

sis the participant put on them as an example, would have all been jettisoned from analysis if a more rigid structured/semi-structured framework of questions had been employed.

Now, although it must be clearly stated that a commitment to narrative interviewing is a commitment to the detail, shaping of the participant's narrative by the participant, there were certain points of interest that I, of course, wanted to be covered in the interviews. In the majority of the cases (twelve of fourteen), these were covered in the narratives without any need to direct the interview towards them. However, in two interviews, this was not the case. In these instances, I took advice from narrative scholars (see Hollway and Jefferson, 2008) on how best to do this without compromising the integral premise and benefits of narrative interviewing and still allow for free association.

Narrative scholars have argued that there can be follow-up questions of a sort to lead to different potential areas of interest while still allowing a level of free association (Gunartnam, 2009; Wengraf, 2000, 2001). I originally planned that there could be several *points of orientation* that would be covered. These consisted of:

- After they initially detailed where they started working, what was the nature of that work?
- How did they feel about doing such work?
- How they would describe the effects of the new equality paradigm?

In the small number of instances where they were asked, I followed Hollway and Jefferson's (2008) advice about how to shape follow-up questions in narrative interviewing while maintaining free association to the greatest extent. The best way to do so, Hollway and Jefferson (2008) argue, is to phrase these follow-up questions in the language and phrasing that participants have used.

Therefore, I deliberately and specifically phrased the themes as *points of orientation* as opposed to 'follow-up questions'. This is because these elements of directions were specifically rephrased in the particular language (phrases, words, sentence structure), rather than being asked verbatim. This use of the same language is of the utmost importance. As will be shown throughout the thesis, words are chosen strategically. A number of scholars have elucidated how policy practitioners carefully justify and think through language and the specific meaning of words and the differences between other words which may simplistically be argued to be synonymous. Reflecting a broader literature on the politics of the word 'racism' (see Davis, 2010; Srivastava, 2005, 2006), in her research, Jones (2011) found a preference for cohesion rather than racism exhibited by the 'white' middle-class practitioners in her study. Thus, the way words are chosen is of great analytical concern, particularly in relation to issues of equality.

In relation to how this worked practically in the interviews, an example from the fieldwork is helpful here. There was one participant to whom I had to ask the final point of orientation –whether they felt the new equality paradigm was successful. Throughout the interview, the practitioner consistently used the term 'fighting inequality' to connect a series of practices that they had engaged in throughout their careers. They also specifically phrased the new equality paradigm as 'attempts to legislate for equality'. Thus, I phrased my follow-up question accordingly to ask 'how successful were attempts to legislate for equality in terms of fighting inequalities?' This re-phrasing of language is important, as to have asked questions about, for example, 'anti-discrimination' rather than 'fighting inequality' falsely presumes a synonymous nature of the terms. This would jettison, on my part, a full understanding of why the interviewee specifically chose the term 'fighting inequalities' and how they may understand it as different to talk of 'anti-discrimination'.

In the two cases where these points of orientation had to be articulated, this was performed once the participant had finished narrating in relation to the

first question. This was in contrast to interjecting during their narrative so as to orientate them ‘in the correct direction’ or ‘keep them on track’. Thus, any free associations that were going to come up in those initial narratives were not blocked.

4.3 Recording the interviews and the descriptive transcription of the interview data

All interviews were audio-recorded. I heeded Back’s (2010) warning about how, in qualitative interviews, the presence of audio recording paradoxically makes interviewers less attentive to the interview as an interaction. Because the interview is recorded, Back (2010) argues, there is a sense that the researcher does not have to be as attuned to and attentive toward the unfolding of the interview since it is ‘captured’ on tape. This can lead to a number of important contextual factors. Thus, when undertaking the interviews, I bore this in mind and tried to take as many fieldnotes as possible in order to avoid this.

Once the interviews were recorded, all were transcribed in full. In transcribing the interview data, I consistently did so in recognition of the growing corpus of authors (Hammersley, 2010; Mishler, 1991; Riessman, 1993) who have argued that transcription is a constructive rather than reproductive activity. Thus, following Wellard and McKenna (2001), transcription was seen as a method in and of itself. It is not simply a technical procedure in order to allow the application of an analytical method. Rather, the ways in which assumptions are made mean that certain elements are and certain elements are not included, meaning that it shapes what can be understood from the data and therefore, is, in and of itself, a method (Davidson, 2009).

In light of this understanding of transcription as a method, it was necessary to select a particular model of it that aligned with my epistemological position, as well as recognising that, in turn, it would also shape the different kinds of analysis I could and would be able to do.

Descriptive transcription describes tone, emotional registers, contextual factors and non-linguistic elements (Hammersley, 2010). This was done for both myself (the questions asked) and the participant, so as to fully allow for appreciation of the interview's co-construction (Rapley, 2001). This involved a commitment to avoiding and transcending 'narrative smoothing'. Narrative smoothing is the practice, in narrative research, of removing inconsistencies or abrupt changes in order to make things appear 'coherent' (Kim, 2015; Spence, 1986). This will be shown to be highly problematic in the next section in that narrative smoothing treats the way things are said as arbitrary and external to their meaning.

In terms of how I implemented this descriptive transcription practically in relation to my data set, I followed Riesmann's (1993) model for transcribing narrative data, which involves transcribing narrative interview data in rounds. The first of these rounds involved a rough transcription. This includes the first draft of the total interview and all the main features of the interaction, such as laughter. After this, the audio recording was listened to again, and the transcript supplemented with emphasis, false starts, shorter pauses, etc. This was added to with field notes to add interactional elements into the transcripts. Field notes were taken in order to contextualise this throughout the process. This involved observations of the spaces in which the interviews took place (for example, if there were other people).

It must be stated clearly that this did not mean that the transcripts were fully contextualised. All transcription processes engender particular levels of decontextualisation, most of it unknown to the transcriber (Kvale and Brinkman, 2009; Willard and Mckenna, 2001). As Hammersley (2010) warns, we must not make the mistake of believing that descriptive transcription provides 'more' contextualisation as if there is an identifiable 'contextualised' transcript that can unproblematically be worked towards.

It must be noted however that the extent of descriptive elements present in the fifth chapter onwards (where the analysis of the data is presented) is not consistent throughout. As will be detailed bellow (section 6.7), all practition-

ers were given the option of reviewing the transcripts prior to analysis as part of the ethical procedures of the research. This offer was taken up by the majority of them Resultantly some of the initial descriptive elements were removed. As will be further detailed, it was made an integral component of the ethical procedure that participants were not to be asked to justify any changes to the transcript. This decision (to avoid asking for justification) was made on the basis that his would in an of itself potentially mean disclosing of private motivations and also be a form of emotional labour in and of itself. In line with the feminist ethic of care (detailed bellow) it was decided that both of these would be negative ethical practices and therefore the exact reasoning was unknown.

5. Interview Analysis

Following the descriptive transcription of the interviews, the transcripts were then subjected to narrative analysis. As mentioned previously, the participants were not interviewed in order to grasp information about the new equality paradigm in relation to their positioning in some identifiable structure of importance. Rather, the focus of the interviews were how actors make narrative sense of the new equality paradigm over time, and furthermore, how we can understand this within relations of power enacted through relational politics across the spatially and temporally unbounded policy world. As stressed in Chapter Two, these narratives are fundamentally polyphonic.

The question becomes then how to analyse the interview data in order to fully realise this polyphonic sense-making? How do we analyse the transcripts in a way that does not simply reduce narrations to ideas of ‘what happened’? In order to accomplish this, I used the same narrative thread analysis approach employed for the ‘documents’. The application of it, however, differed in notable ways, given the differences between interview and ‘document’ data.

5.1 Structurally analysing interview data

Narrative scholars (see Byrne, 2003; Paley, 2008) have argued that the structures of narrative interviews can be understood as indicative of a range of power relations and attachments. The ways in which structures unfold and are disrupted through the narrative interview indicate a number of relations that the narrator has to the specific elements narrated (Tambouka and Livholts, 2015). It is not simply what actors say (the words) that are important. This would problematically position the words and the structure as separate analytical units (Kim, 2015). Rather, the structure in which it is narrated shapes the meaning.

This shaping of the meaning through structure was highlighted to be especially the case in terms of the structural a key focus is chronology. As will be shown particularly in chapter five, chronology is not arbitrary. It is not simply a reflection of an order in which things happen, but works through enactments of allusion and framing.This was a particular concern through the idea of narrative beginnings. It will be argued that, following Andrews (2014), looking to how practitioners chose to structure narratives as starting in particular places works in relation to themes

In terms fo how this analysis was practically implemented, the focus of this thread was on how, given the free association nature of the interviews, the practitioners structured their narratives in I looked to specifically where the themes and ideas of each participants narratives where positioned within the narrative as a whole. This was done then heavily in tandem with the thematic thread of analysis.

5.2 The thematic thread

Simultaneously occurring with this structural thread was the thematic thread. In narrative thematic analysis of interview data, attention is given toward ascertaining the main themes and actors that are crafted during the unfolding of the narrative (Alleyne, 2015; Byrne, 2003). Furthermore, it iden-

tifies what these themes do in the narrative – how they push forward certain ideas or evoke particular feelings and ideas (Reissman, 2008).

When applying the thematic narrative thread to my dataset, the main concern was to look at how actors enacted the new equality paradigm through narrative sense-making, and how this, in turn, shaped their justifications for the new equality paradigm. In terms of how this practically informed the analysis of my particular data set in terms of its peculiarities and specificities, there were three orientating concerns. The first orienting concern was with identifying the major themes exhibited throughout the narratives. Once these themes had been identified, the second orientating concern was to establish the ways in which these emerged and the frequency with which they did. The final orienting concern examined how the themes in each narrative connected to those in the other transcripts, the 'documents' analysed and the broader context of the new equality paradigm.

In terms of addressing the first of the three orientating concerns (identifying the major themes), the major themes were heavily tied to the concepts the practitioners enacted. As would be expected, thematically, all the interview transcripts narrated certain ideas of how to enact legislative and policy change. The themes of how certain ideas came to the fore or how certain practices failed were all heavily linked to enactment. They were shaped by how the narrators enacted ideas of policy, the state, equality and law.

Identifying these themes in accordance with my relational epistemological position had to be performed carefully so as not to fall into substantive modes of analysis and present these themes as discrete analytical units. This would involve creating clear boundaries where one theme began and another end, obscuring and jettisoning the interconnection and relationality of them. This meant that I actively avoided any form of coding.

In order to identify where themes emerge in narrative data, a number of scholars (see Esin, 2011) advocate coding. Using software like NVivo, different categories would then be given to different sections of the text, de-

pending on the theme they were said to exemplify. Although this approach is potentially helpful for generating an organised, easy to analyse set of data, I actively decided not to engage in coding in this way because it would structurally fragment the narrative. By structurally fragment, I mean that it takes us away from looking at how themes emerge throughout the structure. It abstracts the themes from their positioning and ordering and would, in turn, make the structure appear arbitrary rather than integral and interconnected with the meaning of the themes.

Rather than coding, therefore, in line with Pedwell's (2008) emphasis on constitutive connections, I looked at how different themes unfolded throughout the narrative and built into each other in different ways. Instead of separating them out and treating them as discrete elements, I looked at how themes emerged from one another without identifying a space where one clearly ends and another discrete theme begins.

Regarding the second orientating concern (how the themes emerged), this involved, simply put, looking at where the themes seemed to emerge in the narratives, how long it took to get to them and what narrative mechanisms were used to establish them. I did this in a way that was sensitive to the previously mentioned structural composition of the narratives and to (as will be shown below) the performative/dialogic narrative analysis. In order to achieve this, I heuristically used Braun and Clarke's (2006) idea of 'patterned response'. I analysed whether a major theme or actor emerged consistently through the narrative or whether the themes and actors were more sporadic. This use of Braun and Clarke's (2006) work meant that I did not break up the structure of the transcripts, but rather looked at them as a whole, in turn, complementing the structural thread of the analysis.

Finally, regarding the third orientating concern, I was interested in how the themes and ideas could be seen to emerge polyphonically in relation to one another. This involved looking at how the narratives were similar to one another and how different transcripts drew upon the dominant style of narrating and counter style of narration detailed in Chapter One. Furthermore, it

also examined the narratives' relationship to the 'documents' as narrative sites detailed previously in this chapter.

5.3 Performative/dialogical thread

Regarding the performative/dialogic thread, this was heavily assisted by the various elements of the 'descriptive transcription' (Hammersley, 2010) detailed above. This thread involved a close reading of the interview in order to ascertain how the narrative themes and structure were produced through the interviews between the interviewer, the participant and the broader social context (Riesman, 2008). In this analysis of context, the focus is on activation, referring to how the relationships between the interview, interviewee and interview context trigger the enunciation of particular narrative elements (Harphy and Einarsdottir, 2012). This can be in terms of the way questions are asked and how the participant feels about answering them, both in the physical context they are in and in terms of whom they feel they are talking to, amongst a vast array of other factors (Elwood and Martin, 2000).

In terms of the questions asked, this task becomes slightly different from semi-structured interview analysis as the fundamental focus of narrative interviewing is to permit and stimulate free association by the participant. However, as mentioned in the above discussion of the interview techniques, there is no scenario where the interviewer does not shape the interview. Thus, my analytical interest in employing this thread was to understand how the unstructured nature of the interviewing moved the narratives in certain ways. It was not simply just thinking about how the questions moved the narratives, but also how the lack of questions impacted the narratives. This was tied deeply to the structural level and the question of why some practitioners responded to the singular question in more structured, longer ways, while others less so.

In terms of the broader context of the interview, this involved looking at where the interviews took place and the specificities of the place, including,

the broader political climate that shaped the focuses of the interviews, as well as how the interviews were recorded. In terms of the specificities of the physical locations of the interview, the majority of the interviews took place in the offices of the practitioners. Those like Mickecz (2012) argue that that the symbolic nature of these offices as spaces in can steer the narrative toward polyphonically integrating more of a 'public relations' narrative. This public relations narrative denotes the ideas, structure and language of the speeches of spokesperson and the narrative sites of 'documents'.

Other interviews took place in public spaces, such as cafes. There have been numerous authors noting the performative nature of conducting interviews in public spaces. Eliott (2009) notes the potential that others being potentially able to hear the narrative may lead the narrators to restrict their narratives.

Furthermore, given issues of accessibility and certain participants being based overseas, as well as the preferences of particular participants, two interviews had to be conducted through Skype. These interviews were analysed then with attention to how this altered the activation of different narrative elements. In digital interview contexts, the use of body language as a resource in storytelling tends to be diminished (Hydén and Antelius, 2010). This, in turn, shapes how the narratives are presented.

Therefore, a major focus of the permeative analysis was on how the digital research context shaped activation in different ways (Irvine *et al.*, 2012; Novick, 2008). This is particularly the case here, as it has been argued that using devices such as Skype (with the diminished body language and the distance between the participant and the researcher) may affect rapport building (Sturges and Hanarahan, 2004). This is argued, in turn, to shape the structure of the narrative, inducing more limited, shorter responses (Trier-Bieniek, 2012).

In order to practically implement this performative analysis of the physical context (be it in offices, cafes, or digitally), either before (in the cases of

waiting for the participants to start the interview) or immediately after the interview, I wrote into my field notes a potential description of the interview's location in as much detail as possible. This was then used to contextualise how the narratives were understood, thereby allowing activation to be better analytically positioned.

Activation also was caused by the political context, not just the physical. Unsurprisingly, all of the interview narratives were constructed and articulated through examples. They used cases, instances from their own lives and narratives from organisations they used to work at, all to give examples of how equality was seen to exist and how this was challenged through different legislative mechanisms. One of the most interesting performative/dialogical elements was looking at how practitioners chose to use particular examples.

The majority of the interviews took place in 2016 around what has retrospectively been positioned as a particular moment in 'a new populism' (Gifford, 2020), with the UK-EU referendum and the election of Donald Trump as US president. Indeed, one interview was held directly the day after the election of Donald Trump. This led to particular examples being consistently referenced and shaping the narrative accordingly. For example, the interview that occurred the day after the election of Donald Trump consistently used the event in order. In talking about how the new equality paradigm was subjected to the red-tape challenge and edited heavily after the election of the coalition government (see Chapter Eight), one practitioner noted how this situation 'wouldn't get any better'. In expanding on this, they discussed how there was a political climate whereby equality legislation could be seen as more precarious, arguing, in their own words, that 'we only have to look at yesterday'. 'What happened yesterday', became a orientating mechanism throughout the transcript, working to justify different ideas and structure a political context in which equality legislation was argued to be both necessary and under threat. Thus, the broader political context (the 2016 US election) engendered activation in terms of how certain points were exemplified and particular themes were developed.

6. Ethics

To summarise thus far, I have established how my research methods have been guided by the generation of tactical intelligence (Bourdieu, 1990). This includes textual analysis of a number of 'documents' and conducting narrative interviews with policy practitioners. This section explains the procedures taken in order to ensure that the unfolding of these methods meets the standards of ethical practice of the University of Leeds, the British Sociological Association (2002) and ESRC (2012). The research project gained ethical approval and was conducted strictly in line with the guidelines around consent and anonymity approved formally by the University of Leeds ethical committee (ethical approval reference – AREA 15-140).

A core tenet of *Narrating Equality* is elucidating and examining the complexity and heterogeneity of relational politics and how the new equality paradigm is enacted. Moving away from disembodied, depoliticised ideas of policy worlds in the manner proposed in Chapters Two and Three has implications for how ethical practice was understood upon undertaking the fieldwork. In short, to transcend disembodiment and provide an understanding of the relational politics of the equality policy world means that the data recounted is highly sensitive and intertwined with a multiplicity of emotional attachments that need to be recognised explicitly in the design and application of methods.

In order to show how I designed and applied the methods in this way, the first part of this section on ethics will look at the theoretical architecture of my orientation to ethical practice. *Narrating Equality* is situated within a 'feminist communitarian' model of ethics (Christians, 2003; Denzin, 1997). It will argue that this 'feminist communitarian' modal of ethics is important and helpful for allowing us to understand the fundamentally shifting and unpredictable ethical nature of interview practice. In particular, it will help us to recognise the impossibility of being able to fully predict the sensitivity of interview data and the corresponding need to be attuned to potential sensitivity throughout the interview process.

After elucidating what a 'feminist communication' model of ethics entails and its understanding of sensitivity, I will show this leads to a need to re-consider particular established ethical approaches to understanding policy practitioners, particularly through 'elite interviewing' (Ball, 1994; Harvey, 2011; Odendahl and Shaw, 2001; Peabody *et al.,* 1990). Once this theoretical paradigm to ethics has been established and its compatibility with the thesis's relational epistemology has been sketched out on an abstract level, I will then show how this was put into effect on a practical level. This will be shown through a number of procedures, including informed consent, anonymity, flexible agreements on withdrawing from the research and the returning of transcripts to participants prior to analysis.

6.1 Feminist communitarian models of ethics

There is an expansive body of literature (see Birch *et al.*, 2012; Halse and Honey, 2005; Miller and Bell, 2012) that argues that qualitative researchers need to move away from a fixed ethical teleology. By fixed ethical teleology, it is meant that there is a definable set of risks that are identifiable at the beginning of research and that can be addressed through designing and implementing a set of procedures to deal with them once they arise in the fieldwork (Hurdley, 2010). Ethical practice, in this fixed ethical teleology, is located in the form of procedures to be designed at the commencement of the research, whether this be promising anonymity or gaining informed consent. These procedures are undoubtedly important tools, and there should, of course, be rigorous efforts to try to prevent ethical malpractice at the initial design of a study. Indeed, as will be shown below, these procedures were used in this project. However, this all needs to be done carefully to avoid obscuring unseen ethical dilemmas that may emerge throughout the research.

It has been consistently argued that the ethical dimensions of qualitative research are highly volatile (Miller and Bell, 2012). They are characterised by various authors as a 'field of uncertainty' (Kvale and Brinkmann, 2009) or a

'murky quagmire' (Birch and Miller, 2012). This literature astutely and correctly reminds us that we need to avoid ignoring the shifting nature of the research process (Birch *et al.*, 2012) and erasing particular ethical issues that are not clear to the researcher when designing the project (Blee and Currier, 2011). Ethical practice needs to be a concern throughout the process rather than something that is simply drawn up at the design stages (Halse and Honey, 2005; Miller and Bell, 2012). In order to achieve this consistent attention to ethical practice, I turn to feminist communitarian models of ethics.

In feminist communitarian models, ethical practice is positioned and approached as an interpersonal phenomenon (Walker, 1998). To understand ethics as interpersonal phenomena is to understand every element of the interaction between the researcher and the participant (every way the question is asked and responded to) as an ethical event (Denzin, 1997). Rather than comprising a set of procedures to follow, every act performed in the fieldwork context is a contingent accomplishment, needing measurement against an ideal of a responsible participant/researcher relationship (Birch *et al.*, 2012; Edwards and Mauthner, 2012). By the notion of a responsible participant/researcher relationship, it is meant that there needs to be a consistent questioning and re-evaluation of practices in the field rather than assuming this is unnecessary due to a set of ethical procedures designed prior to the research project (Christians, 2003).

Regarding the fieldwork at hand, this consistent questioning of practices and the repeated reference to an idealised participant/research relationship was orientated primarily around issues of sensitivity. I take an established and common understanding of sensitive data as that being anything that constitutes a substantial threat to participants (Bahn and Weatherill 2012; Lee, 1993; Lee and Renzetti, 1993). This can be the recounting of emotional and traumatic events in the narrative (Gilbert, 2000; Kevel, 2021), as well as the disclosure of information that could cause harm after the data is published (Phoenix, 2012).

To understand the sensitivity of the data in a feminist communitarian model means rejecting ideas that we can predict and identify the sensitivity of such data. To think about sensitivity as predictable is problematic in that it denies the positionality of the researcher and the participant. Halse and Honey (2005) astutely identify how predicting what is sensitive in data works on '[t[he presumption of the universalized subject takes for granted that the experiences of the dominant social group can be generalized and taken as true for all others' (Halse and Honey, 2005:2152). In this sense, for me to predict what could or could not be sensitive is problematic because it denies how my understandings and experiences of what could or could not be sensitive are fundamentally shaped by my positionality (Hekman, 1997). Many of the topics and areas that may be traumatic to my participants may be seen and experienced by myself as mundane due to my privileged position as a white, cis, straight middle-class man who, in many circumstances, passes as a non-disabled person.

Translating the feminist communitarian model of ethics into practice, therefore, meant a consistent attentiveness to potential sensitivity as something I could not know at the start of the research but had to be consistently attentive to how it may emerge. Thus, it was attempted that there would be constant, consistently maintained effort through the research to give attention to the potential for data to be sensitive. Doing this meant a rejection of the ideas of 'elite interviewing'.

6.2 Moving beyond seeing practitioners as 'elites' and the practices of 'elite interviewing'

To summarise thus far, I have established a 'feminist communitarian model' of ethics. This involves a set of ethical procedures developed in advance of the fieldwork. However, this is argued fundamentally not to be the culmination of ethical procedures. Rather, an attentiveness to potential shifts will be maintained throughout the research process – especially in relation to the sensitivity of the data. In order to maintain this focus on shifts in the sensitivity of the data, I take up the concerns of a number of authors (see Lan-

caster, 2017; Neal and McLaughlin, 2009; Smith, 2006) who argue that a constant attentiveness to the emotional and sensitive dimensions of interviews (as attended to by feminist communitarian models) is obscured and jettisoned through ideas of 'elite interviewing'.

There is a substantial and extensive body of methods literature that positions the kinds of actors I interviewed as 'elites' (see Ball, 1994; Harvey, 2011; Odendahl and Shaw, 2001; Peabody *et al.,* 1990). Within this literature, elites are broadly understood as a small, identifiable group of actors who monopolise power in policy worlds (Liu *et al.,* 2010); this is notable in sociology (see Mills, 2018) and political science (see Bachrach and Baratz 1962; Laswell, 1958). For a more comprehensive genealogical sketching of elitism as a term, covered in greater depth than can be addressed herein, please see Gaman-Golutvina (2000) and Higley (2010). This literature on interviewing 'elites' details the peculiarities of 'elites' and how interviewing them differs in key ways from researching other groups due to the power that 'elite interviewing scholars' argue these practitioners to have (Richards, 1996).

It is important to think ethically about these ideas of policy practitioners being positioned as elites in qualitative research because it has hermeneutic implications for the data. To look at policy practitioners as elites is to position the interview data constructed between them and the researcher in a very narrow way (Smith, 2006). How practitioners talk, from where they speak and the nature of what they discuss in interviews is, in the 'elite interviewing' paradigm, overly simplified through the potential sensitivity of the data being theoretically jettisoned (Norén-Nilsson and Eng, 2020). As Lancaster (2017) astutely notes, the designation of certain actors as 'elites' relies on a simplified, vertical hierarchical structure of power that is codified through occupational position and capacity. Cochrane (1998) further corroborates these arguments by contending that the overt indicators of power and hierarchy by which theorists define elites can obscure more hidden relations of power. To explore this further, Puwar's (2001, 2004) work offers particularly helpful examples.

Puwar (2001, 2004) artfully shows how the relations of power that Cochrane (1998) describes can be hidden by a focus on overt hierarchical indicators. Puwar's (2001, 2004) study interviewed a number of actors that would normatively be positioned as elites due to their occupational positions – members of parliament and senior civil servants in the UK. However, she focused specifically on black female MPs and senior civil servants. Rather than fit neatly onto the normative hierarchies of elites, the positionality of the participants was made much more complex by the racialised and gendered violence of the policy world studied. The elite hierarchy does not fit in neatly like it is supposed to because the power relations that animate policy worlds are far more complex, contextual and dynamic than the rigid hierarchies proposed in normative models of elites. Thus, the data Puwar's (2001, 2004) participants produced could not be considered 'elite' testimonies in that they reflect the voices of those from unambiguously powerful people. Rather, they were far more sensitive and required specific ethical considerations, such as anonymity (which will be discussed further below). Because of the powerful positions of the elite in 'elite interviewing' literature, the potential for their interview data to be sensitive and the narrator of it to be vulnerable in different ways is jettisoned from the analysis.

In addition to the ideas of 'elite' creating very rigid, linear ideas of power, they also obscure the emotional and vulnerable nature of the interview data through their hyper-focus on the actors as occupying vertical positions of authority. To understand this further, Neal and McLaughlin's (2009) work is very helpful. Neal and McLaughlin (2009) conducted a series of anonymised interviews with commissioners from the Commission on the Future of Multi-Ethnic Britain concerning the creation and publication of the Parekh Report. Rather than simply occupying a powerful position, the commissioners interviewed were considered as much more vulnerable, and their testimonies were imbued with highly emotional and uncomfortable stories and topics. The negative public reaction to the Parekh Report (detailed in Chapter Two) meant that for practitioners, discussing it was steeped in emotional trauma and sensitivity, which meant that the interviews went well beyond just a

simple recounting of practices and events. Rather, the participants were talking about processes that evoked feelings of shame and precarious occupational positions.

Both Puwar's (2001, 2004) and Neal McLaughlin's (2009) research show that it is necessary to move beyond ideas of policy practitioners as elites occupying a particular position in the 'policy hierarchy'. This was heavily corroborated in the findings of my own research, in which there were many instances where this hierarchical elite model was similarly shown to be problematic. The data presented displayed vulnerability in multiple ways. There was a discussion about experiences of oppression, which were argued to be a motivation for many of the practitioners' work and provided inspiration for how to address particular 'policy problems'. At many points, therefore, in narrating the development of embodied knowledge, practitioners discussed experiences of disadvantage, racism or sexism.

To summarise, in order to successfully implement a 'feminist communitarian' model of ethics, we need to transcend ideas of elite interviewing whereby the interview data is receded to expressions of a powerful group made by a spokesperson for that positioned as policy or law, or to a merely technical account of what is happening presented from their 'official positions' (Smith, 2006). To think of them as simply narrating from or for a particular position as a spokesperson is unethical in that it disembodies particularly sensitive information (Lancaster, 2017). It denies the nature of qualitative interviews, as mentioned above, as being emotional events (Gilbert, 2000; Kevel, 2021). Furthermore, ideas of elite interviewing, with its focus on a vertical hierarchy, in some ways mimic the idea of universalised sensitivity (Halse and Honey, 2005) discussed above.

6.3 Informed consent

We have now established the feminist ethical communitarian model of ethics at an abstract theoretical level. Furthermore, it has been established that the idea of interviewing practitioners as elites severely hampers ethical

practice through obscuring and jettisoning a range of vulnerabilities and sensitivities of what practitioners can say and, in turn, the emotional dimensions of saying it. Now that we have established the theoretical foundations for my ethical practice at an abstract level, the question turns to how it was implemented practically during the fieldwork.

Informed consent was obtained from all participants in the study. In part, this was done via the standard practice of signing a consent form, presented in Figure 2 of the appendix. The form was accompanied by an information sheet that informed participants of the nature of the research and all, not simply the probable, of its implications (Homan, 1991). The information sheet is also included in the Appendix.

The information sheet (item Two in appendix) was carefully constructed and written to make it very clear what the aim of the research was to be about. There can be the idea that policy research is simply trying to document what happens – and thus the data participants give can be judged as being true or false, good or bad, etc. It was thus made very clear to the participants what the research was about and how their data would be represented. It was clearly stated that, as mentioned in the preface, *Narrating Equality* is not an evaluative piece of research as such. It does not seek to discover whether the new equality framework has been successful or not in its aims; neither does it look to determine whether or not critiques of it are valid (see Bryson, 2017; Lawson, 2011; Peren *et al.*, 2012). It also does not look at what happened with its implementation in specific contexts (Blackham, 2016; Manthorpe and Moriarty, 2014; Nachmias *et al.*, 2019). It was explained to the practitioners clearly that this meant that the study has significant biographical elements and is fundamentally about the practitioners themselves.

This explanation was judged to be successful in that there was no reluctance to recount large amounts of autobiographical elements in the interviews. Furthermore, when the transcripts were returned to be checked (detailed below), none of the autobiographical data was asked to be removed.

In the particular case of the positions of actors being studied, there may have been issues with the information sheets. There were strains put on the time of the practitioners in terms of their occupational positions (Harvey, 2011). Many of them were extremely busy and, in turn, may have only read the email and not the information sheet in full. Furthermore, the fact that many of these practitioners are frequently asked by researchers to participate in various studies means that they may have a standardised idea of what the information sheet may contain and therefore have not read it with great attention.

In order to protect against these problems, the information sheet was gone through quickly with the practitioners at the start of the interview. This was judged to be somewhat successful in that there were never any concerns raised directly with practitioners before, during or after the interviews that they were not aware that certain practices would be taking place.

In line with the communitarian model of ethics, I was very careful not to reduce informed consent simply to the signing of the consent form. If consent is reduced completely to the form at the beginning of the research, we exclude the potential that actors may no longer wish to partake as the research unfolds (Alfred and Giles, 2012). Thus, consent was ‘ongoing’, asked for and reaffirmed at different points in the research process, a form of ‘ongoing consensual decision making’ (Halse and Honey, 2005). For example, at various points in the interviews where the narratives seemed to be heading into areas where practitioners seemed uncomfortable, I asked if they were ok to continue.

6.4 Avoiding triggering questions

As mentioned above, I rejected the universalised ideas of sensitivity and approached the interviews with an understanding of how my own privilege may limit my capacity to understand or predict how recounting of different events can be traumatic. Thus, what may seem through my positionality as

fairly innocuous can, for others, be a trigger point. This is particularly heightened when talking about processes of discrimination, as certain participants may have been disclosed they had been subject to them.

However, at the same time, care must be taken in formulating overly hasty responses to triggering. It is easy to feel the need to simply want to avoid exposure to these ethical situations. However, at the same time, there have been arguments for the therapeutic nature of interviews and warnings that avoiding discussing particular ideas because of sensitivity may deny a space to understand and negotiate these elements (Seaton, 2008). We need to avoid reductive ideas of sensitivity in which we may spend time avoiding particular issues in such a way that disfranchises participants by disallowing them to give voice to or express fully their own experiences. I thus needed to create a situation whereby I would not directly force practitioners to think about sensitive issues they did not want to discuss, but to also allow them to discuss sensitive issues if they did want to.

In this sense, the free association structure of the interviews was very helpful in addressing this issue. By asking such open-ended questions, the participants were given the space to include narration of how embodied knowledge informed their positionality in the equality policy world. However, by not asking specifically about particular instances or practices, the participants were permitted the discretion to include traumatic and triggering events if they wished, and to elaborate and give voice to them. Although we cannot definitely know that the research did not in some way trigger the participants, there was no visible, explicit trauma enacted in the interviews.

6.5 Anonymising policy actors

As with other research engaging with policy practitioners (see Beamer, 2002; Dwyer and Ellison, 2009; Farquharson, 2005; Fraser *et al.,* 2018; Hudson and Thompson 2011; Horsley *et al.,* 2016; Jones *et al.,* 2017; Lancaster, 2017; Leech 2002b, Wu *et al.*, 2020) and those specifically interviewing those involved specifically with the new equality paradigm (see Hunter

(2018) for research on trans discrimination and the Equality Act 2010), the interview data was anonymised. Anonymising data has long been argued as a necessary measure in qualitative research in order to avoid harming participants through sensitive data (Bahn and Weatherill 2012; Guenther, 2009; Lee, 1993; Lee and Renzetti, 1993). This section details the exact reasons for my decision to anonymise the data, and it addresses the limitations of this anonymity in terms of 'deductive disclosure'.

The most obvious reason for anonymising the data is to avoid the ethical problems of discomfort and emotional duress in terms of discussing sensitive elements. A key component for this is to allow the practitioners to narrate different areas of the policy world without repercussions emerging from it. A number of policy researchers (see Beamer, 2002; Fraser *et al.,* 2018; Hudson and Thompson, 2011; Jones *et al.,* 2017; Leech, 2002 and Wu *et al.*, 2020) have anonymised their own data based on the argument that 'guaranteeing anonymity enabled policy-makers to more freely express their views and to provide information "beyond the official line"' (Signal *et al.*, 2018). This movement 'beyond the official line' can include criticisms of certain institutional practices, disclosure of unrecorded events and criticisms of the actual policies being discussed (Duke, 2002).

It is important to anonymise interview data in this regard given the future implications of such disclosures. For example, Hannah Jones *et al.*'s (2017) argued in their interviewing of policy practitioners involved in immigration policy that many of them were worried about the potential of criticising home office policy they had been involved in, as this may jeopardise their future employment and involvement in the development of that which becomes positioned as policy and law. This was very much the case for the current research, many of whom were still involved in the equality world and (as will be shown throughout the thesis) who disclosed a large amount of such data. Not enacting strict anonymity procedures would either damage the occupational positioning of the actor or lead to very carefully selected narratives (the official line Signal *et al (*2018) discuss) in order to avoid such damage, which would compromise the data set.

Those like Lancaster (2017) have warned about the problems of anonymising policy practitioners' statements in terms of what is termed 'deductive disclosure' (Kaiser, 2012) or 'internal confidentiality' (Tolich, 2004). By this, it is meant that, even though data may be anonymised, there may still be notable traits (such as ways of speaking) or specifically recognisable details (such as the practicalities and details of particular organisations and organisational practices). This was something that was particularly the case with the policy practitioners interviewed, as they had, in some respects, very specific jobs and autobiographies.

Therefore, it was explicitly addressed in the information sheet that this was a possibility and that the promise of anonymity was not absolute. This was then reproduced in the email in case (as mentioned in the above section) practitioners did not read the information sheet fully. It was again clearly flagged when going over the information sheet with the practitioners when actually going through the research with them. They all showed a full understanding of the potential limitations of anonymity in this regard. Furthermore, this was corroborated further by sending the transcripts back to the participants for review, as will be shown below.

6.6 Anonymity and relational webs

It is important to establish the ramifications of anonymity in the context and confines of narrative interview practice. In the literature equivalence of narrative interviewing as creating grounded accounts of lived experience (see Clandinin, 2006). It emphasises the contextual and the importance this has for how actors understand the worlds they navigate through. We have to be careful, however, that this conception of narrative interviews does not lead on to the argument that anonymity and narrative interviewing are contradictory principles. To do so would be problematic as it would take us into substantive analysis. This is the case particularly in two areas.

Firstly, to think of anonymity as ‘compromising’ the grounded nature of interviewing practices depoliticises the nature of that which is narrated. As stated above anonymity allows practitioners to move away from narrative confirming with institutional pressures to echo and reproduce what Signal et al. (2018) term the official line. We can therefore not talk of anonymity as in tension with narrative interviewing as that statement premised on the assumption that narrative interviews providing anonymity would produce the same data as those were practitioners are named (Wu **et al.**, 2020).

Secondly, we have to make a clear ontological point about how this way of taking of narrative interviews and anonymity as in tension directly undermines enacts substantive units of analysis (Emirbayer, 1997). To understand the practice of engaging with data as a project of relational weaving (as argued for in chapter two) has particular implications for how anonymity becomes understood. Instead this reproduces models of ‘dirty realism’ (Clarke ***et al.*** (2015)) (detailed in chapter two). Anonymity would be positioned then as working to uncover a particular ‘true’ set of ideas. In this instance, a lack of anonymity would not ‘ground’ the data - it would not permit the reader to understand more about the data, and inversely anonymity does not mean they understand less. Rather the meaning (as constituted relationally) would be altered rather than expanded (adding new insights alongside substantive, unaltered existing ones).

6.7 Post interview ethics: Returning of transcripts and withdrawing from the research

Ethical practice is not something that is finished after the interview has taken place. Rather, it is necessary to understand the way transcripts are handled as also being ethically important.

After the interviews were fully transcribed, the participants were all offered the opportunity to have the transcripts returned to them prior to being submitted to the narrative analysis discussed above. The practitioners were given full permission to redact any information in the transcripts they wished. This was necessary, given the issues of deductive disclosure mentioned in the previous section. A number of the participants I interviewed actively expressed a concern with deductive disclosure and wanted to edit the narratives to better protect against it.

Because the reasons for editing the transcripts may be emotionally sensitive, it was emphasised when originally detailing these procedures to them that absolutely no explanation was necessary as to why they wished to redact any information.

Returning the transcripts was considered particularly necessary given the nature of narrative free association interviewing. One of the ethical concerns of narrative interviewing, Elliott (2009) notes, is that the unstructured nature of narrative interviews engenders a 'conversational atmosphere'. Elliott (2009) and others argue that allowing the participants to guide the interview through free association allows sensitive things to emerge that they may wish hadn't come up as a result of the interaction feeling more like a conversation than an interview. Thus, after the interview, there may be elements the participants wish they had not disclosed. Therefore, the opportunity to edit transcripts retroactively is necessary.

In addition to the power to control the final text, participants were also given the right to withdraw at any point within three weeks after the interview had taken place. As with the redaction of interview data, it was emphasised to the participant that there was absolutely no need to disclose the reasons for withdrawing, as this could in and of itself be for sensitive reasons. If there were any reason, such as health or business (especially given their occupational positions), which meant three weeks was not enough time to review and think over their participation, it was clearly stated that they could contact me and this timetable would be revised.

7. Conclusion

This chapter has chronologically detailed the methods used within *Narrating Equality*, as well as the difficulties encountered and the necessary adjustments and modifications were undertaken during practical implementation. It has detailed how the first stages involved the establishment of tactical intelligence (Bourdieu, 1990), which was used to identify notable 'documents' and practitioners.

After this tactical intelligence was established, I mobilised this to identify what I meant by 'documents', and information regarding the participants was sketched. This first included an overview of the theoretical underpinnings of my identification of 'documents'. The distinction between text and 'document' as a political relation was identified, and the ways this understanding of this distinction as a political relation informed my selection of 'documents' where detailed.

Following this, I introduced how I analysed the selected 'documents'. It was shown how, initially, this commenced with a purely thematic analysis. However, in turn, this predominantly thematic focus was shown to be inadequate by itself due to its jettisoning of the importance of the structural and dialogical elements of narratives. The thread approach to narrative analysis was thus proposed and shown to minimise the problems that would have occurred with a purely thematic analysis.

After the selection and analysis of 'documents' was elucidated, attention shifted to the interviews. The reason for selecting interviews as a method was justified (in contrast to potential focus groups), and then the narrative interviewing method was introduced. It was stressed that the emphasis was on free association (Hollway and Jefferson, 2000) and understanding interviews as co-constructed events rather than as an abstraction of information.

Finally, the ethical considerations made were detailed, positioning my un-

derstanding of research ethics in a ‘feminist communitarian model’. This ethical framework was shown to emphasise the sensitive nature of the interviews throughout the research project. It was shown how this fits into a rejection of ‘elite interviewing’ and the lack of focus on particular ethical issues engendered by this model of interviewing policy practitioners. This led to several practical steps being taken, including ongoing informed consent, anonymising the data, shaping the way questions were asked in relation to their potential sensitivity and returning transcripts.

The next section begins by presenting the findings of the analysis, detailing the interview data and how practitioners narrate the way they entered equality policy worlds.

Part Two

Part One of *Narrating Equality* endeavoured to introduce the broad idea of the 'new equality paradigm' and the complex configuration of ways that different actors have narrated its history, composition and implications. It detailed the theoretical and methodological tools I developed in order to explore it, along with the disciplinary genealogies of these tools. Part Two of *Narrating Equality* introduces the data gained from the textual analysis and narrative interviews discussed in Chapter Four. Before presenting these chapters, it is important to state clearly how the coming chapters are structured and why the data integrated into them is presented in the specific ways that it is.

The chapters constituting this section are ordered chronologically in relation to how the narratives unfolded in the interviews. When reviewing the transcripts, one of the key observations that emerged that was very interesting was how, despite the focus on free association, the practitioners all structured their narratives in a similar chronology. As will be shown at different points throughout part 2, this is important in relation to how it elucidates dominant narratives of how to make sense within the institutional spaces of the equality policy world.

It is important to study these elements in the chronology they were presented in to allow an appreciation of how the narrative is built and how this narrative building can be shown to reflect a range of power relations within the policy world. As Eliott (2005) astutely argues, a narrative involves the organisation of a 'sequence of events into a whole so that the significance of each event can be understood through its relation to that whole' and thereby becomes a tool for conveying "the meaning of events"' (Elliott, 2005:3). Thus, the place where it begins and how a narrative is structured chronologically shapes how the narrators attempt to enact meaning.

We must first, however, stipulate what is meant by this chronology. This thesis is not presented as a step-by-step process of different stages as if they are discrete and analysable in that way. Neither does it seek to provide a holistic idea of the new equality paradigm and its unfolding. Rather, the following chapters repent a series of sketches of different constitutive links in order to analytically create a relational web (Pedwell, 2008) of different ideas, as discussed in Chapter Two.

The data are integrated into the analysis through direct quotations of the text. Consistent with the analytical frameworks and detailed in Chapter Four, and following those like Newman (2012b), I use as little paraphrasing as possible. Although there are general themes that emerged throughout that are discussed in a paraphrasing manner, I avoid doing this as much as possible when discussing specific practitioners' narratives, as this implies that the specific choice and order of the words and the way they are said is arbitrary. Rather, as argued in Chapter Four and contended throughout the thesis, how the narratives are structured and the language used are indicative of a range of different power relations in the equality policy world.

In terms of the way the quotations are presented, I refer to each participant by number so that the reader can have a continued sense of who is saying what.

Chapter Five - Narrative commencement: Encountering and stumbling into the equality policy world

1. **Introduction**

As detailed in Chapter Two, an orientating focus of *Narrating Equality* is to disrupt and challenge disembodied conceptions of that which becomes positioned as policy and law. One of the main mechanisms through which this disruption is achieved is through acknowledging the presence and political implications of embodied knowledge (Freeman and Sturdy, 2015). This chapter contributes to this project by examining how embodied knowledge is narrated as being formed by the practitioners through looking at how they commenced their narratives.

The first section introduces theoretical work on narrative commencement and its importance to *Narrating Equality.* Drawing upon Molly Andrews' (2014) and Edward Said's (2003) observations, it will be argued that we need to understand the political nature of narrative beginnings. It will be demonstrated that, in the practitioners' narratives, these beginnings are characterised by what I will term an *ethical orientation*. This ethical orientation will be shown to be enacted through different kinds of language (equality, social justice, etc.) that are polyphonically linked to other narratives present in the equality policy world. It will be shown that the relationship of the narratives to the language used in related 'documents' works to establish an ambivalent and complex relationship to those 'documents', which, in turn, thematically shapes the unfolding of the subsequent narratives.

In exploring narrative commencements in this way, it will be shown that the participants' narratives all, in some manner, approximate what Taft (2017) astutely identifies as 'becoming activist narratives'. I will then introduce a working definition of activism and show how it unfolds through what Andrews (2017) calls a habit of responding. It will be shown that the practitioners narrate this habit of responding through their educational and early occupational

choices. In both instances (educational and occupational), it will be shown that the practitioners position themselves as being part of what I will heuristically term an *emergent body of thought.*

The next section describes the encountering of that which is positioned as policy and law. By encountering, I mean the points in the practitioners' narratives where they first identified an understanding of that which is positioned as equality policy and law and the equality policy world associated with it. This will be shown to not be a descriptive practice. It is not referentially narrating when they became aware of anti-discrimination as an object. Rather, encountering enacts an idea of that which is positioned as equality policy and law, and, in turn, also enacts a particular idea of the equality policy world.

The final section looks at how practitioners narrate (and, in turn, enact) an initial entry into the equality policy world. It will be shown that this was consistently narrated by all the practitioners as being, to different extents, somewhat 'unplanned'. In order to understand this, I introduce the idea of 'stumbling'. While the term itself is only articulated explicitly by one practitioner, 'stumbling' is used as an idea to describe the way they narrate their occupational positions as unplanned and unexpected, but still organically flowing from their ethical orientation.

2. Relational narrative commencement and the selectivity of 'beginnings'

As detailed in the previous chapter, *Narrating Equality* employed a narrative interview design. This method centred on deliberately crafting broad main questions that asked participants to speak about their involvement in the issues of the research. 'Involvement' and 'issues' were deliberately undefined in order to permit insights into how the participants constructed and narratively made sense of the equality policy world and the new equality paradigm.

To practice interviewing in this manner (and, in turn, to understand the data in this way) means paying attention to how practitioners commence their narratives. As narrative scholar Molly Andrews (2014) observes, beginnings are strategic in how they shape the rest of the narrative. The choice to begin a narrative somewhere always has to be seen as a decision not to start somewhere else. Edward Said (2003) astutely and seminally corroborates this importance of commencement in this sense by arguing that '[t]he idea of beginning, indeed the act of beginning, necessarily involves an act of delimitation by which something is cut out of a great mass of material, separated from the mass, and made to stand for, as well as be, a starting point, a beginning' (Said, 2003:16).

Analysing the beginning of narratives as a strategic delimitation in this way includes all three threads of narrative analysis elucidated in Chapter Four. Obviously, the act of organising a narrative to commence at a particular juncture is structurally important. Intertwined with this is how this structuring allows certain themes (what I will term below an ethical orientation to equality) to anchor and contextualise the narratives as they unfold. Furthermore, as will be shown below, the choice of where to begin and the words used to describe this are polyphonically important and has in turn a performative importance.

What is interesting about the way the practitioners began their narratives (as a strategic act of delimitation discussed by Andrews (2014) and Said (2003)) is that they all chose to commence the narrative well before any kind of official occupational positioning, whether this be as a lawyer, as a policy manager or an advising academic. They did this somewhat by establishing what can heuristically be described as the development of an ethical orientation. By ethical orientation, I mean an idealised preference of how to act and think in order to produce particular social relations (more equal or 'just') while relatedly challenging, avoiding or dismantling others (relations of disadvantage, oppression and violence). I use the term *orientation* specifically. Those like Newman (2012b) use the term *commitment* to reference similar practices. However, commitment implies an actual active and explicit at-

tachment to a set of ideals. Orientation covers this explicit attachment, but also allows us to look at how things are narrated by the practitioners as being less deliberate.

Echoing studies like Andrew's (2017) and Taft's (2017), for the majority of practitioners, the commitment to 'equality/social justice' developed from their positionality. Their involvement in equality was narrated as a desire to stop prejudices that they had personally experienced or that could affect both themselves and those oppressed on the same basis:

> From a child, I was interested in the whole idea of fairness. I mean, I'm black Caribbean, and my father was very political. So, I was aware of the whole issue about fairness and rights. And then I became interested in it intellectually (Practitioner One).

Others talked about how their interest was aroused not through the oppression they themselves faced through their positionality, but rather because of an ethical orientation and commitment to alleviating the oppression of others.

This ethical orientation was seen to be the anchoring point for future practices, occupations and orientations. This is important, as this was always explicitly positioned as something interested in *before* undertaking or taking up any official position (be it in certain commissions, or in particular advisory capacities). As will be illustrated throughout the coming chapters, this ethical orientation is used to elucidate how the activities they performed in their occupational positions were not simply undertaken in order to meet the requirements of their jobs; these were narrated as being greater than their occupational tasks and positions. However, at the same time, those occupational tasks and positions (and the powers and authority that company it) were considered important to achieving the desires and goals flowing from this ethical orientation.

It is important to situate and contextualise the development of these ethical orientations spatially and temporally. The practitioners also loosely de-

scribed the ethical orientations beginning, in the exact words of one practitioner, 'in their youth'. For the majority of practitioners, this broadly denoted a historical juncture in 1960s and 1970s Britain. This is important given the specificity of the political framings of equality and anti-discrimination. This particular juncture has been consistently argued to symbolise and typify the development of the 'New Left' (Lin, 1993; Newman, 2012b). This involves the development of anti-racism (see Bonett, 2005) and 'second wave' feminism (Thornham, 2004), and includes influences from the US civil rights movement and the beginnings of the gay rights movements in Britain (Smith and Leeworthy, 2016).

While never using the exact phrase, all the practitioners narratively positioned themselves as being somewhat involved, through their ethical orientations, in this New Left. The practitioners either discussed direct engagement in these movements or how these movements shaped them politically:

> I came of age, so to speak in the 60s, and, erm, there was a mood around equality and social justice. You know things happening in America and civil rights, and then coming over here later (Practitioner Thirteen).

What was interesting about the narratives is the language that practitioners used to describe the ethical orientation that was generated at this specific juncture and how this language relates to the language used during that particular historical moment. This ethical commitment was interestingly denoted by a number of different terms. The significant majority of the narratives talked about this commitment as being towards 'equality'. A smaller number used the term *social justice*, one practitioner used the term *human rights,* and one practitioner used the term *equality and fairness.*

Two things were greatly interesting about this. First, none of the practitioners described this ethical orientation using what can be thought of as 'reactive' language. By reactive language, I mean several phrases to describe a position against something, be it anti-discrimination or anti-racism. They always phrased their orientation as arising in order to create something

(equality or social justice). This distinction is interesting and important. As discussed in Chapter One, the dominant style of narration presented the new equality paradigm as unique and transformative through its focus on moving away from the simple prevention of discrimination, symbolised through positive equality duties (Fredman, 2011; Halford, 2009). It is intriguing, therefore, that proactive language is used to describe an ethical orientation that developed at a time when that positioned as anti-discrimination law and policy was argued to be reactive.

Polyphonically, in some way then, the narratives are consistent with the narrative of the new equality regime and the ideas of promotion deeply embedded within it. Therefore, as an initial observation, we can see how the practitioners positioned their thinking as being in some way consistently aligned, always with the new equality paradigm. They crafted the narrative in such a way that showed their work as being not simply about tackling discrimination (which was the dominant pattern at the time), but rather as instigating equality. As will be shown later in the thesis, this is particularly interesting, as many of the practitioners, at different points, described working on or advising on what is positioned as 'anti-discrimination'; none of the practitioners framed their initial orientation in relation to anti-discrimination.

The second point of note is that, although reactive language was not used, the language to denote the futures they wanted to move toward was inconsistent. Although, as mentioned above, they started talking about either 'equality' or 'social justice', throughout the narratives, they switched the use of the terms without the ideas denoted by the terms changing greatly in meaning. Furthermore, several practitioners, at certain points during the narratives, began using 'social justice and equality' as a phrase. Notably, they did not use the terms *social justice* or *equality* specifically as if the words had distinct meanings separate from one another, as detailed by authors like Hawkins *et al.* (2001) and Chizhik and Chizhik (2002).

This is important, given the extensive political contestation around the terms equality and social justice. Both social justice and equality have been

used academically and politically to denote different political projects (Thompson, 2016). Some use them as umbrella terms for any attempts to alleviate disparity (see Piachaud, 2008), whereas others define them specifically as being contrary to other frameworks, for example, diversity (see Tomlinson and Schwabenland, 2010). Others have charted the development of the idea of social justice as being embodied within different social movements and the policy bodies with which they interact (see Nancy Fraser's (2009) seminal and comprehensive work for an example of this). This is polyphonically interesting, as it shows an alignment with intellectual thinking in that the terms are not necessarily descriptive or rigidly separate.

Furthermore, it is not just in terms of academic texts that there is interest in these words' polyphonic relationship. The fact that social justice and equality were used interchangeably by the participants shows less of an alignment with the major 'documents' and the narratives of those 'documents'. Social justice and conceptions of it have been analysed in post-1997 government discourses in different ways (see Kenny, 2007), but the language describing the new equality paradigm tended to avoid social justice. This avoidance has also been linked, in the dominant style of narration, with the move away from the Commission of Social Justice (CSJ) (Burchandt and Craig, 2008; Erskine, 1995; Haddon, 2012) discussed in Chapter Two. The DLR consultation document at one point used the term social justice in an offhand fashion (see DCLG, 2007), but it was not a main concept in the 'document' in the way that equality was.

While this seems trivial and unimportant, it is necessary to explore, since the ways in which practitioners use the terminology of the 'documents' is not arbitrary. Rather, it elucidates a complex set of dynamic relations they have to the 'documents' as narrative sites. It shows the extent to which they relate to the 'documents', or how they may explicitly disagree with the 'documents' in certain areas. As will be further analysed throughout the thesis, it can show the authority these 'documents' have in equality policy worlds through the extent to which practitioners consistently and inconsistently narrate in relation to the narratives present in the 'documents'. In

short, the language through which the ethical orientation is described elucidates that the practitioners neither simply regurgitate the ideas of the dominant style of narration, nor do they reject them. Rather, from the start of the narratives, a more complex set of relations to these 'documents' is established, which is importantly echoed and built upon throughout the narratives.

2.1 Ethical orientations as activism

To summarise thus far, I have established this ethical orientation and its development as being situated broadly within the emergence of the New Left. Furthermore, I have shown that the way this orientation is narrated elucidates and exhibits a complex range of relations that practitioners have toward the relevant 'documents'. In this section, I endeavour to look at how, in the narratives, this ethical orientation is thematically presented as informing practice. I argue that the answer to this question is through activism.

I take here a broad definition of activism as 'efforts to promote social change and improve the status of a marginalised group as a whole' (De Lemus and Stroebe, 2015:156). De Lemus and Stroebe's (2015) definition is helpful in that it allows us to understand activism as involving more than the normative confinements of street protest (Andrews, 2017). Activism can occur in a multiplicity of spaces (Kumasi, 2015; Naples, 2010; Thompson, 2015), including (as will be detailed much further in Chapter Six) working within what is positioned as the 'state' (Newman, 2012b).

In the narratives, many practitioners actively termed themselves as activists or being involved in activism:

> Well originally, I got interested and involved as an activist as a young person. And I was a young, a teenager and a young adult. I suppose probably originally through my own experience as a disabled person and the son of immigrants (Practitioner Two).

In this way, we can begin to think of the practitioners as telling 'becoming activist' narratives (Taft, 2017). As Taft (2017) argues, these stories are not just about establishing a route into activist practice. Rather, it is on the work to enact the meaning of that constituting activism and the activist through delineating the sites at which activism can be seen to unfold. This is vitally important. As will be shown throughout the thesis, but in Chapter Six particularly, this understanding of activism is particularly helpful in transcending and problematising reductive ideas of those 'in the state' and activists as distinct groups (Newman, 2012b). The practitioners narrate their own ethical orientation and 'becoming activist' stories in a way whereby it is seen as occurring across a number of sites.

It is important to say that activism is not just expressed through engaging in particular protests or mobilisation. I follow Newman's (2012b) notes in her study with feminist activists regarding her own participants' activism, where she looked at 'how politics was lived and practiced across a range of struggles' (Newman, 2012b:5). In this way, activism is not simply certain particular acts, but a long-term expression of the ethical orientation. The practitioner's ethical orientation animates their activism.

In telling these 'becoming activist narratives', the practitioners began to note particular choices being made in relation to their activism. Unsurprisingly, and as noted also by Guest (2016) in her narrative research with feminist activists, as well as Newman's (2012b) ethnography with feminist policy practitioners, higher education was repeatedly located as a space in which activist orientations are shaped further. For example:

> And then after, as I qualified as a lawyer. In fact, I chose, my first degree wasn't in law, but I chose to qualify as a lawyer because I saw that as a route to effecting change. So, an extension of my interest in political change and activism. And as I qualified as a lawyer, fairly soon, well after a couple of years as you have to train and then get experience in a number of areas. I sort of did, I became a specialist equality lawyer (Practitioner Two).

What is interesting is how the choices to study and learn about certain things in higher education flow from the ethical orientation discussed above. To understand this flowing, I argue that we can observe a habit of responding. By *habit of responding*, Andrews (2017) refers to an identification with an ethical idea that is repeated through a number of actions to the extent that it becomes a habitual way of responding and something that is positioned by actors as being integral to their idea of self. This is not to say that this responding is static. Rather, understanding it relationally, it is altered and changed over time.

Thinking of a habit of responding in this way is very important, as it allows us to appreciate how the ethical orientation expressed through activism animates choices about what degrees to undertake and fields to enter into:

> So, in my first degree, I did what was called civil liberties, which was what it was called at the time. As much as there was any human rights being studied, it was called civil liberties. My first degree. Then I went and did a master's, the only place that was doing the study of human rights to really a good extent was the Institute of Education. Which was a real irony, as in theory it was an education degree, but it was called education and human rights. So, I studied it there, at my first masters, and erm, intellectually I found the whole thing just fascinating. Erm, and, so when I started doing work, I was heading toward any field that fell into my idea of rights, so employment, education, public law. How to try and help people enforce their rights. Erm, and low pay, social justice issues (Practitioner One).

What is important and interesting in this practitioner's narrative, which is a theme that emerged across the transcripts, is the way that the habit of responding led to an engagement with an emerging field. By *emerging field*, I mean a set of ideas positioned by the narrators as innovative, growing, but not fully established in a particular site (the site in this case being academia). This emergence was particularly tied to the historical juncture at which they were studying. Whereas the ethical orientations were seen to develop in the 1960s and 1970s, the practitioners entered and engaged in higher education in the 1970s and early 1980s.

This historical period was narrated as being significant in terms of the establishment of a number of emerging fields. For example, it was a time when key figures like Bob Hepple were teaching and researching law in British universities (Dingle and Bates, 2015). Other practitioners noted that contemporaneously to the emergence of figures such as Hepple was the emergence of particular ideas in the British Academy at the time, as well as resistance to it – for example, women's studies (Pereira, 2017).

All these practitioners discussed, through the habit of responding, a navigation through the field of academia to find different courses and thinkers. Some took this even further, becoming academics in order to expand and bring forward these developing ideas through staying within the academy after undergraduate degrees.

> Yeah, so, I, erm, have always done research on employment law, on anti-discrimination law. And I was one of the early academics who developed the first undergraduate course on discrimination law. And then treated discrimination law not just as a subset of employment law. You know, treated it as a *sui generis* form of research in itself, in a disciplinary sense. And have been teaching that course for a long time. And my first book was on discrimination law. A lot of my early research was on discrimination law. And so, I built up an expertise on it (Practitioner three).

However, for those who did become academics, narrating themselves as engaged in and working to animate the newly emerging fields was not narrated as being tied to a particular bounded site. For example:

> Erm, I, my first post, professional job over in London, was two years, 1999-2001, working for [anonymised name], who, as you know, was very instrumental in the framing of the original equality legislation in the 1970s, and has been active ever since. And because of my work, I formed fairly close links with, erm, various NGOs, and the bodies subsequently merged, the equality bodies subsequently merged into the Equality and Human Rights Commission. Erm, subsequently then as an

> academic here in [institution anonymised], as a lecturer in [institution anonymised], I was sort of involved in writing and commenting on the development of discrimination law. Erm, and, in particular, I was quite heavily involved in the legislative discussions leading up to the 2006 Act that established the Equality and Human Rights Commission. And made some other adjustments to, erm, anti-discrimination law (Practitioner four).

Practitioner four shows us how this emerging field cannot be understood as linked to a particular set of sites (for example, being somehow confined to the academy). Rather, they narrate how the association with an important figure (in a job outside of the academy after a PhD) allowed insights that allowed them to then take their thinking back into the academy and then work to create linkages between different sites.

In short, all these practitioners discussed their presence in higher education at a time when these ideas were emerging but not fully established or 'mainstream' in the academy. They were thus finding routes through it as undergraduates and master's students, and some of them then expanding upon and taking these ideas further as academics themselves.

Now that we have established how the habit of responding was established in line with an ethical orientation, the question becomes what they responded to. How did this ethical orientation and habit of responding animate the choices and practices after education for the practitioners who did not stay in what they positioned as academia?

3. Responding through the law: the trope of cause lawyering and *pro bono* work

All of the practitioners who did not stay in academia to do postgraduate courses held law degrees and then (at various points, for various lengths of time) worked as practising lawyers. When narrating their initial occupations after gaining law degrees, a consistent idea emerged and re-emerged: the

trope of law centres or working on pro bono equality or discrimination cases:

> Well, I've worked in that area for pretty much, well the whole of my career. I worked in a law centre for a couple of years at the very beginning. And did a lot of race discrimination work. I was in an area with a large black population and also a lot of social disadvantages. So, I became involved in that way. And found it interesting, and really continued right from the outset. So, I've been doing it for twenty-five years, or thereabout (Practitioner Eleven).

> And I first started in law centres, working in those areas. And everything I did enhanced my feeling that, erm, there was a real issue about rights and that's where I should be and I could try and help people (Practitioner One).

In the UK, law centres emerged in the 1970s, aspiring to advocate on behalf of those without financial means (Law Centres Network, 2012). The place and positioning of law centres at the time the practitioners discussed is of great importance. Inspired by the US legal infrastructure, law centres were not simply about providing legal services to those financially or socially unable to acquire it through the private market (Mayo *et al.*, 2015). Rather, they have been consistently argued to have had a broader political purpose; there was a social component of law centres pursuing class actions or taking up test cases in the name of challenging injustices (Johnson, 1999).

These ideas of the law centres as offering something greater than simply providing a service (and instead pushing through new ideas about the capacity of law) was a theme that consistently emerged in the practitioners' narratives. For example, one practitioner narrated how they were involved in the beginning stages of a judicial review during their work at law centres:

> Because I was interested in the whole development of public law and administrative law. So, for instance when I was in a law centre, when judicial review was in its infancy, I was a major bringer of judicial review

> in the courts, in the high court. And erm, then I wanted, erm, so I wanted to do more rights-based stuff, purely rights-based stuff (Practitioner One).

This broader political purpose is important here. As with the educational alignments discussed above, these practitioners, through law centres, positioned themselves as being part of an emergent intellectual and political current. This is important, as positioning as part of an emergent body of thought through law centres, furthermore, also constructed how policy practitioners enacted ideas of the law and the equality policy world. To understand this, we need to look at how they narrated themselves as falling within a particular legal tradition that extended from their ethical orientation – that is the figure of the cause lawyer (Sarat and Stuart 1998).

Thematically, here, we can identify (heuristically) a figure emerging across the practitioner's interviews that approximates what has been termed the *cause lawyer* (Boukalas, 2013; Munger, 2015; Sarat and Stuart, 1998). Initially coined by Sarat and Stuart (1998), cause lawyers situate their values and occupational practice in relation to that which is socially beneficial. This social benefit is contrasted with goals drawn by other parties that serve independently from their set of values, such as clients (Marshall and Hale, 2014).

4. Encountering and stumbling into the equality policy world

To summarise thus far, we have identified how the practitioners' narratives are structured to begin with an ethical orientation that thematically established how decisions were made through a *habit of responding* (Andrews, 2017). This section looks at how, during this movement through academia and law centres (animated by a habit of responding), we can observe what I will term an *encountering* of policy worlds and that which becomes positioned as policy and law. Encountering is used here to illuminate the ways they became aware of that which is positioned as policy without reifying policy as an object (Clarke *et al.*, 2015). Furthermore, encountering allows

us to maintain theoretical consistency with the idea of the policy world as spatially and temporally unbounded, as discussed in Chapter Three.

This section then proceeds to discuss how, after this initial encountering and the understanding of that which is positioned as anti-discrimination policy and law, the practitioners noted what I describe as a 'stumbling' into what they narrated as 'official' positions working on that which is positioned as policy and law. 'Stumbling' is used metaphorically to elucidate how these positions were located thematically in the narratives as being unplanned. These occupational positions were narrated as never being a goal in and of themselves, but rather as a mechanism to forward their ethical orientation.

4.1 Encountering the anti-discrimination and the equality policy world

All the practitioners narrated a moment where they (in the worlds of one practitioner) 'found out' about that which is positioned as anti-discrimination policy and law, and how they initially began to enact links between it and their ethical orientations. By links, I mean how they began initially to understand how that which is positioned as policy and law aligned with their ethical orientations and could be used to further these ethical orientations. I term this moment encountering. In line with my relational epistemological position, it must be stressed that this did not mean that the practitioners encountered the policy world as a substantive bounded entity. Rather, they narrated an encounter that, in turn, shaped how they understood and enacted ideas of the anti-discrimination and equality policy world.

It is important to recognise encountering, as it provides a space for enacting what policy and law are and, in turn, provides the foundations upon which future enactments are shaped and contested. Encountering as a theoretical tool allows us to understand the enactments of the equality policy world before the practitioners positioned themselves as becoming involved in it.

The sites of this encountering were diverse. Unsurprisingly, the initial encountering of anti-discrimination law came in the educational contexts discussed above. It was taught to them through different university courses. They narrated themselves as becoming involved in different debates, especially in terms of the emergent academic and intellectual fields in which they positioned themselves.

But it was not simply that this encountering occurred in terms of being exposed to new ideas. Many cited the problems of anti-discrimination as experiential – as experiencing the problems themselves. For example:

> Well, I was in law centres for a while. And you experienced it a lot, with the amount of time, you know, spent through engaging with all these things and the trying to explain it all to clients, which was even more complicated. You felt it, you know….. And it came up talking with lawyers. And you know, we were thinking about how this could be simpler and things, you know. And you start to think about solutions to these kinds of things…… So, there was a lot of thinking and discussion before I 'officially' was invited to advise on this (Practitioner Fourteen).

It was through working at the law centre that they started to encounter that which is positioned as anti-discrimination law as bureaucratically complex. We can observe, therefore, encountering in this sense generated embodied knowledge. This is vitally important, since the way encountering engenders embodied knowledge in this way reminds us of the need to move away from understanding 'policy as an object' (Clarke *et al.*, 2015), which can be said to start being 'made' at a particular point. This is particularly the case when Practitioner Fourteen talks of 'officially' being invited to advise on the new equality paradigm. This, in turn, implies an 'unofficial' moment. We cannot neatly point to where ideas of a policy are initially generated – what would normatively be described as agenda setting (Birkland, 2007). Rather, the ideas that inform that which becomes positioned as policy can be located as emerging through a range of experiences and encounters.

4.2 From encountering to stumbling

After narrating the encountering of that positioned as anti-discrimination policy and law, the practitioners all discussed a moment where they 'moved into it' (the policy world). It is important to carefully identify what is being discussed when talking of 'moving into' – what exactly the practitioners enacted when discussing the 'policy world'.

Chapter Three introduced the idea of a policy world as a constellation of different sites, actors and powers that can never be fully known in terms of its spatial or temporal boundaries (Shore and Wright, 2011). I discussed the idea of how different narratives enact an idea of an anti-discrimination policy world and equality policy world not as two definable and delineated spaces. Rather, the anti-discrimination policy world and the equality policy world are relationally defined sites that are multiply enacted in different ways through different practices of narrative sense-making. The practitioners, at this point in their narratives, worked to enact the idea of an anti-discrimination policy world and an equality policy world in different ways by describing how, in their own words, they entered into it.

The majority of the practitioners discussed moving into the anti-discrimination policy world, and then they experienced the transforming (in their words) of this into the equality policy world. A smaller number positioned themselves as moving into the 'equality policy world'. The differences in the way in which the practitioners narrated entering the anti-discrimination policy world to the equality policy world will be elaborated further in Chapter Six. However, at the moment, my concern is with how the practitioners all narrated entering both policy worlds in the same way.

When initially thinking of the research, I thought that many of the narratives would be of negotiation. I thought they would be engaged with different struggles in order to 'enter' the equality policy world and obtain and mobilise the authority it affords. Rather, the participants all discussed something far less strategic. Consider, for example, the way in which the following

practitioner described their movement ‘into’ the equality policy world in an unstrategic, unplanned way:

> So, I had been working in law centres and around issues mainly concerning race relations stuff, you know. And then I was writing things on that and involved tangentially in different campaigns, and this was when things like the New Cross fire marches were happening. So I was always working and campaigning in this area and then was asked to consult on the race relations legislation and then what it got tumbled into as equality legislation. It wasn’t ever a conscious goal, erm I … I kind of stumbled into it, you know, it just seemed to align at the right time with what I was interested in (Practitioner Thirteen).

The idea of stumbling is used, as this was the opening that came along that coincided with the political goals. It was not the goal in and of itself to be in such a position. This worked to position their understanding of their occupational positions in relation to their ethical orientation. The occupational position was not the goal in and of itself, but rather a mechanism to achieve this ethical orientation. The other practitioners interviewed did not use the explicit language of ‘stumbling’, but all narrated a similar trajectory. For example:

> Ok, yes, so erm, the, this is going back to when I was an undergraduate student in Cambridge. So, when I did my LLM, I loved to work for [anonymised name], as an intern for his Odysseus Trust. And at that point, that was when they first, he was involved in looking through the potential for equality legislation. So, this was 1998. We just had a Labour government had come into power. So, there was potential for reform of equality legislation. And at that point, he was involved in trying to set up this project. So, I worked for him over the summer, and then I had another job in between. But when they got funding for this particular project, erm, his office kind of contacted me saying, would I be interested working with them on this piece of research. This was the independent review in Cambridge. So I went for the interview, and started working, as a research associate, on the independent review of anti-discrimination legislation. So that was my first sort of contact in becoming involved in that area (Practitioner Ten).

The idea of being contacted shows that there was less of a deliberate attempt to move into the equality policy world and be aligned with the state. Rather, it elucidates how the practitioner moved into spaces guided almost organically by their ethical orientation, but never actively sought out these positions.

It is vitally important to understand 'stumbling' in this way, as it allows us to understand the orientation of the practitioners – about what they think that which is positioned as policy and law should, could and can do. It highlights a relationship to their shifting positionality within the anti-discrimination and equality policy worlds. As will be shown throughout the thesis, it illustrates how they understand the purpose, potential and limitations of their occupational positions – these positions were not something they wanted to attain and achieve in and of themselves. Rather, these occupational positions worked as mechanisms to enact and solidify the practitioners' own ethical orientations. Later on in the thesis, this will be shown to lead to attempts to circumvent particular institutional narratives in order to attain these ethical orientations. For example, Chapter Seven illustrates this to be the case in terms of how practitioners narrated the 'protected characteristic' framework of the 2010 Equality Act.

5. Conclusion

This chapter has looked at how practitioners narratively made sense of their journeys into what they constructed as the anti-discrimination and the subsequent equality policy world. The chapter started by emphasising the vital importance of narrative commencement as a strategic device that works to structurally compose narratives so that the themes emerging are seen in particular ways. In the narratives in question (those of the interviewed practitioners), the structural composition situated an ethical orientation at the beginning of the narratives that informed how the themes of the narratives were conveyed.

It has been argued that this ethical orientation can be seen as animating various forms of activism that lead to what Andrews (2017) astutely terms a 'habit of responding'. This conception of activism was situated as challenging normative and reductive conceptions of it to protest (Newman, 2012b). Rather, in the interviews, it was shown how this habit of responding led to particular decisions regarding educational choice and early career choice (for example, in terms of law centres). It was argued that both in terms of higher education and law centres, the practitioners positioned themselves as being tied into an emergent field that was not fully established but which gradually accrued greater political influence.

It was then argued that practitioners, at various points, 'encountered' what they constructed as the policy world. The concept of encountering was introduced to describe a particular moment where practitioners did not become aware of the anti-discrimination framework as an 'out there' phenomenon, but rather began to construct ideas of it and the key actors, powers and spaces that constitute it. This encountering was shown to be both a result of learning about what they positioned as 'problems' through education, as well as through working in particular areas (such as law centres) and experiencing these 'problems' directly.

Finally, it was elucidated and demonstrated how practitioners narrated what they positioned as their entrance into the 'equality policy world' (as they constructed it) through what I termed 'stumbling'. 'Stumbling' involves using a range of narrative mechanisms to position it as an unplanned but organic development of their ethical orientation.

It must be stressed that this is not simply a biographical context. Rather, as will be emphasised throughout the thesis, we need to understand ethical orientations. Looking at ethical orientations provides an understanding of how actors engage with and enact that which is positioned as policy and law. Now that this chapter has traced the way the practitioners narrated 'stumbling' into particular positions through a habit of responding stemming from their ethical orientation, the next chapter looks at how the practitioners

narrated the ‘anti-discrimination policy world’ and then the ‘equality policy world’ after they, in their own words, ‘entered it’.

Chapter Six
Making narrative sense of the equality paradigm and enacting the coherence of the equality policy world

1. Introduction

Chapter Five elucidated and established how the practitioners narrated their involvement in the new equality paradigm as commencing with enactments of encountering and stumbling, both of which were animated by ethical orientations. It was argued that the placement of these ethical orientations at the commencement of the narratives worked thematically to frame the practitioners' accounts. This framing was shown to operate through the theme of what Andrews (2017) terms a 'habit of responding'. This 'habit of responding' was shown to lead, at different historical junctures, to a point where each practitioner narrated an encountering of that which is positioned as anti-discrimination policy and law. In the words of Practitioner Fourteen, this encountering was the point where they 'unofficially' began working on that which is positioned as policy and law. After this encountering, it was shown that each practitioner at some point subsequently described a subsequent 'stumbling' into the policy world, be it the equality or anti-discrimination world.

Whereas the last chapter explored these 'unofficial' moments (to again use Practitioner Fourteen's language), this chapter explores what the practitioners narrated as the 'official' something – the labour they performed after stumbling into the policy world. It looks at how the habit of responding was employed within the power dynamics of the policy worlds they navigated. This line of enquiry expands on the ambiguous relationship the practitioners have to the 'documents', as mentioned in Chapter Five (in terms of how the phrases equality and social justice are used).

In talking about institutional bodies concerned with equality, Newman (2012b) notes how 'such work is often viewed through a binary system of thought in which narratives celebrating individual agency are set against

narratives of incorporation and professionalization' (Newman, 2012:131). This chapter (as well as those after it) follows a number of other works (see Hunter, 2015) in attempting to disrupt such reductive dualistic accounts. In doing this, I attempt to provide a more nuanced understanding of these processes, moving away from simply looking at the practitioners as regurgitating or acting upon institutional discourses and objectives. Rather, it looks at how the habit of responding identified in the previous chapter works to inform particular decisions. However, this chapter also argues that this habit of responding is constrained and enabled in different ways by the institutional spaces through which these actors negotiate and move. In looking at this, I follow others in examining how 'individual policy practitioners reflect on the structural power relations within which they function, and find ways, within this, to manage their commitments to principles' (Jones, 2014:15).

The first section looks at how, after stumbling into the equality policy world, practitioners were engaged in various practices of narrative sense-making detailed in Chapter Two. It will be argued that we can heuristically identify two broad cohorts of practitioners. The first includes those who narrate themselves as being involved in the 2006 Act and the 2010 Act, and the second cohort is those positioning themselves as only involved in the 2010 Act. All of those in the second category narrated themselves as becoming involved in the equality policy world later than those in the first category. Those involved in the 2006 and 2010 Act initially narrated themselves as stumbling into the anti-discrimination policy world and then witnessing it transform into the equality policy world around them.

The section will continue to argue that, as briefly elucidated in Chapter One, there is a dominant style of narration in which the new equality paradigm is positioned as correcting many problems that were exhibited in the previous 'anti-discrimination framework'. It will show how the practitioners polyphonically integrate these problems into their respective narratives. However, those entering the anti-discrimination policy world to work on the 2006 Act also narrated a problem that has been jettisoned within this dominant style of narration. It will be argued that we can identify this problem as the ne-

cessity of creating ‘a political coherence’, allowing different actors to, as one practitioner put it, ‘engage with one another’. It will be shown that Hunter’s (2015) idea of a relational hinterland is central to this ‘problem’. Furthermore, it will be demonstrated that the practitioners entering the policy world to work on the 2010 Act all noted the solution to this particular problem to have been successful.

The chapter then proceeds to discuss the relational politics of bringing problems together. It will be illustrated that a key component of this relational politics was the EHRC and the establishment of a single commission. The practitioners all noted the concerns raised (to differing extents) by the existing opposition to the idea of a single commission (see Sayce and O’Brien, 2004; Sian *et al.*, 2013). It will be shown that the relational politics narrated in this section are narrated in a way that positions them as existing not at the philosophical level (the need for equality), but instead at the practical level of how to achieve it. Furthermore, another enactment of relational politics was around having to maintain interest in an area that the practitioners narrated as lacking political currency.

2. Narrative sense-making of the equality policy world

This section endeavours to explore the attempts to endow a semblance of coherence between these multiple enactments of the policy problem and how these enactments relationally change in response to attempts to endow the semblance of coherence. It does this by looking at how practitioners initially worked to, in their own words, ‘bring people together’. This ‘bringing people together’ was narrated as facilitating what the practitioners positioned as a political coherence upon which various actors could work together to create the new equality paradigm. It will be shown that this not only works on the policy world, but also the practitioners themselves, animating their positionality in different ways. The section then proceeds to examine the relational politics of creating different problems to cohere around, particularly looking at contestations around the consolidation of the three legacy commissions.

2.1 Cohering together as an equality policy world – 'bringing people together' as a problem of the anti-discrimination framework

Before going further into analysis, it is important to historically contextualise the junctures at which the practitioners talk of stumbling into and becoming 'involved' in what they enact as a policy world. As detailed in the previous chapter, all the practitioners described their ethical ordinations as emerging during a broadly similar spatial and temporal context, that of 1960s and 1970s Britain and the transformations of the political left that accompanied it. This all led them to, at some point, stumble into a policy world; however, the practitioners all positioned their stumbling into different policy worlds happening at different historical junctures.

It is important to recognise that the new equality paradigm comprised multiple actors enacting what became positioned as the new equality paradigm. There is no straightforwardly identified, sustained group of people, but rather a vast configuration of different actors who positioned themselves or are positioned by others as beginning to work on it at different historical junctures. This was reflected in the research participants, all of whom positioned themselves as being officially engaged in the policy world at different points, the earliest being in the mid-1980s, and the latest being in 2007. However, heuristically (and admittedly, somewhat reductively) we can demarcate two main historical moments that emerged in the narrative and, in turn, two groups of actors who stumbled into what they enacted as policy worlds.

First, there were those who positioned themselves as stumbling into the anti-discrimination policy world. These practitioners then narrated how through being part of the anti-discrimination policy world, they subsequently became part of the equality policy world through endeavouring to enact the new equality paradigm. Some of these practitioners (Practitioner One) were involved in commissions before October 2007 (when the 2006 Act came into effect (Spencer, 2008)) and then moved into the EHRC around

that time. Others (Practitioner Four, Practitioner Six, Practitioner Twelve, Practitioner Thirteen, Practitioner Fourteen) in this cohort of practitioners were not directly employed by commissions, but were involved in consultation and organising reports that led to the 2006 Equality Act, and then after that, they were also involved in the 2010 Act.

The second cohort consisted of practitioners who were then self positioned as entering the equality policy world as advisors or as part of the consolation process for the 2010 Act (Practitioner Three, Practitioner Five, Practitioner Seven, Practitioner Eight, Practitioner Nine, Practitioner Ten). They were involved exclusively with the 2010 Act, having not worked on the 2006 Act. Therefore, they described themselves as moving into what they positioned as the equality policy world in formation, by which I mean they enacted through their narratives that they did not stumble into the anti-discrimination policy world, but rather what they positioned the beginnings of the equality policy world.

Now that I have established these two cohorts, I proceed to examine how both (heuristically) demarcated groups narrated the simultaneously multiple 'policy problems' of the equality policy world from the point when they first 'stumbled into it' and how this echoes and differentiates from one another by each cohort.

As detailed in Chapter One, the new equality paradigm is described in the dominant style of narration as having been constituted through the consolidation of distinct but interconnected ideas of 'policy problems' of anti-discrimination legislation (Dickens, 2007; Hepple, 2010; Hand *et al.*, 2012). This distinct but interconnected constellation of 'problems' includes the simplification of legislation (Hepple, 2010, 2014), the need to address human rights (Jones, 2005), the expansion of legally protected groups (Malleson, 2008), the recognition of intersectionality (Solanke, 2011; Squires, 2009) and the lack of promotional duties (Fredman, 2011).

In endeavouring to interview the practitioners, I expected them to all articulate these problems either as in some way being key to their own practices within the policy world or as something they narrated that other practitioners in the equality policy world were invested in addressing. Unsurprisingly, this was the case, as will be shown at different points throughout the coming chapters. However, at this point, it is important to reflect on something else – the fact that these were not exclusively the problems discussed in the interviews. Rather, there was a further problem narrated by the practitioners that has not been explicitly articulated in the dominant style of narration.

This problem of the anti-discrimination framework can heuristically be termed 'creating a political coherency'. This was a problem narrated by the practitioners who positioned themselves stumbling into the anti-discrimination policy world to work on the 2006 Act. As will be detailed below, working on this problem was seen as not just doing work on the new equality paradigm but rather to shape what the practitioners enacted as the policy world more broadly.

To understand this problem of 'creating a political coherency', we first need to examine how those practitioners narrating this problem characterised the anti-discrimination world they 'stumbled into'. The practitioners stumbling into the anti-discrimination policy world all narrated it as being 'atomistic'. They did this by enacting the idea of different actors whose work was relevant to one another, not because these people were engaging or interacting with one another. This atomistic policy world was overtly narrated in relation to their ethical orientations – arguing that it meant that equality could not be achieved in the way they desired. For example, Practitioner Fourteen employed embodied knowledge and experience from their role in activism and their positionality as a woman of colour to enact the atomistic policy world as problematic:

> Well, there was a lot of activism and the start of a lot of scholarship, marginalised thinking but growing, around questions of intersectionality in the UK … And, you know, I'm a woman of colour, you know, so the way things were set up, I wasn't reflected fully. There was CRE for race

> and EOC for gender but nothing to centre my experiences or the experiences of women like myself … And that was problematic if we wanted to progress as a society and all that (Practitioner Fourteen).

Here, we can observe a habit of responding (Andrews, 2017), as discussed in the previous chapter. The way the practitioner positioned the policy world (as atomistic) was informed by ethical orientations around principles of intersectionality that were rooted in their own particular activist alignments.

Now that we have established how practitioners positioned this atomistic policy world as problematic, the question now is how they narrate attempts to correct this problem. In answering this question, the historical time point of interest is the consultation processes for the 2006 Act.

The practitioners working on the 2006 Act identified a very large number of different actors who were relevant to the process. In detailing this further, these practitioners all, on one level, identified a multiplicity of formal bodies that were in charge of producing the 2006 Act. The responsibility for the bill was split between the Home Office, Department for Constitutional Affairs, Department for Work and Pensions and Department for Trade and Industry (Brazier *et al.*, 2007). There was also pressure at an international level from EU directives (Kochenov, 2009), as well as the complex configuration of the existing commissions (Mabbett, 2008). However, in addition to the complex configuration of domestic and supra-national bodies, the practitioners also noted the investment from a range of what they described as ‘different stakeholder groups’ (especially regarding religion and belief (see Sandberg 2006), in addition to think tanks and other bodies (see section three of Parekh (2000)).

It was argued consistently that when initially thinking about the idea of the 2006 Act and beginning the consultation processes for it, this above-mentioned set of actors was complex. The question then turns to how the practitioners narrating this cast and complex configuration of actors also narrated themselves as engaging with it. The answer to this, for the practition-

ers, was creating a political coherency. To understand this further, Practitioner Six's narrative is very helpful.

Practitioner Six narrated about their role in the initial consultation for the 2006 Equality Act – *Towards Equality and Diversity.* While there has been a detailed analysis of the consultation process in the existing literature (see Brazier *et al.*, 2007; Spencer 2008), this existing literature does not look at how this was positioned as a problem of creating a particular coherency upon which certain discussions and movement towards a single commission could occur. This was evoked by Practitioner Six in terms of challenging what they saw as silos in the anti-discrimination policy world:

> you can see they were looking at all the different types of discrimination and how they should be framed and all the rest of it. So that's 2001. And, erm, we, the, the Equality and Diversity Forum was formed in 2002 to bring together representatives of all the different grounds. So, what we tried to do was bring together people, national organisations, that were concerned about the different grounds, to talk about how to take it forwards, how to learn from each, how to support each other. Erm, and our focus was very much getting a Single Equality Act. And it was the first time many of those organisations had really talked to each other. Erm, because, people tended to exist in all their different silos (Practitioner Six).

This idea of both the novelty and the importance of establishing these relations between these 'siloed' actors was echoed by a number of practitioners who were part of this process – one of the actors that Practitioner Six attempted to get to talk to other actors. For example, Practitioner One narrated their transition from a role in the CRE and then later the EHRC:

> And then I was involved in the, erm, work on the, first of all, on the 2006 Equality Act. And erm, which was about bringing in public sector equality duties and stuff like that. And then it was the start of the three commissions actually really working together (Practitioner One).

I argue that we can read Practitioner One's and Practitioner Six's narratives here as highlighting concerns over creating and establishing coherence. As shown in Chapter Two, there is no innate coherence to the new equality paradigm, and by extension, no innate, singular or straightforward connection between these enactments of 'policy problems'. Rather, there are simultaneously multiple enactments of how a constellation of spatially and temporally dispersed actors (relating to one another as a relational hinterland (Hunter, 2015)) cohere together. Practitioners One and Six worked to create this coherence around ideas of equality – and the idea that all the practitioners had an investment in bringing legislation forward. Throughout the narratives of the cohort entering the anti-discrimination policy world and then working on the 2006 Act, ethical orientations were narrated as forming the basis for creating coherent and cohering ideas of policy.

It was not just that these ethical orientations were seen as important, but rather that they transcended political divisions – they were narrated as creating a coherence between actors and sites normatively positioned as oppositional. This is captured well in Practitioner Three's account of the process being, in their words, 'bottom-up':

> Because I think what happened with the Equality Act because it truly was not just top-down. There was a true coalition of like-minded people. There were trade unions, NUS, all sorts of civil society groups who you thought they're not going to be able to work together but they did, in building a coalition. So, all the way from Peter Thatchall and groups that did LBGT rights, to recently conservative Muslim groups, coming together and forming a coalition. And you had, CBI was involved so it actually … I mean, I think there was an amazing coalition that kind of built truly deep call for legislation. There was compromise. Not everyone got what they wanted. You also had leadership at the top. But what you had in the middle was people taking leadership at the policy level in the civil service who were really committed. They were really, really good. I think, you did have this quite good constellation of factors that came together, to produce what I think, you know (Practitioner Three).

Up until this point, it has been shown how narrative sense-making was used to enact ideas of how different bodies, sites and powers cohered to form a political coherence from which the new equality paradigm could emerge. It was shown that this coherence was narrated as not being just around ethical orientations, but also transcendent of other political boundaries. Now we have detailed how a number of the practitioners talked of enacting a coherence to permit further discussion in what they positioned as its infancy, it is important to look at how other practitioners narrated their experiences of entering this coherence at a later date.

These practitioners, who entered the equality world, narrated a more established coherence. In narrating this more established coherence, they enacted ideas of how the attempts to bring together a complex body of actors with similar ethical orientations (as shown in the last section) were successful. A key theme of this was how the equality bill was recognised as necessary and positive by a number of parties. Practitioner Two, for example, narrated how:

> Erm, there was broad support for the Equality Bill, not least because, I think there was genuine recognition that the law, that there were wrinkles and complexities that needed to be ironed out when you look at all the separate bits of legislation around equality (Practitioner Two).

To summarise, we need to not just look at how the practitioners positioned the policy world they stumbled into and the one they attempted to enact through this political coherence. Rather, it is equally important to examine how this narrative sense-making involved positioning the practitioners themselves in different ways.

2.2 Narrative sense-making as shaping positionality

So far, we have established how narrative sense-making worked to enact a particular coherence of relevant actors. However, to talk about narrative sense-making in this fashion is not simply about how the ‘policy problems’

change or coherence changes. Rather, it is also to show how this change affects the positionality of the practitioners themselves.

As discussed in Chapter Two, a major concern of *Narrating Equality* is, following those like Jones (2013), how, in their roles in enacting that which becomes positioned as policy and law, the practitioners do work on themselves. This work was through the generation and, in turn, the employment of embodied knowledge (Freeman and Sturdy, 2015).

One practitioner, for example, talked about becoming engaged in the policy world through stumbling into the CRE. In describing this stumbling, the practitioner narrated an awareness of the lack of intersectional thinking:

> And as I got into it more and more, I felt the problem with how the UK equality and human rights, erm, was set up was, it was too atomistic. So, CRE was looking at race, equal opportunities was looking at gender, disability rights commission when it was eventually set up, looking at disability. And I felt that that divide didn't really reflect properly people's experiences, because many people, you know, it could be an Asian disabled woman. You couldn't help them. So, erm, I again, I was doing some more thinking and wiring about equality and human rights. And I thought this notion of there being this single Equality body was what was needed (Practitioner One).

The term 'as I got into it more and more' works to enact how the different enactments of what could constitute the equality policy world shaped how they understood and, in turn, enacted what the problems of policy should be. These themes were echoed by Practitioner Thirteen:

> There was a lot of consultation, and I think that was a very good thing and a very enlightening thing. We were given a lot of information, there was a lot of learning and there was a lot of data. And it helped, it helped to broaden thinking on different issues (Practitioner Thirteen).

Practitioner Thirteen's theme of 'thinking on different issues' operates to show how the dispersed vastness of the policy world allowed practitioners to understand their own practice.

Emphasising and appreciating excerpts from those like Practitioners One and Thirteen is integral because this understanding shapes practice. This was more than simply finding new ways to refine how they performed their job. Rather, it was positioned as a moral and ethically expanding on a broader level, shaping them as activists and how they responded habitually.

3. The relational politics of engagement and the political power of 'inevitability'

To summarise thus far, those practitioners 'stumbling into' the anti-discrimination policy world to work on the 2006 Equality Act narrated a need to enact a particular coherence. This coherence was achieved through a multiplicity of enactments of narrative sense-making. This narrative sense-making operated to position a range of different actors (and the sites and powers aligned with them) as cohering together through being orientated around an ethical interest in equality. Importantly, this shared ethical orientation was narrated by those like Practitioner Three as transcending other boundaries that may make them seem politically oppositional. It was, in turn, shown how the practitioners positioning themselves as entering the equality policy world narrated this creation of a political coherency to be successful. Furthermore, it was shown how, through engaging with narrative sense-making in this manner, the practitioners were also doing work on themselves.

This section, however, illustrates how, once the political coherence was established, this move toward engagement was not narrated as a harmoniously and straightforward project of cooperation. Rather, the extent to which different actors saw themselves as cohering with other actors was, of course, contested. This section is historically situated after the idea of a

single commission was confirmed and the equality policy world had taken shape to produce what would become the 2010 Equality Act.

Despite these broad alignments in terms of ethical orientations, a theme emerged across all the narratives that the new political coherence was characterised by relational politics (Hunter, 2008, 2012, 2015). While not explicitly using the term, the practitioners all describe what can be understood as attributing the semblance of coherence to a relational hinterland (Hunter, 2015), as detailed in Chapter Two. In turn, a number of sense-making narratives were enacted to make them cohere in different ways.

In thematically analysing the practitioners' narratives, a key component of these relational politics was the consolidating of the three legacy commissions. As elucidated in Chapter One, there was notable resistance to the establishment of the EHRC on the grounds that it could dilute the focus on aspects of discrimination through a generalised and unspecific approach to equality (Sayce and O'Brien, 2004; Sian *et al.*, 2013). This was evoked consistently by the practitioners who were entering what they positioned as the equality policy world prior to 2006. For example, Practitioner Two narrated that:

> There was resistance from some disability organisations, and some race and gender organisations around the abolition of their commissions. That obviously happened before the Equality Act, the Equality Bill. But there was some resistance because they felt their interest were being diluted in bringing together the statutory agencies into one super commission rather than having their own distinctive commissions (Practitioner Two).

In narrating the contestation around a singular commission, the practitioners consistently narrated that the degrees of objection by the three 'legacy commissions' were not evenly distributed. Rather, practitioners noted the Disability Rights Commission (DRC) and the Commission for Racial Equality (CRE) to be most concerned with the idea of dilution, and the Equal Opportunities Commission (EOC) less so:

> The race body, the CRE, were really concerned as well. Because 'race' had its own commission, obviously, had a pretty large budget, relative to, for example, equal opportunities commission, and had done some very hard work. They were very concerned that that would be, the emphasis on 'race' would be lost, and that of course, was a time, very shortly after, the Stephen Lawrence enquiry report, very shortly after, relatively speaking, that gains had been made right after the Race Relations Act concerned. So, they also had concerns about that. Those were the two, the only two, that I heard expressed. So 'race' and disability. I think there was talk of sex, but really, the Equal opportunities commission had a really small budget. And was a small commission anyway. So, it was really disability and race, also for very separate reasons (Practitioner Eleven).

We see here, in both Practitioner Two's and Practitioner Eleven's narratives, a complex set of relations around the fears of consolidating the three commissions into a singular body through the 2006 Act. What is important about this complex set of relations is that the idea of a cohering set of ethical orientations is maintained. When discussing the relational politics of the consolidation of the three commissions, the practitioners never positioned this as a clash in political ideas of equality. It was never thought that they would not be working towards broadly similar ideas and could learn from one another. Neither was there a contrast in ethical orientations between the commissions. In short, none of the practitioners noted a ethical incompatibility or dissonance between the commissions themselves.

Rather, the concerns demonstrate a fear of the practical consequences of the creation of new organisational cultures and restructuring. Central to this was the above-mentioned dilution, as well as the 'institutional practices' of each commission. While I have explored the fears around dilution above, I now look at the issue of 'institutional practices'.

Whereas the practitioners noted above narrated fear around dilution, which has been shown in the existing literature (see Sayce and O'Brien, 2004; Sian *et al.*, 2013), there were other practitioners talking more about practices that have not been recorded in the established writings on the EHRC.

These practitioners enacted the idea of what would normatively be positioned as institutional culture. Practitioner One, for example, talked about the experiences in the Commission for Race Equality (CRE) and how they moved from that commission into the EHRC:

> There were some problems in some of the commissions. And people wanted things to remain the same. And there were concerns, for instance, each of the commissions were concerned about what would happen to their particular strand as it was called. So, in the CRE there were concerns that race would not be a priority. And the disability rights commission were equally concerned, they were able to secure a special provision for them, the disability committee. And that caused some envy among some of the other commissions as they too wanted a special place. And the other complication to this is that, when, so because of this, the CRE also had a different approach to their commissions. The CRE was very, erm, litigious, I have to accept. I was, I believed there were people that were not going to change, and despite all the good policies, you had to, as regulator you had to have some teeth and you had to, you know you had to take proceedings on behalf of the individual as well as take regulatory action on behalf of the organisation (Practitioner One).

The same practitioner went on to further solidify that there was a different institutional culture.

> Yeah, so, because the CRE had a different approach the CRE also had, erm, what's called the regional strategy. They had race equality councils and a network of local organisations. It was concerned that some of that would be lost in the new commission. Because the work of, you had, apart from the CRE you had some regional offices, around the country were what's called race equality councils, RECs, dealing with that. Also, the CRE had what's called a good relations duty, a duty to promote good relations (Practitioner One).

Ultimately, these concerns around the single commission failed to register or steer the government away from implementing the EHRC. This moving forward was narrated, on the one hand, in terms of concessions to certain parties. For example:

> The disability discrimination groups were very concerned about coming into a large commission. Because as you said, they thought it would dilute emphasis on disability rights. And also, that disability rights are very different in form to some of the other rights, and that would get lost. And as you know, they've got a disability commit at the EHRC, which was a sort of compromise (Practitioner Eleven).

But in addition to these 'compromises' narrated by those like Practitioner Eleven, another theme emerges of 'inevitability'. Inevitability as a narrative theme suggested that certain things just had to happen because that was the most logical approach and because there would be the most political power consolidated behind it. One practitioner exemplified this in noting the idea of having multiple commissions before the EHRC was decided upon:

> Erm, I think the problem was that the government was conscious that they were moving toward a situation where the legislation had now been extended to cover new equality grounds, such as sexual orientation, and age and religion and belief that didn't have a matching equality commission. And things had to change as a consequence. And that there was no way they were going to establish six separate commissions … Erm, which would have been a completely unrealistic option. Well not completely but close to that (Practitioner Four).

This is important, as it does not just work as an answer as to why the contestation against the EHRC failed. Rather, it enacts the idea of contestation in a particular way. Practitioner Four's abstract here enacts the resistance as not being an ideological conflict (between ideas of dilution and full coverage) but rather one of practicality.

The practitioners all noted that once the EHRC was established, these debates were residually present in certain ways, but had mainly been overcome. For example, Practitioner Eight noted that:

> Erm, I think in the intervening period, with the establishment then of not only the commission and the resources it has, erm, and its role and function in leadership, erm, and Equalities legislation. I think the legislation

> has fared well in terms of setting the basis for a new cultural dialogue between communities that were desperate before. So, we've got to a stage now where we see a huge intersectionality debate between different strands of diversity, which wasn't present before. So, I think that's all been very positive (Practitioner Eight).

However, this did not mean that the EHRC was a totally uncontroversial body. In talking of the EHRC, certain practitioners narrated it as being separate and distinct from other bodies that it was, in their words, 'working with'. To understand this, we have to first establish how one of the key foci of the EHRC, once it was established, was to usher in the 2010 Equality Act:

> But it was, there was no coherence to the process and the Equality and Human Rights Commission was set up to do part of that unification, the unification of promotion, etc. Obviously, it, it, it was assumed that one of its jobs would be to help the government make decision about what kind of equality, what kind of equality act there should be (Practitioner Nine).

However, the way the EHRC would 'help the government', as this practitioner put it, was contested. One of the collective bodies enacted through the practitioner narratives was the bill team that was responsible for drafting the Equality Act 2010. It was narrated by a number of practitioners that this relationship was, in their own words, 'fractious'. Bill teams are commonly made up of a collection of civil servants, the head of which is usually a grade seven civil servant (Page and Jenkins, 2005). Their size depends on the scale to which the issue at hand is said to be (Page, 2003).

In line with the narrative theme of a 'supportive environment' sketched above, the practitioners were careful to narrate the mission between the EHRC and the bill team in particular ways. They positioned it as not being an ideological conflict on whether or not to have a single Equality Act. Rather, the point of conflict was the role of different bodies in creating a single Equality Act:

> I think the Equality and Human Rights Commission had some fractious relationship with some civil servants responsible for drafting the bill. But that wasn't because we were on opposite sides of the spectrum. We weren't, we were broadly in agreement. It was because there was tension between having an arm's length commission. A non-departmental government body, which is what the Equality and Human Rights Commission is. Erm, which is meant to be an arm of the state but independent of the government. There's a tension between our perspective, which was that, and the government's perspective, and some of the civil service's perspective, which is essentially they wanted us to do what they asked us to do. But that wasn't about principal opposition to the bill. It was about how we do things (Practitioner Two).

The term 'how we do things' is important here. It works to enact a distinction between ideological and political action (wanting to have the equality Act or not) and the institutional fissures that encompass policy worlds. We see the issue of cohering being about how practitioners related to one another (in this instance, the practitioners of the EHRC and the civil servant practitioners) rather than about the philosophical underpinnings of the new equality paradigm.

4. The anxiety of coherence: the techniques of narrative sense-making

To summarise thus far, we have established how sense-making narratives worked to create coherence through narrating an aligned ethical orientation. It has shown that the contestation and relational politics around coherence were not positioned as philosophical or ethical, but rather in relation to the practical configurations.

This section shows how, although some practitioners positioned coherence as not being a philosophical contradiction, others did. In this section, I look at how ideas of ethical and philosophical compatibility were evoked by certain practitioners, as well as the practices through which those practitioners were convinced that this was actually not the case – that what they thought of as philosophically different ideas could cohere. I do this through looking at the example of human rights.

There were multiple instances in the interviews where the practitioners narrated discomfort and anxiety about engaging with different actors and ideas. A very good example of this was Practitioner Seven's account of the discrimination law review. Practitioner Seven, who represented what they positioned as 'the business sector', narrated the idea of human rights in the new equality paradigm as notably generating this discomfort in terms of the roles different actors felt they could and should play. In particular, they narrated being placed into working groups for the Discrimination Law Review (see DCLG (2007) for an explanation of this format):

> So, erm, … I think the starting point for that was, there was a lack of understanding about human rights. Particularly among the communities that were brought together. And I remember the expert who was, joined our group, of stakeholders. God, what was her name … Francesca, something. She was the human rights expert, the academic, from Oxford … And she was very good. But we, and a lot of people struggled to make the connection, at that stage, between equality and human rights. Because human rights were seen as a more, as a sort of loftier kind of concept. Which didn't really come into a lot of the Equalities legislation, workplace legislation. Rather than civic, civic or social movements. And, bringing in human rights, therefore, was a bit, a bit discombobulating for lots of people. Because they couldn't quite see where it fit. From that perspective, there was a real, 'what's that got to do with the workplace, people's human rights?' And a nervousness that human rights legislation, whatever that meant at the time, would be, sort of coming through the back door into the workplace. So, a lot of nervousness about that. How you would create firewalls, Chinese walls, that's the right word, Chinese walls within institutional structures, to make sure there wasn't undue influence or, erm, legislative sort of mission creep into, erm, the Equalities and Diversities agenda. Now, and so that was the beginning of what we know now as the more intermeshed sense of people's human rights. People's rights as human rights, as a sort of civic movement. But at the time it wasn't well understood. I wouldn't necessarily say that there was resistance. But there were a lot of questions. A lot of lack of understanding and a lot of nervousness about it. Policymakers and officials had to do a lot of work to make the case (Practitioner Seven).

This extract is helpful in that it illustrates anxieties around coherence to make human rights and equality cohere as a project – the 'more intermeshed sense of people's human rights', as Practitioner Seven put it. It is interesting that the practitioner defined this as not being resistance – it positions the objections to human rights as not resisting human rights in and of itself, but rather as a scepticism around its compatibility with different ethical orientations.

In addition, this narration also lets us explore how attempts to lessen these anxieties and fears were enacted through ideas of fear around human rights. As detailed later in the narrative of Practitioner Seven about who the human rights expert was, Francesca refers to Francesca Klug. It of course makes sense in terms of Klug being positioned as a key academic in the field of human rights; she had received an OBE and had published an extensive number of seminal texts on it (see Klug, 2015; Klug and Weir, 1996). It made sense to use her as a figure of authority in terms of being able to speak about the connection between human rights and the workplace. Furthermore, her positionality is interesting, given her various activist projects and, in turn, her engagement with the practitioners' ethical orientations (see Justice (2015) for an interesting interview with Klug exploring these activist involvements). It is not simply her expertise that is in focus here, but also that she is a particular kind of actor in terms of working to build coherence, not just through showing the technical benefits of human rights in relation to the workplace, but also by being an actor aligned to similar habits of responding.

4.1 The relational politics of commitment and of maintaining coherence

Thus far, we have sketched the political coherence through which practitioners have endeavoured to enact an idea of coherence for the new equality paradigm to be established, and how this was negotiated in the context of the relational politics of the equality policy world. This section looks at the range of practices involved in maintaining this coherence. In doing so, this section now establishes how we can observe another key element of relational politics in terms of what will heuristically be termed 'sustaining an

interest' in the new equality paradigm. By this, it is meant that the practitioners identified that the work of creating a new equality paradigm held a particular position in terms of its 'political desirability'. To better understand what this means, it is helpful to look at Practitioner Twelve's narrative. Practitioner Twelve argued that although important, the processes involved in the creation of the new equality paradigm lacked what can be thought of as political currency:

> Erm, you have to I think bear in mind that consolidating legislation or consolidating and improving legislation, erm, requires, a good deal of erm, it has to get in the door in time in the legislative programme of the government. It's why you get, why legislation frequently gets in a mess. Governments have a legislative programme, which they put forward as they think it meets the needs of the country as it is and because they want to say how well they've done stuff when they come up for re-election. Consolidating legislation by definition doesn't immediately fit into that. It's mechanical and tidying up, and very rarely does consolidating legislation produce huge gains, erm, but it's often important and quite technical (Practitioner Twelve).

The same practitioner returned to this idea of consolidation and its political currency later in the narrative, stating that:

> So, all of those kinds of rather technical issues kind of had to be worked through. Very important for detail but not exactly what wins and loses elections when you go out on the stump later on. So, it required some very committed people within the Labour government (Practitioner Twelve).

Practitioner Twelve's discussion of the consolidation lacking political currency was also evoked by other practitioners. Practitioner Thirteen, for example, narrated how:

> I think there was the issue of it being, well, it wasn't very sexy. And it was committed to in the election manifesto, but wants something which I think the Labour government were elected on the grounds of. You know,

> it wasn't something that just seemed like a good idea (Practitioner Thirteen).

This is interesting and important. First, it corroborates and reinforces the ideas discussed so far about the importance of ethical orientations. The need for 'commitment' and the very committed people evoked in Practitioner Twelve's narrative elucidates a particular connection to the ethical orientations of the practitioners involved. These ethical orientations supersede and transcend what might 'win and lose elections'. The work they are doing is positioned as something they were committed to and wanted to do, despite the way it may be viewed on a wider scale.

Second, although the practitioners narrated that there was a lack of political currency attached to the technical nature of consolidation, this was not something they simply narrated as accepting. Rather, they actively narrated themselves as being engaged in strategies to enhance the political currency of consolidation. This was evoked by a number of practitioners, who directly narrated that they had to push, at different points, these ideas through. They narrated how they, in their words, had to act to 'inspire interest in it'. For example, Practitioner Six argued that:

> We used to go around, that was it, telling people how many acts of parliament there were, that covered the equality area. I can't remember what it was now, I mean these were arguments that I used so many times that it would have tripped off my tongue. Erm, even five years ago. But effectively we've pointed out how many acts of parliament there were that covered the area. And the government took that on board, because then when they were trying to go round justifying the act, they also produced piles of books and said look how many acts we have. And we said we wanted it simpler so people could understand it better. I don't know how far we achieved that in part. Erm, but we also, wanted one Act dealing with all grounds (Practitioner Six).

Therefore, we observe the practitioners endeavouring not just to create a political coherence around which practitioners could cohere. Rather, there was a need to maintain an interest in this coherence against a number of

relational politics that may work to undermine it on the grounds of a lack of political currency.

5. Conclusion

This chapter has endeavoured to trace the constitutive links between how practitioners narrated the process of making sense of the policy worlds after 'stumbling into it'. The chapter began by establishing how the practitioners initially made sense of the policy world into which they 'stumbled' – be it the anti-discrimination policy world or the equality policy world. It was shown that those who entered the anti-discrimination policy world and were involved in the 2006 Act narrated a problem around the atomistic nature of what Practitioner Fourteen termed the 'relevant parties'. It was shown that the practitioners enacted this as a problem of the anti-discrimination framework. Furthermore, it was illustrated that this problem is not present in the existing literature on the new equality paradigm. It was shown that in attempting to facilitate a 'political coherence' as a solution to this atomistic policy world, the practitioners consistently evoked how this practice was tied to their ethical orientations. The chapter then went on to illustrate that the practitioners arriving after this new coherence was enacted positioned it as being successful.

The ways in which these ethical orientations were animated in relation to ideas of how to achieve certain goals (as habits of responding); however, they were also positioned as being enacted in a range of relational politics. This included notably the contestation around creating the EHRC, which was a key body in the new equality paradigm, and in creating the 2010 Equality Act. In narrating this contestation, the practitioners were shown to echo the existing literature on the development of the single commission (see Spencer, 2008) in echoing the fears of dilution around it. However, practitioners noted that it was not simply a fear of dilution that was at the centre, but also the relational politics of what would notably be termed 'institutional cultures'. Rather, it was what Practitioner One described as 'intuitional cultures'.

Finally, it was also shown that there were notable anxieties around the philosophical compatibilities of different sets of ideas. This was illustrated through the example of one practitioner's discussion of employment law and human rights. It was also shown how this anxiety was managed by the government in how certain key actors, like Francesca Klug (with her positioning as an activist, as part of the EHRC and as an expert in general), were involved in order to allay fears around these issues relating to expertise.

Chapter Seven
Expansion versus simplification: the balancing of 'protected characteristics'

1. Introduction

To summarise thus far, we have identified the way in which the policy practitioners' narratives are structured to describe how they narrated entering the 'equality policy world' and how narrating this entrance is not a descriptive action, but rather a political one in that it enacts the equality policy world in different ways. It has been emphasised that this is central to understanding the practitioners' justifications for the new equality paradigm, as these processes of narrative sense-making help to elucidate how different ideas are enacted.

This chapter argues that we can identify, in the enactment of the new equality paradigm, a tension between expansion and simplification. This was identified as animating a series of practices in terms of how that which is positioned as policy and law are enacted. I do this through using the example of the protected characteristics framework of the 2010 Equality Act.

It is important here to briefly reflect on the structures of the narratives and where protected characteristics as an idea emerged in the narratives, and how this fits into the broader chronology of the chapters of part two. Following the narratives, protected characteristics emerged as a major theme after the discussion of stumbling the policy worlds and the shaping of the 'policy problems' of it addressed. Issues of human rights were positioned as being discussed in relation to the creation of the EHRC and its early workings on the issue, and there was a simplification of an idea that emerged around a similar time, the case of 'protected characteristics' and to whom they were applied. The 'protected characteristics' were narrated as being discussed predominately after this in the consultation stages of the Discrimination Law Review. This, of course, did not mean that this was the first time these issues emerged. For example, the criticisms of the EHRC and the idea of equivalencies mentioned throughout the thesis can, in some way, be seen as a discussion of

what a protected group is and should be. Furthermore, as mentioned in Chapter One, various social movements and mobilisations of certain groups dating back to the 1990s made the case for grounds of discrimination to be expanded (Hand *et al.*, 2012). However, the consultation stages were the point at which it was narrated by the practitioners as coming to the 'fore'.

In doing this, the chapter follows an extensive and established literature (see Bacchi, 1996; Flynn, 2011; Littleton, 1996) in examining and elucidating the contested political processes animating the construction of legal categories. This chapter contributes to this literature by looking at how we can understand the shaping of these categories as relational. The emphasis, then, is on how positioning one category as representing particular groups works to present other categories as representing different groups.

The first section argues that we can observe throughout the narratives what I will term a balancing between ideas of simplification and expanding. It will be shown that there are institutional narratives that operate to argue that the best way to make sense of the equality world is through a focus on simplification as the primary orientating goal. This will be shown to be the case in the practitioners' narratives, which position, in different ways, the idea of consolidating and simplifying the legislation as being the primary concern of the new equality paradigm and the 2010 Equality Act in particular.

However, it will be shown that the practitioners do not jettison the need for expansion – be this in terms of new protected characteristics, extending rights or the need for more promotional duties. Rather, they integrate these ideas into narratives of simplification. In exploring this integration, Hoggett's (2006) work on 'moral intuitions' will be shown to be helpful in understanding these patterns.

The next section looks at how different identities have been protected from discrimination in that positioned as British policy and law. It will genealogically trace what has been termed in the literature on the new equality paradigm (see Malleson, 2008) a shift from a 'grounds-based' system to a 'group-

based' system (Ashtiany, 2014). This will be shown to mean a movement away from protecting against discrimination in certain instances towards basing protection based on particular groups.

The section will then look to explore specifically what the language of 'protected characteristics' denotes. Exploring the existing literature on Britain's anti-discrimination and equality law, the 'documents' analysed and the practitioner interviews, it will be shown that there is an extensive amount of time and effort dedicated to exploring what constitutes 'protection'. In contrast, however, there is very little denoting what 'characteristics' might mean. It will be argued later that this ambiguity and absence of a fixed definition is mobilised by the practitioners in order to negotiate and navigate the tensions of simplification and expansion. While there is very little fixed meaning to the idea of 'characteristics', it will be shown that the practitioners all narrate, to similar extents, what constitutes a group facing oppression.

After discussing the lack of a clear and explicit definition of 'characteristics', the subsequent section explores how the nine protected characteristics of the 2010 Equality Act have been consistently argued to exclude many different groups from legal protection (Malleson, 2018). It will be argued that it is important to look at what is excluded from the Act, not just simply because of what can or cannot be protected. Rather, these exclusions also relationally and importantly work to define what can be thought of as equality and the role of the law.

Following on from this, the next section introduces what has been positioned by both a growing body of socio-legal studies literature and polyphonically by the practitioners in the interviews as 'the caste problem'. I will use the struggles and contestations related to getting 'caste' seen as a protected characteristic (Waughray, 2014) in order to illustrate and explore the questions discussed in the previous section. Through exploring these questions, it will be shown in particular that protected characteristics are not descriptive or reflective of all the different groups in society. Rather, they are malleable in such a way that allows groups to be protected without having to have what

practitioners position as an unnecessarily complex or over-elaborate typology of different protected characteristics. The above-mentioned lack of definition of 'characteristics' will be shown to be central to this.

The final sections explore how, from the observations garnered from exploring the caste question, we can understand how practitioners narratively positioned the idea of protected characteristics as providing an 'architecture' for future practice. It will show that the accounts of 'protected characteristics' connect with what Cooper (2011) terms a tendency to think of that positioned as anti-discrimination and equality legislation as 'impactful'.

2. 'A balance to be struck': expansion vs simplification as a thematic orientation

As emphasised and argued for in Chapter Two, it is not just the case that practitioners engage in narrative sense-making. Rather, these enactments of narrative sense-making occur in the context of narratives about how to make sense (Jones, 2013). There are institutional and political pressures on practitioners to perform their jobs and narrate what becomes the new equality paradigm in different ways. This section endeavours to explore how a major institutional narrative about how to make sense is that of simplification. However, it will show that this is not done in a subordinate way, but one that is engaged in what is heuristically termed a project of expansion, which was significantly linked to the ethical orientations of the practitioners interviewed.

As identified in Chapter One when discussing the dominant style of narration, there was an emphasis on practices of simplification and trying to reduce as much complexity as possible in the practice of enacting that which is positioned as policy and law (Hepple, 2010, 2014). The practitioners interviewed described this narrative as becoming etched into the intuitional spaces they moved through and negotiated when enacting the new equality paradigm. The practitioners positioned this as an institutional style of narra-

tion that was established through green papers (see DCLG, 2007), white papers (see Government Equalities Office), and statements of different political figures in debates at the House of Lords (see House of Lords, 2003a, 2003b) and the House of Commons (see House of Commons, 2008). This constellation of different papers and speeches was said to constitute pressure to avoid over-complexity. For example:

> There was a focus on not making anything too complicated. From the government and from the bill team responsible for writing it. Things had to fit together in a streamlined way, you know (Practitioner Thirteen).

However, the practitioners did not describe this institutional pressure as a hegemonic idea they simply followed because of their occupational positions. Rather, it was something important in relation to their own ethical orientations. It was something they positioned as being able to address the many issues related to accessing the law and using it to tackle discrimination and inequality. For example:

> I think it makes sense. I mean Equality Law had become incredibly complicated, which I think a dozen or so primary pieces of legislation from, I think at the time of the 2010 Act the earliest piece of legislation was the Equal Pay Act, 1970. And there were loads more subsequently, dozens of statutory instruments which are seconded … So, there are bits of secondary legislation. And pages, hundreds of thousands of pages of statutory guidance. And it wasn't straightforward. And what constituted, for example, discrimination in the area of disability was a little bit different from what it constituted in race. Now you can't completely harmonise and you can't make it the same across the piece, because there are material differences. So what's required under gender or sexual orientation, or disability or race, is all a little bit different. But where possible it was harmonised. Erm, definitions were harmonised. The meaning of direct discrimination was harmonised. So, erm, that must be right in order to make it more straightforward and understandable (Practitioner Two).

> We wanted common clear definitions, except where they needed to be different. Obviously, we were keen on having a public sector equality duty that went across all the grounds. Because at the time, the councils

> were making a real mess of applying the different equality duties. They would set in place one scheme for disability and another scheme for gender and another for race. And it just makes work hard having three different schemes you are trying to implement. So, erm, we thought it was a very good thing just to have a single duty (Practitioner Six).

So far, we have established institutional narratives of simplification that were operating in the equality policy world, and that the practitioners themselves also had an ethical orientation to simplification that transcends these institutional narratives. However, although the practitioners did not position the simplification narrative as being something that they engaged in purely for political reasons (as the institutional narratives), they also noted that there were certain practices and ideas that did not fit into this institutional narrative of simplification, but which, at the same time, were time integral to their ethical orientations.

As shown in Chapter One, the new equality paradigm was not simply narrated as a mechanism to simplify the law, but it was also meant to fill in a range of gaps and omissions. These included unrepresented identities (Malleson, 2018), a lack of intersectional thinking (Solanke, 2011) and the expansion of promotional mechanisms (McLaughlin, 2007), as well as the need to comply with EU regulations, as mentioned in Chapter One (see Brazier *et al.* 2007). All of the practitioners narrated these ideas as having similar importance in meeting their ethical orientations:

> It was a problem that we didn't really have any protection around, you know gender reassignment, pregnancy and maternity. And a lot of new things and come to the fore that weren't a problem, erm … or maybe should I say weren't perceived as a problem (Practitioner Fourteen).

It is important to look at how the practitioners enacted simplification and expansion relationally. None narrated that one was important and the other was not; both had particular value in terms of addressing inequality and furthering ethical orientations. However, some did position a hierarchy:

> Well, the Equality Act itself, the intention was, the primary purpose behind it was consolidation. Primarily it wasn't about extending rights. It does in a way. But the extension's as big as what we would have wanted. The Act itself, for the main part it was about getting everything under one roof and having a consistent approach. (Practitioner Seven).

> I think there was an emphasis on expanding things out. There has always been this focus on including more groups under protection and expanding the scope of it and of were positive duties. But you look at the Hepple report and the key thinkers that were emerging erm…, emerging back in the early 2000s, and the initial pushing of it by Lord Lester. If you look at those people and what they were saying, it was always a primary concern with consolidation. And you know, when you start addressing one set of problems with legislation, and there are other problems with it, you kind of solve those too, an economy of scale, so to speak. But the simplification was always the primary driving force (Practitioner Fourteen).

At this point, it would be easier to simply conclude that simplification was prioritised over expansion, the latter being implemented only when it did not contradict simplification. However, what was interesting was that the practitioners disrupted and actively and explicitly narrated against any idea of simplification and expansion being oppositional forces. The practitioners all dismissed ideas that one had to be favoured over the other. There were not some actors trying to make certain provisions less complex and other actors separately attempting to cover more protected characteristics, for example. Rather, there was a narrative in the practitioners' accounts that differed from the institutional narratives. This narrative, to put it simply, was that simplification and expansion could be done together through a 'balance'.

Practitioner Two exemplified this narrative of balance upon discussing the public sector equality duty and a fear of what they described as onerous legislation:

> And actually, if you look at the establishment of a whole range of public sector equality duty in England, Scotland and Wales, it's different. So,

> provisions are much more onerous in Scotland and Wales than they are in England. I actually like what they do in Scotland and Wales. I think in England we've diluted the duty far too much from my point of view. But at the same time, you can't, you could load the legislation with endless requirements which may just be too much. So, there is a balance to be struck (Practitioner Two).

The last two sentences of Practitioner Two's extract are crucial here - evoking the ideas discussed in chapter four around 'documents', in the era of simplification, needing to be structured in particular ways related to ideals of efficiency. The phrases 'endless requirements' and 'too much' enact a limit on the amount of expansion. However, they do not reject the idea of expansion – otherwise, the issue would not be one of balance, as simplification would not need to be weighed up against other considerations. The practitioner makes a distinction here between simplification and dilution. In short, it was not a decision between two different models (to make it as simple as possible or to expand the law as much possible).

In attempting to understand the political dimensions of this need to 'strike a balance', Hoggett's (2006) work on organisational sites that have links to the ethical lives of citizens is helpful. For Hoggett (2006), these sites are 'unique moral institutions where questions of technical efficacy ("what works") can be integrated with value questions' (Hoggett, 2006:187). In many ways, the tension between simplification and expansion can be read as an enactment of this unique moral institution. The practitioners' narratives all echoed a desire for 'technical efficacy', which is linked to making sure the law is accessible and easily implemented in order to tackle equality. However, they integrated this with value questions of making sure that certain expansions in terms of rights were included in the new equality paradigm in order to ensure that no elements of discrimination needing to be addressed were ignored.

Now that I have established how this narrative of simplification and the relevant tensions with projects of expansion, I go on to show how this narrative

works in relation to a particular example – the enactment of the nine protected characteristics of the 2010 Equality Act.

3. The emergence of 'protected characteristics'

Speaking more than two decades ago, Nancy Fraser (1997) seminally argued that '[t]he struggle for recognition is fast becoming the paradigmatic form of political conflicts' (Fraser, 1997:11). In many ways, this was a key orientating mechanism in the development of the equality paradigm and the elements of it I heuristically explained as expansion in the previous chapter. As mentioned in the preface and detailed much further in Chapter One, the new equality paradigm and the Equality Act 2010 were positioned as key mechanisms for giving particular groups formal legal protection, as well as more broadly giving mainstream political validation to their struggles (Hepple, 2010). This was done through the introduction of nine 'protected characteristics'. As has been eluded to in chapter one, there were also initially plans to introduce measures to protect against socio-economic discrimination (Fredman, 2010). However, as will be much further detailed in chapter nine, these were removed by the coalition government coming into power in 2010 (see Home Office, 2010b).This section explores how, in the practitioners' narratives, the idea of 'protected characteristics' was thematically positioned as both innovative, but at the same time, limited.

Ashitany (2014) argues that UK anti-discrimination law is founded, not on a universal rights model, but on the notion of protecting certain populations in specified situations. This has led to what is called a 'grounds-based' system, as opposed to a 'group-based system' (Malleson, 2018). By this, it is meant that legislative focus is on preventing particular discrimination in different circumstances, rather than endowing the group with general protection (Conaghan, 2007).

For example, the RRA and the subsequent amendment acts discussed in Chapter One worked to protect individuals from racial discrimination on certain grounds, such as being refused a job or accommodation on the grounds

of ‘race’ (Bleich, 2003, 2006; Bourne, 2015). It has been argued that such incrementalism was achieved through responsiveness to what Dickens (2007) terms ‘shocks to the system’. By this, Dickens (2007) refers to a situation where a particular case is seen to highlight inequality to such an extent that government intervention is positioned as being necessary. This gradual, incremental endowing of legislative protection based on different grounds has been argued to constitute one of the key factors that created the incremental and bureaucratically over-complex legal framework that the new equality paradigm was argued to correct (Hepple, 2010).

This idea of a grounds-based system was echoed and confirmed across the practitioners’ narratives. Not only did they confirm it, but they also positioned it as being problematic and incompatible with their ethical orientations:

> So that sort of, it’s very British approach to legislation. Which is that you only legislate once you’ve proven that there is a case for the problem that exists. So even before you had the Equality Act, you had discussions on religion and belief. All the areas that I worked on. And the argument was always from government what’s the problem with existing race discrimination laws. What’s not being covered. And it was having to make the case for creating space in the legislative timetable to make the space, to make this a priority, that was always the issue. And to show that there was a problem that existed. While I think the Equality Act almost starts from the principle that it’s wrong to discriminate, therefore it shouldn’t be, you shouldn’t be allowed to discriminate on these grounds, as a sort of way the society should structure things. And it shouldn’t matter whether or not there are actual cases. Society needs to set out its principles of what kinds of unlawful discriminations are unacceptable. And it shouldn’t require you to have a case in each example, of you know have you got an example of discrimination, that isn’t covered by legislation in this area to justify legislation. You should have the legislation because it’s wrong in principle. It’s the normative framework that society should accept (Practitioner Ten).

The Equality Act 2010 has been argued to be a movement away from focusing on certain grounds of discrimination (Malleson, 2018) and the ‘very

British approach' that Practitioner Ten narrates. This was an idea that the practitioners polyphonically echoed. As one practitioner narrated:

> There was an idea, a recognition, that rather than just simply dealing with things when there was a problem, or a public call for it at least, there was, erm… we needed something more structural and more well thought out than simply trying to fix the problem in front of you (Participant Fourteen).

It has been argued that this 'more structural' approach was granted in the 2010 Act through the introduction of nine protected characteristics (Hepple, 2010).

In the Discrimination Law Review's report, we initially observe discussions of the idea of a 'personal characteristic' (DCLG, 2007:124). This was altered in the 2010 Act with the discussion of 'protected characteristic' in the 2010 Equality Act itself. The 2010 Act proposed the following nine 'protected characteristics:

Marriage and civil partnership
Sex
Sexual orientation
Religion and belief
Race
Pregnancy and Maternity
Age
Disability
Gender Reassignment

When initially looking at this, the first question is, what does it mean to think of any of these nine areas as comprising a 'protected characteristic'? What is the symbolic meaning of those two words?

As has been shown in the previous chapters, considerable space and time have been taken across the interview transcripts, the existing socio-legal studies literature and the 'documents' analysed to establish the denotations of the first of these terms, 'protections'. The various areas against which discrimination is unlawful are detailed throughout the 'documents' analysed, be it direct or indirect, and across many different sites (Fredman, 2016; Yu, 2019). Furthermore, there has been a significant amount of time given to generating comparative models of how protection in the Equality Act 2010 is and is not distinct or different from previous incarnations of law, both in the UK and internationally (see Butler, 2016; Hand *et al.,* 2015).

What is peculiar and interesting is that this detail, however, was not present at all regarding what 'characteristics' meant and how exactly it differs to or continues on from the previous language that seemed to replace 'grounds'. There is no point throughout the 'documents' (the texts endowed with replicability and in turn authority) analysed where the term 'characteristic' is explicitly defined or justified in terms of its use – rather there are only brief and unelaborated allusions.

The consultation 'document' published as a result of the DLR vaguely talks of how 'we are all a complex mixture of the different characteristics that influence how we see the world and how the world sees us' (DCLG, 2007:11). What it means to have a characteristic (is it given through social norms or something 'innately' possessed) is not addressed or expanded further at all by DCLG (2007). The question as to what constitutes a characteristic is something that was not addressed in the actual 2010 Equality Act itself either. In the text of the 2010 Act itself, there is substantial space given to each of the characteristics; however, there is no actual definition of the characteristics:

> The following characteristics are protected characteristics – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

On the EHRC website, this pattern is approximated. The EHRC page explaining protected characteristics states that '[p]rotected characteristics are the nine groups protected under the Equality Act 2010' (EHRC, 2021b: no pagination). A similar avoidance of definition is adopted of institutions of the state (see Citizen Advice (2018) and UK Government (2015a, 2015b)).

There were other 'documents' that made vague allusions to what could constitute a 'characteristic'. A 'document' published by the Government Equalities Office (2010) as a guide for civil servants in 2010 vaguely stated that, in relation to 'protected characteristics', 'these used to be called 'grounds' (Government Equalities Office, 2010:6). There was no further explanation of what this meant or what the relationship might be between grounds and characteristics.

Another point of interest was in the official report of the government consolation to the equality Bill (Government Equalities Office, 2008), introduced and discussed briefly in Chapter One. In discussing the position of carers in relation to the equality Act (which will be further detailed below), it was stated that '[t]he role of carer applies more to what a person does than to what a person is (their innate or chosen characteristics)' (Government Equalities Office, 2008:179). Thus, there is a brief implication that these characteristics can be self-identified, and more interestingly and controversially, that some of them have an innate and essentialised basis. However, there is no direct statement/definition in the Government Equalities Office (2008) report.

This feature of the Government Equalities Office (2008) report is polyphonically reflected in the 2010 Act itself. While not providing any official or direct definition of characteristics, when discussing each of the characteristics (be it race or religion and belief), it always described them as something people held. For example, '[a] person has the protected characteristic of marriage and civil partnership' (Equality Act, 2010:5). This seems to suggest innate implications similar to the way the Government Equalities Office (2008) report does. Furthermore, it is polyphonically integrated into the narrative in a

similar way to the Government Equalities Office (2008) report – it is not a direct statement, but rather a more subtle allusion.

It is not just in the 'documents' that characteristics are undefined and ambiguous in their meaning. Looking at academic texts, Ashtiany (2011), in an *International Journal of Discrimination and the Law* article entitled 'The Equality Act 2010: Main Concepts', does not include protected characteristics as a 'main concept'; they are only mentioned briefly as a bridge enabling discussions of grounds of identity. Similarly, Malleson (2018) astutely and importantly looks at how there has been a shift towards patented characteristics and the groups, but again does not establish or attempt to establish what is meant by characteristic.

This was polyphonically present in the interview narratives. The practitioners narrated at length about the protections available and the deliberation of which groups could be seen as having protected characteristics. None of the practitioners stopped to define the idea of characteristics or comment on the way others had defined or justified the use of the term; none even directly addressed that there was no clear definition of the term.

In short, there is no clear, legal or political meaning attributed to what constitutes a characteristic within the 'documents', academic literature or the narratives of the interviewed practitioners. This lack of a clear definition and the dispersed and fleeting allusions to its meaning raises a number of important questions. Does it mean that they characterise themselves or are characterised by others? What consists of something as a characteristic? Are these characteristics essential or constructed? Are they innate, as referenced briefly in the Government Equalities Office (2008) report or implied in the 2010 Equality Act itself when discussing the ownership of characteristics? Are all the characteristics innate or are certain ones not? What does this mean politically, for example, in relation to 'race' being considered a protected characteristic, especially in the light of much anti-racist scholarship and activism being around the decentring of 'race' as a biological model (Bonnett, 2005; Lentin, 2004)? What does it mean to think of disabili-

ty as a characteristic when the UK disability movement has primarily coalesced around a social model of disability (Beckett and Campbell, 2015)?

These considerations are important because the lack of answers to these questions allows the characteristics to be somewhat malleable. This is of vital importance. As will be shown, the fact that there are no clear guidelines as to what a characteristic is, essentially allows and, moreover, has been used by practitioners to help gain protection for different groups (expanding equality law) within a context where there was a focus on simplification and avoiding generating 'unnecessary' (as a political enactment, not descriptive term) bureaucracy.

Although the practitioners did not narrate in any detail what the term 'protected characteristic' actually meant, thereby polyphonically mimicking the lack of description present in the 'documents', they did, at various points, narrate what constituted a group that was discriminated against and the kinds of factors that would and should constitute a group in need of protection. Evoking the ethical orientations discussed in Chapters Five and Six, one practitioner clearly identified what they thought a disadvantaged group was:

> I think, as a starting point legislation should provide, should give legal protection to individuals who face oppression. My own view, this isn't the view of all practitioners in the area, but my own view is that there is a limited number of identities for which that is the case. So, I know that some practitioners think that if ever there's a case where some groups are facing opprobrium or oppression, then they should be covered by legislation. I don't agree with that. For example, after the banking crash, bankers faced opprobrium, public opprobrium, and arguably faced discrimination. But I don't think there should have been an extra, protected characteristic of bankers. Because I don't think, to understand, to understand the real, true extent of oppression, you need to look at power relations and real structural power relations. So, you can't understand racism without understanding colonialism and slavery. You can't understand sexism outside narratives of patriarchy. Erm, and so on, And there will be at certain points in time particular people that are disadvantaged

> but that's not the same as saying that they face structural inequality. So, my own view is that protected characteristics should focus on those systemic, long-term, historic issues of structural inequalities that result in oppression and disadvantage. And I think broadly the Equality Act covers those but I would also include class or socio-economic status which isn't covered in the act (Practitioner Two).

For this practitioner, the issue was not simply discrimination, but the power relations that animate discrimination. Although the practitioner interviewed positioned their view as not accepted by all, there was a general idea throughout the other practitioner's narratives about recognising and coming to recognise disadvantage as the main criteria. What constituted the need to be a protected characteristic was not simply or straightforwardly a matter of discrimination, but the positionality of those discriminating in relation to this.

In short, there is an understanding of what can constitute discrimination, and therefore the need for legislative intervention to protect a group. At the same time, however, the criteria for someone to have a 'characteristic' are fundamentally vague and undefined. As will be elucidated much further below, this is important, as it allows the system to accommodate different groups without having to extensively alter legislation or engage in practices that were positioned by the practitioners and the 'documents' analysed as being contrary to the processes of simplification.

4. Managing expansion and simplification of identity

To summarise thus far, it has been shown how the 2010 Equality Act is positioned as novel through its introduction of nine 'protected characteristics', which were argued to exemplify a shift from a grounds to a group-based model. At the same time as these 'protected characteristics' are celebrated in terms of expanding the scope of legislation, the term 'characteristic' exhibits a lack of conceptual specificity, remaining undefined in the 'documents' and the interviews with practitioners. The practitioners did, however, narrate an idea of what constituted a group facing discrimination, but this

was done without a specific conceptual framework of what characteristic meant theoretically in terms of the root and extent of the discrimination.

This section looks at how this worked in practice in terms of establishing what the actual nine characteristics were and who fit into each group. In particular, it looks at the political nature of the conceptual assumptions that animated this decision, showing again the desire to manage a tension between expansion and simplification that was elaborated at the start of this chapter. It starts by looking at the various ways in which groups struggled to gain recognition. This section will subsequently proceed to show how this tension works and unfolds in the equality policy world through the example of caste discrimination and what became known in the equality policy world as the 'caste question'.

4.1 The struggle for recognition

As noted throughout the thesis, there is no central space in the policy world where discussions about who should be seen as having a 'protected characteristic' exist. As mentioned in Chapter One, extensive discussions occurred at the EU level through Article 13 (Brazier *et al.,* 2007). Furthermore, as shown throughout the thesis so far, in their narratives, the practitioners noted that they began thinking of certain groups as being excluded before they entered what they constructed as the equality policy world. However, in their narratives, they all positioned the DLR and subsequently the Independent Equalities Review (IER) as the key arenas in which these discussions were held in terms of how they would be integrated into the 2010 Equality Act. This was the case for both those practitioners who were actively involved in the Discrimination Law review and the IER, and the smaller number of practitioners who were not involved in either, but who had an awareness and understanding of it.

Both the Discrimination Law Review and the IER involved consultation processes whereby recommendations from formal organisations and private citizens were taken in order to identify which groups needed legal protec-

tion. It was the consultation processes where the struggles over the inclusion of certain groups were narrated by practitioners to have unfolded.

Despite the efforts to make equality legislation more representative in terms of the types of discrimination people faced, this was not narrated by the practitioners as being a simple process of recognition in either the DLR or IER. Rather, many practitioners narrated that there was a struggle for people to be considered to have a protected characteristic. The 'very British approach' that Practitioner Ten narrated in the last section was echoed again here. There was an idea that people needed to have a certain threshold of evidence, and many groups had to struggle to gain validation in this sense.

As alluded to in Chapter One, the inclusion of an identity involving protected characteristics is heavily tied to various social movements and activist configurations mobilising on behalf of different groups (see Hines and Santos, 2018; Ross *et al.*, 2011; Whittle *et al.,* 2007). What constitutes membership of one of these protected characteristics is not a simple, straightforward activity, but one that is highly contested, requiring substantial political activity, be it through activism or the courts (Malleson, 2018). This will be exemplified further below with reference to the anti-caste movement in the UK (Waughray and Meena Dhanda, 2016).

Corroborating this focus on the need to struggle to gain prominence, the practitioners themselves discussed how, in their words, different stakeholder groups were making cases for their need to be included in the groups with protected characteristics:

> Well, I think it, I think it was a chance to be included you know… and, you know, well, there are lots of these of stakeholders who feel, understandably, that this was their only shot you know…erm, so they had to seize the opportunity (Practitioner Thirteen).

The above practitioner narrates how the DLR was seen as a 'narrow window of opportunity' that allowed people to gain recognition. The term ‘rare opportunity’ heightens the theme of competition.

This theme of competition was taken further by another practitioner who narrated their experience with the DLR. This practitioner argued that there was a misbalance in the focus on which groups should be included over others:

> And we had very heated debates around faith-based discrimination in the group. When I think about it, the balance of the group, it was quite centred around gender, race and disability. Less around sexual orientation and health. Age was also, gosh, the age discrimination debate. So that was, erm, that was cueing a lot of problems amongst stakeholders about getting rid of their retirement age at the time. And so, a, erm, I suppose I wouldn’t, I don’t recall things being excluded. I just had a very strong, it’s a memory, of imbalance, in the discussion. Which policy-makers were trying to rectify when things were moving along and changing (Practitioner Eight).

This struggle and competition around being considered to have a ‘protected characteristic’ has been argued to mean that certain groups have not received status as having a ‘protected characteristic’ in the 2010 Act. The exclusion of some of these various groups from protection has both been explicitly addressed and explained by the government in their response to the consultation process of the DLR and IER. There were also criticisms of certain groups being excluded by the 2010 Act that emerged after the publication of the act that were not brought up in either the DLR or IER.

Regarding the former (those explicitly addressed in the *reviews*), there were calls prior to the 2010 Equality Act advocating for genetic discrimination to be recognised as a key area of concern by the government. Those like Wilkinson (2009) argued at the time that its absence as a protected characteristic marked a major flaw in the act.

This absence of this characteristic was officially explained in *The Equality Bill: Government Response to the Consultation* (Government Equalities Office, 2008), presented to parliament in 2008. The rationale was that there was little evidence of the problem at present and that 'it is not clear that discrimination law is the right route to deal with any problems that might now or in the future exist' (Government Equalities Office, 2008:182). It was further conceded in that same report that the ERHC was expected, however, to take an interest in this issue and the development of it if these factors change.

Similarly, there has been significant and extensive discussion around and campaigning for carers to be considered as having a 'protected characteristic' under the 2010 Equality Act (Herring, 2007). However, this was rejected by the Government Equalities Office (2008) on the grounds that carers weren't a status, but a category (Malleson, 2018). The Government Equalities Office (2008) further argued that carers were already and better protected against discrimination through existing laws that allowed for flexible working arrangements (Hepple, 2010).

There were also calls for language to be introduced into the 2010 Act. In particular, this came from a number of bodies advocating for Welsh language speakers, specifically the Welsh Language Board, an assembly-sponsored public body established in 1993 (Edwards *et al.*, 2011). The argument was made that although there was very little evidence for direct discrimination against Welsh speakers, there were points of indirect discrimination. This was particularly evident in the workplace, where, for example, Welsh-speaking staff members were prevented from communicating with one another in Welsh instead of English. Although there were existing measures under the Welsh Language Act, these were considered too weak to counter this. In response to this, the Government Equalities Office (2008) argued that introducing language as a protected characteristic would be complicated, given the number of languages spoken in the UK and that the bureaucratic complexities of having to protect every single one would be high.

Although the direct omission of certain groups from those with protected characteristics has been addressed in the 'documents' of the new equality paradigm, others have not. There has been great concern here with the protected characteristic of disability and what is included and not included in this. Flacks (2012a), for example, provides an analysis of the protected characteristic of disability and details how drug and alcohol addiction are jettisoned from protection under that category, even though there are many arguments that they constitute a disability.

Similarly, there have been numerous concerns that weight discrimination is not properly covered within the 2010 Act. Section six of the Act states that weight can be covered by the disability-protected characteristic if it is the result of a physical or mental impairment. However, if someone was to be discriminated against because of their weight, the cause of which is not the result of a physical or mental impairment, then any discrimination on that basis is not protected against under the 2010 Equality Act (Flint, 2019).

There have also been growing voices of concern around the protection of non-binary gender identity (Carter, 2020). The current protected characteristics of sex and gender reassignment protect against discrimination on the grounds of reassigning gender or sex; however, there is no protection for non-binary persons discriminated against because of their lack of identification with a specific gender category (Feast and Hand, 2015).

Similarly, in terms of age discrimination, *Young Equals*, a body comprised of representatives from Liberty, Save the Children published *Making the Case: Why children should be protected from age discrimination and how it can be done* in 2009 (Flacks, 2012b, Young Equals, 2009). The Equality Act protects people from age discrimination over the age of 18, but the Young Equals report presented evidence of discrimination in terms of access to mental health services and shops on the grounds of being under 18. The UK Joint Committee on Human Rights corroborated this position on age discrimination against children, arguing that the Equality Act would need to

take account of how children are treated in schools and homes based on their age (Flacks, 2014).

Similarly, Malleson (2018) notes how pet ownership, once considered a somewhat trivial matter, has increasingly been argued to be a significant source of discrimination needing coverage. For example, ownership of pets restricts access to certain facilities and a better quality of life, notably residential homes (Harpur and Pachana, 2017).

Furthermore, there have been arguments that not only are certain characteristics excluded, but in different ways, the established protected characteristics fail to fully define these groups in certain instances. O'Cinneide and Liu (2015), for instance, note that the Equality Act 2010 includes no explicit prohibition of harassment on the grounds of religion or belief or sexual orientation in the fields of service provision and the performance of public functions (O'Cinneide and Liu, 2015).

There has been a large amount of discussion about the justifications for the exclusions discussed above. This has occurred in academic writings (see Malleson, 2018), the analysed 'documents' and the interviews with the practitioners. In discussing broadly why every group could not be included, the narratives in the 'documents' constituting the new equality paradigm were careful to situate this in terms of a need not to create an overly bureaucratic legal apparatus. Echoing the ideas of onerous legislation discussed in the previous section, the Joint Committee on Human Rights states:

> [o]ne of the principles in the development of the Equality Bill was not to legislate where there is no evidence of need (Joint Committee on Human Rights, 2009:28).

Evoked here is the tension between simplification and expansion. The idea of 'evidence of need' here is important and something polyphonically expressed across the interviews with practitioners. 'Evidence of need' as an

idea denotes a sense of caution, which was echoed throughout the practitioners' interviews, who noted concern about creating a framework that was seen as inaccessible and unworkable through introducing what is described as 'too many' protected characteristics.

4.2 The 'caste question' and the tensions of simplification and expansion

Up until this point, I have examined how a number of groups have been argued to have been excluded from the protected characteristic framework established in the 2010 Equality Act. I now further explore the relational politics of this exclusion and how it is justified through the tension between simplification and expansion identified in Chapter Six. I will use the example of 'caste' and its rejection by the government as a 'protected characteristic' in and of itself in order to elucidate this.

When narrating ideas about the groups that were included and excluded by the list of protected characteristics, the theme of caste emerged consistently in both the interviews and the 'documents' analysed. This was in the form of what the practitioners, in their own words, termed the 'caste question'. As a term in academic and political commentary, the 'caste problem' works to denote a series of conceptual struggles around the extent of coverage for caste in UK anti-discrimination law. In particular, it references the tension between an increasing pressure from a number of campaign groups to include it as a 'protected characteristic' and the counter-argument that it is already covered by other characteristics and therefore its addition as a separate characteristic would have overly and unnecessarily complicated the 2010 Equality Act.

I focus on the 'caste question' because it allows us to understand the concept of 'protected characteristics' more broadly. The manner in which caste was narrated, both explicitly and implicitly, represents a broader set of ideas around the relational politics of creating legal categories, as well as narratives about the potential arena and the function of that positioned as

policy and law. Furthermore, it is very helpful as an example because many of the practitioners' narratives thematically evoked the idea of caste in order to show how those they positioned as 'stakeholder groups' could attain influence within the equality policy world. Thus, through looking at the idea of caste, we can begin to explore the repertoire of practices constituting the relational politics of the equality policy world, as well as how these practices are used and negotiated.

Caste has been used to describe a number of concepts, and trying to find a precise and clear meaning is, Ashtiany (2014) argues, a complex and difficult task. One example is *Biraderi*, which is often presented as a clan system (Metcald and Healther Rolfe, 2010). *Varna* is another use, denoting a religious caste system in Hinduism. The focus here, however, is on *Jati*, which refers to an occupationally based caste system. Jati is acquired by birth and sustained by endogamy (restriction of marriage to the caste) and has considerable variation and fluidity globally (Dhanda *et al.*, 2014). In the UK, Jati is enacted both positively as a form of social capital and association among communities from the South Asian diaspora (Peach, 2006). However, it is also mobilised as a form of social hierarchy and, in turn, discrimination, which is the focus here, in relation to the themes explored in *Narrating Equality*. This mobilisation of Jati in terms of social hierarchy is argued to most negatively affect those positioned as 'untouchable'. The term *Dalit* has been increasingly used by those positioned as 'untouchable' as a self-identified term to replace 'untouchable' (Joshi, 1986), and thus from now on, I use Dalit to reference that social group.

Within post-war Britain, there has been a growing presence of Dalit diaspora and, in turn, efforts to fight caste discrimination against them. A number of Dalit solidarity networks were initially developed in the late 1960s through Buddha Vihars and Sikh Gudwararas (Kumar, 2009). This eventually developed into a more general anti-caste discrimination movement starting in the 1980s. The Federation of Ambedkarite and Buddhist Organisations (FABO) in the UK drew upon the works of notable Indian anti-caste campaigner Dr Bhimrao Ramji Ambedkar, as well as Buddhist teachings (The

Asian Independent, 2019). FABO UK aimed to draw upon the loose collection of organisations and form them into a more robust and organised movement through prioritising the teachings of Buddha and Ambedkar. FABO UK worked with the Indian High Commission in London to commemorate Dr Ambedkar, as well as organise notable seminars (Kumar, 2004). 1999 saw the 'Backward and Minorities Employees Federation' position the UK as its headquarters, and in 2000, the Dalit Intentional conference was held in London by Voice of Dalit International (Kumar, 2007).

To summarise, by 2000 there was a growing presence of Dalit networks and campaign groups in the UK, all advocating on behalf of those experiencing caste discrimination and arguing for legislative protection from it (Dalwai, 2016). However, this presence and mobilisation of Dalit groups in the UK were not reflected in immediate recognition of protection by the UK government. Important here is the Committee on the Elimination of Racial Discrimination (CERD), which was the monitoring body for the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (Thornberry 2016). In Article 1(1) of ICRED, a typology of different modes of racial discrimination is provided – positioning the grounds of racial discrimination to be of race, colour, descent and ethnic or national origin (Pinto, 2002). 1996 saw CERD confirm caste as being captured on the grounds of descent. This was re-affirmed in 2002 with CERD General Recommendation No. 29. The interpretation of descent by CERD was rejected by India and Japan, but not the United Kingdom (Waughray and Meena Dhanda, 2016). Although it did not challenge CERD's interpretation of descent, the UK argued that the problem of caste discrimination in the UK did not exist to the extent that it required legislation to address it (Waughray, 2014).

However, a constellation of actors emerged after 2002 who sought to challenge the UK government's decision not to introduce new legislation. Subsequently, there was a growing recognition of British class discrimination in academic circles (see Kumar, 2004; Waughray, 2007) in the period when the new equality paradigm was being enacted and discussed. This produced a significant amount of research into British caste discrimination across a

number of different sites and by several different actors (see Nesbitt (2020) for a helpful overview of this research). As a result, major bodies involved in the new equality paradigm actively endorsed the need to understand caste in relation to equality law. The ERHC, for example, provides a reading list of resources and references regarding UK caste discrimination on its website (see Equality and Human Rights Commission, 2020a).

It is arguable that this mobilisation and the recognition of it by organisations such as the EHRC all culminated in calls for caste to be integrated into British law through the Equality Act. The seminal 2006 report *No Escape: Caste Discrimination in the UK*, published by the Dalit Solidarity Network, actively asked the government:

> To officially acknowledge the existence of caste as a form of discrimination and include caste as a 'special characteristic' of discrimination in the Single Equality Act alongside race, gender, age, disability or religion, thereby enabling prosecution of anyone discriminating on the basis of caste in the UK, especially in the field of employment (Borbas *et al.*, 2006:16).

These calls for the inclusion of caste as a protected characteristic were acknowledged by the practitioners interviewed to be recognised by and included in the equality policy world. This led to the Discrimination Law Review including and, in one practitioner's words, 'welcoming in' what some of the practitioners identified as 'caste stakeholder groups'. This 'stakeholder group' was narrated to have a significant presence:

> For example, there was a technical issue around whether caste is covered by the 'race' provisions of the equality bill. My view was that it is. In fact, it is still my view that it is. But in fact, there was a degree of ambiguity about. So, we were being pushed quite hard by some stakeholders, some civil society stakeholders to get the government to amend the bill to make sure that caste was explicitly covered (Practitioner Two).

In terms of the response to these 'stakeholders' and their 'pushing hard', the practitioners noted what they described as a universal consensus

across the actors they positioned as involved in constructing the new equality paradigm. That consensus was that caste discrimination was, in the words of one practitioner, 'undoubtedly wrong' and should be illegal and challenged in the UK. None of the practitioners narrating about 'the caste problem' questioned the validity of the extent of discrimination. Neither did they question whether or not it should be covered by law. However, the practitioners, alongside narrating the importance of making caste discrimination illegal, echoed a common argument in different legal circles (see Dhanda *et* al. (2014) for a full survey of these debates) that caste was already covered in law through already established legal categories. For example:

> Erm… but there were some, in terms of the overall politics of, there were some things, er, which erm, …we weren't quite sure about, and that was caste discrimination. For instance, although, I think as a level of principle, we believed that caste discrimination should, should have been made unlawful, nobody could find any cases where caste discrimination was not already covered by discrimination on the grounds of religion or race, or ethnic minority status, etc. (Practitioner Nine).

Understanding caste discrimination as being covered by existing characteristics was the position that the Act officially took (Hepple, 2010). Following a broader conceptual trend in legislation internationally (see Yengde, 2011), in Section 9(5)(a) of the 2010 Equality ACR, an enabling provision was present that enacted the power to add, in the future, caste to section 9(1) of the Act as an aspect of race (Waughray and Meena Dhanda, 2016). There was no separate, singular protected characteristic of 'caste'.

It is important that this positioning of a subcategory was done after 'race' was established. Of course, 'race' was, as mentioned in Chapter One, the first grounds upon which discrimination was addressed in British law. The characteristic of 'race' was never designed with the intention of including 'caste'. Rather, what the practitioners narrated was an ability to accommodate it. This idea of accommodation is vitally important – particularly in regard to the vagueness of the term *characteristics*.

It is arguable that the option to accommodate new grounds within existing characteristics is facilitated by the vagueness of the term characteristics. The vagueness of the term means that the question of how different things fit into the characteristics of different groups is not necessary. There is no need to have a conversation about how it could work with ‘race’ as a characteristic because there is no clear or explicit understanding in British law about what it means for ‘race' or any of the other characteristics to be characteristics. There is malleability given to characteristics through the lack of fixed meaning of what constitutes a characteristic.

The way that the protected characteristic of ‘race’ was argued to accommodate caste demonstrates how the protected characteristics were enacted by the practitioners. In particular, it shows that they were not seen as being descriptive. By descriptive, it is meant that the characteristics accurately reflect the full range of different groups. Otherwise, there would need to be a category for caste that clearly describes caste as such. It is not necessary, in the protected characteristics model, to have a category that pertains to each cleavage of disadvantage if they are covered in different ways by others. Thus, rather than being descriptive, protected characteristics are malleable.

The question then turns to why the characteristics need to be malleable in order to accommodate new characteristics. Why not simply just introduce new characteristics? In answering this question, the tension between simplification and expansion is key. The malleability of characteristics allows new groups facing inequality and discrimination to be protected under the law (expansion) without having to create more law (simplification). In short, the malleability of characteristics as a term allows for the fear of onerous legislation discussed in the last chapter to be avoided.

This was narrated by the practitioners as being more than simply not just having to add more characteristics for the sake of balancing expansion with

simplification. Rather, some practitioners noted that it would make the legislation vulnerable on that basis:

> Like, you know, it's all well and good having lots of protected characteristics theoretically, but you know, these kinds of things are vulnerable. Look what happened to the Equality Act and the red tape challenge. We could have included caste as a characteristic and it could have got cut and say it was red tape and the act would have just been positioned as frivolous (Practitioner Thirteen).

This enacts the idea of protected characteristics in particular ways. It is not about protecting certain groups per se or symbolically representing them. Rather, it is about trying to manage discrimination without creating vulnerabilities for the law to be challenged within broader neo-liberal political projects. The importance of the 'balance' between simplification and expansion needs to be emphasised here. This idea of the potential threat of red tape will be further explored in the next chapter.

However, this idea of addressing caste discrimination under 'race' was, in the words of one practitioner, not 'accepted' by the 'stakeholders'. Rather, these 'stakeholders' were narratively positioned as desiring, in line with the Dalit solidarity network report mentioned above (Borbas *et al.*, 2006), a separate protected characteristic for caste sitting alongside 'race'. In narrating the reasoning behind this, Practitioner Fourteen argued that it was more than simply about gaining protection:

> There was a pressure from stakeholder groups to have a separate characteristic of caste. And I think that this was more about validation, you know. It was a lot more than actually about caste being a protected characteristic. It shows a commitment from the government to a lot of other things in the future if you know what I am getting at. They get a seat at the table on a lot of other issues (Practitioner Fourteen).

This is important because it shows the circulating, dynamic enactments of that which is positioned as policy and law in the equality policy world. It is not just that the practitioners interviewed enacted the protected character-

istics as malleable, but that the stakeholders also had a particular and differing enactment of them. These practitioners, in talking about the desire of the 'stakeholder' groups, showed their recognition of the power of law and policy to give legitimacy to certain struggles. The 'caste stakeholder groups' enacted ideas of policy and law as an attribution of authority that can, in turn, be used to mobilise further influence and power. By being included as a protected characteristic in the 2010 Equality Act, those discriminated against on the grounds of caste would not just gain the stated protections, which were argued to occur from caste being considered a sub-category of 'race'. Rather, it was about the authority that would be gained through the recognition of caste as a separate 'protected characteristic' and the legitimacy this would give different struggles symbolically and politically.

In the way the practitioners and the 'caste stakeholder' groups narrated the protected characteristics, we can observe a transcendence of ideas of the new equality paradigm as impactful. Davina Cooper (2011) astutely and artfully talks about how equality legislation is consistently positioned as impactful in 'that now is the moment when a new strategy (one that will succeed) has arrived' (Cooper, 2011:8). In relation to the protected characteristics, an impactful presentation of them would be a solving of previous problems of lacking representation of groups through the introduction of a fully representative set of characteristics. These characteristics, in this impactful model, would fully reflect the groups being discriminated against in the UK and the complexities of this discrimination.

In short, the idea of characteristics as being malleable challenges this idea of the protected characteristics being impactful, since if they were to be impactful, they would not need to be altered. However, the practitioners did not just challenge this impactful narrative through narrating the characteristics as being malleable; they also did so by highlighting what they narrated as the importance of the unknown:

> You know, we don't know what will come next, you know. Nobody considered certain identities as needing of protection that were. So, we

> might have new movements that highlight injustices in the future that we don't appreciate properly yet. So, you have to be careful of, what is it called….erm….. presentism, is that it, yeah presentism (Practitioner Fourteen).

The unknown and the future are important here. The protected characteristics are designed to accommodate the unknown without over-complicating the simple procedures in place. Polyphonically integrating a number of academic debates (see Malleson, 2018), the practitioners all narrated a recognition of the idea that the protected characteristics would never perfectly reflect individuals' lived reality. However, there was something that was needed, and the protected characteristic framework could helpfully and necessarily act as a foundation:

> I think, erm the way people experience discrimination will be different, dependent on the characteristics. Gender discrimination isn't experienced the same as discrimination based on disability, that's a given. It's recognised that the way people experience discrimination, the context, will be different. But that shouldn't, erm, prevent people, that shouldn't take away from the need to have protected characteristics, I don't think you can have working equality legislation without establishing grounds of discrimination (Practitioner Ten).

'Workable' is the key term here in practitioner ten's extract. As a narrative element, it enacts the purpose and the capacity of protected characteristics in a specific pragmatic framework. The inability to match lived experiences accurately does not mean, in the practitioners' narratives, that there should be no protected characteristics and that the endeavour should be abandoned if not fully represented. Rather, Practitioner Ten and others who evoked similar ideas draw on the pragmatic. 'Workable' endeavours to position a lack of representativeness as not necessarily meaning that these characteristics are not in some way helpful. Although there cannot be a full description or system that takes into account the nuances (because of simplification pressures and also the dynamic nature of the social), it is still positioned as helpful and important to have protected characteristics as a

basis upon which to create spaces in legislation to help ‘unknown’ and ‘un-represented’ groups.

5. Conclusion

This chapter has identified and explored the fashion in which practitioners narrated the protected characteristics in the context of the tension between simplification and expansion. It did this by first establishing an intuitional narrative of simplification that endeavoured to alter the ways practitioners performed the practices and tasks constituting their occupational positions. This institutional narrative was constituted through a number of speeches, parliamentary debates and documents. It was argued that this institutional narrative was followed not just because the actors felt bound to do so; rather, they all narrated a link between simplification and their ethical orientations. However, there were parts of this narrative that, in different ways, fissured with their ethical orientations. These fissures were through what can heuristically be termed ‘expansion’ and simplification. It was shown how, in the instances of such fissures, practitioners engaged in practices of what Practitioner Two defined as balance. It was shown that Hoggett’s (2006) work on moral institutions is helpful in understanding this practice of ‘balance’.

After establishing this tension between expansion and simplification, I moved on to elucidate how this is exemplified in discussions of protected characteristics. It has been shown that the 2010 Equality Act (and the nine protected characteristics that were a part of it) has been cited as a movement from a ‘grounds-based model’ to a ‘group-based model’ (Malleson, 2018). It was further argued that in this shift toward a group-based model of protected characteristics, a notable peculiarity is the ambiguity of the term ‘characteristic’. Although there was extensive space in the ‘documents’ and the practitioners’ narratives given to what consistituted protection and how that protection should be implied, there was no correlating explicit or direct discrimination of characteristics. Rather, there were just brief allusions to

what it could mean found in the ‘documents’, and none of the practitioners interviewed made any attempt to define the concept characteristics.

It was then shown how, although it was positioned as a panacea of new different identities, there has been widespread and extensive critique of the way in which the protected characteristic model fails to represent a number of different characteristics. This included non-binary gender identities (Feast and Hand, 2015), carers (Malleson, 2018), weight discrimination (Flint, 2019) and Welsh-language speaking (Malleson, 2018).

It has been shown, through the example of ‘the caste problem’, that the undefined and therefore malleable nature of the term characteristic allows the different groups to be protected (expansion) within the context of a narrative of not too ‘too many characteristics’ (simplification). Protected characteristics, therefore, were argued to not be descriptive. They were not designed to represent a holistic and representative account of all the various groups facing discrimination. This was positioned by the practitioners as being potentially problematic, as this would enact the onerous legislation discussed in the previous chapter.

At the same time, however, it was shown that a logic unfolded whereby the groups that may seem to be excluded as a result of not being designated as having protected characteristics were still covered through the ambiguity of the idea of what constituted a characteristic. It was shown that the practitioners evoked such a logic in relation to the ‘caste question’ through discussing how it could be ‘accommodated’ under the category of ‘race’.

However, these understandings of malleable characteristics were also shown to be challenged by what the practitioners termed ‘stakeholder groups’. It was argued that this challenge by ‘stakeholder groups’ showered a circulating, dynamic and competing set of enactments about what constituted a characteristic in the equality policy world.

The chapter concluded by arguing that this move away from thinking of the protected characteristics as descriptive meant a move away from ideas of protected characteristics as ‘impactful’ (Cooper, 2011). This involved practitioners enacting the term as having a particular relationship to the future and the unknown. The practitioners all enacted an idea of characteristics as being able, through the ambiguity of what constituted a characteristic, to allow unknown and future acts of discrimination to be accommodated into and protected by the ‘protected characteristics’ framework without major alterations needing to be made.

Chapter Eight
Post-policy and post-law

1. **Introduction**

Until this juncture, Chapters Five onwards have explored the ways practitioners narrated a series of enactments leading to what is positioned as policy and law – what is normatively described as the 'policy process' (Hill, 2005; Sutton, 1999). This chapter looks at how the practitioners enacted a point where the creation of that which is positioned as policy and law is narrated as 'finished'. In particular, I look at the political consequences of narrating that positioned as policy and law as being finished.

Unsurprisingly, given its prevalent nature, all of the policy practitioners discussed legislation in accordance with the narrative of it as finished, possessing a discrete endpoint – what Clarke *et al.* (2015) astutely term a 'policy as object' understanding. Consistent with the focus on narrative sense-making, a central concern of this chapter is an investigation of the way the narratives enact that which is positioned as law and policy as an object through positioning it as having an endpoint. Key to this enactment is the idea of 'implementation'. Drawing upon Dickinson's (2011) helpful discussion of debates around implementation deficit, I will show in this chapter how narratives of implementation work relationally in order to enact ideas of that which becomes policy and law in different ways.

Through looking at implementation in this way, my concern in this chapter is what I term 'post-policy' and 'post-law'. By this, I do not mean to reference a clear set of events after a policy or law is completed. This would treat them as substantive, bounded objects that can be seen to stop or finish at a particular point (an idea discredited and argued against in Chapter Two). Rather, I refer to how practitioners enact a boundary that signals that a policy or law has been finished and how this enacted boundary works to separate the ideas of that which is positioned as policy and law from other ideas.

It is important here to quickly establish the timescale when this 'implementation' is established in the practitioners' narratives. The historical period studied in this chapter is from 2010 onwards. The immediate objection to this is that much of what is referred to as the new equality paradigm was implemented before 2010, notably through the 2006 Equality Act and the establishment of the EHRC. I note this because my interest is not so much in when we can identify 'implementation' as happening, but rather how it was narrated in the practitioners' narratives. The practitioners did not speak of the 2006 act as being a major issue in terms of implanting the first Equality Act, and their narratives of implementation all focused on 2010 onward. Thus, the discussions in this chapter consider 2010 as being the nexus of implementational difficulties for the whole of the new equality paradigm, even though parts of it were 'implemented' before then. However, this does not mean that the 2006 Act is somehow ignored. Rather, as will be shown throughout this chapter, the practitioners consistently narrated the post-2010 period as having significant implementational difficulties that significantly affected both the EHRC and the idea of the 2006 Act.

The first section establishes and elucidates the range of academic debates around discussions about policy implementation (Sher-Hadar, 2020), specifically the existing literature noting the challenges of implementing anti-discrimination and equality law (O'Cinneide, 2016). Of special note is an imperative in the 1970s and 1980s social policy and public administration literature that aimed to diagnose the cause of what Dickinson (2011) terms *implementation deficits*. Implementation deficits refer to a set of theories and methodologies, arguing that there is a dissonance between that laid out in legislation and that 'delivered', and, in turn, an effort to diagnose the effects causing this dissonance. The section then explores how this implementation deficit research has been formalised into two approaches – top-down and bottom-up implementation theories. I contend that we can heuristically observe the practitioners' narratives to polyphonically draw upon both models (bottom-up and top-down) when narrating post-policy and post-law.

The following section elaborates how bottom-up implementation thinking emerges in the interviews through the practitioners' narratives and how this constructs the capacity and effects of that which becomes positioned as policy and law. The key here is what the practitioners position as a change in 'societal attitudes to equality'. This change in societal attitude was, in turn, narrated to have a number of material implications in terms of funding for different bodies that can be hubristically termed the *equality apparatus*. This apparatus includes bodies such as the EHRC, as well as services like legal aid.

The subsequent section explores how the practitioners positioned the implementation deficit as a top-down phenomenon. This will be shown to be mainly through the cutting and altering of different provisions of the new equality paradigm by the coalition government. This will be explored in terms of a shift in governmental attitude. It will be shown that the Conservative Party was narrated by practitioners as generally supportive of the new equality paradigm when it was, in their words, 'being made'. However, a notable shift was narrated after the 2010 election, symbolised most notably in the red-tape challenge (Jameson, 2012; Stephenson 2014).

The final section endeavours to explore how the practitioners narrated their potential hopes for equality. These hopes notably include identification of what one practitioner termed 'pro-human rights thinking' in the Conservative Party, as well as the multiple attempts to re-establish certain elements of the 2010 Act that were removed by the coalition government. Again, rather than simply reflecting on the new equality paradigm, these narratives of future hopes instead operate to enact the new equality paradigm in different ways.

2. Implementation deficits: explaining and elucidating the gaps between purpose and outcomes

As alluded to above, in their narratives, all the practitioners enacted ideas of that which becomes positioned as policy and law as finished. There comes a point in their narratives, where that which is positioned as policy and law is 'made'. They do, however, position that which becomes positioned as policy and law as being altered. However, this is not seen as a re-enacting or re-creation of policy – suggesting that policy and law have already been created. Rather, this alteration is through 'implementation'.

My concern with 'implementation' here is not simply to assess how the new equality paradigm has been put into practice (see Browne *et al.* (2016) for an example of this work). Nor do I simply endeavour to review the strategies on implementation of either the 2006 (see Chapter Eleven in the Equalities Review (2007) entitled *The Road to Implementation*) or 2010 Act (see DCLG, 2007) in order to assess how this has played out. Rather, I look at how the practitioners narrate implementation (and the boundary of a policy being created as enacted through it) and how this narration enacts that positioned as policy, law and the new equality paradigm in different ways. To do this, I am interested in how they draw upon different debates around implementation in order to enact boundaries around where that positioned as policy and law creation is argued to finish and the implementation of it begins.

There has been an extensive amount of debate around the enforcement and implementation of policy in general (see Dickens (2011) and Sher-Hadar (2020) for astute surveys of this issue across different disciplinary trajectories), as well anti-discrimination and equality policy and law specifically (see Lovenduski, 1989). In relation to how the practitioners integrated these ideas polyphonically into their narratives, we can identify the presence of what Dickinson (2011) identifies as 'implementation deficit' debates.

Surveying the public policy literature of the 1970s and 1980s, Dickinson (2011) identifies growing scholarly interest in identifying and exploring that which is termed an *implementation deficit*. This implementation deficit research endeavoured, in short, to elucidate the mechanism by which some 'policies' succeeded, whereas others failed. Two schools of thought

emerged from the ‘implementation deficit enquiry’ – top-down and bottom-up thinking.

The first approach (top-down) argues that an implication deficit is the result of what those involved in what is normatively referred to as ‘policy making’. In top-down models, the design of that which becomes positioned as policy and law is problematic in that it does not have an accurate understanding of the problem it is seeking to address. Thus, when this policy is implemented, it does not properly match the field and thus fails as a result.

The second (the bottom-up approach) rests on the inability of the responsible actors to correctly apply the ‘policy’ to the correct area in the correct manner. The policy itself is correctly or at least sufficiently designed. The cause of the implementation deficit, rather, is a range of factors after it is ‘made’. These ‘other factors many include, amongst other things, budget cuts for particular agencies, the removal of inter-connected or tangential policies and agencies or a lack of understanding from those implanting the policy.

Although this distinction is, of course, in some ways (as with many theoretical binaries) reductive, it has heuristic merit here in that it allows us to understand the practitioners’ narratives of ‘post-policy’ and ‘post-law’. None of the practitioners presented the new equality paradigm as being perfect or that any of its shortcomings were the exclusive result of implementation. The practitioners noted how at various point how the paradigm did not go far enough – and furthermore some argued this to be universal, with multiple participants using the prefix ‘as with all laws’ in their description. However, in all cases, they narrated, to different extents, both models of implementation discussed by Dickinson (2011). The next two sections explore these different implementation models as they emerged in the narratives.

3. Bottom-up implementation deficits

Many practitioners narrated bottom-up implementation defects of the 2006 and 2010 Equality Acts as an issue that is not necessarily unique to the new equality paradigm. Rather, it was positioned as a defining and fundamental characteristic of the history of UK anti-discrimination and equality law in general. One practitioner who typifies and exemplifies this narrative argued:

> So, I think in principle the duties, the further promotion and fostering of good relations were right, it's just unfortunately, like many bits of equality legislation, going back to the 70s, the implementation wasn't always strong as the secondary legislation. So that's where the weakness has always been, as with most of this legislation. I think our view has always been that we don't need new primary legislation. We just need better implementation of the legislation that we have already got. And that's never really been driven through ... some government departments were never very good at implementing this (Practitioner Five).

In this way, the practitioner did not simply reflect on the Equality Act, but on legislation and equality legislation in general. This reflects how O'Cinneide (2016), for example, notes how, from its inception in the 1960s, there has always been a discourse of anti-discrimination law in the UK being difficult to enforce as a result of its novelty and the political complexities of having to persuade different actors to actually use the law.

This is important in terms of how that which becomes positioned as policy or law is enacted. It shapes it in such a way that it is seen as being overly optimistic. This notably informed how the practitioners narrated the capacity of law – as something not inherently positive, but which is dependent on a range of different connected factors.

To an extent, there was agreement across the transcripts with this general characterisation of equality law. However, although there was acknowledgment of the consistent issues of implementation in terms of the novelty of introducing new ideas, the new equality paradigm was consistently narrated as being more challenging than other legislation. As one participant narrated:

> You always seemed with these things, with previous anti-discrimination law, to be going forward…..erm…..You had all the early race relations legislation which, erm, built on one another, having amendment acts. And then it all started spreading out to gender and the disability discrimination debate and then with the Equality Acts. But after 2010, you get a shift backward, the start of a substantial move away. It's very unfortunate and upsetting (Practitioner Thirteen).

In terms of elaborating on the significantly more problematic implantation of the new equality paradigm (in relation to the always present but not necessarily as severe difficulties of the previous legislation), the practitioners noted a number of areas that made this implementation more difficult. These factors can be understood broadly as constituting a social climate against equality, in turn engendering the budget reduction of the equality apparatus associated with it.

3.1 The shifting cultural move away from 'equality' and the atrophying of the 'equality apparatus'

A key theme about implementation from the practitioners concerned what they positioned as a broader 'social climate' in which 'equality' did not hold the same currency it did prior to when the new equality paradigm was being, in their words, 'made'.

> I think the broader economic environment makes it harder for people, the fact that we are in a period of significant austerity. But even beyond that, the kinds of stress and difficulties that society looks like it's facing, which is leading to, appears to be leading to these Brexit votes, and Donald Trump winning an election, makes equality harder as a narrative and policy agenda to advance. But I don't think that that's the problem of the legislation as such. I think its wider issues that are making it difficult (Practitioner Two).

In looking at the above practitioner's narrative performatively/dialogically, the narration of the climate in this sense is very polyphonically exhibiting the

dominant narratives around equality from 2016 (when the interview was conducted). As mentioned in Chapter Four, many of the interviews occurred during the time considered as encompassing the 'new populism' (Gifford, 2020), when high-profile actions by the state, including, for example, the Home Office's 'Go Home' campaign (Jones *et al.*, 2017) took place. Furthermore, this was in a context where anti-discrimination and equality law seemed to be coming under greater and greater scrutiny and attack – most notably by UKIP's official decision to oppose anti-discrimination law based on nationality (Favell, 2020; Hodges, 2015).

Regarding the thematic thread of analysis, emerging in these narratives, therefore, was theme that the Equality Act could not be implemented fully because of the cultural climate it was introduced in. For example:

> It's all well and good having equality legislation, but that never immediately does anything in and of itself. It has to be taken up by people. It is a tool for change. And I don't think we have a political environment. There was a time where it seemed to be moving forward and now there is a retreat, you know. There are still legal measures in place but these kinds of things are not self-generating. You need the right ideas the right people around it for it to move forward (Practitioner Thirteen).

This cultural orientation was said to be manifested in what the practitioners positioned as an apparatus of mechanisms supporting the application and implementation of that which becomes positioned equality policy and law. The practitioners all narrated a set of institutions and powers that I will heuristically describe as an equality apparatus working to facilitate a better use of the law by those discriminated against. This apparatus was positioned as central to supporting the successful implementation of the new equality paradigm. This apparatus was consistently described by the practitioners as being under threat through being cut or being seen as less important within different political discourses.

The practitioners narrated that a significant dimension of this apparatus was the EHRC. The practitioners, throughout their narratives about the imple-

mentation and enforcement of the Equality Act, noted the precarious position of the EHRC. The EHRC, as mentioned in Chapter One, was established with a remit to promote and enforce equality laws in the UK (O'Cinneide and Liu, 2015). A number of practitioners argued that the capacity to fill this remit had been significantly and severely compromised through a decrease in their budget:

> It so happened that the Equality and Human Rights Commission, when they were first set up, they were pretty well resourced, they're not anymore (Practitioner Two).

> So, the CRE or the EHRC are always only going to be as good as their ability to have intelligence on and connections and networks with local government and local people and issues. So, I think that is my concern. The infrastructure on race has completely crumbled. There are no real organisations left in the public sector. Erm, so there's no organisation that focuses particularly on race in the public sector. Erm, there's no, whether nationally or locally, the EHRC has got better recently, but race has been something it's not done very well. And there's no staffing; there used to be jobs like race equality officers and there's no such thing now (Practitioner One).

According to the National Audit Office (2017), the EHRC, which had been established in 2007, experienced a 70% decrease in its budget in 2017 (Syal, 2017). However, it was not just this budget decline that was a concern for so many practitioners.

The defunding of the EHRC was not just seen as damaging in terms of its ability to help enforce the legislation – but also symbolically. Polyphonically echoing the dominant style of narration detailed in Chapter One, many practitioners talked of the EHRC as a central component of the new equality paradigm. The EHRC's de-funding was thus not simply about the EHRC's ability to enforce the law, but it also symbolised to the general public that it (and, in turn, the new equality paradigm more generally) was not as significant as it once was:

> The EHRC has definitely not got the position it once had you know, it's not the big player it once was. It's not as funded as it once was, but it's also not, not as politically powerful (Practitioner Thirteen).

In narrating the symbolic erosion of the EHRC's importance, another major theme emerged that concerned the controversial statements made after 2010 by Trevor Philipps. Trevor Phillips was the former and first ever head of the EHRC (Spencer, 2008), and before that, he was the head of the Commission for Racial Equality (CRE). In 2015, Phillips presented a Channel Four documentary entitled *Things We Won't Say About Race That Are True* – in which a number of controversial statements were made. A notable example of such a statement was that the threat of being labelled racist meant many white people were afraid to criticise ethnic minorities, even when what they were doing was 'problematic' (Joseph-Salisbury, 2016). This was corroborated in a Daily Mail article written by Phillips (2015), as well as by praise directed toward Phillips from a number of right-wing media bodies (see LittleJohn, 2015).

A number of practitioners narrated that this discredited the EHRC and undermined the future potential of the new equality paradigm. According to one practitioner who previously worked at the EHRC:

> You know, you have had people like Trevor Phillips who was the former head, you know lead commission of the EHRC, and important in the CRE as well. And you had coming out and talking about how we have transcended racism against minorities, it sets a particular tone you know … Erm, he wasn't talking about the equality legislation specifically, but, you know, when the former head of the main organisation involved in its production says something like that, it undermines it. And him saying it as well you know, it gave it legitimacy……You were able to say look even Trevor Phillips says is not a problem and he was the governments 'equality guru' (Practitioner Thirteen).

This lack of a well-funded and politically strong commission to help implement and enforce that which is positioned as equality policy and law was

often narratively positioned as contrasting how the three legacy commissions worked. For example, one practitioner narrated that:

> I mean even equality officers are really not kind of around anymore in public sector jobs, in HR departments. You don't see that kind of, and not just HR, legal. So, you need people who know the law and can challenge. And I mean it used to be that the CRE would monitor gazettes of employment law and watch out for cases and then you know privately write to employers that seemed to have problems regularly. There's none of that, there's no scope for that. And I think the sad thing that then becomes is that it's not just moaning, it's like you don't actually learn. You don't learn what the problems are and what the solutions might be. Because a lot of employers would like to be better on these issues. But they don't have any support to do so now (Practitioner Five).

Similar to the defunding of the EHRC was the reduction of legal aid established through the coalition government's passing of the Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) in 2012. For more detail in relation to the mechanics of this, see Amnesty International (2016) and Mayo *et al.* (2015). This cutting of legal aid meant that, as one practitioner narrated, people were less likely to be able to get access to the law:

> Erm, we are now in a situation where it is very difficult for people to get access to justice, even if their rights have been infringed. Legal aid has been cut; employment tribunal fees have been increased. Erm, quite disproportionately increased. I mean, for ordinary people, it makes it very difficult to erm, even contemplate paying those sorts of fees. Erm, there are fewer law centres, fewer advice centres, fewer ways of getting information about how they could get legal help. So, it's all very well having a wonderful Equality Act. And it's a good deal better than it was. Erm, but if we don't have the means which enable people to erm, use access the law, take their own individual cases, get individual resolution of their disputes, then it rather diminishes the power of the act. So that's my big concern looking forward (Practitioner Six).

Another practitioner noted the introduction of tribunal fees (which were then abolished later, after the interview took place):

> I think there are other difficulties which make it hard. The significant reduction in legal aid support, to make it hard for individuals to exercise their rights. The introduction of employment tribunal fees which make it hard, harder for people to bring claims. (Practitioner Two).

We have now established how, through talking of post-policy and post-law, the practitioners drew upon what can heuristically be defined as 'bottom-up' (Dickinson, 2011) issues of implementation. But this needs to be taken further. We need to understand how what the practitioners all narrated as the cultural shift and the atrophying of the 'equality apparatus' worked to enact the role and capacity of that which becomes positioned as policy and law.

As elucidated in Chapter Two, one of my key focuses is on how the distinction between policy and law (Tate, 2020) is mobilised by practitioners. The practitioners all tended to enact policy in a way approximating a common public policy definition of policy as the actions of government (Page, 2008; Peterson, 1992). One practitioner explicitly evoked this policy/law' distinction:

> The law is there but the policy shifts, they have a knock-on effect, you know, in how people are able to use them (Practitioner Thirteen).

The idea of a 'knock-on effect' thematically operates to create both a distinction and a symbiosis. Law is relationally enacted as a distinct entity to policy, but is limited through policy as the will of government. Each of the narratives about bottom-up implementation in some way emerged from policy change across a number of sites. The new policy environment has emerged (Conservative) differently from the old one (Labour), working to weaken the implementation of the law.

Up until this point, I have established how the idea of bottom-up implementation thinking (Dickinson, 2011) permeated the narratives of the practitioners and that it enacts the idea and capacity of that which is positioned as policy and law and the distinction between that which is positioned as poli-

cy and law in of itself. Following this, I now look at how top-down implementation thinking is simultaneously present within the practitioners' narratives.

4. Top-down implementation: the move towards the coalition government

The practitioners, alongside discussing the implementational difficulties narrated as emerging from 'below', also narrated them as originating and stemming from 'above'. What is interesting, however, about the top-down narration was how those positioned as working 'from above' worked to hamper the new equality paradigm's implementation. As noted in the preface and Chapter One, because of the length of the consultation period, the act was uniquely passed right at the end of the Gordon Brown Labour government (Flacks, 2012a). This unique positioning was consistently evoked in the practitioners' narratives about 'top-down' implementation. The practitioners enacted a distinction here between who was involved in the various consultation and drafting processes prior to 2010 (those originally involved) and those making changes after 2010 – in particular, the Liberal Democrat–Conservative coalition government. It was the coalition government (not those 'originally' involved) who were narrated as shaping that which is positioned as policy and law in a way that meant it would not effectively tackle inequality.

As mentioned in Chapters Three and Six, the practitioners all had an ambivalent relationship to the state, and this was evoked in different ways. However, this ambivalence was not static; rather, it was narrated as significantly changing after the 2010 general election:

> You cannot say everything was perfect. It wasn't like it was a wonderful and easy and then the Tories changed it. But it was a Labour government and there was a push behind it. And then once you had the election there was definitely a shift (Practitioner Fourteen).

This ‘shift’, as Practitioner Fourteen phrased it, was narrated by many of the practitioners as being, in some ways, surprising and unexpected. The less supportive Conservative-Liberal Democrat government was narrated as being somewhat novel to 2010. As mentioned in Chapter Six, the practitioner thought of the pre-2010 equality policy world as a broadly ‘supportive environment’. This supportive environment was narrated as including the Conservative Party:

> Conservatives, I don’t remember us, because they were in opposition at the time, I don’t remember us facing significant opposition from the Conservatives, erm. I remember meeting with Theresa May, I think she was shadow minister, shadow home secretary, I can’t remember what she was at the time. I remember meeting her. And … I mean I don’t remember significant opposition if I’m honest (Practitioner Two).

This was corroborated in terms of the ‘document’ analysis conducted in tandem with the interviews. In the generation of the tactical intelligence discussed in Chapter Four, I found no ‘documents’ produced by members of the Conservative Party or think tanks or bodies associated with the Conservative Party that actively criticised or questioned the creation of the Equality Act prior to the change in government in 2010.

The shift in the Conservative Party, moving away from being part of the supportive consensus the practitioners narrated, was linked thematically to a broader understanding of equality. The coalition never abandoned the idea of equality as an ideal or something that should be strived for (Sanders *et al.,* 2015). Rather, in the aftermath of the 2010 election, we saw an attempt by the Conservative Party to position themselves as fundamentally committed to equality (Gedalof, 2018). Summing up this ‘rebranding was a claim by Prime Minster David Cameron that the Conservative government had become the ‘party of equality’ (see Cameron, 2015). Indeed, Cameron argued that this to be a historical position and a key part of its development – ‘we’re the party that introduced the Disability Discrimination Act’ (Cameron, 2015:no pagination). A central theme of this new approach to equality

was removing numerous elements from the 2010 Equality Act, notably the socio-economic duty.

4.1 The 'Harman clause' and the socio-economic duty as 'socialist subterfuge'

In the immediate aftermath of the 2010 election, there was a growing number of statements and actions by a range of governmental figures in the Conservative Party. The constellation of practices broadly began to create an idea that the 2010 Equality Act was not really about 'equality', but rather was simply 'red tape' functioning as a 'burden for business' (Manfredi, 2016; Stephenson, 2014). This was notable, for example, when Matthew Hancock apologised for the Act at the 2010 Conservative Party conference, saying that it would cause the government a lot of problems through evoking the idea of 'needless bureaucracy' (Moseley, 2010). This was echoed in a number of right-wing media sources, where the 2010 Equality Act was positioned as unfairly and unnecessarily threatening business through potential inundation by a number of different employment claims (see Loveless, 2010).

This growing criticism designating the Equality Act as red tape focused specifically on one particular clause. In the months after the election, a large amount of attention orientated around the socio-economic duty (Conely, 2014). As detailed in Chapters One and Seven, section one of the 2010 Equality Act (commonly known as the 'socio-economic duty' (Hepple, 2010)) required the public authorise to exhibit due regard in their functions to reduce socio-economic inequalities. The socio-economic duty has been argued to initially emerge in the white paper *New Opportunities: Fair Chances for the Future*. The white paper was orientated around the idea of needing to address the potential for social mobility (Spohrer *et al.*, 2018). As part of the potential strategies to stimulate social mobility, the white paper argued that we needed 'a new strategic duty on central departments and key public services to address the inequality that arises from socio-eco-

nomic disadvantage and place this objective at the core of their policies and programmes.' (Great Britain, Cabinet Office, 2009:22).

What is important to understand about the socio-economic duty is how it was positioned politically in relation to the broader new equality paradigm. As discussed in Chapter One, we can heuristically identify a dominant style of narration (as opposed to a single dominant narrative) and a dominant style of counter narration of the new equality paradigm. Both of these in some way position the new equality paradigm as being interconnected with and linked to ideas of the third way (Giddens, 1994). Furthermore, the new equality paradigm is represented in both styles of narration as a confluence of left-wing social policy and neo-liberal marketed ideologies. The socio-economic duty is seen to symbolise and represent the leftist tendencies of the third way, referred to consistently in the media as 'socialism in a clause' (see Massie, 2009; Slack, 2010). For example, established and notable liberal commentator Polly Toynbee (2009) declared that '[a] public-sector duty to close the gap between rich and poor will tackle the class divide in a way that no other policy has' (Toynbee, 2009:no pagination).

This positioning of the socio-economic duty as a radical and positive by liberal commentators was polyphonically expressed in this practitioner's narrative:

> The socio-economic duty, obviously not brought into force. But I thought, I think, was, in discrimination law terms, fairly radical. Because it suddenly introduced economic disadvantage something that should be based in an Equality Act, which hasn't been done before (Practitioner Eleven).

Although Theresa May was narrated by the practitioners quoted above as being fairly supportive of the creation of the Act before 2010, this shifted after 2010 when she became home secretary. Speaking as the minister for the Home Office at the time, a press release on behalf of Theresa May (Home Office, 2010b) announced the coalition government's plan to aban-

don the socio-economic duty on the grounds that it would represent, in Theresa May's own words, another bureaucratic 'tick box' to be filled.

In line with this, the movement away from the socio-economic duty was argued to constitute the beginning of the Conservative Party's new approach to equality mentioned above. Theresa May contended that abandoning the socio-economic duty was part of a 'radical new approach to equalities that rejects political correctness and social engineering' (Home Office, 2010: no pagination). The emphasis for May was on treating people as individuals rather than members of groups (Gedalof, 2018). What can heuristically (but reductively) be located as the position of the Conservative Party became that it was the government's responsibility to encourage and protect 'equality of opportunity' but not 'equality of outcome'.

This was not just the position of the Conservative Party; it was supported by the coalition in general. Liberal Democrat Lynne Featherstone stated that:

> All the policy would have been was a bureaucratic box to tick; it would have been just another form to fill in; it would have distracted hard-pressed council staff and other public sector workers away from coming up with the right policies that will make a real difference to people's chances in life (Home Office, 2010a: no pagination).

Many practitioners narrated this opposition to the socio-economic duty as working through positioning it as a liberal political insurgency. The practitioners narrated the relation between the duty and Harriet Harman as being a key mechanism in creating this idea of the duty being an insidious liberal political manoeuvre.

The socio-economic duty has been tied heavily to Harriet Harman; Hepple (2014) notes how it has been nicknamed the 'Harman clause' as a result of this association. This was enacted and solidified on a number of occasions.

For example, in 2009, when the Equality Act was introduced to the House of Lords, Baroness Royall of Blaisdon announced:

> Before I discuss the bill, I would like to pay tribute to the person who has done most to bring this bill about. This bill simply would not exist without the drive and determination of my right honourable friend, the Leader of the House of Commons, Harriet Harman. (House of Lords, 2009: no pagination)

This association between the socio-economic duty and Harriet Harman was corroborated by the narrations of many of the practitioners. For example:

> I think it was mainly, well, first of all, there was a very, there were two very important players. One was Harriet Harman, as you know. And another was Angela Mason in the Women and Equality Unit, who you might have interviewed I don't know. But both were very keen on pushing through a more progressive model (Practitioner Eleven).

As discussed in Chapter Two, one of the key mechanisms for moving beyond rationality in policy analysis is to move beyond disembodied linearity and look at how that which becomes policy and law is read through certain bodies. It is arguable that in the same way the example from Chapter Two, the Parekh report, was read through the trope of a left-wing intellectual of colour, the discussion of the 'Harman Law' represented, in similar ways, a constellation of gendered power relations.

Harman has been consistently positioned as one of the 'faces of feminism' within the post-1997 Labour Party (Bashevkin, 2000), something she corroborated and positioned herself as in her book *A Woman's Work* (Harman, 2017) (for a more astute analysis of feminist figures in New Labour see Adcock (2010)). This theme emerged in a number of the interviews. As one practitioner narrated:

> I think it's easier to discredit things when you have a woman that you can put the face on, especially a feminist like her. You had two quite significant female players, Harriet and Angela Mason. And you know, you can

> easily tie something to a feminist and say she is not being reasonable or not doing what is practically the correct thing, you know. She is dogmatic and pursuing an agenda rather than helping things along (Practitioner Fourteen).

This is important because it provided a foundation whereby the need for certain provisions in the Equality Act become positioned as unnecessary. Harriet Harman becomes then a dogmatic ideological figure who was trying to push through the socio-economic duty as an act of subterfuge (positioned as against 'real' equality') to advance socialism.

The idea of the socio-economic duty being a tick-box exercise rather than actually addressing equality was subsequently taken as a broader idea and applied to the 2010 Equality Act as a whole through the red-tape challenge of 2011.

4.2 The red tape challenge

Arguably, the culmination of statements by those like Hancock and the discrediting of the socio-economic duty as an unnecessary provision forwarded by figures cast as dogmatic (including Harriet Harman) was the submission of the 2010 Equality Act to the red-tape challenge in 2010 (O'Brien, 2013). The red-tape challenge was launched in 2011, with the goal of 'challenging the public to help cut unnecessary regulations' (Cabinet Office, 2011) in order to remove what David Cameron himself described as 'bureaucratic rubbish' (Sparrow, 2012). This meant that the government published a list of regulations present in a particular industry or certain sector and asked for public consultation on what was effective and what was working to simply impede efficiency and progress (Lodge and Wegrich, 2015). Three thousand pieces of legislation were suggested to be either abandoned or edited, of which the Equality Act 2010 was one.

Originally, the entire act was put under review, and the public was asked whether the entire primary legislation should be retained or abandoned (Runnymede Trust, 2011). To this, 96% of 6,000 respondents replied that it

should not be scrapped. Rather than abandoning the idea of altering the Act, the government instead decided to remove certain sections of the Act. This included removal of the equality duties and the multiple discrimination clauses of the 2010 Act (Stephenson, 2014).

This engendered a significant amount of controversy. A constellation of different bodies articulated and argued that the red-tape challenge was not about making equality more accessible, but rather an obfuscatory mechanism to stifle gains toward equality. These criticisms primarily voiced a concern with the way it would not be able to allow 'public authorities to be held to account in relation to their duty to promote equality and making it easier for them to not fully address the impact of their practices and policies' (Women's Resources Centre, 2011:4). A number of key think tanks (see Race on the Agenda (2011), Runnymede Trust (2011)) and media commentators (see Kettle (2011)) echoed these claims. In short, this critical mass all expressed the concern that 'deregulations are not based on hard evidence but are mainly ideological, supported by the subjective perceptions of some employers' (Hepple, 2014:203).

However, despite the breadth of these critical reactions to the red-tape challenge, the Equality Act was eventually still reduced in a number of key areas. On 15 May 2012, Theresa May, as Home Secretary at the time, presented to the House of Commons the result of the Equality Act's subjection to the challenge – 'Equalities red-tape challenge package' (Home Office, 2012). This invoked a modified version of the Equality Act, removing a number of features. This included employer liability for the harassment of an employee by a third party. Also taken away were tribunals' powers to make wider recommendations in discrimination cases that were successful. The package also had a confirmation that the government would continue with the earlier announced plans to repeal the socio-economic duty. Furthermore, it also included a delay in the commencement of dual discrimination provisions, which were never introduced (Bourne, 2020).

The practitioners consistently described this red-tape package as creating an implementation deficit in terms of the extent to which the removal of these various elements meant that the problems of anti-discrimination legislation were not fully addressed. For example, one practitioner noted this regarding the removal of dual discrimination, stating that this made the act unable to tackle the lack of intersectional thinking present in the anti-discrimination framework:

> But section 14, for example, wasn't brought into effect. So, you got section 14, which was one of the….., I thought was one of the key provisions of the Equality Act. Because if you are bringing everything under one roof, having individual characteristics doesn't make sense. Section 14 was trying to bring in dual characteristics (Practitioner Seven).

In explaining this implementation deficit caused by the red-tape equalities package, the practitioners drew upon neo-liberal ideas. Whereas the changes to the Equality Act were argued by the Conservative government to be practical-minded attempts to cut unnecessary burdens on a range of bodies (particularly businesses), this was actively challenged by practitioners. This challenging was notably done through positioning the ideas of reducing burden and unnecessary complexity as a fundamental feature of what they were doing prior to 2010 – in terms of the focus on simplification:

> I think the whole red tape thing, look, the act in itself was about harmonisation and simplification, and there was a problem, I was, as I was saying before, I was a practising lawyer and it was hard to navigate. It was hard to practice and it was limiting the potential of the law. And that was taken seriously and there was such an effort to stop any hinderances in this sense. So, we already did that. But I think the idea of red tape evokes something so that it can make any kind of removal seem legitimate (Practitioner Thirteen).

What the coalition government was doing after this was not the same practical attempt to make that positioned as equality policy and law more accessible. It was not simplification in order to make the law easier to use; nor was it rooted in the ethical orientations of the practitioners. Rather the prac-

titioners enacted it as an act of of neo-liberalism. The way in which the coalition government was narrated as dismantling various important elements of the act in the name of reducing red tape was positioned explicitly by practitioners as not about making things easier. For example, one practitioner, moving against the counter style of narration detailed in Chapter One, positioned the New Labour government as separate from neo-liberalism:

> I actually do think that a lot of the problems of the Equality Act stem back to the change of government. You had this being developed by Harriet Harman, erm, back in, from about the year 2000, I think it was 97 actually, when Bob Hopple started looking at a need for a consolidated piece of legislation, all the way back to 2010. So, you have 13 years of campaigning for this document that brings everything under one roof. And is this all-new shiny approach to discrimination. But then in 2010, when it's being brought in, you get a change in government. So, all of a sudden, you've gone from a Labour Party very much about social justice, and social democracy at the heart of it, and so on and so forth, and then you move to the Conservative government, which is on neo-liberalist principles, and reducing burdens for business, which had an impact in various ways (Practitioner Seven).

Here, Practitioner Seven echoes the discussions detailed in Chapter Seven, where simplification and neo-liberalism are enacted as being different. The balance between simplification and expansion, in Practitioner Seven's narrative, has been abandoned by the coalition government.

5. Post-policy and post-law as enacting the purpose of that positioned as policy and law

To summarise thus far, we have established how the theme of 'implementation' emerged across the narratives, both in terms of post-policy and post-law. It was shown how this led to enactments about the distinction between that positioned as policy and that positioned as law. This section expands on such observations by looking at how post-policy and post-law more

broadly enact different ideas of the capacities of that positioned as policy and that positioned as law. Central to this is moving away from the idea of that positioned as policy and law being impactful (Cooper, 2011), as identified in the previous chapter. Furthermore, it will be shown that the problems described with the implementation deficit were also employed by the practitioners to warn about future attacks on that which is positioned as equality policy and law. However, in addition to warning about potential future appeals of that which is positioned as equality policy and law, it will be shown how the practitioners used the idea of post-law to enact what would be positioned as 'progressive' and 'positive' political avenues forward.

We can see how many 'documents' and the new equality paradigm more generally position the law as impactful. However, while polyphonically integrating many elements of these 'documents' and the broader style of narration, the practitioners did not do so when it came to post-policy and post-law. Corroborating the initial ambivalent relation to 'documents' shown in Chapter Five with the discussion of social justice and equality language, the practitioners all moved away from impactful language. They did not talk about the law being the final step to achieving equality, as Cooper (2011) identifies. Consider, for example, the following discussion of post-law from Practitioner Three:

> Because all though one of the, I guess unfortunate things is that 2010 legislation gets introduced, as the last, I think, almost the last piece of primary legislation introduced by Gordon Brown, before they called the 2010 election. What happens then was you get a coalition. And then that legislation was really, you know, has ended up being quite static (Practitioner Three).

The term 'quite static' is important here and, in particular, the way it is positioned as problematic. To position the period after a policy and law is 'passed' or 'created' (in the discourses enacting policy and law as objects) identifies a particular purpose for that law. If being static is problematic, then the assumption is that something more dynamic would be the preferred outcome. Thus, we move away from thinking of the new equality

paradigm as being the end-all of policy and law (as being impactful (Cooper, 2011)) to considering it as something that is designed to stimulate future practices.

Discussions about post-policy and post-law through an identification that the 2010 Equality Act had problems and was not in any way a perfect law before the coalition government changed it.

> it's not perfect. But I think it's an important precedent actually. if you travel across Europe, I am in Asia at the moment. If you talk to people here, I've talked to people from Korea, Singapore, they use the legislation as a paradigm of what they want to campaign for. (Practitioner Three).

However, they felt that they needed to value it because of the potential future implications of the social climate mentioned above in discussing themes of bottom-up implementation in the practitioner narratives:

> But I thought, I think was, in discrimination law terms, fairly radical. Because it suddenly introduced economic disadvantage something that should be based in an Equality Act, which hasn't been done before. Erm, so, erm, I don't think it simplified things terribly. A bit, I suppose, because it's all in one package, so you don't need to look around hundreds of different places. But in terms of drafting, there are still problems with it. Erm, some of the progressive measures, as I say the PSED and the economic duty, have been particularly welcome. But yeah, it's still got its problems. But I suspect we will be doing what we can to hold on to it. Rather than criticise it too much. Because I think it's in peril if we have another Tory government (Practitioner Eleven).

Later on in the narrative, the same practitioner circled back to the potential of 'another Tory government':

> Well, they didn't bring in the socio-economic duty. They were considering under the red tape challenge, getting rid of the public sector equality duty. That was, whatever that was, three years ago, there about. They didn't do it. But they may well feel emboldened if they got a significant

> enough majority. And they would be able to sell it as getting rid of bureaucracy, or red tape or whatever. But actually, the public sector equality duty has proved pretty important, as you know, in challenging public authority decision-making. So, it would be a very significant loss, and I wouldn't be at all surprised if they at least considered getting rid of that. Some of the things they won't, because they're too well-entrenched. They're are not getting rid of laws against 'race' discrimination. They might get, might introduce reduced laws on paternity, for example. Erm, or reduce the protections in education, for example. So, there are bits they could chip away at. There's vulnerability there (Practitioner Eleven).

All the practitioners, in narrating the implementation deficit, framed their narratives in terms of being able to 'learn from it'. They narrated how it generated ideas of how to 'create' (in their words) new legislation. An initial and somewhat obvious observation here is a moving away from ideas of the law as impactful (Cooper, 2011) as detailed in Chapter Seven.

5.1 Potential avenues of hope

A concurrent theme that emerged alongside this thread throughout the interviews was potential hope for the future of that which is positioned as equality policy and law. Drawing upon a teleological understanding of that positioned as policy and law, certain practitioners noted how the 2010 Act, despite the removal of certain provisions, could still function as the foundation upon which to craft newer equality legislation. This was in terms of both the retracted elements from the original 2010 Act being reproduced and new laws being added.

To understand this, we need to historically situate the narratives and draw upon the performative/dialogical thread of narrative analysis suggested in Chapter Four. In narrating this potential capacity, the practitioners were all then talking about a political climate from 2016/2017 (when the interviews predominantly took place) onward. At this particular historical juncture, there had been a consistent number of calls from media (see Siddique, 2021; Stone, 2021), legal circles (see Bourne, 2020) and by politicians (Welfare, 2014) recently about bringing back some of the above-mentioned re-

pealed provisions of the 2010 Equality Act. Unsurprisingly, many of the practitioners wove these calls into their narratives, as well as stating that there was still important progress made through the act:

> There are still, not massive but present, still calls for those kinds of things. I don't think it has been given up as a fight. And it is not like they cut everything and completely gutted the act … there is a lot of important movement and progression in it still (Practitioner Thirteen).

It was not just that there were, and still are, calls from those positioned as the political left. More surprisingly, practitioners also talked about potential alliance building with the Conservative Party. In this vein, one practitioner noted that there was potential sympathy for ideas around human rights in the Conservative Party:

> Because there's a strong human rights tradition in the Conservative Party. And, you know, even in 68 and 76, some MPs did vote for the Race Relations Act in the Conservative Party. And they did help to write the UN human rights instruments after the Second World War. So, some of that needs to be reactivated. And I have some optimism that people like Maria Miller, Dominic Grieve, in the Conservative Party, and maybe after Brexit and seeing that racism hasn't gone away, may cause more reflection. Because you know, I don't know if you know this, the race equality audit that Theresa May has conducted is again an indication that they are concerned with racial inequalities. And are willing to use the apparatus of government to do something about it. So that's again. I just don't want to end on saying that the Tories hate equality. Because that's, that would be really, I think overstating it and too political. And I don't think it's that simple (Practitioner Five).

The practitioner here drew upon the increasing importance placed on human rights legislation by certain members of the Conservative Party. Highlighting Dominic Greve, who has been consistently raising ideas of the importance of human rights (see Bowcott, 2015; Grieve, 2015), the Conservative Party is narrated as a potential body of support. While not directly talking about the Equality Act or the new equality paradigm more generally, the importance placed by those like Grieve on human rights in this instance

acts as a potential bridge toward supporting ideas of equality. This practitioner, in turn, evokes the ideas detailed in Chapter Six, where there was a focus on 'working together' to come to solutions when there were diverse, scattered actors across a spatially and temporally scattered number of sites.

6. Conclusion

This chapter emphasised the importance of what I term 'post-policy' and 'post-law'. It was argued that we can heuristically identify 'post-policy' and 'post-law' as narrative mechanisms working to enact an idea of that which is positioned as policy and law as being 'finished'. This enactment of a finishing was emphasised to be political in how it works to enact ideas of the capacities, contours and purposes of that which is positioned as policy and law in different ways.

It was shown that the key to the discussions of 'post-policy' and 'post-law' was the theme of implementation. In particular, the practitioners evoked what can heuristically be defined as 'implementation deficit' thinking (Dickinson, 2011). This implementation deficit thinking worked thematically to evoke the idea that the results of the new equality paradigm (and in particular, the 2010 Equality Act) were not as intended. Rather, there were multiple areas where the act did not address inequality to the extent it was originally designed, as well as there being multiple barriers for those seeking to use equality legislation in order to fight inequality in their own lives and particular institutional settings. It was argued that this implementation thinking emerged in the narratives through two different themes – that of 'bottom-up' and that of 'top-down' implementation thinking.

Bottom-up implementation thinking emerged in the narratives through the enactment of the idea of an equality apparatus. This apparatus included many bodies (notably the EHRC) and services (notably legal aid). The practitioners noted how this apparatus was problematically under threat with its capacities to assist the implementation and effective use of the new equali-

ty paradigm through not having the funds to assist it. This lack of funding given to these groups was argued to result from several policy decisions which were grounded in a lack of desire for and changing attitude toward 'equality' and that which is positioned as equality policy and law. It was shown that the nature of the distinction between that which is positioned as policy and that which is positioned as law (as detailed in Chapter Two) was a key force at play. The way in which practitioners positioned themselves as being part of the law side of things worked to position the forces weakening the equality apparatus as being a policy decision.

The chapter then proceeded to explore how the practitioners enacted ideas of top-down implementation in their narratives. Here, the practitioners made a distinction between those initially involved in shaping the new equality paradigm and the coalition government that endeavoured to change it (and the 2010 Act in particular) through a neo-liberal, anti-regulatory agenda. It was shown that although the practitioners all narrated a relatively supportive conservative party prior to the 2010 general election, this was noted to change dramatically once the coalition government was established. This dramatic change notably included a number of key figures who denounced the act (notably Matt Hancock) and the then Home Secretary Theresa May who announced official plans to remove the socio-economic duty. This movement toward cutting aspects of the 2010 Act gained greater momentum with the announcement that the 2010 Act would be submitted to the red-tape challenge (Lodge and Wegrich, 2015).

It was shown that the practitioners narrated the neo-liberal angle as being crucial to this top-down implementation deficit. A distinction was made here (notably by Practitioner Seven) between simplification and neo-liberal anti-regulation. Whereas the concern of simplification was positioned as a 'genuine problem' (corroborated in Chapter Five through the experiential knowledge of having worked in the anti-discrimination framework), the 'red-tape agenda' was positioned as a politically driven attempt to politically hamper attempts to gain equality.

The final section looked at the idea of the future and how it thematically operated in discussions of ‘post-policy’ and ‘post-law’. It was argued that the practitioners narrated that which is positioned as policy and law as not being impactful (Cooper, 2011). Rather, the practitioners enacted through their narratives an idea of that which is positioned as policy and law as creating and foreclosing a number of different fields of practice to enable and detract from what they positioned as a creation of equality. It was further shown that the practitioners also did not see the potential of equality law as fundamentally undermined or eradicated. Rather, they narrated a number of potential actors and sites that could be used to gain alliances to re-instate particular elements of the new equality paradigm, as well as to create further moves toward ‘equality’ in the future. In particular, certain elements of the Conservative Party (notably figures such as Dominic Greve) were positioned as being potentially helpful for this project.

Chapter Nine

Conclusion

1. **Introduction**

Through employing narrative interviews with policy practitioners, as well as narrative analysis of a number of 'documents', this qualitative narrative research project has attempted to understand different actors' justifications for shifts in legislative mechanisms to combat inequality in post-war Britain. In doing so a number of key findings were presented, all showing how important it is to appreciate and appraise the new equality paradigm as narrated in different and fragmented ways without any internal coherence. These findings contributed to the existing literature through developing themes found in previous research. This included extending narrative (see Jones and McBeth. 2010, Roe, 1994) and relational (see Dobson, 2015; Fortier, 2017 Hunter, 2015) policy scholarship to areas it had yet to be applied, notably the development of anti-discrimination and equality legislation. But in addition it also allowed more complicated appreciations of thew new equality paradigm than is currently present in the critical literature that currently addresses it (see Burton, 2014).

This chapter will firstly outline the theoretical contributions and claims made by the thesis in more depth. It will then continue on to summarise some of the core findings. These core findings include; the importance of ethical orientations; the idea of establishing a political terrain; the idea of 'striking a balance'; and the finally encountering. It will end with some concluding remarks directly identifying the purpose of the project and it's limitations.

Narrating Equality has commenced from the position that we can identify, in media, academic and political narratives, the emergence of a 'new equality paradigm'. This was not positioned as a substantive object (Emirbayer 1997), but something that was narrated across a number of different sites. While the research has clearly distanced itself from thinking of discrete clear narratives, it was argued that we can heuristically identify a dominant style

and a counter style of narration, both positioning the paradigm as a particular intervention in UK law emerging in the late 1990s and early 2000s. This narration of a new equality paradigm was identified as a particular intervention enacted in the context of growing critiques of existing legislative attempts to counter inequality and, in turn, foster equality.

Key to the research findings is the methodological precepts framing the way I conceptualised and subsequently engaged with the data. The conclusions drawn (and the arguments about *how* conclusions can be drawn) are shaped heavily by the ideas of a relational web (Pedwell, 2008). They are neither positioned as definitive statements but understandings shape by the relational constitutive connections from which they were formed. Furthermore, as will be expanded upon in greater detail in section two, this has similar implications for how the capacity of future research is understood.

The thesis was divided into two sections. The first section established the dominant styles of narration employed in recounting the development of the new equality paradigm, and then the relational epistemological position of the thesis and the methodological choices informed by and stemming from it. The second presented the findings of the research and the implications this had for understanding the new equality paradigm and that which is positioned as policy and law more broadly.

The first section began by identifying a dominant style of narration present across a complex and interconnected configuration of sites. It noted how this dominant style of narration does not imply a singular, discrete narrative that is simply reproduced upon each articulation. It was made clear that a dominant style of narration evokes a constellation of perpetually dynamic narratives that are altered each time they are articulated. Despite differing from one another in certain ways, these narratives all evoke and mobilise a set of conventions and themes that position the new equality paradigm in different fashions.

This set of conventions and themes were identified as concerning a passive voice. In this passive voice, what was narrated was piecemeal and incremental anti-discrimination laws (Dickens, 2010; Hand *et al.,* 2015), leading to a set of bureaucratic complexities in its application, as well as a deficiency in addressing a range of discriminatory practices on different grounds (Hepple, 2010; Malleson, 2018; Solanke, 2011).

It was also argued that in tandem with this dominant style of narration, we can relationally observe the development of a counter style of narration disrupting this passive voice. This challenged ideas of the new equality paradigm being an obvious or straightforward positive solution to an identifiable problem. Key to challenging this was the emphasis on the neo-liberal, which became the actor challenging the passive voice of the dominant style aspects and the simplification project being about marketed values and anti-regulation politics, not the creation of more accessible laws (Burton, 2014; Owen and Harris, 2012).

It was argued that my focus was not on looking at which one of these styles of narration was correct or false. I did not endeavour to disrupt the passive voice by identifying a 'true', 'hidden' or 'repressed' course of events. Rather, my analysis of the 'documents' and the interviews involved looking at how both are integrated, affirmed and challenged by several actors working (by their own and others' identifications) on the new equality paradigm. In looking to understand how practitioners' justifications of the new equality paradigm relate to and are enacted through these styles of narration (both dominant and counter), I worked to introduce and extend the work of many relational policy scholars (see Dobson, 2015; Fortier, 2017; Hunter, 2015). These scholars articulated a concern with the reductive, substantive and rigid methodological and theoretical tools. It was argued that these reductive methodological and theoretical tools have been employed in both more rationalist and critical accounts of that which has become positioned as policy and law. Furthermore, it was illustrated that these tools led to disembodied accounts of that which becomes positioned as policy and law,

which work to marginalise the embodied knowledge (Freeman and Sturdy, 2015) of practitioners.

This led to the contention that what is positioned as the new equality paradigm and the systems and powers positioned as predating this paradigm are not discrete historical moments. Rather, they are enacted in relation to one another through narrative sense-making. By discussing either the anti-discrimination framework or the new equality paradigm, actors are not simply describing historical junctures, but enacting a relationally defined corpus of other actors, spaces and sites in different ways.

Central to appreciating this relational enactment of the new equality paradigm and the anti-discrimination framework was moving away from understanding policy and law as objects (Clarke *et al.*, 2015) that are seen as being finished at some point (Gill, 2017). It was argued that to transcend the idea of policy and law as objects, we need to first critique ideas of it being seen as a clearly identifiable set of practices. Second, we also need to avoid constructionist accounts that depend on a tendency to define it as a social construct typified by a number of features. This constructivist account was shown to typically be performed through identifying it as an agreed course of action (see Becker and Bryan, 2012; Hodgson and Irving, 2007; Hogwood and Gunn, 1984; Jenkins, 2007). The thesis then instead positioned the object of policy and law as not being the point of analysis. Rather, following Wedel *et al.* (2015), I avoided enacting substantive categories and units of analysis by looking at how the terms *policy* and *law* are applied and contested. Thus, the focus of the thesis was on those enactments that become positioned as policy and law.

Rejecting policy as an object in this way also required a rejection of actors as occupying or having discrete position and instead, looking at their positionality (Rose, 1997) as being perpetually dynamic, moving between inscription and ascription (Brah, 2001). This focus on positionality allowed us to understand the embodied knowledge the practitioners had as being per-

petually enacted and re-enacted through engaging in the equality policy world.

Furthermore, it was argued that transcending and departing from rationalist and critical accounts that privilege policy as an object also had implications for theorising the institutional spaces where the enactments which are positioned as policy and law unfold. In answering this theoretical challenge, the importance of thinking of a policy world (Shore and Wright, 2011) was forwarded. Rather than denoting institutionally bounded spaces in which we can clearly identify and confine policy to be unfolding, the thesis followed Shore and Wright (2011) in thinking of policy worlds as a dynamic configuration of powers, sites and actors.

In order to fully appreciate the sites of the policy world in the unbounded manner proposed, it was shown to be necessary to interrogate and transcend the vocabulary used to describe the actors inhabiting and navigating through these sites. It was argued that in different ways, the various vocabularies used to denote such actors (stakeholders, policymakers, decision-makers) all operated in some way to reproduce and reify ideas of policy as an object. Following Jones' (2014) astute observations, the idea of policy practitioners was proposed as an alternative that allows an appreciation of the practices such actors engage in without theoretically and analytically limiting them to a specific and defined space or time.

This led to a focus on narrative and a continuation (but also critique) of the growing body of work on narration in policy studies (see Shanahan *et al.*, 2011, 2018). It was argued that there was no inherent or innate coherence to that which is positioned as policy and law. However, there is a political value for such ideas to cohere (Carmel and Paul, 2010; Sevä and Sandström, 2017). Drawing upon the work of Andrews *et al.* (2013) and Livholts and Tamboukou (2015), I demonstrated how narration, as a sense-making process (Boje, 1991, 2001; Rhodes and Brown, 2005), operates to give a semblance of coherence to that which is positioned as policy and law.

The second section of the thesis proceeded to explore and present the results of the narrative interviews and the narrative analysis of the 'documents', as well as how the theoretical model sketched briefly above was applied to the object of study. Although, of course, the practitioners narratively enacted themselves as entering the equality policy world at different times, and had different positionalities in it, we can heuristically identify some general findings and ideas from their interview narratives and the analysed 'documents'. Again, it must be noted that these findings were and are understood as a relational web. They do not constitute a representative survey of events, or an attempt to uncover a particular truth. Rather they are relationally contingent observations that will be altered (rather than added to) when the relational web is extended to include other facets of the equality policy world.

First, the importance of ethical orientations was noted as animating the ways in which practitioners negotiated institutional spaces and informed different practices and choices that were part of their occupational positions. Drawing upon the structural thread of my narrative analysis approach, as well as the work of narrative scholars like Andrews (2014), it was shown how the practitioners' choices of where to begin their narratives was not an arbitrary practice, but rather a political practice working to frame the narratives in particular ways. In endeavouring to analyse and appreciate where the practitioners began their narratives, in line with this focus on the politics of commencing, it was shown in Chapter Five that all the practitioners interviewed commenced their narratives by establishing an alignment with ideas of what they positioned as equality and social justice (the exact phrases used were shown to be interchangeable). This constituted an orientation in terms of how the conceptual frames they used to understand political decisions and practices. It was also shown that the language used to describe these ethical orientations was inconsistent with the 'documents' and general ideas normatively positioned as being in tandem with the new equality paradigm. It was argued that this demonstrated an ambiguous and more complex relationship of these practitioners to the new equality paradigm from the beginning of their narratives.

These ‘ethical orientations’ were shown to be temporally and spatially situated. The practitioners presented themselves as ‘coming of age’ (to use the words of Practitioner Thirteen) in 1960s and 1970s Britain. They all identified with left-wing politics and, in particular, what can be heuristically called the New Left (Lin, 1993; Newman, 2012b). This was narrated heavily tied to their positionality, the practitioners routing their engagement in this politics as being in line with their identities. For example, as mentioned in Chapter Five, Practitioner Two began their narrative by emphasising their position as a ‘disabled person and the son of immigrants’.

It was shown in the analysis that appreciating and understanding these orientations is not simply a biographical expositio. Rathe it is a vital part of understanding the new equality paradigm and that which is positioned as policy and law more broadly. This importance of orientations was highlighted in how they worked to inform practice through animating what Andrews (2017) helpfully identifies as a ‘habit of responding’. It was emphasised that I understand this habit of responding (animated by ethical orientations) *relationally.* This meant that I circumvented the traps of substantive analysis; it was argued that these habits are complex and multiple. Habits of responding are not simply acted upon uniformly throughout an actor’s life, but they dynamically and perpetually shift in relation to the positionality of the practitioner.

It was these ethical orientations that led the practitioners to not only ‘stumble’ into particular occupational positions, but also what led to them understanding this particular occupational positioning as a way of enacting different kinds of politics and alleviating what they saw positioned as inequality. In short, the occupational positions they took up were mechanisms to enact particular ethical orientations rather than narrated as simply being a goal in and of itself. It was shown that understanding ethical orientations in this way meant transcending and rejecting simple binaries of resistance and reproduction, as well as co-option (Newman, 2012b). By having these ethical

orientations but then aligning themselves with the state and the spaces of power associated with it, they were in positions of ambivalence.

Another key finding was the importance of trying to enact a political terrain in which 'relevant' parties could 'engage' with one another. It was shown that the dominant style of narration detailed in Chapter One worked to identify a number of 'problems' of the anti-discrimination framework – all of which argued that these were polyphonically integrated into the narratives of the practitioners. However, it was also shown that there was another problem that practitioners sought to 'fix', which was not in this configuration of problems narrated by the dominant style of narration. Contributing to the litarutrehis was creating a political terrain made up of 'relevant actors'.

In enacting the idea of a political terrain, the practitioners all narrated a problematically atomistic constellation of actors constituting the anti-discrimination world. These actors existed, as Practitioner Six put it, in 'silos'. While being relevant to the case of the new equality paradigm, they failed, in Practitioner Thirteen's wording, to engage with one another. This was narrated as needing to correction – leading to various enactments of narrative sense-making working to present these actors as cohering around ethical orientations. In engaging with such narrative sense-making, the practitioners did not just narrate themselves as working on the new equality paradigm but rather as shaping the equality policy world to allow such a paradigm.

Once this sense-making was enacted, it was shown that getting practitioners to engage with one another in it was not a straightforward or fluent process. Rather, it was marked by a constellation of relational politics. One notable example of these relational politics was the contestation around the establishment of the EHRC. The practitioners interviewed echoed the fear of dilution and reduction in influence that had been cited in the existing literature (see Monoghan, 2007, 2013; Sayce and O'Brien, 2004; Sian *et al.*, 2013; Spencer, 2008) on the contestation around the establishment of the three commissions. This contestation and resistance towards the EHRC

were narrated by the practitioners as stemming primarily from the DRC and CRE, and less so from the EOC.

Furthermore, the relational politics of the EHRC were narrated as having connections to other bodies after it was established. This was particularly the instance in terms of the bill team that worked to draft the act. Another example of this was shown to be the case with Practitioner Seven's account of them and others in what they termed the business community, engaging with human rights discourse.

A further finding was the importance of what, in the words of Practitioner Two, can be described as the need for 'a balance to be struck' between the projects of expansion and simplification. Throughout their narratives, the practitioners confirmed observations by those like Jones (2013) that institutional spaces contain narratives about how to perform tasks. Looking at the ways in which the practitioners narrated the institutional spaces they were navigating and the way that they narrated whom they positioned as high-level figures (such as Lord Lester of Hernhill), it was argued that we can heuristically identify what I termed a narrative style of simplification. This narrative style of simplification was shown to be constituted through several narratives in the narrative sites of documents, as well as in the speeches of different practitioners. This narrative style positioned the main course of action of the new equality paradigm to be simplification and this to be the main prism through which the actors engaged in it should view their work.

The relationship the practitioners narrated in relation to this simplification narrative style was not just a simple subordinate submission to the institutional forces of the policy world. Rather, they both expressed it as something important regardless of these narratives, but also something that had to be thought of in relation to the need to expand that positioned as policy and law. This relation to the simplification narrative was shown to be expressed in ideas of 'finding a balance' in which practitioners noted the need to expand but also kept in mind the need to expand, whether this be in terms of rights or the groups covered under that positioned as equality poli-

cy and law. This narrative about having to expand in ways that would not be unnecessarily complex was epitomised and symbolised through the theme and the spectre of what Practitioner Two described as ‘onerous legislation’.

The necessity of seeking to find a balance in this way was shown to animate a number of different enactments in the equality policy world. This was illustrated most notably in Chapter Seven when discussing the idea of ‘protected characteristics’ and the ideas of the ‘caste problem’ that emerged in the consultation processes of the DLR and IER. In discussing the development of the nine protected characteristics, the practitioners narrated a desire to keep the number of protected characteristics as simple and as small as possible. However, this task was not positioned as meaning that different, unknown groups could not revive protection. Rather, the practitioners narrated how the malleability of the term *characteristic* allowed different groups protection in line with their ethical orientations (an expansionary act) while not adding new (and, in turn, potentially onerous) legislation. It was not, the practitioners narrated, a sacrifice of expansion in the name of simplification – rather, as the ‘caste problem’ exemplified, expansion through a simplification model.

Another key finding was the importance of encountering. Chapter Five showed how the practitioners interviewed described a liminal space before they entered what they positioned as the policy world (be it the anti-discrimination or equality policy world). This liminal space is where they positioned themselves as initially understanding and comprehending what anti-discrimination law was, and, in turn, where they first began to enact ideas of how it had particular problems.

When engaging with the encountering of practitioners, we observed ideas of ‘officially’ and ‘unofficially’ starting to work on that which is positioned as policy. This is of vital importance, as thorough looking at the unofficial aspects, we can begin to trouble ideas that have a clear starting point of creating that positioned as policy and law. Encountering in this sense leads to a rejection of and a movement away from clear and definable ideas of poli-

cy as linear, which are most notably embedded in theories of that normatively termed the 'policy process' (Hill, 2005; Sutton, 1999). This is important, as it may lead to a number of recognitions when actors start thinking about ideas regarding policy that are missed by work on agenda-setting. Similarly, encountering also moves away from problematic work on policy streams (see Fowler, 2019), which, through their focus on ideas emerging from formal academic settings in terms of publications and reports, fail to acknowledge the importance of the liminal spaces before these works are published in which ideas are enacted and contested.

Another key finding was the importance of understanding the practitioners' enacted ideas of that which is positioned as policy and law. A key to the findings of looking at how practitioners enact policy and law is the idea of the policy/law distinction as a relational enactment. Although there has been a growing amount of effort to distinguish between policy and law (see Goodale and Merry, 2017; Pirie, 2013; Tate, 2020), I drew upon legal anthropological theory (see Riles, 2006) to understand this distinction as relational.

This relational distinction worked to position different practices in different ways. This was exemplified and typified in the practitioners' discussions of post-law and 'post-policy', detailed in Chapter Eight. It was shown that certain practitioners operationalised the policy/law distinction to position the law as something they did and policy as something that the government, especially the coalition government, did. This was narrated by the practitioners to explain the issues with what they positioned as the top-down implementation deficit of the new equality paradigm.

In this way, practitioners negated their ethical orientations with different institutional logics, and how they enacted the policy/law distinction led to another important finding of the research. This involved moving away from thinking of the new equality paradigm as impactful (Cooper, 2011). We saw this specifically in the case of the protected characteristics. Chapter Seven elucidated how the practitioners narrated the idea of representative and de-

scriptive characteristics being a ‘fallacy’. The protected characteristics were never positioned by the practitioners as being a robust and final solution to problems of legally representing all identities. The practitioners narrated the complexity of experience and identity and how this could not be easily addressed by the protected characteristics. However, they were still considered somewhat valuable for creating what Practitioner Ten termed a ‘workable system’.

The final key finding was that there is a need to look at that which is positioned as policy and law as embodied. Throughout the thesis, we observed how the practitioners relate to their own experiences in order to elucidate and understand the ways that positioned as anti-discrimination policy and law needed changing. Moving away from ideas of policy practitioners as modest witnesses (Harraway, 1997) and instead looking at their embodied knowledge (Freeman and Sturdy, 2015), it was shown in multiple places that the way they viewed the policy world was shaped by their positionality and the experiences constituting it.

For example, many evoked how the experiences of working in law centres both exposed them to what they positioned as the ‘over-complexity’ and ‘inaccessibility’ of the anti-discrimination framework. Embodiment was also shown to operate in terms of how that which is positioned as policy and law is read through bodies. This was illustrated through the importance of how Harriet Harman became the body through which the Equality Act 2010 and, in particular, socio-economic duty was positioned as being problematic by the coalition government.

2. Future research

In endeavouring to provide a relational understanding of how the new equality paradigm is narratively justified by practitioners, *Narrating Equality* has identified a number of potential avenues for future research. All of these would follow in the basic methodological prescriptions of weaving relational webs. It is important to emphasise that these future avenues of research will

work to shape the relational web in *different* ways. Language here is important - different ways is used in direct opposition to phrases like 'supplement'. The contention that findings may be supplemented by future research would work to reify substantive objects of analysis as in both instances the tibial findings would be seen to remain the same.

Furthermore, the positionally of the researcher endeavouring to engage in this future research will even, in and of itself be important. As stated previously, shaped by the theorist doing so who can never stand outside the relational web they weave. Therefore the positionally of the research will shape the understanding of this research and how they position the web I have already begun to weave. Therefore the potential areas of future enquiry can not simply be picked up by other researchers in uniform ways. Rather the researcher can not be removed fro the relational web.

First, *Narrating Equality* endeavoured to elucidate and explore how a number of practitioners narratively justified the new equality regime. As shown in the introduction to the second section of the thesis, these practitioners had shifting, multiple positionalities in terms of being positioned as present in what are normatively positioned as discrete sites. This includes experiences as lawyers (practicing and academic), as well as having PhDs, working as part of commissions and working in consultancy and advisory positions, as well as being involved in activism and social movements that aimed to push the state to recognise various struggles.

In interviewing these practitioners, I explicitly abandoned ideas of attempting to provide an explanation of the new equality paradigm or providing a sample of interviews that could be generalised to explain these people as comprising a representative group. Rather, *Narrating Equality* is unapologetically concerned with drawing a relational web (Pedwell, 2008) of the different sites and actors involved and looking at the constitutive links between them. However, this does not mean that other actors might be able to allow us to understand different constitutive links. In line with the methodological precepts of relational webs they would allow us to understand the configu-

ration of practices already studied in a different way. Of particular note here would be a range of civil servants.

There is a substantial body of research that argues that civil servants have been problematically ignored in much policy analysis (see Page, 2003; Page and Jenkins, 2005). Not only would looking more to the civil servants involved in the new equality paradigm (whether this involvement is ascribed by others or a self-identification) help to explore these marginalised actors, but it would also enable the exploration of specific themes that emerged in the interviews. This is especially the case given that many of those involved in the EHRC, particularly Practitioner Two, noted what they termed a fractious relationship between the EHRC and the civil servants when creating the 2010 Act.

Another important route for future research concerns the shifting nature of the political terrain studied. Thinking of the findings as a relational web situates the context (temporal and spatial) as paramount in forming how the data is understood and the contortive links that are enacted. Therefore we can look to how future research may weave different relational webs in regards to the spatial temporal context The interviews all took place, as detailed in Chapter Four, in the context of the new populism – situated at the time of the election of Donald Trump as president and following the Brexit referendum (Gifford 2020). Now that there has been time between that and the interviews, it would be interesting then to examine how Brexit works in order to shape a different relational web to the new equality paradigm – as well as how practitioners engaged in the new equality paradigm negotiate this. This would involve engaging in questions around British human rights cultures regarding Brexit (see Lock, 2017; O'Cinneide, 2018), as well as questions as to what that positioned as equality policy and law can do in the age of Brexit (see Suk, 2016).

Another important, future area of research is how the new equality paradigm works in relation to national contexts. There has been a notable literature looking at the specifics of that which is positioned as anti-discrimination

policy and law in Wales (Chaney, 2004) and Scotland (Middlemiss and Downie, 2015). Although that positioned as equality law is not devolved in Wales and Scotland, there are differences in terms of the duties (see Young, 2020); notably in Northern Ireland, it is devolved, meaning that only certain sections of the 2010 Act cover Northern Ireland. In addition, Northern Ireland is not covered by the EHRC at all, there being a separate Equality Commission and Human Rights Commission established under the 1998 Northern Ireland Act (Hinds and O'Kelly, 2017).

The practitioners interviewed all were involved primarily in England. But many did at different points, referenced Scotland, Wales and Northern Ireland. However, it would be interesting to weave into the web practitioners positioned by others or themselves (or both) as working outside of England to explore the national specificities of these different contexts, which have specific dynamics in relation to equality law. If we are to focus on the contextual and dynamic contours of that which is positioned as policy and law, future research needs to look at the specificities and peculiarities of these different national contexts may allow the relational web woven to be more complex

Another context of concern that may weave the relational web in different trajectories concerns the is in terms of the COVID-19 pandemic. There has been a growing concern about the new equality paradigm in relation to the pandemic (see Equality and Human Rights Commission, 2021a) in terms of the impact COVID could have on exacerbating existing inequalities (see Christoffersen, 2020; Equally Yours, 2021) and how the government and policy practitioners may respond to this. Further, there have already been those detailing the implications that COVID could have for the existing equality paradigm. The most common example of this is the growing discussion over whether or not long COVID could be protected under the disability protected characteristic (see Warner Goodman, 2021).

3. Final Concluding remarks

Taking into account the findings of the research, and the potential avenues of future research engagement, this chapter has endeavoured to illustrate that a number of productive conclusions can be drawn from the thesis. It should not be expected to uncover the truth so to speak, as that is not something possible in the first place. Rather it has presented a key number of facets which are unapologetically acknowledged to be partial and contingent upon the relational web in which I (and the positionally that comes with that) conceptually situated. However, it has also be shown that while the situated nature of these findings has to be acknowledged, that does not mean they can not contribute to the existing literature in different ways - particularly through allowing more nuanced appreciation of key theoretical ideas, notably neo-liberalism and the political resistance to it.

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List of Abbreviations

CFMEB - Commission on the Future of Multi-ethnic Britain

CRED -Committee on the Elimination of Racial Discrimination

CSJ - Commission for Social Justice

EHRC - Equality and Human Right Commission

ERP - Equality Review Panel

FENIA - Fair Employment (Northern Ireland) Act

ICREED - International Convention on the Elimination of All Forms of Racial Discrimination

IER - Independent Equalities Review

PSED - Public Sector Equality Duty

RRA - Race Relations Act

RRAA - Race Relations Amendment Act

SDA - Sex Discrimination Act

TINA - There is no alternative

Appendix

1. Item 1 - ‘Documents’ examined

Firstly were pieces of legislation prior to the 2006 and 2010 Equality Act:

Equal Pay Act 1970

Sex Discrimination Act 1975

Race Relations Act 1976

Disability Discrimination Act 1995

Employment Equality (Religion or Belief) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Age) Regulations 2006

Secondly, in addition to the previous legislation, textual practitioners from the areas identified through amassing tactical knowledge[1]:

Commission for Equality and Human Rights (2004) - Fairness For All:
A New Commission for Equality and Human Rights

Disability Rights Commission (2005) - The Commission for Equality and Human Rights – A DRC perspective

Disability Rights Commission (2005) - The Disability Discrimination Bill 2005 –
new rights for disabled people

[1] Sorted by date

Discrimination Law Review A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain

Commission for Racial Equality (2007) - Commission for racial Equality annual report and accounts 2006/7

Disability Rights Commission (2007) - Disability Rights Commission annual report and accounts 2006 to 2007

Equal Opportunities Commission (2007) - Annual Report & Accounts: April to September 2007

Equal Opportunities Commission (2008) - Equal Opportunities Commission annual report and accounts April to September 2007

Joseph Rowntree Foudntaion (2008) - Is poverty in the UK a denial of people's human rights?

Disability Rights Commission (2009) - Disability Rights Commission annual report and accounts April to September 2007

Equality and Human Rights Commission (2009) - Our Strategic Plan 2009 - 2012

Equality and Human Rights Commission (2009) - Public perceptions of human rights

Equality and Human Rights Commission (2009) - Research report 28: Human Rights in Britain since the Human Rights Act 1998 - a critical review

Equality and Human Rights Commission Research report 27 (2009) - Trans research review

Runnymede Trust (2009) - Legislating for Equality

Department for Digital, Culture, Media & Sport and The Rt Hon Theresa May MP (2010) - Theresa May's equality strategy speech

Equality and Human Rights Commission (2010) - EHRC Annual Report 2009 to 2010

Equality and Human Rights Commission (2010) - Public bodies and the public sector duties relating to transsexual and transgender people: Report of findings and case studies

Government Equality Office (2010) - Equality Act 2010: What do I need to know? A quick start guide on religion or belief discrimination in service provision for voluntary and community organisations

Governments Equality Office (2010). Equality Act 2010: The public sector Equality Duty Promoting equality through transparency

Stonewall (2010) - The Equality Act – a broad base for fairer treatment for all

Government Equalities Office (2011) - Draft Explanatory Memorandum to the Equality Act 2010 (Specific Duties) Regulations 2011

Government Equalities Office (2011) - Equality Act 2010: The public sector Equality Duty: reducing bureaucracy. Policy review paper

Government Equalities Office (2011) - Equality Act 2010: Schedule 19 (consolidated) - April 2011

Government Equalities Office (2011) - Regulatory Impact Assessment to The Equality Act 2010 (Specific Duties) Regulations 2011

Government Equalities Office (2011) - The Equality Act 2010 (Specific Duties) Regulations 2011

Hansard volume 521 - 12 January 2011

Northern Ireland Assembly (2011) - Equality and Human Rights Legislation in Northern Ireland: A Review

Department for Digital, Culture, Media & Sport, Government Equalities Office, and Immigration Enforcement (2012) - Equality Act 2010: consultation on repeal of two enforcement provisions

Equality and Diversity Forum (2012) - Equality and Diversity Forum response to the consultation on employer liability for harassment of employees by third parties

Government Equalities Office (2012) - Impact Assessment for the amendment of Section 147 of the Equality Act 2010 – Meaning of "qualifying compromise contract"

Depar - Caste discrimination legislation timetable

Government Equalities Office (2013) - Gender equality in the workplace: case studies

The Charity Commission (2013) - Charities and the Equality Act

ACAS (2014) - Bullying and harassment at work: A guide for Employees

ACAS (2014) - Bullying and harassment at work: A guide for managers and employers

Government Equalities Office (2015) - Post-legislative Memorandum - the Equality Act 2010

Equality and Human Rights Commission (2016) - Race Rights in the UK

Equality and Human Rights Act (2016) - Religion or belief: a guide to the law

Equality and Human Rights Commission Report (2016) - Religion or belief: is the law working?

Governments Equalities Office (2016) - Government Response to the House of Lords Select CommitteeReport on The Equality Act 2010: The impact on disabled people

Government Equalities Office (2016) - Government Response to the Women and Equalities Committee Report on Transgender Equality

House of Lords Select Committee on the Equality Act 2010 and Disability. (2016). *Report of Session 2015–16 The Equality Act 2010: the impact on disabled people*

House of Commons Women and Equalities Committee (2016) Transgender Equality First Report of Session 2015–16

Eqaulity and Human Rights Commission (2017) - Being disabled in Britain: A journey less equal

Equality and Human Rights Commission (2017) Empowerment and confidence in the Equality Act 2010: Race on the Agenda

Government Equalities Office (2017) - Caste in Great Britain and Equality Law: a Public Consultation

House of Commons Women and Equalities Committee (2017) Transgender Equality First Report of Session 2015–16

House of Commons (2018) - The Equality Act 2010: caste discrimination

Government Equalities Office (2019) - Is Britain Fairer? The state of equality and human rights 2018

House of Commons Women and Equalities Committee (2019) - Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission

Runnymede Trust (2019) The failure to act on race equality duty has compromised the legacy of the Stephen Lawrence report

2. Item Two: Information Sheet

Information Sheet

Narrating Equality: Relations and practices in the assembling of the Equality Act 2010

You are being invited to partake in the research project 'Narrating Equality: Relations and practices in the assembling of the Equality Act 2010'. It is being conducted by University of Leeds PHD student James Beresford. Before deciding whether or not to partake, it is vital that you understand both what will be involved in the research and why it is being conducted. Please take time to read the following information carefully and discuss it with others if you wish. Ask James Beresford if there is anything that is not clear or if you would like more information, please do not hesitate to ask James Beresford. His contact information is at the bottom of the information sheet.

What is the purpose of the project?

The project aims to explore the policy making process leading to the Equality Act 2010, in terms of how particular ideas are adopted while others are not. This will be done through examining the different actors associated with particular ideas and how this has changed over time. Of focus will be will also be the different types of relations workers on the legislation cultivated towards the production process and how this differs between differently positioned people in this sense.
Why have I been chosen?

You have been asked to participate as you have had a role in commissioning, drafting or writing, or in some sense advising upon the Equality Act 2010.

What do I have to do?

You are being asked to participate in a narrative interview. Narrative interviewing means that the interviews will seek to produce long stories about particular events rather than find specific details through asking closed, tightly worded questions. Thus you will be initially asked to describe the process through which you came to be involved in the Act and how this has changed over time. Follow up questions will ask you to expand on particular things mentioned in answer to this.

All interviews will be conducted by James Beresford. They will take roughly any time between 60-70 minutes, but can be edited in length to fit personal schedules. The interviews can occur any time between October-February 2017. They can be conducted in your offices or workplace, or any particular public space of your choosing within the UK. They can not be conducted in private homes or other private spaces. If preferable or more convenient the interviews can be conducted via Skype.

All interviews will be recorded via dictaphone so that they can transcribed by James Beresford. Only James Beresford will have access to the audio recordings. Regarding the storage of information, the digital recordings with be initially transferred to a personal laptop, initially so as to store the information on somewhere other than the dictaphone. The laptop is password protected and will be encrypted, and the folder they will be in is also password protected. The names of the files will not reflect participants names, only being numbered. Once returning to the University, recordings will, as soon as possible, be stored in a password protected folder in the M Drive, and removed from the laptop and dictaphone accordingly. No one other than James Beresford will have access to the original recordings and no one will listen to them other than James Beresford.

3. Item Three: Consent Form

Narrating Equality

The School of Sociology and Social Policy at the University of Leeds attach high priority to the ethical conduct of research. Alongside this form, you should read the Information Sheet and/or listen to the explanation about the research provided by the person organising the research. If you have any questions regarding the research or use of the data collected through the study, please do not hesitate to ask the researcher. We therefore ask you to consider the following points before agreeing to take part in this research:

- This research is being undertaken for the purposes of an PHD, and will be reported on in the thesis produced for it. The analysis may later be published in journal article or book form, but the same processes of anonymity will always be applied.
- The research will be conducted by PHD researcher James Beresford
- The interview will be recorded.
- All data will be treated as personal under the 1998 Data Protection Act, and will be stored securely in password protected software
- Anonymity will be maintained both for you and your institution, participants only referred to by pseudonyms of their choosing and the name of the university undisclosed
- However, given the population size of those engaged in the construction act, anonymity simply through hiding names may be somewhat problematic. Hence, any identifying information disclosed will be omitted from the final report, and the full transcripts will be sent to participants in case there is anything they wish not to be said.
-If you decide at any time during the research that you no longer wish to participate in this project, you can withdraw immediately without giving justification
-You will be given a copy of this consent form to keep and refer to at any time
- If anything emerges in the interview distressing, conceding contact information can be received from James Beresford
- By signing this form you assign copyright of your contribution to the researcher. This excludes visual data supplied by you.

I confirm that I have freely agreed to participate in the project. I have been briefed on what this involves and I agree to the use of the findings as described above. I understand that the material is protected by a code of professional ethics.

Participant Signature:

Name:

Date:

I confirm, for the project team, that we agree to keep the undertakings in this contract.

Researcher Signature:

Name:

Date:

4. Item Four: Recruitment Email

Dear ……

My name is James Beresford, a PHD student in the School of Sociology and Social Policy at the University of Leeds, researching the process through which the 2010 Equality Act was constructed. This involves an analysis of the act, previous legislation, and other sources such as media pieces, but also interviewing those involved in it's construction. This is why I am contacting you.

Attached is an information sheet and a copy of the consent form you will be asked to sign if you agree to partake. If you are unwilling or unable to partake in the research I totally understand and thank you for taking the time to read this email. If you need anymore information please don't hesitate to ask. If you require names and contact information of supervisors, these can also be supplied.

All the best
James

What are the possible benefits of taking part?

While no immediate benefits present themselves for participants, it is hoped that the project will be able to produce a more nuanced understanding of how legislation is produced.

Do I have to take part?

Partaking in the research is **completely voluntary**. If you do wish to partake you will be given this information sheet to keep as a reference and asked to sign a consent form stating that you fully understand the risks and nature of participation.

Will my taking part in this project be kept confidential?/ What will happen to the results of the research project?

Full anonymity will be granted in the writing up of data in the thesis and any other publications or presentations that are produced from the research. This means that your name will not appear at any point. Similarly while there will be a reference to the relation you have to the Equality Act, in terms of being a advisor, campaigner for it, etc., specific details of this, such as particular job titles which will comprise anonymity, will be avoided. Despite anonymity being maintained throughout, there is a chance, that given the small amount of people working in the area of study and the detailed nature of the project, that anonymity, to certain potential readers, may be compromised. However, transcripts will be sent back to you if there is anything you wish to have removed in this instances.

Uses of the Data

The data will be used to produce a thesis so as to fit the requirements of James Beresford's PHD degree. They will also potentially, however, be presented at various academic conferences, seminars and similar events, as well as published in journal articles, edited book chapters or potentially a monograph. You will be informed about this if it is the case and told where to access such publications. There is the future possibility of the data being archived. However, if this turns out to be the case it will **only be done** so after gaining your permission and you in no way have to agree with it.

Withdrawing

Prior to taking part in the interview you can withdraw from the project at any point without having to provide any justification. After the interview has been conducted, the participant will have two weeks in which they can withdraw and not have their data analysed, but due to scheduling can not do so after 2 weeks.

Who is organising/ funding the research?

The research is funded by an Economic and Social Research Council +3 PHD scholarship.

Contact Information

If you need any more information about the research, please contact James Beresford: ss10jfbb@leeds.ac.uk

You can also contact James Beresford PHD supervisors, Professor Ian Law and Dr Shone Hunter.

Professor Ian Law: i.g.law@leeds.ac.uk

Doctor Shona Hunter: s.d.j.hutner@leeds.ac.uk

This Study have been given and given a favourable opinion by _____Research Ethics Committee on [date], ethics reference [ref]"

As a participant you will be given a copy of the information sheet and, if appropriate, a signed consent form to keep.

Thank you for taking the time to read through this.

5. Item Five

Key words/terms/names search

The presence of quotation marks denotes where exact phrases where searched for. In some. instances abbreviations and the full-phrases were both used. Full phrase and the abbreviation are listed separately. The key words/terms/names are listed alphabetically.

Keywords/terms

“Angela Mason”
Anti-discrimination
“Anti-discrimination law”
“Anti-discrimination policy”
“Bob Hepple”
“Caste discrimination”
“Commission or Racial. Equality”
“Discrimination Law Review”
“Disability Discrimination Act”
“Disability Rights Commission”
EHRC
Equality
“Equality and Diversity forum”
“Equality and Human Rights Commission”
“Equality law”
“Equal Opportunity Commission”
“Equality policy”
“Harriet Harman”
“Human Rights Act”
“Lord Lester”
“protected characteristics”
“Race Relations Act”
“Race Relations Amendment Act”

“Trevor Philips”

“UK Equality Law”

“UK Equality Policy”

“UK Human Rights law”