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Equality or liberation?

Solidarity Federation

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The law can be used as a basis for collective action and solidarity. It can be used to illustrate and fight against discrimination at various levels. But, crucially, the law cannot and must not be relied upon to deliver solutions. At the end of the day, it is there to support and strengthen capitalism and the state. While successful anti-discrimination cases can be fought, the judicial process individualises the issues and separates their resolution from the fight against injustice. Our approach should be to use the law as a tool where this is possible, but to combine it with pressure through direct action.

Outrage!’s “zaps” have been very effective, combined with grassroots lobbying, in changing the way gay sex offences and hate crimes against gay men are policed. The very act of taking such direct action helps us gain a sense that we can have a say denied us by the “usual channels”. Even this limited form of direct action can build a sense of power and achievement. As more people experience this, we can go on from here to build and take part in more direct action. Eventually, who knows, we could be organising for direct action to challenge the whole capitalist state machinery and replace it with something more agreeable to all of us.

It is only by getting involved in struggles, rather than standing aside because we don’t think they go far enough, that we can debate the aims of those struggles, and the methods used. This does not involve a great leap of imagination: if discrimination and inequality are wrong (and they surely are), why is anyone considered better than the rest of us? The contradictions between the aims of the law and the rhetoric of equality are also there to be exploited.

Similarly, reforming or repealing discriminatory laws gains nothing in itself, but it removes weapons which are used against sections of the working class, and which harm us all. We have to recognise our own diversity, and revive the idea that an injury to one is an injury to all. If we don’t all fight discrimination collectively, those of us affected by it will not be able to fight anything else.

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and industries that had hitherto been supposedly against their nature. This 'miraculous' change of course was needed to help the war effort. However, immediately after the war, they were also driven out of those jobs, with the connivance of the trade union movement. Suddenly, the discriminatory toolkit was again called for, in the interests of supporting the capitalist state.

The 'breadwinner' pay structure which was established to drive women back into the home still exists. It means that jobs that are seen to be female, or which are predominantly done by women, are undervalued, because it is assumed that such jobs are 'second' incomes, supplementary to the (male) breadwinner's. The fact that traditionally male jobs have been exported and replaced by new jobs often dominated by women has not changed the ideological underpinning of the pay structure.

So, capitalism exploits women's labour more cheaply because they are not supposed to earn a 'family' income, while simultaneously scrapping breadwinner jobs. Any idea that capitalism does not need sexism, and that the exploitation of female labour (the 'right to work') will lead to equality for women is laughable. "Equality" might work for middle class women in professions dominated by men (and therefore with "male" incomes) but, for the vast majority, it's a myth.

beyond equality

Our goal must be liberation, not the partial, false equality for the middle classes. This does not mean the law cannot be useful to us now. (Incidentally, the definitive guides here are the Codes of Practice issued by the Equal Opportunities Commission (EOC) on Equal Pay and Employment, the Commission of Racial Equality (CRE) on Employment, and the Department for Education and Employment (DEE) on the Employment of Disabled People).

Passive legal and institutional discrimination is also rife. Much of the latter is to do with funding priorities for public services, and the “decision-maker’s” idea of what matters. Since there is no direct democratic control over service providers, what counts in deciding who gets them are media campaigns, rich lobby groups, “income generation”, prejudices and internal politics — in fact, anything except the actual people and their service needs.

equality in court?

Reformists seek “equality” through the introduction, or strengthening, of anti-discrimination legislation. The Equal Pay Act (EPA) was passed in 1970 (with Equal Value Amendment Regulations in 1983), Race Discrimination Acts (RDA) in 1975 and 1986, the Sex Discrimination Act (SDA) in 1976, and the Disability Discrimination Act (DDA) in 1995. More recently, gay rights campaigners introduced the Sexual Orientation Discrimination (SOD!) Bill, which was defeated last year.

Social mobility allows capitalism to use those not born into privilege. Lack of discrimination allows it to use those who aren’t white, male or able-bodied. The DDA, as an example of anti-discrimination legislation, states that employers must make “reasonable adjustments” to the working environment for disabled workers. The aim of this is to prevent the bosses from discarding workers they need through discrimination. The workers’ rights are secondary to the needs of capitalism.

turning on the power

Discrimination is regulated so it supports capitalism without harming it. If you have any doubts about the need for/ability of the state to modify the dominant ideology when it needs to, look no further than World War II for an example. Women were drafted into jobs

Discrimination conveniently divides us so the real source of exploitation, bosses over us, can continue.

Equality initiatives haven’t worked; it’s time for more serious measures.

The traditional Left viewpoint on issues such as racism, sexism and homophobia is that they divide the working class, and therefore we must oppose them so that we can all unite and get on with the real business of fighting the bosses. It assumes that prejudices are simply encouraged among the working class by the ruling class in order to divide us, and that by emphasising our common (economic) interests as workers we can unite and consign them to history.

Reality is more difficult. For a start, oppression is wrong not because it is divisive, but because it is oppressive. For example, many black people resent the dismissal of racism as “divisive” by the traditional Left. If I were to tell my fellow workers that unity on economic issues will make discrimination go away, they will rightly dismiss me as clueless. Oppression is not simply economic; it is at the heart of the problem, but other forms of discrimination are also directly oppressive.

The most visible means of discrimination — ostracism, verbal abuse, harassment, violence — are those that working class bigots use. They are easy to identify, and can be readily condemned and organised against. Unless, that is, you are the police, in which case feigned ignorance is more likely than either identifying or doing anything about it.

However, most people are not discriminated against by relatively powerless bigots, but by institutions, and by powerful, respectable individuals and groups within them. This is not some conspiracy theory or other; look no further than the police as just one example among many of institutionalised discrimination.

The response to discrimination must operate at different levels — just as the threat does. As well as working for unity on economic issues, we all need to combat prejudice within the working class

directly. In addition, we need to expose and oppose the root of discrimination at an institutional level — again, not just in economic boss-worker terms, but in its own right.

ignorance isn't bliss

Where discrimination is unintentional, lack of conscious intent does not make it any less oppressive. Institutional discrimination creates an environment where those who seek to discriminate can flourish. We should be wary of the “no fault” approach. Institutional, legal and economic discrimination is rooted in the dominant culture — the culture of the capitalist class. Of course, this does not mean discrimination was invented by capitalism. Many aspects predate capitalism, but they have proved useful to capitalism, and so have become integrated into its ideology.

In multi-racial Britain, a person is assumed to be English, white, male, middle class, Christian, able-bodied and overtly heterosexual. Anyone different has to argue or fight to get their perspectives or needs recognised. To do so is to be accused of demanding “special rights”, and of being divisive by raising issues ignored by those not directly affected. Some discrimination is active, e.g. discriminatory gay sex offences; other discrimination is passive, e.g. not allowing same-sex couples access to the privileges of marriage.

As the whole world now knows, the Stephen Lawrence Inquiry Report forced Metropolitan Police (Met) Commissioner Paul Condon to recognise/admit that institutionalised racism exists in the Met. But there was an obvious omission from the media coverage. What was established was the link between the role of the police in dealing with black people as suspects and criminals and their inability to see them as anything else. However, what was ignored was the Met's role in policing group-specific immigration, the Prevention of Terrorism Act and the masses of other legislation aimed

at specific communities on the basis of their colour, orientation, religion, etc.

more than skin deep

The police (and come to that, benefits, housing and social services departments) are about social control. Their operations select targets on the assumption that particular groups are the primary (or sole) perpetrators of some offence — black youths for mugging, West Africans for fraud, etc. This is “legitimate policing”, and the assumption that Stephen Lawrence's murder was the result of criminal activity on his part is an example of its effects.

Reform of the police is supposed to separate the causes of discrimination from their effects, without actually removing those causes. For example, Condon has not apologised for Operation Eagle Eye, the recent anti-mugging drive explicitly targeted at black youth, yet he is talking about coppers seeing black youths as people, not just criminals. No wonder representatives of the Met's rank-and-file are confused and angry!

Failure to take hate crime seriously is inextricably linked to the policing of discriminatory laws. This is true of policing “public morals” as well as immigration, street crime and “terrorism”. The regulation of prostitution and gay sex is linked to hate crimes against women and gay men. The policing of rape and violence against women, and of homophobic crime, goes hand-in-hand with the policing of sex offences.

Discrimination is not restricted to policing and regulation, of course, but these are crucial areas where the state either intervenes directly, or it fails to prevent, tolerates or supports hate crimes against the same groups. Active legal and institutional discrimination is probably the most devastating means of oppression where a state does not overtly use physical violence.