From Equal Opportunity to Anti-Racism: Racial Inequality and the Limits of Reform

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Biographical Note

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Michael KEITH is the editor of the Policy Papers in Ethnic Relations Series. The aim of this series is to publish papers based on research carried out at the Centre for Research in Ethnic Relations at the University of Warwick. It will also publish papers from external authors, and the editor welcomes manuscripts from other writers and researchers working in the field of race and ethnic relations. The main emphasis of the series will be on papers with policy implications that will be of interest and relevance for students of race and ethnic relations and for those implementing equal opportunity and anti-racist policies.

Introduction

The turmoil and conflict that has surrounded racial questions in Britain since the 1960s has led to a variety of policy responses at both national and local government levels. In recent years, despite the unwillingness of the Thatcher Governments to introduce new initiatives in this field the combination of serious urban unrest and massive social and economic change has helped to keep racial inequality and the role of public policy in tackling it firmly on the political agenda.

In the two past decades we have seen a variety of policy initiatives and programmes which have been based on the manifest premise of providing equal access to employment, education, housing and public facilities generally. Successive governments have stated their commitment to this broad objective, and have developed policies which have promised to tackle various aspects of direct and indirect racial discrimination, to promote greater 'equality of opportunity' and to remedy other social disadvantages suffered by black minority communities in British society.

These policies have been held together by the notion that the main objective of equal opportunities policies in this field is to secure free competition between individuals and eliminate barriers created by racial discrimination. Yet, research findings have shown that in practice the impact of public policy in this field has been limited even within the limits of this narrow definition of equal opportunity. Recent research on employment, for example, indicates that equal opportunity policies have had little effect on levels of discrimination in employment, though they have reduced its more direct forms. Similar arguments have been made about the impact of equal opportunity policies in the areas of housing and education (Brown and Gay, 1985; Jenkins and Solomos, 1987).

In this paper I want to explore this seeming contradiction between the publicly stated objectives of successive governments and the actual impact of policies on processes of racial discrimination and exclusion. It is not intended here to produce a comprehensive analysis of the value of public policies as a tool for tackling racial inequality, but to look specifically at aspects of (a) national policy change in this field and its impact on racial inequality, and (b) recent initiatives which have sought to use local government as a vehicle for promoting racial inequality. By analysing these two aspects of policy development and change in some detail we shall then be able to draw some broader conclusions about the prospects for change in the future. In the concluding section of the paper we shall look at the prospects for radical change in the effectiveness of equal opportunities policies in tackling racial inequality, particularly within the context of the current shift from state intervention as a means of remedying social inequalities to market oriented initiatives.

Equal Opportunity and Racial Equality

Before moving on to the substantive issues, however, there is a need to clarify some of the conceptual problems which are raised by the debate about the meaning of such terms as 'equal opportunity', 'racial equality' and related notions. Such notions have gained wide currency over the past two decades, but there is still much confusion about what each of them means, and perhaps more fundamentally, about what kind of objectives they are supposed to fulfil. The very plurality of categories used in current debates would seem to indicate that the objectives pursued are by no means clear and are in fact essentially contested notions.

In particular, researchers and practitioners do not concur on what they mean by such terms as 'equality of opportunity' and 'racial equality' or what they consider as evidence of a move towards the stated goals of policies (Jewson and

Mason, 1986). Some writers see the development of equal opportunity policies as the outcome of a process of political negotiation, pressure group politics and bureaucratic policy making (Ben-Tovim et. al., 1986; Young and Connelly, 1981). Other writers have, however, emphasised the need to look beyond the stated objectives and public political negotiations and explore the ways in which deeply entrenched processes of discrimination may be resistant to legal and political interventions while in egalitarian social relations structure society as a whole. From this perspective promises of 'equal opportunity' can easily become largely symbolic political actions which can do little to bring about real changes in discriminatory processes (Solomos, 1989: chapter 4).

What these disputes tell us is that the study of these issues is by no means based on value free criteria; research in this field is, of necessity perhaps, imbedded in value judgements, feelings and reactive responses about what constitutes the public good in the area of racial inequality. For this reason we cannot decide whether or not 'equality of opportunity' is being achieved until the assumptions on which this concept is based are clarified and made public. There are a number of awkward questions which confront us in attempting to look at the current state of the art in this field. What are the assumptions which underlie current policies aimed at tackling processes of racial discrimination? Are such assumptions a realistic assessment of the actual processes through which discrimination takes place? To what extent can legislative and political measures tackle the roots of racial discrimination in employment, housing, education and related areas?

There has been much heated debate about these questions, and in the process a host of new conceptual issues have entered into the discussion. One area of particular interest in this regard is the question of how far 'equality of opportunity' can be achieved without incorporating into the established channels of decision making the political interests of the black minority communities (Ouseley, 1984).

We shall return to these issues in the course of this paper in order to draw out some of the broader implications which are contained within it.

Historical Context

From the 1950s the question of what to do to counter racial discrimination emerged as a major dilemma in debates about immigration and 'race relations'. Even in the early stages of black migration there was an awareness that in the longer term the question of racial discrimination was likely to become a volatile political issue (Solomos, 1989). In the early stages of post-war black migration political debates about 'race' were centred upon the question of immigration controls, leading to the introduction in 1962 of the Commonwealth Immigrants Act which sought to control the flow of black migrants into Britain. However, an underlying concern even at this stage was the question of the future of 'racial relations' in British society. The notion that the arrival of 'too many' black migrants would lead to 'problems' in relation to housing, employment and social services was already widely articulated (Patterson, 1969; Freeman, 1979).

Two dimensions of these 'problems' were usually distinguished. First, the negative response of the majority white population to the competition of black workers in the labour and housing markets. Second, the frustration of black workers who felt themselves excluded from equal participation in British society by the development of a 'colour bar' in the labour and housing markets, along with related processes of discrimination. Both these issues were perceived as potential sources of conflict which the government had to manage and control.

The first attempts to deal with the potential for racial conflict and to tackle racial discrimination can be traced back to the 1960s, and took two basic forms.

The first involved the setting up of welfare agencies to deal with the 'problems' faced by black migrants and to help the white communities understand the migrants. The second stage of the policy response began with the passage of the 1965 and 1968 Race Relations Acts, and was premised on the notion that the state should attempt to ban discrimination on the basis of race, colour or ethnic origin through legal sanctions and public regulatory agencies charged with the task of promoting greater equality of opportunity (Rose et. al., 1969: 511-30).

This dual strategy was clearly articulated by the Labour Government's 1965 White Paper on Immigration from the Commonwealth, but it has its origins in the debates of the 1950s and the period leading up top the 1962 Commonwealth Immigrants Act. The notion that immigration was essentially an issue of 'race' was consistent with the view that: (a) the growing number of black citizens resident in the UK was either actually or potentially the source of social problems and conflicts, and (b) that it was necessary for the state to introduce measures to promote the 'integration' of immigrants into the wider society and its fundamental institutions (Solomos, 1989: chapter 3).

The linking of immigration controls with integrative measures was a significant step, since it signalled a move towards the management of domestic 'race relations' as well as legitimising the institutionalisation of firm controls at the point of entry. In the same year as the White Paper the Labour Government passed the first Race Relations Act, which enunciated the principle of ending discrimination against black immigrants, and their descendants, on the grounds of race. Although fairly limited in its scope the Act was important in establishing the concern of the state with racial discrimination and as an affirmation of the broad objective of using legislative action to achieve 'good race relations'(Lester and Bindman, 1972: 107-49)

Towards 'Good Race Relations'

Much has been written about the inherent contradictions involved in 'balancing' racially specific controls on immigration with measures against discriminatory practices. Yet since the 1960s the two sides of state intervention were seen as inextricably linked. According to Roy Hattersley's famous formula, 'Integration without control is impossible, but control without integration is indefensible' (Hansard, Vol 709, Cols 378-85). The rationale of this argument was never articulated clearly, but it was at least partly based on the idea that the fewer immigrants (particularly black ones) there were, the easier it would be to integrate them into the 'English way of life' and its social cultural values.

During the tenure of Roy Jenkins as Home Secretary in the mid-1960s, this notion of 'integration' was linked to the idea that unless the political institutions helped to deal with the social problems of the immigrants and of the areas in which they lived there was the prospect of growing 'racial tension' and violence on the American model. In this context concern was particularly focused on the second generation of young blacks, who were perceived as a potentially volatile group (Solomos, 1988: 53-87).

Given this perspective the Race Relations Acts of 1965 and 1968 were based on the twin assumptions of: (a) setting up special bodies to deal with the 'problems' faced by immigrants in relation to discrimination, social adjustment and welfare; (b) helping to educate the population as a whole about 'race relations', and hence minimizing the risk of racialised conflict developing in Britain as it had done in the United States.

The basis of these assumptions lay, as we have argued above, in the notion that 'too many' black migrants could result in racial conflict. Additionally, however, the 'numbers game' was tied to the idea that the cultural differences between the immigrants and the host population were a potential source of

conflict. During the period from 1962 onwards both the Conservative and Labour Parties have accepted the need for immigration restrictions to be balanced by measures to bring about 'integration' in the areas of housing, education, employment and the social services.

Significantly, however, successive governments did not seek to use the mainstream Government Departments to tackle this issue. While the Home Office was directly responsible for the enforcement of strict immigration controls, the responsibility for enforcing the 1965 and 1968 Race Relations Acts was given to regulatory agencies and the judicial system. The 1965 Act set up the Race Relations Board, while the 1968 Act set up the Community Relations Commission and strengthened the powers of the Race Relations Board in dealing with complaints of discrimination (Abbott, 1971: chapters 9 and 10). From 1965 to 1975 successive governments left the issue of tackling racial discrimination to these bodies, and there was little direction or support provided by central government itself.

The Impact of the 1976 Race Relations Act

Critics of the 1965 and 1968 Race Relations Acts pointed out that these early attempts to tackle racial discrimination were limited both in their intention and their impact. By the early seventies, critics of the 1960s legislation were calling for a new and more effective strategy to tackle racial discrimination, particularly in areas such as employment (Abbott, 1971; Lester and Bindman, 1972). At the same time research on aspects of racial discrimination by a number of bodies showed that high levels of discrimination persisted, and this was taken to imply that the efforts of successive governments from 1965 onwards had produced little or no change (Smith, 1977). More critical studies took their cue from this evidence to argue that race relations legislation, particularly when linked to discriminatory immigration controls, could be no more than a gesture or symbolic political act which gave the impression that something was being done while in practice achieving very little (Moore, 1975; Sivanandan, 1982).

The debate about the effectiveness of the 1965 and 1968 Acts raged throughout the early seventies, and began to have an impact on the organisations charged with implementing the legislation. The Race Relations Board, for example, produced a critical analysis of the operation of race relations legislation which argued, among other things, that the 1968 Act was very limited in its effectiveness because of the concentration on individual forms of discrimination and the lack of resources for implementing the law fully. It also argued that racial discrimination was less a matter of 'active discrimination against individuals' than the reproduction of 'situations in which equality of opportunity is consciously or unconsciously denied'(Race Relations Board, 1973). At the same time the Select Committee on Race Relations and Immigration launched a major investigation which produced a major report on The Organisation of Race Relations Administration in 1975.

Though this report looked at the situation from an administrative angle, it helped to put a number of arguments on the political agenda. The most important of these arguments were: (a) The need to go beyond the narrow definition of discrimination used in the 1965 and 1968 Acts, in order to include institutionalised or unintended forms of discrimination; (b) The need to strengthen the administrative structures and legal powers of the Race Relations Board in order to allow for a more effective implementation of anti-discrimination policies, including penalties for those found guilty of discrimination; (c) The need for a more interventionist stance from central government departments, particularly the Home Office, to buttress the role of race relations institutions (Select Committee, 1975: vii).

Taken together these assumptions were seen to support the need for stronger action by government to promote equal opportunity because 'there is a growing

lack of confidence in the effectiveness of Government action and, in the case of some groups such as young West Indians, this lack of confidence can turn into hostile resentment'(Select Committee, 1975: xvi-xix). In addition, they were seen as supporting the need for more efficient social policies on race in order to achieve the original aim announced by Roy Jenkins during the 1960s: namely, the achievement of a 'genuinely integrated society' where there was 'equal opportunity, accompanied by cultural diversity in an atmosphere of mutual tolerance'.

More fundamentally, perhaps, the weight of evidence that went into these reports had a major impact on the White Paper on Racial Discrimination, which was published in September 1975. This accepted the relative failure of past policies to achieve fundamental changes, the need for stronger legislation, and the need for a 'coherent and co-ordinated policy over a large field of influence involving many Government Departments, local authorities, the existing and future statutory bodies concerned with the subject and, indeed, many individuals in positions of responsibility and influence' (Home Office, 1975: 5). It also accepted the need for a broader governmental role to tackle those 'more complex situations of accumulated disadvantages and of the effects of past discrimination'. The rationale for this emphasis according to the White Paper was the recognition by the government that the majority of the black population was 'here to stay' and that policies had to be based on recognition of this fundamental principle.

In this sense the White Paper was a departure from the policies pursued by successive administrations from the 1960s onwards. However, although the role of government and a political commitment to racial equality was prioritised there was no detailed analysis of how to link the legal and administrative framework with active political involvement by the Home Office and other government departments in the promotion of racial equality. More fundamentally, while this strategy was recognised as involving major expenditure implications, as well as a reassessment of priorities in existing programmes, no attempt was made to assess what these were, or to examine how the government's own contribution to the new strategy was going to be implemented.

In the ensuing legislative proposals therefore the emphasis was placed on changing the legislative and administrative framework, while the wider changes promised in the Select Committee report and the White Paper were put to one side. Against this background the 1976 Race Relations Act 'represented a strengthening and extension of existing anti-discrimination policy rather than a new and unfamiliar policy' (Nixon, 1982: 366).

The most important innovations were (a) an extension of the objectives of the law to cover not only intentional discrimination but racial disadvantage brought about by systemic racism; (b) a re-organisation of the Race Relations Board and the Community Relations Commission into a joint agency, the Commission for Racial Equality (CRE); and (c) a different procedure for the handling of individual complaints of discrimination, which in the case of employment cases were to be handled directly by the industrial tribunals rather than processed through the CRE (McCrudden, 1982: 336-48; Lustgarten, 1980).

Direct and Indirect Discrimination

The first innovation was intended to overcome the problems of proving the existence of institutional filter processes that were biased against minority workers. While direct discrimination was defined by the 1976 Act quite straightforwardly as arising 'where a person treats another person less favourably on racial grounds than he treats, or would treat, someone else', it also put on the statute book the category of indirect discrimination. This was defined as consisting of 'treatment' which may be described as equal in a formal sense as between different racial groups, but discriminatory in its effect on

one particular racial group'. An example of what could be defined as indirect discrimination is the application of conditions and requirements for jobs which may mean that:
(a) the proportion of persons of a racial group who can comply with these is considerably smaller than the proportion of persons not of that racial group who can comply with them;
(b) they are to the detriment of the persons who cannot comply with them;
(c) that they are not justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom they are applied (Home Office, 1977: 4-5).

The introduction of the concept of indirect discrimination into race relations legislation was partly based on the American experience of affirmative action against institutionalised forms of racism, which was widely commented upon during the immediate period leading up to the 1976 Act (Abbott, 1971; Lester and Bindman, 1972). Indeed, according to one account both the American programmes based on the Civil Rights Act of 1964 and the post-1976 British concern with indirect discrimination are attempts 'to circumvent the problems of proof of intentional discrimination, to go beyond its individualised nature, and to provide a basis for intervening against the present effects of past and other types of institutional discrimination'(McCrudden, 1983: 56).

The Commission for Racial Equality

The second innovation, the setting up of the CRE, resulted from the experience of the organisational management of anti-discrimination policies during the period 1965-75. The setting up of an agency that combined roles previously held by the Community Relations Commission and the Race Relations Board was seen as paving the way for a more coherent implementation of the law and the promotion of equality of opportunity and 'good race relations'.

The Commission was seen as having three main duties: (a) to work toward the elimination of discrimination; (b) to promote equality of opportunity and good race relations; and (c) to keep under review the working of the Act and draw up proposals for amending it. Under the first two headings the Commission was empowered to carry out formal investigations into organisations where it believed unlawful discrimination was taking place, to help individual complainants in cases of discrimination, and to issue codes of practice which contain guidance about the elimination of discrimination in the field of employment or for the promotion of equality of opportunity. In addition the Commission was to carry out promotional work aimed at bringing about changes in both the attitudes and behaviour of employers toward minorities.

Individual Complaints

As mentioned above, the third major innovation introduced by the 1976 Act allowed individuals direct access to courts or industrial tribunals for redress in respect of complaints under the Act. Although the CRE could offer individuals assistance in carrying through their complaint, direct access to industrial tribunals was seen as providing a stronger basis for a legal strategy against discrimination in employment to complement the work of the Commission. This viewpoint was also supported by reference to the need to treat cases of race discrimination in the same manner as cases of sex discrimination or complaints of unfair dismissal.

This conception of the role of individual complaints in the promotion of equal opportunity fitted in with the liberal notion that the main aim of policies in this field is to promote free competition between individuals. It also relied on the established emphasis in British common law on individual rather than collective dispute settlement.

The Limits of Reform

Given these stated objectives, and the government's promise of an 'effective race relations policy', it may seem surprising at first sight that in the decade since the 1976 Act came into force much of the discussion has focused on the disjuncture between its objectives and its actual impact. Even in Lord Scarman's sober report on urban unrest during 1981 pointed out that policies had failed to make a major impact on the roots of racial disadvantage (Scarman, 1981: para 2.38).

Offe (1984: 144) has pointed out that 'the increasingly visible conflict between the promise and the experience, form and content, of state policies' can result in increased conflict and disenchantment. Broadly speaking, this is what seems to have happened since the 1976 Act came into force. While the Act seemed to promise radical changes, its impact has in practice been fairly limited.

Detailed evidence about the workings of the 1976 Act has only recently begun to emerge, though it has been the focus of much critical comment from an early stage (Home Affairs Committee, 1981; Cross, 1982). It does seem, however, that the translation of the initiatives introduced by the Act into practice has at best been achieved in only a limited sense. Almost all the academic research that has been done on the effectiveness of the 1976 Act, has pointed to three ways in which policies have proved to be ineffective in tackling racial inequality. First, the machinery set up to implement the Act has not functioned effectively. Second, the policies have not produced the intended results. Third, policies have failed to meet the expectations of the black communities (Solomos and Jenkins, 1987).

For example, recent evidence indicates that both the formal investigations and the individual complaints procedures have had only a limited impact on discriminatory practices in areas such as employment or housing, and that the CRE has encountered severe problems in exercising its powers in such a way as challenge entrenched processes of discrimination (Brown and Gay, 1985; McCrudden, 1987). The Home Affairs Committee's investigation of the CRE in 1981 highlighted a number of organisational problems which hampered its formal investigations in the early stages of the Commission's work (Home Affairs Committee, 1981: xxiii-xxxiii). There is also clear evidence, however, that the ambiguous nature of the law has acted as a brake on its ability to carry out investigations successfully or speedily (Applebey and Ellis, 1984). By 1983 the formal investigation procedure was so unworkable that the CRE itself proposed a sharpening of its investigation powers in order to reduce delays (CRE, 1983 and 1985), though its appeal has still to receive a positive response from the Government. The Commission has reported that by 1987 it had published 39 formal investigations, but it acknowledges that their impact on discriminatory processes has been limited (CRE, 1988)

The picture in relation to individual complaints is by no means clear, due to the lack of a critical analysis of the various stages of the complaints process, but research evidence suggests that there is a very low level of success in proving discrimination. The CRE can claim a certain amount of success in that most successful cases were supported by the Commission. But these successful cases can only amount to a small amount of reported cases of discrimination, let alone those cases that go unreported.

What Future?

During the 1980s a number of bodies, including the CRE, have lobbied for a major reorganisation of the administration of race relations policies and for a stronger central government lead. Lord Scarman's report on urban unrest and numerous other reports have argued for a major radical programme of action to tackle the root causes of racial inequality (Benyon and Solomos, 1987). The CRE itself has joined the voices calling for a more positive stance from the Government.

The CRE's proposals for change, which have been on the table since 1985, recommended a number of basic changes to strengthen the implementation process, including: (a) a clarification of the meaning of both direct and indirect discrimination, to take account of the complex situation on the ground; (b) the setting up of specialist tribunals to deal with discrimination cases, which had the power to order changes to prevent a recurrence of discrimination; (c) a clarification of the procedures for formal investigations in order to cut out delaying tactics by employers or other bodies; (d) a redefinition of the law to allow for more effective positive actions to redress the effects of past and present discrimination; (e) a strengthening of the sanctions against those found to be unlawfully discriminating.

Yet, as the Commission has recently stated levels of discrimination in employment, housing and other areas remain alarmingly high, and there is no sign that the Government is willing to strengthen the legislation so as to make it effective (CRE, 1988)

Failing a strong lead form central government the Commission has attempted to innovate within the terms of its powers. One of the major innovations introduced by the CRE during the early 1980s was the Code of Practice for the elimination of discrimination in employment, which came into force in April 1984. First published in draft form in early 1982 the Code went through a number of stages of discussion and redrafting before the government formally laid it before Parliament in April 1983. Since April 1984 the Code has been admissible in evidence to tribunals, and if they think a provision in its is relevant to the proceedings they can take it into account in determining the question (Home Office, 1977: 39).

The Commission itself considered that the Code 'will do much to advance the cause of racial equality at work'(CRE, 1984: 15), particularly when combined with the operation of formal investigations and the individual complaints process. Yet its own survey of employers responses to the Code many employers were still unaware of its existence (CRE, 1988: 8)

In the concluding section of this paper I shall return to the question of how the limits of existing policies can be overcome. Before turning to this issue, however, it is important to look at the experience of local government in this field.

Local Socialism and Racial Equality

A number of local authorities had developed ad-hoc policies on racial issues from the 1950s onwards. This was particularly the case in London and Birmingham. In a number of areas special officers were appointed with the brief to help migrants cope with their 'special problems' and promote good race relations (Ben-Tovim et. al., 1986: 65-94). In some areas this led to the formation of voluntary committees which consisted of representatives of statutory and voluntary social services, migrant organisations and interested groups and individuals and trade unions. These committees played a particularly important role in areas of the country where 'race' and related issues had already become politicised and aroused the interest of local politicians, the press and

voluntary agencies. From the late 1960s such committees begun to receive the support of the Community Relations Commission and became known by the generic term of Community Relations Councils (Hill and Issacharoff, 1971; Gay and Young, 1988).

The general picture, however, was one of a limited or non-existent response by most local authorities to the question of racial inequality. This was why during the passage of the 1976 Race Relations Act through parliament, a Labour back-bencher, Fred Willey, argued forcefully that an amendment should be included about the role of local authorities in the promotion of better 'race relations'. Although Willey's amendment was initially opposed by the Government it was eventually included as section 71 of the Race Relations Act, and it consisted of the following general injunction:

Without prejudice to their obligation to comply with any other provision of this Act, it shall be the duty of every local authority to make appropriate arrangements with a view to securing that their functions are carried out with regard to the need: (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity, and good relations, between persons of different racial groups (Race Relations Act, 1976).

Thus Section 71 of the Act placed a particular duty on local authorities to eliminate unlawful racial discrimination and promote equality of opportunity between persons of different racial groups. This statutory provision did not seem to have an immediate effect on the policies or practices of the majority of local authorities, although a few did take up the opportunity offered by the Act to consolidate their efforts in this field (Young and Connelly, 1981). Additionally, the CRE attempted from an early stage in its existence to encourage local authorities to develop better practices and learn from the experiences of the more innovative ones.

Whatever the limits of Section 71 in the late 1970s, in the aftermath of the urban unrest in Bristol, London and Liverpool during 1980-81 a growing number of local authorities started to develop policies on racial discrimination. As Ouseley (1984) has noted, whatever the impact of the urban unrest in other fields, it does seem to have acted as a mechanism for encouraging local authorities to respond to the demands of their local black communities for action to tackle racial discrimination in employment, service delivery and housing. At the same time although the impact of Section 71 remains unclear, it seems to have provided the basis for promoting policy change within the existing structure of local government (Young and Connelly, 1981; Young, 1987).

Since the early 1980s public attention has been focused on the experiences of a number of local authorities which have introduced radical policy changes in relation to racial inequality. The most notable cases have been the Greater London Council before it was abolished, the Inner London Education Authority and the London boroughs of Brent, Ealing, Hackney, Haringey, Islington and Lambeth. Nationally, a number of other local authorities have adopted comprehensive policy statements on racial equality and equal opportunity generally.

In all these cases a combination of factors seems to have prompted rapid policy change. First, bolstered by the urban unrest that has been much in evidence during the 1980s local black politicians and groups have sought to include racial inequality on the local political agenda. Second, a number of left local authorities sought to use the issue of equal opportunity as a mechanism for widening their basis of support among ethnic minorities and other constituencies(Stoker, 1988: 207-8). Third, the failure of central government to respond to calls for radical reform was seen as a sign that relatively little change could be expected as a result of the actions of central government.

The result of these pressures was reflected in three main policy changes. The first addressed the central question of 'who gets what?', and the emphasis has been on establishing equality of treatment and equality of outcome in the allocation process. Ethnic records have been introduced to monitor channels of access and allocation. For example, in relation to housing authorities such as Hackney and Haringey have sought to monitor mobility within the local housing stock and the quality of distribution, and to change procedures that facilitated discretion and contributed to discriminatory outcomes.

The second policy change has addressed the question of the employment of black staff within local authorities. This has resulted in a number of authorities linking the question of allocative equality with representation of black and ethnic minority staff in local government departments. Racially discriminatory outcomes, it was argued, were not solely the function of organisational procedures but also related to the under-representation or exclusion of black and ethnic minority staff. Consequently, targets have been established to increase the employment of black and ethnic minority staff.

Finally, a number of local authorities have introduced promotional measures that are intended to improve communications with, and awareness of, the difficulties faced by black and ethnic minorities. These include such measures as translation of policy documents into ethnic languages, race awareness and equal opportunity training, and more effective controls against racial harassment.

Once again, however, the experience of local authorities seems to mirror that of central government initiatives, since there has been a gap between the promise embodied in policy statements and the actual achievements of policies.

During the early 1980s authorities such as Lambeth and Hackney did make some progress in changing their employment practices and service delivery to reflect the multi-racial composition of their local populations. Initiatives in specific policy areas such as social services and housing have also been put into practice. In Hackney's case the combination of pressure from the local black communities and a formal investigation by the Commission for Racial Equality forced the council to rethink its housing policy and introduce major changes. During the early 1980s local authorities were also the site of important debates about the delivery of social services and education.

Yet after the flurry of policy activity and change during the early 1980s the last few years have been a period of conflict, negative media publicity about racial equality policies and in some cases resistance to change by the local white population. The debates about multi-racial education in Brent and Bradford, the media coverage of the activities of the 'loony left' in a number of local authorities in London, and the attack on 'anti-racism' launched by sections of the political right have tended to push even the most radical local authorities on the defensive. Indeed in some cases the public attention given to 'anti-racism' has tended to take attention away from the persistence of racial inequality and direct critical attention at those local authorities attempting to allocate resources to minority groups.

Most importantly, perhaps, the increasing fiscal constraints imposed by central government and pressure on the resources available to local authorities have left little room for the maintenance of the initiatives already introduced or for new developments. During 1987 and 1988 there have been signs that even previously radical local authorities are now adopting a lower profile on issues concerned with racial equality.

Racial Equality in the 1990s

At both the national and the local policy levels the experience of the past two decades has shown that the pursuit of racial equality is an inherently

contradictory process. The translation of policies into practice has been hampered by a weak legal framework, organisational marginality and a lack of political legitimacy. This lack of political legitimacy has become increasingly evident during the past decade. Today the most strident political voices are raised in the name of free enterprise and not for equity.

The question of the political legitimacy of notions of 'equal opportunity' and 'racial equality' is thus central to any appraisal of the analysis and arguments put forward in this paper. This is a question which must be viewed in context, against the background of a considerable shift at the national political level away from a concern with equality or equality of opportunity, and an increasing preoccupation with creating a 'culture of enterprise' and reducing the role of state intervention.

The concern with promoting a greater role for the market fits uneasily with the pursuit of equity for racial minorities through administrative and judicial channels. Indeed some critics have argued that at best the issue of equality of opportunity has become transformed into an exercise in 'symbolic politics'. At worst, the very principles underlying the 1970 Equal Pay Act, the 1975 Sex Discrimination Act and the 1976 Race Relations Act are under open threat from the highest levels of government.

The present political climate gives one little cause for optimism that a radical change in governmental priorities in this field is likely. During both the 1981 and 1985 outbreaks of urban unrest central government has promised to help those inner city areas particularly hard hit by economic restructuring and urban decay. The impact of such promises in practice has, however, been limited and their impact in terms of equal opportunity remains unclear.

Apart from more general considerations, the post-1979 political climate of has had its very specific effects on the Commission for Racial Equality. Examined and interrogated by the House of Commons Home Affairs Committee, under-resourced, and, on occasions, in open conflict with the government or sections of the right wing of the Conservative Party, it could hardly be said to have been whole-heartedly supported by its parliamentary paymasters. Undoubtedly the Commission must bear some of the responsibility for this state of affairs, given its relative failure since 1977 to mark out a clear and committed agenda for influencing the national and local policy agenda. Perhaps the main problem, however, remains the lack of political legitimacy given to the Commission's goals and the failure to strengthen its statutory powers, despite repeated calls.

This problem remains intractable, certainly for the time being, with the Government committed to reducing rather than increasing the role of state intervention.

A further problem is the relationship between the CRE and central government. Over a decade since the Commission was formed its role remains marginal with respect to the basic agenda setting channels of mainstream departments. Instead of equal opportunity impinging upon every aspect of every government department's business, the issue has, by virtue of the creation of the creation of the CRE, been successfully compartmentalised, isolated and marginalised.

However, problems of legitimacy and marginality are not the only difficulties surrounding the CRE. As the Commission's own calls for new powers have implicitly acknowledged, the historical exclusion of black people from mainstream services and policy-making cannot easily be transformed without a concerted effort to transform racialist practices which are by now entrenched.

Conclusion

In this paper we have looked at the politics of equal opportunity policies in relation to racial inequality from two angles. First, we have shown that equal opportunity policies are both a political issue and a legal administrative question. Since the mid-1960s successive governments have responded to the issue of racial inequality largely by legislative measures dealing with aspects of discriminatory processes, and by setting up regulatory agencies charged with promoting greater racial equality in a variety of areas. Second, we have looked at the problems involved in trying to implement policies in this field, and discussed proposals for developing more effective legal and political strategies.

In the context of this account we have looked at examples of policy and practice at both the national and the local level, and argued that over the past two decades the pursuit of racial equality has been carried out in a haphazard fashion, has not been adequately resourced and there has been a notable failure to integrate issues about racial inequality into the mainstream political agenda.

A good example of the dominant political response to racial inequality during the 1980s was the lukewarm response given to Lord Scarman's call in 1981 for a radical national programme of action to tackle the roots of racial inequality. Whatever the merit of the particular programme proposed by Lord Scarman, and this has been the subject of some debate (Benyon and Solomos, 1987), the nature of the way in which his intervention was effectively marginalised points to the need to link the analysis of equal opportunities policies within a broader analytical framework which acknowledges the relevance of political ideologies in the construction of policy agendas and priorities.

Perhaps the most difficult problem that remains is the issue of how to deal with the appeal of racism both ideologically and politically. Over the past few years the hostile debate in the media about the role of 'anti-racism' and race equality policies has provided some evidence of the power of common sense images of race and the strength of political opposition to new initiatives in this field. This is a major factor contributing to the creation of an environment hostile to equal opportunity and anti-discrimination interventions.

The relative absence of policy innovation at the national level during the past decade is no indication that the question of racial inequality has been resolved. Rather, the present situation can best be seen as an impasse in the search for means to achieve equality for black citizens in British society. Unless a way is found to move beyond the present impasse it is likely that racial inequality will remain a volatile and explosive issue in British society for some time to come. If the experience of the past two decades is anything to go by it will take sustained political pressure and mobilisation to alter current priorities and establish a radical agenda for action.

references

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Abbott, S. (1971) The Prevention of Racial Discrimination in Britain, London: Oxford University Press
Applebey G. and Ellis, E. (1984) 'Formal investigations: the Commission for Racial Equality and the Equal Opportunities Commission as law enforcement agencies', Public Law, Spring: 58-81

Ben-Tovim, G. et. al. (1986) The Local Politics of Race, Basingstoke: Macmillan
Benyon, J. and Solomos, J. eds., (1987) The Roots of Urban Unrest, Oxford: Pergamon Press
Brown C. and Gay, P. (1985) Racial Discrimination: 17 Years After the Act, London: Policy Studies Institute

Cmnd. 2739 (1965) Immigration from the Commonwealth, London: HMSO
Commission for Racial Equality (1983) The Race Relations Act-Time for a Change? London: CRE
Commission for Racial Equality (1984) Annual Report 1983, London: CRE
Commission for Racial Equality (1985) Review of the Race Relations Act 1976: Proposals for Change, London: CRE
Commission for Racial Equality (1988) Annual Report 1987, London: CRE
Cross, M. (1982) 'Racial equality and social policy: omission or commission? ' in C. Jones and J. Stevenson, eds., The Yearbook of Social Policy in Britain 1980-81, London: Routledge and Kegan Paul

Freeman, G.P. (1979) Immigrant Labour and Racial Conflict in Industrial Societies, Princeton: Princeton University Press

Gay P and Young, K. (1988) Community Relations Councils, London: CRE

Hill M. and Issacharoff, R. (1971) Community Action and Race Relations London: Oxford University Press
Home Affairs Committee (1981) The Commission for Racial Equality, London: HMSO
Home Office (1975) Racial Discrimination, Cmnd. 6234, London: HMSO
Home Office (1977) A Guide to the Race Relations Act 1976, London: Home Office

Jenkins R. and Solomos, J., eds., (1987) Racism and Equal Opportunity Policies in the 1980s, Cambridge: Cambridge University Press, 2nd edition 1989
Jewson, N. and Mason, D. (1986) 'The theory and practice equal opportunities policies: liberal and radical approaches', Sociological Review, 34, 2: 307-334

Lester A. and Bindman, G. (1972) Race and Law, Harmondsworth: Penguin
Lustgarten L. (1980) Legal Control of Discrimination, Basingstoke: Macmillan

McCrudden, C. (1982) 'Institutional Discrimination', Oxford Journal of Legal Studies, 2: 393-67
McCrudden C. (1983) 'Anti-discrimination goals and the legal process' in N. Glazer and K. Young, eds., Ethnic Pluralism and Public Policy, London: Heinemann
McCrudden C. (1987) 'The Commission for Racial Equality' in R. Baldwin and C. McCrudden, eds., Regulation and Public Law, London: Weidenfeld and Nicholson
Moore, R. (1975) Racism and Black Resistance in Britain, London: Pluto Press

Nixon, J. (1982) 'The Home Office and Race Relations Policy: co-ordinator or initiator?' Journal of Public Policy, 2, 4,: 365-78

Offe C. (1984) Contradictions of the Welfare State, London: Hutchinson
Ouseley, H. (1984) 'Local Authority Race Initiatives' in M. Boddy and C. Fudge, eds., Local Socialism, Basingstoke: Macmillan

Patterson, S. (1969) Immigration and Race Relations in Britain: 1960-1967, London: Oxford University Press

Race Relations Board (1973) Race Relations Legislation in Britain, London: Race Relations Board
Rose, E.J.B. et. al., (1969) Colour and Citizenship: A Report on British Race Relations, London: Oxford University Press

Scarman, Lord (1981) The Brixton Disorders 10-12 April, 1981, London: HMSO
Select Committee on Race Relations and Immigration (1975) The Organisation of Race Relations Administration, London: HMSO
Sivanandan, A. (1982) A Different Hunger, London: Pluto Press
Smith, D. (1977) Racial Disadvantage in Britain, Harmondsworth: Penguin
Solomos, J. (1988) Black Youth, Racism and the State, Cambridge: Cambridge University Press
Solomos, J. (1989) Race and Racism in Contemporary Britain, London: Macmillan
Stoker, G. (1988) The Politics of Local Government, Basingstoke: Macmillan

Young, K. (1987) 'The space between words: local authorities and the concept of equal opportunities', in R. Jenkins and J. Solomos, eds., Racism and Equal Opportunity Policies in the 1980s, Cambridge: Cambridge University Press
Young, K. and Connelly, N. (1981) Policy and Practice in the Multi-racial City, London: Policy Studies Institute

Race and Ethnicity. Systematic Inequality and Economic Opportunity. By Danyelle Solomon, Connor Maxwell, and Abril Castro August 7, 2019, 7:00 am. Getty/Justin Sullivan. A job seeker fills out an application during a career fair in San Francisco, May 2014. OVERVIEW.Â Lawmakers have also limited the scope of anti-discrimination enforcement by establishing a minimum employee threshold for covered companies.Â The Equal Employment Opportunity Commissionâ€™s per capita spending is based on FY 2018 appropriations, divided by the total U.S. population estimates from the KFF. The EEOCâ€™s annual budget (see Figure 3) is adjusted to 2017 dollars using the U.S. Bureau of Labor Statisticsâ€™ Consumer Price Index inflation calculator. From Equal Opportunity to Anti-Racism: Racial Inequality and the Limits of Reform. 17th ed. [ebook] Policy Paper in Ethnic Relations. Available at: http://www2.warwick.ac.uk/fac/soc/crer/research/publications/policy/policyp_no.17.pdf [Accessed 26 Apr.