

Anti-Discrimination Legislation as Organisational Problem: Rethinking the Disabled People's Movement's (DPM's) Political Campaigns in Britain

Luke Beesley

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Anti-Discrimination (or 'Civil Rights') legislation (ADL) concerning disabled people is a relatively recent addition to national and international legislative frameworks – undertaking a breathless journey from the *Americans with Disabilities Act* in 1990 to the UN's Convention on the Rights of People with Disabilities in 2006. Consequently it is also a relative latecomer to analyses of the place of law in political history and social movement studies. Aware that social movement organisations have played a significant role in prompting and negotiating legislation on disability discrimination, sociolegal scholars and movement historians have folded their role into a series of 'how' questions. In addition to the macro-question of how disability went from the exclusive concern of welfare law to a broad rights issue; we are faced with a series of smaller operational questions involving disabled people's movements at national and international levels. These include: how did 'rights tourism' influence movements' strategies?; how have demonstration effects quickened or slowed down national processes?; how have disabled activists reinterpreted rights frameworks in different welfare regimes?; and whether policy mobility looks the same for social movements as it does for states.

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Questions of 'why' disabled people's movements have pushed for ADL have been ignored because their answer, presumably, seems obvious. The story, largely implicit in both the sociolegal and historical literature, goes something like this. If you have a social movement capable of effecting change, you want the most bang for your buck. Sweeping legislation on an abstract concept like 'discrimination' or 'civil rights' is obligingly capacious. Your members have a problem with inaccessible transport?, poor schools?, bigoted landlords?, getting kicked out of restaurants?, unemployment? The state has a role in regulating all of these, and each could (at least theoretically) be addressed by ADL. It's a movement's job to aggregate interests, and national legislation is the ultimate aggregator – giving you literally 'something for everyone' if you get the negotiations right.

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We'll skate over the *post-festum* critiques of resulting legislation for now – that it tends not to contain what movements demand (Britain), only applies to small subsets of actors (Germany), or is more honoured in breach than observance (the CRPD) – and look from a different angle at social movements' incentives. The first premise of an ADL campaign is the willing alienation of a movement's right to define its oppression to the state – who are now

able to say what does, or doesn't, count as legitimate inequality, and whose trustworthiness would render a social movement nugatory. The second is narrowing your sphere of activity. ADL requires a majority of legislators, so local activity will have to focus on winning over individual lawmakers. As this happens, movements reduce their leverage to negotiate individual clauses (they are doing less concrete work on housing, education, and workplace issues – so are asking for regulation of activities they no longer actively shape). The third premise is a tremendous expenditure of political capital. You shall have to demote your hardened generals to make space for respectable, probably green, people who understand the political system and can act as insider negotiators. You shall probably have to get into bed with people your base finds repulsive, and deal with the subsequent controversies. From the standpoint of building power, it becomes difficult to see what question could possibly have 'ADL' as an acceptable answer.

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The rest of this presentation evidences an alternative 'why' hypothesis: that (at least for established movements) disabled activist groups pursue ADL because they think the alternative is worse, not because they believe that legislation (or the campaign for it) is desirable in its own terms. My presentation follows the British Council of Organisations of Disabled People's (BCODP's) slow entrance into Britain's ADL campaign from 1985-90, arguing that this resulted from a series of organisational problems – lack of money, lack of training and mobilising capacity, and an inability to influence policy areas which were recognised as higher priority. Participation in the ADL was envisaged as indirectly addressing these problems, providing a counterweight to tendencies towards organisational stagnation, while both members and leaders expressed a mixture of caution and disinterest concerning the organisation's active involvement in campaign activities. The remainder of this presentation breaks the period down into two stages. Between 1985 and 1988, BCODP decided to join an existing ADL campaign as a more-or-less silent partner, driven by a desire to outmanoeuvre rival activist groups and get access to their resources. 1989-90 was a more intensely difficult period of unsustainable growth, hostile state policies, and vulnerable member organisations which cumulatively convinced BCODP's leaders to pour more resources into this campaign to stave off organisational incoherence.

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BCODP was established in 1981 as a co-ordinating forum for 13 activist groups controlled by disabled people, and was conceived as having two aims. Firstly, it should encourage collaboration between already well organised groups on areas where their policies overlapped (while leaving each free to follow their own line where they didn't); secondly, it should allow shared positions to be articulated as the 'authoritative voice'¹ of disabled people in Britain. This second function placed BCODP in direct competition with the major

¹ BCODP Press Release: 1981

disability charities of the time – the Spastics Society, RADAR, the Cheshire Foundation, etc -, which had themselves originated as quasi-social movement organisations in the 50s and 60s, and had invested heavily in public relations and policy change infrastructure over the subsequent decades. Like disabled people-led groups, these charities were also in a process of convergence on their voice and influence work, and BCODP's first job was to prevent a 'Council' of the major charities being recognised by Parliament as a legitimate negotiating partner on disability policy – which it successfully did in 1982-3.

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ADL had always been a charities issue rather than a disabled activism one, motivated by problems holding charities' support coalitions together which I can't get into now. In 1984-5, the Spastics Society initiated a broad-front organisation – Voluntary Organisations for Anti-Discrimination Legislation (VOADL) – to co-ordinate a campaign for legislation across the sector. BCODP's leadership interpreted this as an attempt to monopolise the public expression of disabled people's interests, and were keen for it to fail. The initial proposal was for all BCODP member organisations to join VOADL to crowd out the charities in any votes². This seems to have failed because most member organisations felt they had better things to do. BCODP itself sent delegates to early meetings to keep an eye on their opponents, but when VOADL went on hiatus in 1986 they made no attempt to re-awaken it.

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VOADL was revived by the Spastics Society in the summer of 1988, by which point BCODP had a marked cashflow problem. It had been funded for a research project, but the amount allocated was not enough to pay a researcher's wages and expenses; and the cash it got from central government and membership fees failed to cover its core expenses. Continued participation in VOADL offered way out of the embarrassment of an underfunded organisation having to return cash to its funders. By making the research project about discrimination, BCODP could demand the charities top up its funding from their reserves³; and it was hoped that encouraging them to antagonize central government on ADL would soften the state's attitude to funding BCODP itself⁴. BCODP's leaders were reassured in this decision by their perception that VOADL would not lead to ADL any time soon, leaving it free to manipulate a campaign it had no intention of winning⁵.

If this logic was clear to BCODP's leaders, it perplexed members. In report-backs of a workshop at the 1988 AGM, delegates stressed that sweeping legislation was only desirable once disabled people had significant influence over the activities it would regulate. Some argued that any campaign for legislation should focus on specific areas where the movement was already strong – housing, personal support, and transport – while others suggested that

² BCODP National Council Minutes May 1985

³ BCODP Management Committee Minutes August 1988

⁴ BCODP National Council Minutes July 1988

⁵ BCODP Management Committee Minutes August 1988

BCODP getting its internal processes in order deserved more attention than any showpiece national campaign⁶.

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Throughout 1989 and early 1990, the conditions for both views were removed; in part as a function of BCODP's composition. Member organisations had grown to 72 over the course of the decade, with particularly rapid growth the previous few years⁷. New members were not the established activist groups that had founded BCODP and only needed it for co-ordination and leverage; but often disorganised networks of inexperienced activists who expected leadership from their national body. Unfortunately, BCODP did not have the resources or local knowledge to provide this, and existing structures offered little opportunity to put new groups to work in ongoing struggles⁸.

For established member organisations, the picture didn't look any better. Changes to the way local governments funded community groups and service providers threatened to reduce their activities or, in the case of one influential member organisations, shut them down completely⁹. Other aspects of national government policy also threatened their reproduction. The incoming poll-tax, combined with a threat to personal support service funding, would make it harder for their activists to get out of the house, and thus reduce their active membership considerably. BCODP had no leverage, nor any ready plan, to address either problem¹⁰.

The problem came to a head at the BCODP's 1990 conference; where established members expressed no confidence that the organisation could fulfil its purpose, and newer members no confidence that they knew what it's purpose was. In his post conference report to its management committee, BCODP's General Secretary Richard Wood admitted that 'BCODP lacks organisational coherence (...) vision and clarity of purpose'. It was essential, he argued, to perform some kind of unifying project which addressed at least one aspect of everyone's grievances, and to do so quickly¹¹.

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Pumping more organisational time and resources into the ADL campaign, he proposed, had significant advantages in this particular crisis. The local side of the campaign could, in many instances, involve as little as distributing leaflets, writing letters, and demanding meetings with a local legislator – this required minimal co-ordination from the centre, and was low-skilled enough that even newest activist group could feel that they were meaningfully contributing to a national campaign. This would buy time while the leadership worked out a

⁶ BCODP AGM Report 1988

⁷ John Evans, in BCODP AGM Report 1990

⁸ Richard Wood, in BCODP Annual Report 1990, p.5

⁹ Ken Davis, in BCODP AGM Minutes 1990, non-paginated

¹⁰ John Evans, in BCODP Annual Report 1990, pp.3-4

¹¹ Richard Wood: 'Action Report: 1990 AGM', non-paginated

regionalisation program for more established activists to cadreise newer organisations. For more established groups, a visible national campaign could be presented as a bargaining chip. It was unrealistic, Wood suggested, that this campaign would end in ADL (although ‘appropriate anti-discrimination legislation’ would at some point be needed to protect rights won in practice), but that stressing the ‘political issues message’ might embarrass the government before an election such that it would backtrack on some of its current commitments¹².

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For a while, this strategy worked. The organisation continued to grow in 1991, under the imperative to ‘get behind this [ADL] campaign which is undoubtedly the most important challenge we have taken on’¹³; some hostile government policies were abandoned (under the pressure of the workers’ movement), and older member organisations remained just about intact. Similarly, BCODP’s leadership was able to mediate disputes about priorities by appealing to ADL’s capaciousness. Projects changed with funders’ largesse, but this could be represented as shifting some area of policy to the ADL campaign rather than addressing it through concrete work. A couple of years later, however, it was questionable whether other work was actually happening. Reorientating towards a campaign on Parliament had encouraged the promotion of true believers, who in turn urged greater and greater energy be expended on the legislative question. ADL was argued to address BCODP’s obligations to deliver on everything from personal mobility¹⁴ to gay liberation¹⁵ by 1993 and, by 1994, Wood reported that the demands of the campaign had almost totally overwhelmed BCODP’s core team (while insisting, somewhat weakly, that it wasn’t ‘the only thing’ they’d been doing)¹⁶. All the while, established organisations grew weaker, and newer organisations were not being trained to do anything except pressure MPs. The arrival of a milquetoast stand in for ADL, the *Disability Discrimination Act* in 1995, had a shattering effect on the movement; which found itself with little infrastructure to do anything except fight for legislation now far beyond the political horizon. The following year, one large section split off entirely, and BCODP continued to lose established members until its eventual demise in the mid-2000s.

¹² ibid

¹³ John Evans, in BCODP Annual Report 1991, non-paginated

¹⁴ Minutes of BCODP AGM 1993

¹⁵ BCODP Annual Report 1993, p.26

¹⁶ In BCODP Annual Report 1994, pp.9-10