Fairness and Freedom: The final Report of the Equalities Review
Response of the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities welcomes the opportunity to comment on the Equalities Review, and supports the aim of a Britain that is "*more prosperous, more humane, more cohesive and fairer.*" However, views of what constitutes "equality" have become increasingly complex with the recognition that individual people belong to many groups simultaneously, and so may be affected by several equality "strands", sometimes in contradictory ways, and we do have some concerns that this complexity is not always recognised in either Review or recommendations.

We are also concerned that the Review is written in a style that obscures, rather than clarifies the issues, and that careless use of language undermines the important message that the Review is intended to convey. This is even evident in the questions posed by the Review. We presume that there is no intention to imply that "*persistent inequalities are appropriate for Scotland*", but rather to enquire whether persistent inequalities exist in Scotland. Similarly, it is to be hoped that no-one will respond in the affirmative to "*Do you agree with the key barriers to progress*?"

Sloppy writing is the external evidence of sloppy thinking and there is, unfortunately a great deal of sloppy writing in the Review.

The definition of "equality"

The purpose of equality legislation and policy should be to progress the elimination of inequality arising from membership of a particular group, rather than the establishment of "equality" between individuals. Therefore, whilst everyone should indeed be "*treated as being of equal value*", equality does not imply that all people should have or do the same. Indeed, one person may, for example, prioritise item seven on the "scorecard" (family and social life, self-development etc) over item four (standard of living), whilst another may opt for the reverse. Such choices will inevitably result in difference – and possibly in inequality. Equality should be defined in terms of equal access to opportunities, rather than identical provision of services (for example, requiring everyone to work on Saturday would treat everyone identically, but would discriminate against Jewish people).

We therefore agree with the second half of the Review's definition of an equal society, that it "*recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be.*" However, we find the first half of the definition less satisfactory. Living "*in the ways people value and would choose*", is ambiguous, and could either be interpreted as implying compliance with societal norms, or else a relativistic free for all. It matters not which was meant, since either would disadvantages minority groups, rather than being "*a powerful driver for change*". Furthermore, the phrase "*equal, real freedom*" is so nebulous as to mean anything – or nothing. We therefore suggest that the definition should be reworded to read: "An equal society recognises the complexity of people's different needs, situations and goals, removes barriers that limit what they can do and be, and, thereby provides them with opportunities to live in ways they value, and would choose, insofar as compatible with the freedom of others."

Equality "strands"

We do not believe that prioritising the "domains" of education, employment and retirement, health, and crime and justice, can, alone, provide an answer as to why groups or individuals become disadvantaged or experience discrimination. If that were the case their impact would be universal. But, whilst, for example, we agree that "*what families do for their under-fives in the home is very important*", it is evident that a "*poorer Home Learning Environment*" does not result in <u>all</u> "*boys and children from some ethnic minority groups*" failing to achieve educationally. Understanding why a problem may occur is surely at least as important as knowing when, and this may more easily be understood in terms of societal groups such as the so-called "strands".

We would, therefore, stress the importance of retaining the "strand" approach to equality alongside other measures. It is particularly beneficial in providing a shorthand by which people can publicly and simply make statements about their own identity, ("I am a woman"; "I am a Jew") which can help facilitate links, and enable individuals to work together to achieve their own and others' equality.

We suggest that this participation is extremely important, and that an individual responsibility both for achieving equality and eliminating inequality, may be one of the keys to success.

Monitoring ethnicity

We agree that monitoring will be important in order to ascertain the effect of policy and legislation. However, we emphasise that, unless data are clear and unambiguous, they will be useless – or, even worse, possibly misleading.

We note the recommendations to collect ethnicity data relating to disability, educational attainment, mental health etc, and to introduce ethnicity coding as part of civil registration of birth and death.

However, there is no single factor identifiable as "ethnicity" - which is precisely what the failings of the 2001 census question demonstrated, offering an irrational mix of colour, nationality and geography as answers to a question about "cultural background". Instead there are a variety of factors that contribute to an individual's sense of "identity", including the respondent's nationality, descent, race, religion, culture, and language, among others. All of these must be taken into consideration if the data are to provide useful information in this complex and often sensitive area.

Partly as a result of the 2001 census classifications, "Black" and "White" have come to be used as if they were synonymous with "minority" and "majority" communities. This has had the effect that some minority communities are excluded both from the majority and from the officially recognised minority, a particularly significant failing at a time when the largest communities of new immigrants are from Eastern Europe.

When "black" is used as if it were synonymous with "minority community", non-black communities such as the Polish, Jewish, and Gypsy Traveller communities are excluded because they are not in any sense black. When "white" is used as if it were synonymous with "the majority community" these same communities are excluded once again because they are not part of the majority community. This double exclusion is particularly divisive and alienating.

Moreover, recent publications have used the term "black" variously to refer to:

    i)   all minority communities regardless of skin colour
    ii) all visible minority communities (based solely on skin colour)
    iii) visible minority communities excluding Asians
    iv) minority communities that are neither "white", "Asian" nor "Hispanic".

It does not matter which, if any, of these uses is correct. All that matters is that the term "black" is clearly multiply ambiguous, and that is sufficient to vitiate its use in categorising ethnicity. Since respondents can interpret the term differently, their ticks on the form may mean different things, so their responses cannot be aggregated to produce reliable data. There is no point in collecting unintelligible data, so acceptable classifications must be agreed before commencing the proposed scheme of monitoring.

In addition, the category "white other" has been the object of widespread criticism for concealing the presence of many minorities, and especially those that are visible for reasons other than the colour of their skin, because, for example, "*it does not distinguish between Turkish, Polish and Italian minorities, for whom culturally sensitive provision will be entirely distinct*". ("Ethnicity Monitoring: Involvement Guidance for Partnerships on Monitoring Involvement", Office of the Deputy Prime Minister, August 2004)

It is, therefore, evident, that categories of "black" and "white" would obscure rather than reveal information required to improve life chances for all of these communities.

"Capabilities"

We question the terminology of the "capability approach", since it may be perceived as blaming the victim for being on the receiving end of discrimination or injustice. For example, key targets that include "*the capability to live in physical security*" risks creating a culture of blame for those who have been the victim of attacks, rather than encouraging the development of social and criminal justice systems that minimise the risk of violence. Similarly, "*the capability to enjoy a comfortable standard of living*" risks blaming those who do not have sufficient means, rather than stimulating the development of appropriate policies to ensure that a comfortable standard of living is achievable.

Summary and Conclusion

The Scottish Council of Jewish Communities strongly supports the various initiatives at UK, Scottish and local level that are intended to eliminate discrimination and enhance equality. However, we are concerned that the Equality Review does not address the issues effectively, and, moreover, that it focuses on providing yet another redefinition of "equality", rather than on the development of clear and intelligible policy goals, and substantive measures by which these may be achieved.

Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.