

Chapter 8

Towards Feminist Democracy: Populist Forces and Feminist Activism

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Introduction

Feminist local and transnational researcher/activists in Bristol and the SW of England discuss and analyse how the rise of populism locally and in Europe, and the context created by the Brexit debate, are eroding women's rights and posing new challenges for feminist activism and women's leadership. Drawing from their research and experience of activism and leadership to promote women's equality in a variety of local, national and transnational sectors and institutions, they consider how the loss of legitimacy of EU mechanisms to promote and implement equality may impact on women's rights and services locally, what alternative transnational mechanisms and resources might be drawn upon, and how feminists are engaging with challenges posed.

The chapter was written collaboratively and draws from conversations between the authors during the six-month period leading to the passing in Parliament of the EU Withdrawal Act. It is written in three parts, in which we consider how democratic process within Parliament was tested during the Brexit debates, how to engage with the challenges to democratic process posed by populist political leaders, ending with a dialogue with our former MEP on post-Brexit challenges for feminist democracy.

In what follows we develop the four main themes that emerged from our discussions following the referendum: (1) feminising democracy and its interaction with the Executive and the law; (2) feminist activism in the context of the rise of populism and populist narratives within Europe; (3) how women are taking up leadership in the current context; and (4) channels of transnational influence post-Brexit. Whilst the subject matter was inspired by our joint discussions, each of us has taken a lead in researching and writing a section. Their stylistic differences reflect our different voices, and the conversational piece is intended to convey the vitality of our interactions.

Feminist Activists on Brexit: From the Political to the Personal, 141–159

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Feminising Democracy and the Interaction of Democracy, Politics and Law

We have had messages from judges around the world saying the case has steeled their resolve and given them confidence; it demonstrated that the rule of law cannot be bullied or diminished by the rise of dictatorial power-grabbing regimes. (Miller, 2019)

Many of our discussions have centred on the absence of women's perspectives in political debate and decision-making. It is not as though there are not plenty of women leading campaigns or speaking out, they are just not heard. Those women who are in the media in Brexit discussions tend not to be promoting a feminist or equalities agenda nor recognising the different impacts Brexit will have on women and men; recently, even these women have been subjected to macho misogyny. Historically, the result of the lack of feminist voices in politics has been that political choices are made by men, for men and with a male-centred view of the world. This refusal to listen to and hear women's voices is rooted in a cultural patriarchy and misogyny which has been codified into our democratic system.

Threaded through the Brexit debate we have had a growing concern that the governmental 'Executive' has sought to undermine not just women's participation but also the delicate balance between the powers of Parliament, the Law and the Crown (as represented by Ministers). First it tried to trigger Article 50 without seeking the endorsement of Parliament, an attempt which failed when a non-party political businesswoman, Gina Miller, won her case at the Supreme Court and Ministers were forced to bring the Notification of Withdrawal Bill to Parliament, demonstrating that the courts can be used to protect Parliament's powers (Barnard & Young, 2020). As members of Fair Play South West (FPSW), we followed this case keenly as the only way women's perspectives were being fed into the Brexit process was through the parliamentary process; that remains the case today.

Second, when Ministers presented their draft Withdrawal Bill in 2018, it was found to contain sweeping powers for Ministers to change primary legislation, including equality legislation, without requiring parliamentary scrutiny and agreement. The challenge this time came from within parliament itself, from government benches as well as the opposition, and we were vocal with other women's organisations in supporting amendments aimed at protecting equality and human rights legislation and employment rights more generally. Following the debates and processes in parliament was a fascinating eye-opener, the amendments we supported were withdrawn when Ministers gave commitments in debates and brought forward their own amendments which gave just enough ground to ensure passage of the Bill. This somewhat arcane process led to a very unsatisfactory Act from a feminist perspective but did provide some parliamentary scrutiny of post-Brexit legislative changes. Unfortunately, it appears that the Withdrawal Agreement Bill has reversed some of these small gains and the Executive power grab continues

with thinly-veiled threats in the Conservative manifesto pledge to ‘review the constitution’¹ (O’Grady, 2019).

For feminists, the ability of MPs to scrutinise and constrain the Executive is particularly important, given that other mechanisms of direct influence no longer exist in the UK; the Coalition Government abolished the Women’s National Commission in 2010, Ministers largely ignore the results of consultations with the general public and rarely accept the recommendations of the Parliamentary Women and Equalities Select Committee. Women MPs have taken a leading role in driving cross party collaboration to achieve a feminist outcome. For example, Stella Creasy’s amendment to the Northern Ireland (Executive Formation) Bill 2019 to decriminalise abortion there was carried by 332 votes to 99, though this success has been marred by the abuse and threatening behaviour she has suffered outside parliament, largely funded by a right wing anti-abortion group from the United States. In the context of Brexit, another woman MP, Yvette Cooper, spearheaded the Bill which effectively prevented the March 2019 deadline for Brexit without a deal.

The third most obvious power grab by the Executive was an attempt to get rid of Parliament just when it was needed most to scrutinise the build-up to leaving the EU with a newly negotiated agreement. This time it was two women, Gina Millar again in England and Scottish MP Joanne Cherry, who successfully persuaded the Supreme Court that such a long suspension at such a crucial time was illegal. The woman Chair of the Court, Brenda Hale, was precise and incisive in her summing up of the judgement which reinforced the supremacy of Parliament over the Executive. FPSW members cheered. We also started to discuss how this balance of powers had arisen, what it meant for women and how it might change in the future.

Democracy in the UK evolved over many centuries and was hard fought and won (Maddicott, 2010). It resulted from a series of power struggles, first by regional Lords to constrain the Monarch, then by local dignitaries to constrain both the Monarch and the Lords, and later by the establishment of a franchise whereby the local representatives were elected by qualifying people. Its legal basis starts with the Magna Carta which says that the Monarch can’t raise taxes without the agreement of a Council of Lords, then an Act of Oath which sees the Monarch agree to implement the laws of Parliament; the Monarch appoints Ministers to form an Executive do this, usually who have the support of Parliament.²

¹The Conservative and Unionist Party Manifesto (p. 48). Retrieved from https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf. Accessed on May 20, 2020.

²This brief history was drawn from the following sources: Wikipedia. Constitution of the United Kingdom. Retrieved from https://en.wikipedia.org/wiki/Constitution_of_the_United_Kingdom. Accessed on May 20, 2020. UK Living Parliament, The Evolution of Parliament. Retrieved from <https://www.parliament.uk/about/living-heritage/evolutionofparliament/>; <https://www.parliament.uk/about/living-heritage/evolutionofparliament/houseofcommons/>. Accessed on May 20, 2020. Birth of the English Parliament; UK Living Parliament, Living Heritage. Retrieved from <https://www.parliament.uk/about/living-heritage/evolutionofparliament/originsofparliament/birthofparliament/>. Accessed on May 20, 2020.

Throughout history, until a 100 years ago, this whole balance and processes for achieving it have been done whilst excluding women. In our discussions we have considered how this absence of women has led to a system designed to continue to exclude them.

We also discussed how joining the EU had little effect on this internal UK balance between the powers of the ‘Crown’, Lords, Commons and Courts. Parliament agreed to the making of a Treaty with EU countries. Parliament passed the Act which determined the process whereby Directives agreed by Ministers with other EU ministers are brought into UK law; the process requires that only Parliament can change any necessary laws. The process has worked well in the UK, particularly for women’s rights; the ‘level playing field’ of standards as between countries has also reduced inequalities as between women and men.

The big destabiliser to the established democratic order came in 2016, when parliament agreed to hold a popular referendum on whether we should remain in the EU and the Prime Minister agreed to be bound by the result. The Act establishing the referendum rules did not make the result binding, nor did it specify what leaving the EU would mean in practice. However, the voters were led to believe that a simple majority vote would be binding and both the Government and Opposition declared they would respect it. Despite this, Parliament has consistently refused to agree to arrangements negotiated by successive governments which most MPs believe would damage people’s lives. The expected damage to women’s rights and participation is exemplified in our discussions in our podcast, October 2019 ([Fair Play South West, 2019](#)).

Since that discussion misogyny has grown in particularly nasty ways, with verbal, physical and social media attacks on women almost becoming normalised. Female and black and minority ethnic MPs are daily targets and the toxic Brexit debate is being used as an excuse ([Batchelor & Merrick, 2019](#)). It is particularly worrying when Ministers of the Crown join in, with sexist remarks, shouting and using violent language even in parliament. Women (and supportive men) are calling this out in public and social media, but it is not surprising that women’s participation in formal democratic structures is still so low 100 years after they won the vote.

Misogyny and macho politics are effectively putting both our democracy and our equal rights at risk. How did we get here?

The Rise of Populism; How Populist Leaders are Hijacking Women’s Equality and Feminist Challenge

Our discussions have increasingly focussed on the current state of political discourse and how issues where we thought there had been progress are increasingly questioned. So, for example, the rise in racist attacks following the referendum in 2016 and the increasing resistance to feminist ideas and notions of equal rights.

This has been linked to the theory that the EU Referendum result was in large part due to a misplaced nostalgia and an ignorance of Britain’s imperial past, encouraged rather than challenged by the educational syllabus taught in UK schools. This approach has led to an entirely unrealistic view of our ability as a country to stand alone ([Dorling & Tomlinson, 2019](#)).

We have also discussed the role of social media and how we increasingly only listen to views that mirror our own and what impact that is having and will have on politics. The following is illustrated in one of our doorstep conversations whilst canvassing for recent EU parliamentary elections:

Scene 1: A doorstep on an outer estate during the European Parliamentary elections.

I voted leave and I want to leave. Why haven't we left yet? They're ignoring us they think they're better than us, but we voted to leave and we're going to. I voted to leave for my grandson he's 17 they were going to conscript our kids into the European army – I saw it on Facebook. So, I voted for him.

Scene 2: Another doorstep on a different but similar estate during the same election.

I voted to stay. I wasn't sure but my grandson sat me down and said I had to vote Remain for him so he could work abroad and travel – have a better chance of a job. Now it's just a mess and I can only see it getting worse. Lots round here voted to leave I don't know what good they thought it would do but they're getting their wish now I tell them, and we'll see what happens.

The best interests of their families motivated both of the women in the above scenarios, both trusted the sources of the information that influenced them. We don't know the sources that the grandson in Scene 2 drew on but we know that the information on Facebook in Scene 1 was entirely false and was probably targeted via sophisticated algorithms at people who would be likely to believe that this was possible without there having been a major debate or discussion on mainstream media and herein lies the challenge of populism.

The act of holding the Brexit referendum, its result and the subsequent events all reflect these key challenges. Populism both led to the result and the result has encouraged the rise of populism – all of these at the expense of women and their interests and concerns.

Populism and the Roll Back of Women's Rights

The standard definition of populism is a political approach appealing to ordinary people who feel that established elites disregard their concerns. It taps into widespread grievances, creates divisions, and ridicules, devalues and ignores opposing voices including political opponents, journalists, NGOs and judges.

Thorbjorn Jagland the Secretary General Council of Europe in a 2017 report on the *State of Democracy, human rights and the rule of law; Populism - how strong are Europe's checks and balances?* comments on the way in which the rise in populism in some European states is suppressing the pluralism necessary for a fully functioning democracy.

Those who proclaim ‘the will of the people’ in order to stifle opposition and dismantle checks and balances which stand in their way, challenge constitutional constraints and disregard international obligations to uphold human rights. (Council of Europe, 2017)

Increasing income inequality, austerity policies and the migrant crisis have created a perfect storm for populism to rise in the UK as elsewhere in Europe. The recently formed Group of Women Leaders for Change and Inclusion have called attention to the rise of the ‘strongman mentality’ worldwide – Presidents Trump and Putin and Prime Ministers Johnson and Orban amongst them (Whiting, 2019). They have written an open letter³ in response to what they see as the deliberate rolling back of rights gained through the sacrifice and struggles of generations of women and calling on women leaders and their supporters to reject this (Lyons, 2019). There have been some gains in this regard including the results from the recent EU elections, but those who pursue clear populist, anti-women’s-equality policies continue to thrive.

The re-election of Prime Minister Orban in Hungary demonstrates the power of a clear populist agenda. On the back of a deliberate racist and xenophobic policy in the face of the arrival of refugees, Orban’s party have adopted a policy of promoting a kind of racial purity by encouraging the growth of the Hungarian population which was in decline. Spending on family policy has increased by 50% including £27,000 interest free loans given to families which don’t have to be repaid if they have three or more children, women who have four or more children do not pay income tax. Such measures have been introduced by other countries including a payment of £103 per month per child to Polish families, a policy which is credited as helping the Law and Justice Party to be re-elected.

These policies combined with the tightening of abortion rights are a clear attack on women’s rights. The return to the ‘old fashioned’ values of family maintain the cultural stereotypes of women as care givers and men as breadwinners in contrast to the rising numbers of women in paid employment and higher education. It also serves to keep women out of power as they not only have to combat the stereotypical assumptions about a women’s place in society but also the lack of financial independence and this makes it much more difficult for women to access the power structures within political parties that select candidates and to become known to potential electors.

In some of the Eastern European countries, Poland, Ukraine, Russia, Serbia, for example, there has been a rise in the influence of Christian churches with their very traditional views on the role of women. In some, there have been challenges to introducing laws to combat violence against women on the grounds that this is a private issue for the family.

³Group of women leaders for change and inclusion. Open Letter. Retrieved from <https://fp.brecorder.com/2019/03/20190301450845/>. Accessed on May 20, 2020.

The UK is not immune from similar tactics. Stephen Hilton, David Cameron's advisor, recommended that women's rights to maternity leave should be suspended as a contribution to addressing austerity – as if women were not doing enough to bear the burden of that. Luckily this would have needed a change in UK law but would also have contravened EU law. However, the introduction of fees for Employment Tribunals for discrimination cases solved the problem for the government by drastically reducing the number of cases taken by those discriminated against in employment including pregnant and new mothers – until this policy was overturned by the Supreme Court following a legal challenge by UNISON. It is not that women are well protected by the legislation, research suggests that 77% of women have difficulty getting their full maternity rights.⁴

This is an ongoing theme, even where legislation exists. The UK Equality Act 2010 Public Sector Duty requires equality impact assessments (EqIAs) to be made of all policies prior to their being implemented, but they are increasingly ignored. For example, the requirement to do an EqIA on the proposed Brexit deal negotiated by Boris Johnson in October 2019 was fulfilled in a brief and derisory statement:

The Public Sector Equality Duty requires that public bodies have due regard to advancing equality. The Withdrawal Agreement and the Political Declaration will end the Article 50 process in an orderly way, ensuring that the Government is having due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. These provisions have no undue effect on particular racial groups, income groups, gender groups, age groups, people with disabilities, or people with particular religious views. (European Union (Withdrawal Agreement) Bill, 7:5, para 320)

In contrast, it took a report from outside the UK (UN, 2019) in 2018 to alert us to how far we had come in lowered expectations for mainstreaming women's equality into government decision-making, and how accustomed to being marginalised as gender experts within EU research. We responded to this in our first podcast:

MP How fabulous that the UN rapporteur on poverty named misogyny – and actually said that if a bunch of misogynists had come together to plot how to do women in they could not have done a better job ... it was like a clarion call to me ... I was astonished!
LR He was v clear on it ... no holds barred!
MP He spelt it out in economic terms...

⁴House of Commons Library (2017, March 15). Effect of maternity discrimination. Retrieved from <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2017-0084>. Accessed on May 20, 2020.

SM It was the fact it was so unusual and so significant in an official report when there is an assumption that gender inequality has been solved in some way We talk about the impact of austerity on women and a series of cuts ... on women's lives ... on work ... on low pay ... but as an over-arching narrative this is very weak ... we are a side line at the end of discussions ... but when someone in a UN report says they could not have done a better job, making it explicit that this was a series of policies impacting on women in a very dramatic way ... it makes a big noise! ([Fair Play South West, 2018a, 2018b](#)).

Feminist Fightback

Right wing populist parties in Europe have developed their own hitherto unseen interest in women's rights to serve their anti-immigrant stance, for example, Marie le Pen 'I am scared that the migrant crisis signals the beginning of the end of women's rights' ([Chrisafis, 2017](#); [Shevchenko, 2017](#)). The notorious example of the attacks on women in Cologne and Hamburg during the New Year celebration in 2015 was presented as being due to immigrants when the vast majority of attacks on German women, including domestic violence are carried out by German men.

In the UK since the referendum on Brexit, we have witnessed a rise in attacks on migrants, immediately after the election visibly different people, especially BAME communities were told they had to go home now. Most recently, there has been an increase in attacks and harassment of Eastern European children in schools.

There are examples of groups working against populism. For example:

In Switzerland Operation Libero has been winning key victories. They did this by taking on the populists at their own game by reframing the debate and using basic values, such as justice for all and the rule of law, positively against the populist Swiss People's Party (SVP) that was running a series of increasingly anti-immigrant and nationalist referenda.

They use engaging and positive messaging and look at the constructive messages to tackle the problems being identified not those that are destructive. They also use identifiable, real examples to make their points. Their key message is the need to be accurate, honest and understandable and in this way they have delivered major successes against predictions. ([Henley, 2019](#)).

However, this would not be easy. In a recent speech Gordon Brown spoke of 'the unravelling of a community of mutual interests, common purposes and shared ideals' ([Brown, 2019](#)). This may be true on a broader, national level and certainly what the populists have been working to achieve: the metropolitan elite, the 'they' of the first scenario, Theresa May's citizens of nowhere against those

who are based firmly somewhere. This has been exploited massively in the Brexit debate. Those who have been most adversely affected by austerity have to be convinced that there are others who are doing well, not of course the bankers who were the real gainers, but immigrants, London and big cities. This is matched by a demonisation of those who were perceived to have voted to leave the EU, who are called racist, stupid and self-destructive.

In May Nigel Farage, leader of the Brexit Party, gave the game away when he said without 'Facebook and other forms of social media there is no way that Brexit or Trump or the Italian elections could ever possibly have happened' (di Stefano, Lytvynenko, & Mack, 2018). The UK electoral law is not geared up to deal effectively with this assault on our democracy. Painstaking work by investigative journalists such as Carole Cadwalladr unearthed the way in which Facebook harvested information to target specific voters with specific messages in the Brexit Referendum (Cadwalladr, 2019).

The Electoral Commission found breaches of spending in the referendum by the pro-Brexit campaign and the Information Commissioner levied fines for misuse of data but in an era of big money influencing politics this is no longer much of a deterrent. Indeed, it is now hardly ever mentioned in the discourse about the people having spoken and their views needing to be respected. Democracy will be further undermined if the proposal is passed that electors must produce photo ID in order to vote. 3.5 million citizens in England, Wales and Scotland have no photo ID and without the access to free provision which exists in Northern Ireland many, particularly the poorest, will be unable to exercise their right to vote.

Increasingly, we have been coming to the view that we need a radical review of our institutions and radical democratic reform. There are many suggestions including; a constitutional convention to examine the democratic deficit between the four nations and the regions within the UK; citizens assemblies modelled on those which consider difficult issues such as abortion rights and gay marriage in the Irish Republic; more devolution of power to local level including participatory budgeting of even an element of the local budget such has been adopted in Paris; a written constitution instead of the mixture of legislation and precedent that currently exists.

The Equality Act 2010, defines nine 'protected characteristics':

Everyone in Britain is protected. This is because the Equality Act protects people against discrimination because of the protected characteristics that we all have. Under the Equality Act, there are nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. (Equality and Human Rights Commission)

The challenge for us as feminists is to make sure that whatever emerges does address women's specific interests and experience, enables and encourages women's participation, and addresses the intersections between the nine protected characteristics defined in the Equality Act 2010.

But how might this be achieved – in the context of a populist UK government and the loss of a counterbalancing EU policy environment?

Doing Feminist Democracy Now: Feminist Leadership

The UK has very centralised decision-making, even with the devolved powers for the Scottish Government and the Welsh and Northern Ireland Assemblies. Local government has had its power and funding repeatedly diminished. The establishment in England of Local Enterprise Partnerships with no democratic mandate and some combined authorities with elected mayors has not helped the situation; although these bodies have considerable public funding, they have little public profile or engagement. The UK never implemented the concept of subsidiarity, the general principle of European Law that social and political decisions should be taken at the most local level possible. Centralism itself is the essence of populism and leads to even more dissociation from politics. This is compounded of course by the fact that the more powerful the political body the fewer women are represented on it at decision-making level.

An earlier feminist Mary Follett would have understood why Trump was elected and why the British voted for Brexit; she understood political disaffection in working class communities and believed that politics should be anchored in everyday life (Tonn, 2003). In the 1900s, she challenged representative democracy and cronyism in the United States and said that people needed to be involved in democracy, and not to be mere ‘voting fodder’. However, she was neither a populist nor naive about the difficulties involved in devolved democratic relationships, which she recognised as demanding leadership, perseverance and negotiation. Follett is relevant today not just because she was probably the first to define participative democracy but also because she outlined how it was possible to achieve it. In ‘The New State’ she wrote ‘Representative Democracy has failed ... and democracy should be a genuine union of individuals ... a living democracy’ (Follett, 1918, pp. 199–200). Importantly, she also believed that participation itself was motivating and that the obstacles women faced in politics were the same as the barriers to suffrage, political reform and social change, something feminists rediscovered from involvement in the 1970s women’s movement.

Despite the hostility to female authority there are progressive women who have taken up leadership roles in government in public institutions and in political life that everyone can learn from (Maddock, 2009). These women are leading in new ways that reward and encourage collaboration, promote participation and are transforming services and communities through new models of enterprise investment in social infrastructure. Yet, rarely is there any acknowledgement of the role of feminists in transforming public sector management or change strategies in communities (Maddock, 1999, 2020).

It is women who have most to gain from investment in social infrastructure and who feel the impact of public service cuts, endure low-paid work and care for dependents. Hardly surprising then, that women are at the forefront of leading social change, and increasingly visible in executive, community and political roles in the public sector.

Within the UK, Brexit has reinforced the political and economic belief that investment in physical and digital infrastructure is necessary for business, whilst investment in social infrastructure is ignored as a cost to the taxpayer and unnecessary. This belief is perpetuated by the media and is strong in the UK. Feminist researchers are playing a leading role in challenging this model.

Scale matters. It is in small countries such as New Zealand, Finland and Iceland that radical and feminist leaders are elected as president, prime minister and mayor. Often women's leadership is strongest at the very local level which is where alternative economies are emerging⁵ (Maddock, 2020). It is not insignificant that the most transformative mayors are women. For instance two radical women mayors in Spain, Ada Colau leader of the housing movement in Barcelona and Manuela Carmena ex-judge in Madrid, are transforming relationships between citizens and local government, revitalising local democracy by involving communities in housing and development campaigns. In the UK, there are also many women leaders such as Donna Hall in Wigan who are redefining new settlements for the people between citizens and the state and transforming local services and local government.

Municipalisation is also emerging in smaller towns in the UK when groups of independent politicians are in the process of taking over Town Councils. In South Devon in 2020, there are seven local town councils led by progressive independents, many of them women.

Unfortunately, feminist leadership, city transformation and small country independence is less welcome where the national government's economic policies endorse a neo-liberal growth model at the expense of local people and business. Powerful narratives justifying the growth model remain strong in most governments and the media and also in many larger cities, companies and countries. The combination of the growth model and the current dominance of international companies and authoritarian, male leaders is toxic and is undermining democracies, exploiting countries, distorting local economies and thwarting the innovation of transformative women leaders.

Fair Play SW and the Women's Budget Group suggest that women's transformative leadership plays a critical role in carving out a socio-economic model that values participative democracy, social infrastructure and sustainable economies. Feminist economists such as Klein (2019), and Pettifor (2019) and many others are calling for a New Green Deal to tackle the Climate Emergency and are in tune with those local leaders who are transforming the local economy with better services, community wealth and supply chains. The innovation for future governance is coming from feminist women leaders. Inspiring women are transforming communities, revitalising local democracy and increasingly visible in executive, community and political roles in the public sector.

⁵Henley, J. (2019). Change the narrative: how a Swiss group is beating right-wing populists. *The Guardian*, April 7. Retrieved from <https://www.theguardian.com/world/2019/apr/07/we-had-to-fight-operation-libero-the-swiss-youth-group-taking-on-populism>

Channels of Transnational Influence Post-Brexit

Within the UK, women in parliamentary, judiciary and independent roles have taken a lead in resisting attempts to shut down parliamentary debate on leaving the EU, and in protecting equality within the withdrawal agreement. But have we over relied on EU resources, equality policy and enforcement mechanisms through the European Court of Justice (ECJ) to compensate for shortcomings and outright opposition to equality law and regulation by our own governments? Have we, we asked ourselves, become over dependent on these external mechanisms and resources and are we seeing the consequences now? What are the pathways of influence open to us in a context where we are unlikely to be seated at the table as full members of the EU, and active participants in creating a policy environment fit for women and supporting the contribution and leadership of women in our diverse communities?

In conversation with Clare Moody, former MEP for the SW of England, we explored these issues and what pathways within European and transnational institutions will be open to us if we lose our membership of the EU ([Fair Play South West, 2019](#)). In the following extract from our conversation, we return to our theme of what we have gained in our EU membership and what we will miss when we leave.

JL: What are the routes for women influencing policy making at the moment and what might be available in the future – if we end up leaving the EU?

CM: One of the things that struck me when I went to the European Parliament when first elected was the existence of a specific committee involved in making legislation – the Gender Equality Committee (FEMM). The Committee would give a gender specific opinion on legislation, also the women on that committee could take their expertise into other committees. For example, this was how I was able to actively promote gender budgeting in the work of the EU – both through the FEMM committee but also through my membership of the Budget Committee.

And one of the things we are losing is that it was the European funds that gave us that possibility. Gender budgeting is not ingrained in UK politics in the way that it is in the EU politics. What we need to do is what we have always done, raise our voices and see how the great work on gender budgeting that's being done in the UK can achieve a similar legislative status as in EU.

MP: Do you see differences in Scotland and Wales and Northern Ireland in this respect? Scotland have incorporated CEDAW into their legislation and Wales are considering mechanisms for Gender Mainstreaming at governmental level.

CM: Yes – all leaders of main Scottish parties are women, and in the Welsh administration representation is 50/50. And we have another

issue we need to resolve in England which is a lack of devolution. What is devolved is very limited and variable in different regions. Scotland and Wales are achieving and making a difference with that and England needs to try and pull its socks up!

- JL: Have we got lazy as EU members and become over dependent on EU for resources, mechanisms for having a voice for influence and legislation? One of the first things the UK coalition government did (2010) was to abolish the Women's National Commission. Are we still going to be able to influence the EU, in how we are affected by trading relationships for example?
- MP: Can we still be members of the EWL, like Scotland? Is this a route to policy influence?
- CM: Yes there are organisations that are not strictly part of the EU and we can still be part of them. We can have influence through our feminist connections who then work with their MEPs and the Commission who have the ability to work on legislation etc – but this is not a formal mechanism for us to feed into. We will have to work twice as hard to deliver what we did previously as of right. We have a lot of the experience around this table, these are the things we will be able to share with our sisters in the EU, it is very much about needing to reach out and into these organisations and bring something to them to help shape EU legislation, potentially.
- JL: The EU have a written constitution into which they could write equality as a value ... the UK has none so we have to do it through other routes ... I was interested in your saying that there is a likelihood that there may be a rethink in the constitution and that comes to the heart of our argument on feminist democracy ... how can we ensure that could be in a reformed constitution?
- CM: If we get to a point because of the crisis in our constitution right now then we can start looking at engaging, that is the point where we have to be ready with a thought through feminist agenda as part of a reformed constitution – but not immediately.
- DB: Equality was a founding principle of the EU, but what's the point of our equality legislation if it's ignored? The Equality Act either may as well not exist, or it is used to undermine women and put obstacles in their way. The Equality and Human Rights Commission is in disarray too, its draft guidance on Sexual Harassment in the workplace do not even mention women!
- CM: I am deeply concerned at an attitude in the EU, that we've done gender, box ticked ... and its concerning there are not great signs of progress.
- JL: Where are our efforts best placed now?
My big question is, how can we make most direct impact through international routes, such as CEDAW? the G7? or should we now concentrate on direct routes and Westminster to make a more

direct influence in the UK? What would that look like? Will there be an opportunity for feminists to build in our concerns if there is a rethink of our constitution? ‘feminist democracy’?

DB: We need to use the Council of Europe because that’s open to every country in Europe. That is going to be the route to keep equality and to have a legislative view that is external to the UK for defending through the Court of Human Rights all that is going to be under threat, Gender Mainstreaming, Gender Budgeting and all the constitutional issues that are so vital to us. If we cease to be a signatory of the Human Rights Convention, we would cease to be members of the Council of Europe. Theresa May when she was Prime Minister tried to pull us out and was opposed by Members of Parliament. All of that is so vital.

JL: How is the Council of Europe different to the EU?

DB: It was founded after the war to bring all countries of Europe together – all geographical Europe. British lawyers were instrumental in putting the Human Rights Convention together – including Winston Churchill. There is Power of Enforcement of the Human Rights Convention via the courts in the UK; The European Court of Human Rights (ECHR) at Strasbourg is the final arbiter of human rights decisions, then they are delivered back to the UK. This has been important for legal cases for example on abortion in Northern Ireland, for asylum seekers, and on disability rights.

CM: The ECJ was the means for huge development of women’s employment rights. I was involved in part time workers getting pension funds from which 10s of 1,000s of women who were part time workers had previously been excluded. The ECJ ruled that illegal. We won’t lose this ECJ case law as it is now case law in UK. But we will lose on any development and because of the lack of enforcement I am unsure how far we will get without the ECJ.

MP: Despite a legal duty to promote women’s equality introduced in 2008, strong legislation, there has been a loss of narrative and commitment to promoting and implementing women’s equality in this country, as well as within the EU. How can we address that, without access to the EU legal frameworks and policy networks to call our government to account?

CM: It was part of the privilege of having the role of MEP that I was able to have a voice and work on the issues that address gender. It’s why I am sad about not having the role and I’m very sad about what is happening in this country. It goes back to our having to work harder to push and to redefine the narrative. We are pushing against the tide now which is deeply depressing. We have to refight old battles that I thought were in the bag and we would always just reach a little further ahead and now we have to start a little further back than I hoped.

- CM: A ray of hope is that I think the word feminism is back in fashion, something people are proudly stating again. I think having umbrella narratives like feminism, gender equality and gender mainstreaming are important but equally then taking up the individual issues as well. I think we do need to re-establish the principle of specific organisations to promote Gender Equality. We need structural mechanisms that re-establish the principle of a specific voice for women in democratic processes, so there is an official channel that individual campaigns feed into through devolution or constitutional reform, so they have an official role, not just us self-organising, then we campaign on single specific issues.
- JL: I did some research about what's made a difference to women right back to suffragettes – a huge amount had to be done by disruption ... grass roots uprisings – the strike actions – and more recently the success of things like the tampon tax – through disruption on social media ... it's a debate in my mind whether we as a campaigning organisation, FPSW, should focus on 'raising the groundswell' or influencing through structures? Should we try and do both? We have been talking a lot recently about how we can strengthen the feminist narrative, focus on how women contribute to society and what women are doing now to influence if not the country at least their local environment. We know of places where women are leading change in their localities.
- CM: Its of deep concern to me ... the lack of women coming forward for mayoral elections for example, it has to be addressed, the system is clearly not working at the moment.
- DB: We've just been asked by a group of women in Manchester to tell them how we've set up Bristol Women's Commission (<https://www.bristolwomensvoice.org.uk/bristol-womens-commission/>) and how that operates in Bristol because they want something similar as they are completely lacking in any women in the Northern Powerhouse for example there ... you only hear male voices. Probably a woman doing the work for them but still its good
- JL: In Bristol the establishment of Bristol Women's Commission was almost an accident. It caught the mayor unawares! The mayor was persuaded by feminist activists to sign up to the European Charter for the Equality of Women and Men in Local Life (Council of Europe). That was hugely useful and powerful BUT it's hard work! it's a small number of us women volunteers commenting on strategy after strategy that always say nothing about equality or women or social issues at all – you wonder what you have to do to make it a cultural imperative that nobody in the city would think of writing a strategy that mentions that half the population is women?
- MP: It is just so depressing that after decades of our work as equality experts and policy advisors that this is still the case!

- CM: The business case has been made again and again. The evidence exists that return on investment on childcare is better than roads ... but that needs someone to argue for that
- DB: Its back to that tension between that populist view of what can be afforded in a recession ... women in the home is what we want – then we don't have to pay for 'their' childcare, you push all that back onto individuals rather than it being a state thing, and that is part of the populist narrative I think we are at quite an important cusp economically but also socially and that we are at quite a moment in terms of which way the country goes.
- CM: I completely agree that we are at a balancing point right now and that's why shaping the narrative has got to be part of the work we do.

Conclusion

Putting this chapter together through collaborative discussion and writing has been an interesting and challenging process. Through it, we have attempted to take stock of what we will lose as feminist activists when we are no longer members of the EU. The EU has provided a policy environment and resources for feminists to organise, to develop policy and directives that have informed and shaped our legislation in the UK and enabled us to call our government to account. Nevertheless, we acknowledge that legislation and mechanisms cannot on their own protect women's equality; they are empty words without the content and will to act provided by feminist leadership and activism.

In our conversations and in this chapter, we have come full circle, beginning with the role of women MPs, independent activists and judges in defending democratic process in parliament, then discussing the challenges of how to campaign in the context of populist cultures. During the Brexit debate, women in leadership roles have called out misogynist attacks, abuse and physical threats, and demonstrated how toxic masculinist political cultures have undermined and devalued evidence-based knowledge as a basis for policy and governance. Internationally, feminist women and grass roots movements are challenging populist cultures, government and policy initiatives and demonstrating that direct action is effective as a way of defending democracy and countering racism and misogyny.

In our discussion with our former MEP, we attempted to review the impact of our loss of direct access to formal mechanisms and structures for women to have a voice within the EU, and for gender mainstreaming. We discussed whether alternative international mechanisms might replace these and conclude that whilst there are some such as CEDAW, and the legal redress offered by the Court of Human Rights and Council of Europe, these in no way replace the direct access to policy making and resources for feminist organising and research afforded by our EU membership. Whilst the European Court of Human Rights provides an external source that can be relied upon to protect our equality legislation, this cannot replace being part of development of case law afforded by the European Court of Justice.

Brexit has brought to public attention the shortcomings of how our democracy works and the structures and processes that support it. We have focussed on

the loss to women's equality that Brexit will bring, and this has raised the question of our dependence on EU legal and policy mechanisms to promote our equality, resource our participation and to protect our equal rights. This loss to women's equality has been hidden from public view, and despite our best efforts it has not been part of public debate on our EU membership. The Brexit debate has drawn attention to the differences in women's participation in the devolved governments of Scotland and Wales and their different relationships to the EU, explored in further detail in Chapter 5.

There is hope in women's high level of participation and leadership in the devolved governments of Scotland and Wales, and the incorporation into these governments of gender mainstreaming principles. There is also hope in women's leadership, in smaller more devolved governments, in community initiatives, social enterprises and in feminist campaigns. Brexit has brought us to a tipping point; this brings challenge, and may offer opportunity, as well as risk and danger. The challenge will be to feminise and to strengthen our internal democratic processes, and alongside this to extend and preserve our transnational feminist connections, to draw upon and to contribute to strengthening international feminism in the context of populist political cultures. The opportunity will be to strengthen our independent activist feminist roots, to assert the social and economic value of women's contribution and leadership, to challenge head on the masculinist neo-liberal narratives associated with 'getting Brexit done', and to reassert a notion of social democracy with feminism at its core.

We conclude by returning to the need to feminise our own democracy, and to promote women's feminist leadership and contribution to society. We are tired of the narrative of disadvantage and want to promote a narrative that recognises and values the contribution women are already making to the social economy, as leaders, activists and citizens. It will be a priority to engage with processes of constitutional reform that have been identified through the Brexit process. However, legislation and policy alone do not guarantee progress for women. We acknowledge the disturbing erosion of feminist content in government equality advisory bodies and the rise of misogyny in populist political culture. Legislation is only as good as its implementation and the resources available to women to use it. Feminist activism, leadership and organisation and willingness to 'disrupt' and to challenge the status quo has and will always be key to advancing and promoting women's full and equal participation in democracy and the wellbeing of society.

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