

To what extent can equality law be utilised to address socio-economic inequality in Great Britain?

Great Britain has high levels of socio-economic inequality

- 90% of individuals in Great Britain earn 1% of the income of the top 0.1% of earners
- Socio-economic inequality is increasing (the wealth of the top 0.1% has increased 4.6 times the rate of the 90% since 1997)
- It impacts the social and health outcomes (e.g. life expectancy, mental illness etc) for all citizens both rich and poor

This picture of Sao Paulo, Brazil illustrates the stark contrast between rich and poor and the inter-related nature of socio-economic inequality



Traditional economic views reject intervention by the state

- Individual liberty (Hayek) or wealth maximization (Posner)
- State should play minimal role (only ensuring liberty or conditions for individuals to maximize their wealth)
- Favour market order where winners and losers are determined by the players' efforts as this is most beneficial to society

'to take notice of the factual inequality of individuals, and to make this the excuse of any discriminating coercion, is a breach of the basic terms on which free man submits to government' (Hayek)

Recent policy attempts are also flawed

- Increasing recognition of the state's need to intervene
- Led to various government policies (Social Mobility/Poverty)
- However these lack permanency (they change when governments change), can conflict and have arguably been ineffective (socio-economic inequality is increasing)

'the statutory goal of ending child poverty by 2020 will in all likelihood be missed by a considerable margin...[and] the economic recovery...is unlikely to halt the trend of the last decade, where the top part of society prospers and the bottom part stagnates' (Alan Milburn)



Traditional economic views are flawed

According to traditional economic views there is nothing wrong with the situation on the left, the business man just tried harder/played the game better than the homeless man

However:

- This ignores positive aspects of freedom (i.e. Sen's capability approach which focuses on what people can actually do)
- This wrongly assumes people always act rationally (i.e. selfishly to advance their preferences)
- This ignores that the initial distribution determines a player's success (i.e. those born poor stay poor etc)

Equality law can be utilised to regulate socio-economic inequality

Equality law is a form of regulation

- Regulation is 'the sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, which may involve mechanisms of standard-setting [e.g. direct discrimination], information-gathering [e.g. public sector equality duty] and behaviour-modification [e.g. equal pay]' (Black, 2002)

As a result regulation literature can be utilised

Viewing equality law as regulation means different rationales can be utilised to determine the most effective equality law model.

Prosser outlines four rationales:

1. To maximize efficiency and consumer choice
2. To protect human rights
3. To support social solidarity
4. To advance participation and deliberation

Further Research

- Existing models of equality law (e.g. direct discrimination, equal pay, public sector equality duty etc) will be mapped on to the regulatory rationales
- Possible legal definitions of socio-economic inequality will be explored (eg socio-economic disadvantage in Equality Act 2010)
- How local authorities identify and address in education provision will be investigated via semi-structured interviews

References

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