

# Introduction: The Period Products (Free Provision) (Scotland) Act 2021 in the Context of Menstrual Politics and History

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In January 2021, Scotland became the first country in the world to make universal access to free period products a legal right, an initiative which attracted extraordinary international attention. This introduction outlines what is indeed new and ground-breaking about this law from the perspective of the history of menstruation, and what merely continues traditional and widespread conceptions, policies and practices surrounding menstruation. On the basis of an analysis of the parliamentary debates of the Act, we show that it gained broad political support by satisfying a combination of ten different political agendas: (1) promoting gender equality for women, while also (2) acknowledging broader gender diversity; (3) taking practical steps to alleviate one high-profile aspect of poverty at a relatively low overall cost to the state, while also (4) stimulating the production of menstrual products; (5) tackling menstrual stigma; (6) improving access to education; (7) working with grassroots campaigners; (8) improving public health; and (9) accommodating sustainability concerns; as well as (10) the desire to pass world-leading legislation in itself. In each case, we explore the extent to which the political aim is typical of, or departs from, wider trajectories in the history and politics of menstruation, and, where pertinent, trajectories in Scottish political history. The ten agendas in their international context provide kaleidoscopic insight into the current state of menstrual politics and history in Scotland and beyond. This introduction also situates this Special Collection as a whole in relation to the field of Critical Menstruation Studies and provides background information about the legislative process and key terminology in Scottish politics and in the history of menstruation.

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## Introduction

In January 2021, Scotland became the first country in the world to make universal access to free period products a legal right, an initiative which attracted extraordinary international attention. This article asks to what extent this was a historical step in menstrual politics, and how and why it became possible. Much has been made of the ‘ground-breaking’ and ‘world-leading’ nature of this new law, the Period Products (Free Provision) (Scotland) Act 2021 (henceforth the Period Products Act), not least by the politicians introducing it. This Special Collection investigates what is indeed new or particular about this law from the perspective of the history of menstruation, and what merely continues traditional and widespread conceptions, policies and practices surrounding menstruation. We suggest that the legislation is part of a wider ‘menstrual moment’ (Steele and Goldblatt, 2020: 83); since 2010, many practices and policies surrounding menstruation have been rapidly changing, not only in Scotland but across the world (Crawford and Waldman, 2022). We describe this contemporary moment of change, and track its roots through the history of politics, activism, medicine, public health, the arts, research and education concerning menstruation. Using historical methods, archival sources, interviews and comparative case studies, our collection seeks to determine and analyse broader existing trajectories and underlying assumptions about menstruation which

have made this law possible, and to identify the ways in which these are both continued and modified by the law.

The first part of this introduction situates this Special Collection as a whole in relation to Critical Menstruation Studies, and shows what it contributes to the field, as well as how the individual articles further contextualise and illuminate the Act. Abstracts can be found at the start of each article within this Special Collection. The second section probes the extent to which the law is indeed the first initiative of its kind, and shows what is at stake in this claim. In the third section, we outline the key facts about the legislative process that brought this law into being. The fourth and most substantial section of the introduction identifies why this new menstrual policy, and the idea that access to menstrual products is a universal human right, could gain traction in Scottish politics. We show that the Act satisfied a combination of no fewer than ten different political agendas, and it is this which allowed it to gain sufficient support to become law.

The world-leading nature of the Act, which we analyse in section II, itself counts as the first reason for its political success. We then identify nine further reasons why Scottish parliamentarians gave their support to the Period Products Act, using their own statements during the two-hour debate of its general principles on 25 February 2020 as evidence (Scottish Parliament, 2020b). In addition, we situate each of the ten aims in the wider context of menstrual history and politics, allowing us to identify what is new and what persists in the understanding and treatment of menstruation behind the Period Products Act. We will in each case show to what extent the particular political aim is typical of, or else departs from, recent wider trajectories in the history and politics of menstruation, and also identify, where pertinent, how it departs from or is typical of developments in Scottish political history. Taken together, the ten agendas in their international context provide kaleidoscopic insight into the current state of menstrual politics and history in Scotland and beyond. Some factors that have led to the Act gaining widespread political support are specific to Scotland, but other issues affect many countries, which allow us to predict that similar campaigns for free period product provision will be effective elsewhere, too. A glossary at the end of the introduction provides background explanations of Scottish political and legislative processes and of key concepts in menstrual politics.

## **I. The Politics and History of Menstruation: Contextualising the Scottish Campaign to End Period Poverty within the New Field of Critical Menstruation Studies**

Menstruation is traditionally an under-researched topic, due to historical taboos and stigma as well as to a lack of academic structures to facilitate its study (Critchley et al, 2020). However, the field of menstrual studies is currently emerging, sometimes referred to as Critical Menstruation Studies, following the landmark publication of the *Palgrave Handbook of Critical Menstruation Studies* (Bobel et al, 2020), which ranges across 1000 pages and 72 chapters by menstrual activists and researchers, covering menstrual experience, policies, analysis and practices across all continents. There has also been a slow but important growth in books about specific moments in menstrual history (e.g., Shail and Howie, 2005; Freidenfelds, 2009; McClive, 2015; Read, 2013; Vostral, 2008) and menstrual politics (e.g., Kissling, 2006; Newton, 2016; Rosewarne, 2012; Weiss-Wolf 2017). The field is, nevertheless, dominated by the social and medical sciences; in this respect, this collection is an intervention showing the importance of a humanities-based and specifically a historical approach.

Critical Menstruation Studies is unusual in that research has historically focused on the Global South, where menstruation is often presented as a public health and gender equality issue. There remains little research focused on menstruation in Scotland (but for particular aspects, see Strange, 2012; Macrae, 2016; and Wiseman, 2020). McKay's (2021) is the first article to cover period poverty policies, though extensive

scholarship exists on current Scottish politics in relation to gender (e.g., Breitenbach, 2020; Jackson, 2020; Keating, 2020; and Ritch, 2019). Our collection is distinguished, however, by its transnational approach: capitalising on existing knowledge about menstrual politics and history in other countries, it sets the Scottish law in context of the rest of the UK (see Vostral, 2022), the US (Ghanoui, 2022; Spencer, 2022), and Russia (Vasilyev, 2022).

The historical perspective of this collection adds a much-needed corrective and complement to the presentism of current academic and public discussions of menstruation. Specifically, we contextualise the Period Products Act within the following precedents in Scottish and broader history, where in each case parallel conceptions of menstruation can be found. We point out that, for example, the new law defines the nation in relation to (menstrual) blood, and this has precedents in premodern and modern culture and thought (Bildhauer, 2021). The Act also aims to tackle how women are barred from accessing the public sphere, a bar which was already discussed in 19th-century Scottish medical history (Campbell and Davis, 2022). Similar notions of ‘access’ and an authority figure needed to manage girls’ menstruation as in the Act can already be found (especially) in 1960s and 1970s educational Scottish films (Ghanoui, 2022). Attitudes to and effects of menstrual stigma underwent a similar process of rapid change in (Scottish and transnational) academia at the same time as the law was passed (Owen, 2022). The Act aims to end (and yet is complicit in) the invisibility of menstruation in the public sphere, which can also be observed in the particular spheres of art and education in the 20th and 21<sup>st</sup> centuries (Røstvik, Hughes and Spencer, 2022). The Period Products Act considers menstruation in part as a public health issue, and this is also how menstruation was viewed at other instances in Scottish history (Spencer, 2021). The law places an emphasis on industrial products as a solution to the ‘problem’ of menstruation, and a similar view is promoted by some in post-Soviet Russia (Vasilyev, 2022). Finally, there were similar junctures in the use of menstrual products at other points in Scottish history, too (Vostral, 2022). Our historical perspective shows longer-term patterns and can identify what is needed to achieve genuine change in attitudes to menstruation beyond the current period products legislation.

Menstrual history is largely unwritten, and a coherent menstrual archive does not yet exist. Our contributors have nevertheless brought together a wide range of sources to create touchpoints for a historical archive of menstruation, including art works, educational materials and film, advertisements, new interview data, and archival finds. These efforts were supported by an Arts & Humanities Grant from Royal Society of Edinburgh, which facilitated the contributors to meet monthly from January 2020 onward to crowdsource primary evidence, present drafts, and workshop virtually. Together, these efforts elucidate aspects of the history of political and cultural engagements with menstruation. Though the history we have amassed does not explain the success of the Period Products Act in a causal trajectory, it nonetheless makes clear how this success could build on long-established ways of understanding menstruation as: gendered, a bar to accessing the public sphere, a stigma that should remain hidden, a problem to be solved with products, creating communities of blood-relations and a public health issue. The history also demonstrates the more recent loosening of the association between menstruation and femaleness, and the tightening of the association between menstruation and poverty. If there is a constant in menstrual history, it is paradoxically the persistent and recurring claim to novelty, progressiveness and breaking new ground; the Period Poverty Act is the latest reiteration of these themes. This historical baggage should not detract, however, from the genuine improvement that the Act promises for many menstruators in Scotland, in terms of reducing the shameful hiding often accompanying menstrual bleeding, and the ability to access free products when in need.

## II. The Period Products Act as a World ‘First’ in the Context of Menstrual History and Politics

The Period Products (Free Provision) (Scotland) Act 2021 is the first in the world to make access to free menstrual products a universal legal right. This means menstrual products are now provided in public buildings free of charge. What exactly ‘first’ and ‘universal’ mean in this context, however, is often misunderstood. Scotland is not the first country to provide free menstrual products, but it is the first to declare this provision a legal requirement and at the same time to make it universal rather than limited to certain settings. The Kenyan Basic Education (Amendment) Act 2017 (Kenyan Parliament, 2017) was the first national law that made provision of free period products a legal duty though, in contrast to Scotland, this was limited to schools. The notion of Scotland as ‘first’ erases Kenya’s global leadership, which is especially problematic insofar as it privileges a small country in the Global North over a large nation state in the so-called Global South. In the United States of America, New York City Council also passed a law requiring provision of free menstrual products as early as 2016, though again this is limited to certain settings such as schools and homeless shelters, rather than the nation as a whole (Weiss-Wolf, 2020). Many governments and organisations—including Scotland, but also in Uganda and some US states—were already providing free menstrual products in schools and elsewhere, without this being a legal requirement.

The Scottish legislation is nevertheless remarkable in that it is the first to declare access to menstrual products a universal human right for all its citizens, regarded as a unified group in the Act. ‘Universal’ is often misunderstood to mean that all menstrual products are now free. This is not the case: shops in Scotland still charge for menstrual products. The Act instead obliges local authorities to make menstrual products available free of charge to everyone who needs them. This is usually done by placing menstrual products in the toilet areas of public buildings such as schools and libraries, as well as making them available through food banks and online orders. In addition, education providers such as universities, colleges and private schools must also supply free products to their students, for example, via free vending machines (an infrastructure that already existed across Britain as a paid option), or on request from a staff member. These products are primarily intended to provide for the significant number of people in Scotland who cannot afford to buy them, thus responding directly to the issue of what has become widely known as Period Poverty (McKay, 2021). Rather than limiting or means-testing the beneficiaries of this scheme, however, the Scottish Parliament was the first to take the step of declaring access to free period products a universal right. Period products from many manufacturers nevertheless continue to be available for sale in supermarkets, pharmacies and online. What is significant and new is that all citizens are treated equally as potential menstruators with a right to access products.

The Period Products Act is also a ‘first’ insofar as it looks set to be followed by many similar laws: its successful passing has helped to galvanise initiatives in menstrual politics in other countries. Initiatives to provide free period products, often in schools and on an ad-hoc funding basis, are now gaining pace in citation of the Scottish precedent in, for instance, Northern Ireland, New Zealand, Germany, Wales and the US. While the UK Parliament’s Period Poverty Taskforce, launched in 2019, continues to be mostly inactive, the United Kingdom’s Government has followed suit by making funds available for free period products in English schools, though it has devolved the responsibility for acquiring the products to individual headteachers. The Welsh Government has also committed funds to alleviate period poverty, and a Period Poverty bill has been proposed in Northern Ireland.

The Period Products Act, however, is not the cause or starting point of such menstrual policy initiatives and activism. It is instead part of an ongoing ‘menstrual moment’ that has been gathering pace for over a decade now. The widespread campaigns against the ‘tampon tax’, for example, preceded the Scottish law and have already been successful in Kenya, Malaysia, Germany, Australia, South Africa and India (Weiss-

Wolf, 2020). These activists argue for menstrual products to be re-classed as necessities rather than luxuries, so that they would be taxed at a lower level or not at all. Other policies and practices surrounding menstruation are also changing. Reusable period products such as menstrual cups and washable pads are entering the mainstream in the Global North just as the Global South is becoming a huge market for single-use disposable products (Fortune Business Insights, 2021). Efforts to improve sanitation and school attendance for menstruating girls have also been gaining traction, especially in the Global South (Patkar, 2020). More employers in the Global North are introducing policies for accommodating menopausal and menstrual symptoms in the workplace, while menstrual leave is already a long-standing national policy in many countries in the Global South (Levitt and Barnack-Tavlaris, 2020). The medical profession, traditionally dismissive of problems associated with menstruation and the menopause, such as pain and endometriosis (Guidone, 2020), is in many places slowly beginning to take these conditions seriously. In the Global North, ever fewer people experience menstruation because they suppress their menstrual cycles through hormonal medication or contraceptives (Hasson, 2020); menstrual tracking apps are increasingly popular (Fox and Epstein, 2020); and more transgender men and non-binary people seek inclusive practices concerning menstruation (Frank, 2020; Rydström, 2020).

It is one thing to question whether this Act was a genuine ‘first’, but quite another to interrogate why it has so often been framed in these terms. The very fact that the law was seen as a ‘global first’ is both typical of menstrual politics, and was in itself a major factor in the Act’s success. During the parliamentary debate of the Act’s general principles on 25 February 2020, politicians including the then Cabinet Secretary Aileen Campbell from the Scottish National Party (SNP) frequently emphasised their position as a ‘world-leader’ with ‘ground-breaking’ legislation that renders Scotland ‘an example that the world wants to follow’ (Scottish Parliament, 2020b). This was enthusiastically picked up by the national and international media who were reporting on the law as it developed (Bonte, 2018; Diamond, 2020; Kindelan, 2020). The idea of achieving a ‘global first’ in itself motivated politicians and campaigners to support the law, knowing it would gain public and media attention. The Act was deemed not only new, but more specifically a socially progressive politics of instigating change, especially in terms of women’s rights. For example, MSP Neil Findlay (Labour) expressed his support for the universal provision of free tampons and towels as a ‘progressive’ step (Scottish Parliament, 2020b).

The claim to novelty and progressiveness is, however, all but novel in the politics of period products. Period products themselves have often been presented as ‘modern’ and ‘progressive’ in different historical contexts (Tarzibachi, 2020; Freidenfelds, 2009). By embracing industrially produced, disposable menstrual products, menstruators in the early 20th-century United States, and in late 20th- and early 21st-century Russia and South America, believed that they were partaking in modernity, pursuing ‘a particular kind of “modern” body, one that was ideally always efficient, predictable, and presentable, in line with Progressive values’ (Freidenfelds, 2009: 3). Similarly, menstrual advocacy often trades on the social capital and shock value associated with breaking the taboo of publicly speaking about menstruation to attract the attention of politicians and donors, a strategy used, for instance, by charities from the Global North promoting menstrual products in the Global South (Bobel, 2019).

The Period Products Act’s casting as a ‘global first’ also situated Scotland as an independent law-making nation ahead of, and thus by implication separate from, the rest of the United Kingdom. This is of special importance to the nationalist politicians and members of the Scottish Government, who invoked this rhetoric of pioneering most stridently in the parliamentary debate. On the most fundamental level, the extensive media coverage of the Period Products Act brought to greater international recognition the fact that Scotland can pass its own laws in distinction from the rest of the United Kingdom of Great Britain and

Northern Ireland. This is highly relevant in the context of the continuing debate about Scotland's independence or separation from the rest of the United Kingdom.

It is no coincidence, moreover, that this law concerned menstrual products. Framing period products as an issue of national interest is part of a historical trajectory of defining nations in relation to blood. Historically, this was the blood of lineage or of the battlefield, but here it specifically refers to the menstrual blood which period products are designed to hide from the public sphere (Bildhauer, 2021, in this collection). The Period Products Act therefore comes out of a particular historical moment in Scottish constitutional politics and nation-building.

While the claims to world-leadership mainly distinguished the Scottish legislative sphere from the United Kingdom's, it also allowed some Members of the Scottish Parliament (MSPs) to allege Scottish superiority to countries in the Global South. MSPs Elaine Smith and Pauline McNeill, both from the Labour Party, described period poverty and menstrual taboos persisting in Malawi, India and Nepal, and suggested that Scotland is moving beyond such issues. While they admitted to similarities between Scotland and these countries, they claimed that Scotland is moving ahead of the Global South in terms of its socio-political progressiveness on menstrual rights (cf. similar assertions discussed in Bobel, 2019). Scottish politicians who postulated a greater speed of progress than the Global South resonates with their aforementioned failure to acknowledge Kenya's leading role in legislating for free period products; both indicate an unwarranted claim of superiority and global leadership.

The fact that the Period Products Act is in some respects the first of its kind, then, goes some way towards explaining its support in domestic politics, and the attention it received in traditional media and social media internationally. It is not the sole factor, however. The law's success in the legislative process is rather due to the fact that many different campaigners and all five political parties represented in the Scottish parliament could find common ground in the legislation because it furthered different political agendas. Aside from exemplifying Scotland's global leadership, the law also fits with agendas as diverse as tackling stigma, working towards women's equality, as well as transgender and non-binary gender equality, alleviating poverty, improving public health, environmental sustainability and access to education. In the following sections, after a brief outline of the political process by which the Period Products Act passed into law, we will sketch the arguments made in the parliamentary debates that reveal these different agendas.

### **III. Key Facts about the Act's Passage into Law**

The process of passing the Period Products Act began with and was accompanied by years of work and lobbying by Scottish, British and international activists. The campaigns were driven by groups and charities as diverse as the nationalist network Women for Independence, the sports campaign group On the Ball, the volunteering group Girlguiding Scotland, the trade union Unite, the anti-poverty charity Community Food Initiatives North East, the political organisation Scottish Youth Parliament, the social enterprise Hey Girls, as well as numerous individual schools and local initiatives (McKay, 2021). Many campaigners, such as Women for Independence, presented access to free menstrual products as a gender equality issue, insofar as it helps to alleviate an additional financial, social and organisational burden for those who menstruate, that is, primarily girls and women. Other activists and charities, such as Community Food Initiatives North East, highlighted Period Poverty as a poverty issue affecting not only those who menstruate, but also their families and household members of any gender who share their budget. Some, such as Plan International UK, also drew attention to factors other than cost that can make accessing products difficult, such as disability or domestic abuse.

MSP Monica Lennon amplified the activist call for a free provision of period products by introducing the issue to the Scottish Parliament shortly after her election in 2016. In July of that year, Lennon asked the

Scottish Government in a written question if it had any plans to provide free period products in schools (Scottish Parliament, 2016). Though the Government initially denied it had any such intentions, the idea echoed through the press and among campaigners (McKay, 2021). Between 2017 and 2019, the Government agreed to several funding streams to provide period products in schools, with Aberdeen serving as a pilot study (Scottish Government, 2018). Lennon began consulting on and gathering support for a law that would oblige future governments to continue this funding. The bill was formally introduced to the Scottish Parliament in April 2019. As Lennon was not a government minister but an MSP for the Labour Party, she was only able to propose this legislation as a member's bill, rather than on behalf of the Government. The initial draft bill suggested placing the obligation to provide period products on government ministers. It also considered using a voucher scheme (as was already in place for condoms) to determine the need and therefore eligibility of recipients.

There was broad support for the principles of the bill from all five parties that were represented in parliament in the period between the 2016 and the 2021 elections: the left-wing nationalist Scottish National Party (SNP); the right-wing Conservative Party, with a broadly unionist and socially conservative agenda; the left-wing Labour Party, with a social equality and anti-poverty agenda; the left-wing Green Party, with an environmental and nationalist agenda; and the centre-left Liberal Democrat Party, with a liberal and unionist agenda. Scepticism dominated, however, in the Local Government and Communities Committee. This was the lead committee tasked with examining the bill in Stage 1 of the legislative process, that is, with establishing whether there was support for the general principles of the bill. The Committee's final report, on 5 February 2020, recommended that the bill should not be supported, citing concerns about the financial cost of the scheme, as well as raising the question as to whether universal access was really necessary (Scottish Parliament 2020a). In the following days, politicians publicly expressed support for the bill nevertheless, with the Conservative Party and finally the SNP coming on board and voicing their agreement with the general principles. In the formal debate of the bill in parliament on 25 February 2020, MSPs from all parties spoke out in favour of the bill, and a rally outside parliament was attended by many campaigners. In the following vote by parliament that day, the bill passed Stage 1, with all MSPs voting in its favour, except for the abstaining chair of the Local Government and Communities Committee, James Dornan (SNP), who was not in favour.

In the next stage of the legislative process, the bill was then amended in two important respects: products were to be made universally accessible to everyone in Scotland rather than only to those in need, because producing proof would be difficult and dehumanising; the duty to provide the products was placed on individual local authorities rather than on the national Government. With these amendments, the bill passed Stage 2 (that is, changes to detail) at the Local Government and Communities Committee on 28 October 2020, and Stage 3 (that is, final changes) after another parliamentary debate on 24 November 2020. It formally became an Act, that is, a current law, through Royal Assent by the Queen on 12 January 2021.

The final stages of this legislative process were carried out in the midst of the Covid19 pandemic. Most public buildings in Scotland—schools, educational establishments, libraries, public toilets, the parliament building—were therefore closed from March to September 2020, and again from December 2020 to March 2021, or for even longer periods, which meant that period products could not be accessed there. This unprecedented crisis, however, neither dented the enthusiasm for passing the law, nor made period poverty seem like a minor issue in the face of the overwhelming new challenges. On the contrary, the lockdown and the so-called furlough scheme, where many people lost part or all of their income, made accessing and paying for necessary products even more difficult for many affected groups in Scotland. A popular international campaign slogan widely reported in the social and mainstream media was 'periods don't stop during a pandemic' (e.g., Hui, 2020). Free period products during lockdown continued to be supplied

through food banks. Residents in some local authority areas could also order reusable or disposable products of their choice from the council website, which were delivered as discreetly wrapped packages to their homes. At the time of writing, the Government is evaluating how the practical rollout worked, and the impact of Covid-19 on this process.

#### **IV. The Act's Different Political Agendas in the Context of Menstrual History and Politics**

Politicians cited many reasons for their support of the Period Products Act in the parliamentary debates on the general principles of the bill (Scottish Parliament, 2020b), including, as mentioned above, the wish for Scotland to be the first country to pass such a law. They also stated the following nine reasons, which give insight into salient issues in current menstrual politics, and how they affected the act.

##### **1. Contributing to women's equality and access to the public sphere**

The Act gained significant support and international attention as a step towards greater equality for women, and is part of a historical movement in that direction in the Global North. Menstruation can be seen as a gender-specific issue insofar as most of those who menstruate are girls and women between menarche and menopause (for the broader issue of transgender and non-binary menstruation see below). The aim of greater equality for women was explicitly voiced by several parliamentarians, including Gillian Martin (SNP), who emphasised how the Act supports equality for women and girls by alleviating the burden of having to access and to pay for menstrual products, and by sending a signal against menstrual stigma. Some MSPs also framed menstruation specifically as a women's health issue: for example, Miles Briggs and Graham Simpson (both Conservative) mentioned endometriosis and toxic shock syndrome as conditions associated with menstruation and women's health. The Scottish Government's more recent Women's Health Plan (2021) also frequently refers to the Act in the context of women's health.

This understanding of menstruation as a women's issue is typical of, and indeed central to, menstrual history and politics. The 1970s Women's Liberation Movement was instrumental in campaigning against the stigmatisation of menstruation (e.g., Bobel, 2010), and most activists on this issue are still women and girls. Menstruation has historically been a means of declaring women's inferiority: a 'curse' that showed their physiological unfitnes to participate in politics and civic society. The anti-suffragettes used it as a reason to exclude women from the right to vote and to partake in liberal democracy (Jorgensen-Earp and Jorgensen, 2016; cf. Riley, 1988). In Scotland and many other countries, unspoken social taboos dictate that menstrual fluid must be hidden from others to maintain social rules of decorum, requiring the use of a menstrual product of some sort (referred to as the 'menstrual concealment imperative' in Wood, 2020). The Period Products Act still sees menstruation as a potential barrier for women to access the public sphere: in the words of Liberal Democrat MSP Alex Cole-Hamilton, it is 'a highly embarrassing and stigmatising barrier to work, employment or socialisation' (Scottish Parliament, 2020b). The intention behind the Bill in this respect is to remove this barrier as far as possible and allow women full participation as citizens.

Such a promotion of women's rights is typical not only of menstrual politics, but also of the current moment in Scottish politics. Since its foundation in 1999, the Scottish Parliament has been committed to equal representation of male and female parliamentarians and has been particularly active in political initiatives to support women's equality with men, for instance, in the areas of breast-feeding, maternity, equal pay, equal representation, women's health and menopause policies, and through the provision of the 'baby boxes' for new parents (McKay, 2021; Breitenbach, 2020; MacKay and Kenny, 2020; Ritch, 2019). The Period Products Act fits this trajectory.



From the perspective of women's equality, much like its emphasis on products and on its tackling of stigma, the Act appears both progressive and conservative. Its intention to remove barriers is progressive and well-intentioned, but it cannot overcome the underlying assumption that menstruation constitutes a problem that needs to be managed for such access to be possible. While the provision of products can help some women and girls access the public sphere, it does little to address the ongoing issue of menstrual stigma more broadly. In this way the Act continues to promote the 'technological fix', while upholding a 'concealment culture' (Bobel, 2019; cf. Wood, 2020).

## **2. Alleviating poverty**

The Period Products Act is also framed as an anti-poverty measure, a factor which has contributed to its political success and which is typical of current menstrual politics. Many MSPs in the parliamentary debate such as Angela Constance (SNP) made the point that access to period products is an issue not only affecting those who menstruate, but part of a universal poverty issue: it has consequences for all household members who share the budget of those who need menstrual products. Making menstrual justice an anti-poverty issue gave it greater political urgency, in particular for the Labour Party, which traditionally campaigns not against gender inequality, but against economic inequality. Constance describes this as a key factor in the Act's success, claiming that she 'took the ball from public health and kicked it on to the park as a gender equality and poverty issue' (Scottish Parliament, 2020b). McKay (2021) observes that the focus on 'period poverty' as a handy, alliterative catchphrase also made it easier to pick up this complex social issue in the press and social media. To some extent, the universal approach taken in the final version of the Act dilutes the stated focus on alleviating poverty, insofar as nothing bars people who can afford to buy products from taking them for free. The universal element was introduced, however, to avoid further stigmatising less affluent people by singling them out, rather than to benefit the wealthy.

The framing of menstruation as a poverty issue is typical of campaigns around menstruation in the Global South (Bobel, 2019). It is relatively unusual in the wealthier Global North. However, levels of social mobility are lower in the UK than in most other comparable states in the Global North (Iverson and Thomson, 2021). Even though poverty and social inequality are not statistically higher in Scotland than in other parts of the United Kingdom, these issues have also historically been and continue to be taken seriously by Scottish politicians (e.g., Iverson and Thomson, 2021). The Period Products Act fits into this trajectory insofar as it tackles the problem of poverty in one specific, highly publicized area that can be remedied at relatively low cost (though the exact cost to the public purse was contested during the legislative process and is awaiting calculation).

Though this is of immense practical value, MSP Dornan, for instance, made clear in the debate that he was well aware of the fact that this continues to frame menstruation as a problem, now associated with the negative term 'poverty'. Though period poverty broadly includes education in other contexts, within the Scottish debate it refers to low financial resources for living expenses.

## **3. Tackling menstrual stigma**

Politicians from all parties in the parliamentary debate about the Periods Products Act referred to the problem of menstrual stigma. Furthermore, parliamentarians understood the Act, in Gillian Martin's words, to be 'a strong signal that goes a long way towards breaking the stigma and taboo around periods' (Scottish Parliament, 2020b). The 'Let's Call Periods, Periods' campaign (also known as #TalkPeriods), funded by the Scottish Government and running in early 2020 (and thus halted by the Covid-19 pandemic), specifically targeted avoiding linguistic taboos and euphemisms about menstruation. Some of the campaign posters displayed euphemism for menstrual bleeding such as 'monthly visitor' and suggested using the term

‘periods’ instead, which was clearly perceived to be less euphemistic (**Figure 1**). MSP Annabelle Ewing (SNP) and Monica Lennon refer specifically to this campaign in the debates. Speaking about the taboo subject of menstruation in the exalted public forum of parliament was in itself presented as a step towards challenging the social stigma surrounding menstruation (Bildhauer, 2021, in this collection).



**Figure 1: Phone booth in St Andrews with a ‘Let’s Call Periods, Periods’ Campaign Poster, 2020.** Photo: Camilla Mørk Røstvik. Reproduced with permission of the photographer.

This line of argument is typical of current menstrual politics, which often aim to alleviate or even eradicate menstrual stigma. Public perceptions of menstruation are and historically have been negative, and much more loaded with political and cultural significance than other bodily processes (Johnston-Robledo and Chrisler, 2020). Specifically, the menstrual cycle is often framed through lack and disease: it is constructed as a loss of blood, the result of an unfertilized egg which means the failure to create a potential baby, or the source of diseases related to the uterus such as endometriosis (Martin, 1991; Hennegan et al, 2021). Linked to this negative framing is the social stigma attached: in developed nations, menstrual bleeding is often seen as a shameful event that needs to be hidden from public view and that is rarely talked about in public.

In this way, the Period Products Act can be seen as part of a particular moment of step-change in the history of menstruation that aims to tackle this millennia-old stigma. It partakes in and promotes a greater openness towards menstruation than is typical of the Global North more broadly. Owen (2022, in this collection) suggests that menstrual discourse entered the mainstream around 2010–2012 and observes a

‘clear experiential divide’ in the group she interviewed before and after the ‘watershed period’. A further important moment often cited for the loosening of menstrual stigma is a series of high-profile artists, athletes, and politicians speaking about periods in public in 2015, leading American *Cosmopolitan* to declare 2015 as ‘the year the period went public’ (Weiss-Wolf 2017). The Act’s success can be attributed in part to the fact that it fits into this historical development, and that it promotes further acceptance of menstruation.

At the same time, the Act still fundamentally frames menstruation as a problem which it aims to alleviate. In this way, it keeps the stigmatised negative framing of menstruation in place, despite the politicians’ stated intentions to do the opposite. The Act assumes that those who menstruate need period products to soak up and hide menstrual blood (Scottish Parliament, 2021). The Act is tellingly named ‘Period Products (Free Provision)’: products are its direct concern, rather than period poverty or menstrual stigma as such. Promoting the need for menstrual products is not an explicit aim of the law; the Act takes for granted that this need exists.

The assumption that period products are necessary for and the key to dignified menstruation is typical of both current menstrual politics and its history. Bobel (2019) speaks of the recourse to menstrual products as a shortcut solution to a complex social problem. The fact that the Act does not propose a more radical attempt to tackle menstrual stigma—which would have to grapple with the underlying devaluation of female bodies in general—is itself an additional factor in its success: it continues to treat menstruation as a loss of blood that must be managed with industrial products, as is the typical assumption of the 21<sup>st</sup>-century Global North.

#### **4. Promoting industrial production**

The Act not only fits in with the wider reliance on products as a way to manage menstruation, but takes it to a new extreme. Vostral’s article in this collection identifies the ‘menstrualscape’ in Scotland, identified as the socially relevant attitudes and visual and popular cultures that supported industrialized menstrual products and their sale during the late-19th and 20th centuries. The Period Products Act extends the menstrualscape to state-sponsored acceptance of industrial products as the universal way to manage menstruation. What is new is that the state intervenes to make the use of products not an individual choice, but a universal right.

The state-funded, large-scale and future-proof demand created by the Period Products Act represents a significant economic boost for the manufacturers and distributors of tampons and pads both in Scotland and internationally. In contrast to the other agendas mentioned here, this economic intervention is not a stated aim by the parliamentarians, and perhaps even stands contrary to their explicit intentions, insofar as MSPs such as Dornan express concerns about the cost to public funds. As of 2019, the anticipated cost associated with the Act, including set up and products, was £3.6 million–£9.7 million (Financial Memorandum, 2019).

Menstrual products are nevertheless part of a large global economy, with the market according to one estimate totalling US\$ 27 billion in 2021, and projected to rise to US \$54 billion by 2031 (Future Market Insights, 2021). The frontloading of products as a solution to menstrual issues aligns well with a neoliberal market-oriented system of relying on corporations in civic life more broadly. The passing of the Act creates a state-funded universal market for products and unquestioningly accepts that people who menstruate need industrial products. In this way it perpetuates the perception of menstruation as a problem that needs to be managed.

#### **5. Contributing to transgender and non-binary gender equality**

The Period Products Act also found support both in Scotland and internationally, and is representative of its historical moment because it explicitly includes and promotes the rights of transgender and non-binary

people. In Scotland's parliamentary debates, several speakers, including Monica Lennon, were careful to mention transgender, nonbinary and other people amongst those who menstruate. The Act itself avoids gendered language altogether, making it applicable to female, transgender, non-binary and other people. This allows it to combine a pro-women agenda with a trans- and nonbinary-inclusive agenda.

This inclusion of different gender identities is typical of the prominent role that menstruation plays in the understanding of gender as one of the most fundamental tenets of western culture. Menstruation is usually presented in the Global North and beyond as one of the biological markers of women, to the extent that menarche is often referred to as 'becoming a woman' (Dahlquist, 2018). Increasingly, this equation of menstruation and womanhood is being destabilised, because there is now more awareness that this is factually inaccurate: many trans men, non-binary people and children also menstruate (Frank, 2020). Additionally, not all women menstruate (even after menarche and before the menopause), due to health issues, hormonal medication, hormonal contraceptives or other factors.

Because of its historical prominence in defining femaleness and upholding a binary understanding of gender, menstruation has become a focal point not only for those fighting for equal rights for transgender, non-binary and other people, but also for those fighting against these equal rights (Frank, 2020). This is complicated by the fact that some pro-women campaigners are at the same time anti-trans campaigners. This rift between pro- and anti-trans stances has been a high-profile issue within the SNP, particularly in the context of an ongoing reform of the legal process for gender recognition—well-known UK author and Scottish resident J. K. Rowling inserted herself into this debate with her critical 2020 tweet about 'people who menstruate', which she suggested should just be called women (Madani, 2020). The Period Products Act is typical of contemporary menstrual politics because it combines and highlights the tensions between these often competing agendas.

## **6. Improving girls' access to education**

The Act can also be placed in the context of other initiatives to improve girls' access to education, which is a prominent aim of menstrual campaigning and legislation globally. The fact that girls in Scotland and the UK, not just in the Global South, miss school due to period poverty was frequently highlighted in the early stage of campaigning (Tingle and Voira, 2018). Much like public health, however, it is mentioned relatively rarely in the parliamentary debates, though MSPs from different parties such as Alex ColeHamilton (Liberal Democrats), Elaine Smith (Labour) and Aileen Campbell (SNP) still framed their support for the Act as a concern about improving access to education for girls (using gendered language).

This presentation of menstruation as a bar to accessing education is typical of menstrual politics, and has been carefully analysed as an ethically ambivalent way to 'save girls' in the Global South (Bobel, 2019). In Scottish history, too, girls' education has long been a dominant frame via which menstruation has been conceptualised. Campbell and Davis's essay in this collection show that prominent 19<sup>th</sup>-century Scottish psychiatrists saw menstruation as a mental health problem that made women and girls unfit for higher education. Moreover, Ghanoui's essay in this volume shows that menstruation in Scotland was perceived as something that girls needed to be educated about in highly circumscribed ways. Finally, Røstvik, Hughes and Spencer's contribution to this collection shows that menstruation has historically been and continues to be invisible in Scottish Higher Education, using the University of St Andrews as an example. This framing of menstruation as a challenge for education is another part of the tenacious perception of menstruation as an obstacle and visual spectacle that needs to be overcome so that those who menstruate can partake in school, work or public life.

## 7. Working with grassroots activist politics

A factor in the cross-party support of the Act that parliamentarians mention is that it aligns with the demands of political grassroots activists across a broad political spectrum. Lennon thanks the over fifty organisations who endorsed the bill, and several MSPs acknowledge campaigners aligned with their own political parties, showing how widely the support ranged. The wish to turn activists' concerns into law is in itself a political agenda.

This reliance on activism is typical of contemporary menstrual politics. Fahs and Bobel (2020) trace how current activists, after a period of distrust of lawmakers, have been keen to affect change through legislative processes (Weiss-Wolf, 2020). Though Fahs and Bobel implicitly focus on the US, this is the case in Scotland and other countries too, as in the transnational 'tampon tax' and 'period poverty' campaigns.

The desire to acknowledge and heed campaigners' calls is also typical of Scottish politics, where the work of grassroots activists has a long history of breaking through into the mainstream and directly influencing politics, as evidenced by the abolitionists and suffragettes, amongst others (Pedersen, 2017; Midgley, 1995; Whyte, 2006). The great public interest in Scottish independence has energised political campaigners generally, and established a pattern of elected representatives working closely with activists, especially in the area of women's equality (Ritch, 2019). The Period Poverty Act is part of this activism-suffused political landscape.

## 8. Contributing to public health

Some parliamentarians supported the Act as a public health intervention, which is again a typical concern of much current menstrual politics. For instance, MSP Alison Johnstone (Green Party) mentions the right to sanitation in the debate framing the bill. In general, however, public health and hygiene concerns played a relatively small role in the debate, in contrast to the initial campaigns for providing free period products. Angela Constance's (SNP) quote of kicking the metaphorical ball away from public health to gender equity (cited above) suggests that the Act would not have received the broad support it needed had it been a public health issue alone. Lennon similarly used the language of 'sanitary towels', 'feminine hygiene products' and other hygiene terminology in her first proposals for the bill but by the February 2020 debate, she made explicit that she has moved away from such terms because they further stigmatise menstruators by implying that menstruation in itself would be unhygienic.

This deemphasising of public health contrasts with the menstrual politics in the Global South, where public health is often used to argue for better facilities, which is seen as a progressive step, in particular for women and girls. Concerns about hygiene (that is, cleanliness in order to prevent disease) and specifically around sanitation (that is, hygiene as related to water) are often mobilised to that end. That lack of toilets or of period products prevents girls from attending school is a central activist argument and area of research in the Global South (Bobel, 2019; Kaur, Kaur and Kaur, 2018; Vaughn, 2020). Sanitation has also historically been of great concern in Scottish public health legislation (cf. Spencer 2022, in this Special Collection). The relatively low priority given to hygiene, however, is typical of menstrual politics in the Global North, where the perception of menstruation as unhygienic is more often used to stigmatise women and girls.

## 9. Contributing to sustainability

A final factor in the Act's success occasionally mentioned by parliamentarians is that it nods towards a sustainability agenda, which is again representative of the current trajectory of menstrual history. Several MSPs make clear that the scheme should include provision of reusable period products, such as menstrual

cups, or washable menstrual pads, towels and underwear. Many local councils do indeed offer the choice of such reusable products from the Scottish social enterprise Hey Girls.

The inclusion of sustainability concerns, even in a minor role, is typical of current menstrual politics both in the Global North and the Global South. Again, this is of particular relevance in Scotland, which has a greater problem than the rest of the UK with disposable menstrual products that end up as sewage-related debris in the marine environment (Cole et al, 2019). Menstrual products today include plastics, linking them to issues of plastic pollution. The Scottish Government committed money and commissioned policy reports to tackle this pollution problem at the same time as discussing the Period Products Act (Cole et al, 2019; Zero Waste Scotland, 2019).

## Summary

The Period Products Act passed because the provision of period products was a step toward addressing several political agendas: putting Scotland in a globally leading position as a progressive country (in distinction from the rest of the UK and from the Global South); promoting gender equality for women, while acknowledging broader gender diversity; alleviating a high-profile aspect of poverty while providing a large market for industrial products; tackling menstrual stigma while leaving the basic concealment imperative intact; improving access to education; working with and listening to grassroots campaigners; improving public health; and, accommodating sustainability concerns. Most of these concerns are of transnational importance, cited by activists and lawmakers in different countries. The context of a national independence campaign, however, as well as histories of activism and equality agendas specific to Scotland in the present historical moment, goes some way towards explaining why this law was passed in Scotland in 2021 rather than in another place and time.

This Act is also part of broader historical trajectories. It does not constitute the radical departure from menstrual stigma that campaigners and politicians had hoped for and claimed it was, but shifts the stigma into a capitalist, product-oriented form typical of the early 21st century. It does not dislodge the assumption that menstruation, if left unchecked by menstrual products, would continue to bar menstruators from accessing the public sphere. It does, nevertheless, constitute a welcome state intervention to overcome rather than enforce this barrier. Moreover, while concerns with women's equality and girls' education continue to be important, the focus is shifting from menstruation being purely a 'women's issue' to issues of poverty and constitutional politics that affect all genders.

## A Note on Terms

Menstruation is a contested political area, and this Special Collection is aimed at a broad audience who may not necessarily be familiar with this field, and/or with Scottish politics. This glossary therefore provides a quick overview of basic relevant information and terminology in the areas of both Scottish and menstrual politics.

**Act / Bill:** A bill is a proposal for a law, discussed and debated in parliament. The bill becomes an Act of Parliament and law once it has gained Royal Assent, which is formal approval by the Queen.

**Critical Menstrual Studies / Critical Menstruation Studies:** The *Palgrave Handbook* established the term 'Critical Menstruation Studies', coined by Vostral, for this research area. Some scholars prefer to speak of Critical Menstrual Studies, which they feel makes clearer that the research is not just concerned with menstruation, that is, monthly bleeding, but with the whole menstrual cycle and life-cycle (Bobel, 2020). This Special Collection uses these terms interchangeably.

**Gender / Transgender / Non-binary:** Historically, humans have been divided into two genders: male or female. Current academic and increasingly current popular understandings of gender see it as a spectrum or field, where individuals can belong to a range of genders. Most people still define themselves as either male or female, though others who might have been born male transition to female or vice-versa (transgender), and others might not identify as either male or female (non-binary, gender-queer, gender non-conforming and others). Though contested, self-definition, rather than a particular genetic make-up, hormone levels, genitals, menstrual cycles or other markers, is beginning to be accepted as the sole criterion for an individual's gender.

**Local authority:** Local administrative units in the United Kingdom who are responsible, amongst others, for running schools, refuse collection and roads.

**Menstrual products / period products:** In this context, menstrual products, more colloquially referred to as period products, are items that are industrially produced by multinational corporations like Procter & Gamble or by small to medium enterprises such as Scottish social enterprise Hey Girls. They include single-use disposable menstrual products such as pads, towels, napkins, liners and tampons that usually contain a high quantity of plastics, but can also be made from compostable materials such as bamboo. They also include industrially produced and reusable menstrual products such as washable pads, menstrual cups made from silicone or rubber that are washable, sterilised and reused each month, and washable menstrual underwear.

**Menstruation as political:** Menstruation is not just the subject of political and legislative interventions, but is already in itself politicised. It is a biological process related to ovulation and reproduction, but has been loaded with politics much more so than, for example, digestion, respiration or perspiration. Human bodies have menstruated across history, but how we think about that bodily event is cultural and political. Moreover, we often think of biological processes as fixed and unmalleable, but biology is not only 'discovered' by a neutral scientific or medical entity but is interpreted. Biology and culture are interdependent and mutually informative (Spanier, 1995; Frost, 2016); the need to distinguish so sharply between the two is itself particular to the contemporary Global North.

**Menstruator:** The term 'menstruator' is used to include all those who menstruate, irrespective of gender, and as such is politicised (Lowick, 2020; Rydstrom, 2020). We use it here to acknowledge the fact that not only women (however one wishes to define that category), menstruate, and that not all women menstruate.

**Scotland:** Scotland is a country or nation that is part of the state of the United Kingdom of Great Britain and Northern Ireland (UK), together with England, Wales and Northern Ireland. Since 1999, many political powers have been 'devolved' (passed) from the UK Parliament and Government to the Scottish Parliament and Government (see entries on Scottish Parliament and UK parliament). In 2014, a referendum among Scottish voters on whether they wanted Scotland to become an independent country was decided in favour of remaining in the union by 55.3%. The Scottish Government, led by the left-wing Scottish National Party (SNP) since 2007, continues to campaign for Scotland to be a fully independent nation state and is arguing for another independence referendum, while the UK Government remains firmly against this (the UK Government must also consent to any new referendum, making the relationship between the two complex). For background reading on this complex issue, see Torrance (2020).

**Scottish Parliament:** Though first attested in the 13th century, the Scottish Parliament joined with the English parliament from 1707 onwards, and was only re-established in 1999 after a referendum in

Scotland on the devolution of some political powers. It is often referred to as Holyrood, from the area in Edinburgh, Scotland, in which its physical buildings stand. While the Scottish and English legal and educational systems had always been largely separate, the new parliament's powers include large parts of political life, social work, and parts of the economy and taxation. An abbreviation for Member of the Scottish Parliament is MSP.

**UK Parliament:** Scotland, together with England, Wales and Northern Ireland, as well as having its own parliament, is represented in the parliament of the United Kingdom of Great Britain and Northern Ireland (UK), often referred to as Westminster, from the district in London, England, where it is housed. Westminster's powers cover, for example, broadcasting, civil service, common markets for goods and services, energy, defence and national security, employment, foreign policy, borders and some taxation.

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### Competing Interests

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