



Bildhauer, B, Røstvik, CM and Vostral, S 2022 Briefing Paper: Assessing the Period Products (Free Provision) (Scotland) Act 2021 as Model Menstruation Legislation. *Open Library of Humanities*, 8(2): pp. 1–13. DOI: <https://doi.org/10.16995/olh.9129>



Open Library of Humanities

## Briefing Paper: Assessing the Period Products (Free Provision) (Scotland) Act 2021 as Model Menstruation Legislation

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This briefing paper discusses how to include historical perspectives to assess the potential success for current and future menstruation legislation. The case of Scotland provides an instructive example of law-making about free period products and period poverty. While commercial products are perceived as a solution, historical research suggests that cultural attitudes, lingering stigma, and regional differences affect opportunities for passing laws. To predict the likelihood that proposed menstrual product legislation might be adopted in other locations, historical factors related to attitudes about menstruation, including stigma, must be considered and understood to effect lasting change.

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## **Executive Summary**

This briefing paper discusses how to include historical perspectives to assess the potential success for current and future menstruation legislation. The case of Scotland provides an instructive example of law-making about free period products and period poverty. While commercial products are perceived as a solution, historical research suggests that cultural attitudes, lingering stigma, and regional differences affect opportunities for passing laws. To predict the likelihood that proposed menstrual product legislation might be adopted in other locations, historical factors related to attitudes about menstruation, including stigma, must be considered and understood to effect lasting change.

From our qualitative research on the history and culture of the Period Products (Free Provision)(Scotland) Act 2021 (henceforth the Period Products Act) in Scotland, we show that menstrual activism and policy, while rooted in longer histories, has significantly increased in recent decades. This has led to growing government interest and action on the issue, often rapidly and without extensive research. Although it represents novel legal changes and landmark alterations to the ways in which people access products, the law has not automatically dismantled menstrual stigma as suggested by many politicians, primarily because of its product-centred solution. Activists, educators, and social enterprises play an important role because they are concerned with the core value of ending menstrual stigma.

## **Audience**

The findings are useful to different groups and stakeholders who are considering how a similar law might be replicated in other places. This briefing is directed toward: (1) social enterprises and NGOs; (2) corporations and manufacturers of products; (3) local and national governments; (4) activists; (5) academic researchers; and (6) journalists and media content producers. The worksheet in the Appendix serves as a guide and tool by which to consider historical and local variables, revealing strengths and weaknesses that may foster or impair subsequent institutional change.

## **Key Success Factors in Scotland**

We have identified the following historical conditions as contributing to the success of the Period Products Act in Scotland. Policy-makers and activists might want to ask themselves if similar circumstances exist in their geographical and political area. A consideration of and answers to such questions may enhance initiatives against period poverty and predict areas of greater or lesser resistance. See the Appendix for a

worksheet to gauge local attitudes in regard to these historical co-factors, and the list of publications for further reading.

- **Menstrual products:** *Are menstrual products and technologies already part of an economic and a distribution system?* In Scotland, distribution networks were already established for menstrual products: both anti-poverty networks for free distribution (food banks, charities) and commercial outlets (shops, online). There is growing consumer interest in switching to reusable products. We assume from these examples that initiatives in other countries or areas will be more likely to succeed if similar networks and interests in products are already in place.
- **Nation-building:** *Does menstruation contribute to the narrative of a nation and its perceived special status?* A contributing factor to the Period Products Act was that it allowed Scotland to pride itself on being 'first' internationally, and more forward-thinking than its dominant neighbour, England. Similar initiatives elsewhere may be more likely to succeed if they can contribute positively to the narrative of that nation or area.
- **Hygienic imperative:** *Do people care about menstrual concealment to the extent that only menstrual products transform the body to being acceptable?* Openly bleeding in public would not be acceptable in Scotland. The Period Products Act was successful in part because period products are almost universally considered an essential necessity for menstruators.
- **Stigma:** *Is shame or embarrassment about menstruation waning?* Menstrual stigma, while still prevalent, was already waning in Scotland, with menstruation being publicly mentioned in mainstream and social media, and in topics such as health, sport and menopause. While combating stigma was a major aim of the Period Products Act, the provision of products has not eliminated it. We expect similar menstrual policies to be more likely to succeed if they can build on existing movements to alleviate stigma.
- **Personal identity:** *Do menstrual products enhance a menstruator's values and self-perceptions?* The Act allows Scots to think of themselves as: (1) environmentally friendly by including provision of reusable products, and this choice allows people to see themselves as forward-thinking and contributes to their self-esteem; (2) open to greater gender equality, by alleviating a financial and organisational burden primarily affecting women; and (3) supportive of transgender rights, by acknowledging that not all menstruators identify as female. Menstrual

initiatives are likely to succeed elsewhere if they can also positively add to the personal identity of citizens.

- **Women’s rights and feminism:** *Is there a strong grassroots effort for social justice concerning women’s rights and gender equity?* Grassroots groups campaigning for women’s equality were vocal in bringing the issue of period poverty to the attention of policy-makers. Menstrual initiatives are more likely to have success elsewhere if they are supported by feminist groups as well as politicians.
- **Visual, media and cultural representations:** *Are menstruation and menstrual products already (positively) represented in daily discourse?* While menstruation is usually invisible, depictions of menstruation in advertising, art and media were already increasing in Scotland before and during the campaign against period poverty. Representations of menstruation in a particular geographical area can give vital clues about how menstruation is perceived there, which provides a starting point for policies and campaigns in that region.
- **Legislative advocate:** *Which representatives or officials support the mechanism of legislation?* Monica Lennon, Member of the Scottish Parliament, proved to be a champion of the bill. While the community of grassroots organizations are absolutely critical to the Act’s success, so were the tireless efforts of Lennon.

## Historic Trends and Debates in the UK

This short overview provides grounding to the history of period products and their public meaning from 1900 to the present. Understanding the relationship of menstrual experience to menstrual products, the ways in which this has been inflected through menstrual stigma, and how this has changed over the years, is important when strategising for menstrual product legislation.

### A. 1900–present: Commercialisation of menstruation

Producing single-use disposable menstrual products became viable in the UK during the 1920s. The coalescence of industrial production, material resources, germ theory, bathing and indoor plumbing, as well as the increased medicalisation of women’s health, provided fertile ground for menstrual products. Menstrual products were first sold as luxury items due to their expense. They were later promoted as a means to enhance labour efficiency. By the mid-century, the use of tampons and pads signified modern efficiency and ‘feminine hygiene’. While ‘feminine hygiene’ is no longer exclusively associated with women, the imperative to be hygienic by using commercial products has remained.

### ***B. 1970s: Menstrual activism vs taboo***

The rise of the women's liberation and equal rights movements in the 1970s prompted the Equal Pay Act and Sex Discrimination Act in the UK. Simultaneously, the Women's Health Movement questioned the paternalism of many male physicians, and the medicalisation of health during the course of a woman's life. The book *Our Bodies, Ourselves* (1970) was read in UK feminist circles and challenged the idea that menstruation was disease-producing and required medical intervention. The logic of menstrual shame, the health advocates argued, only served to discriminate against women while conveniently elevating men, who did not menstruate. In this way, menstruation has historically been intimately connected to the notion of gender essentialism and gender binary thinking, with contemporary activists and menstruators questioning this link and advocating for menstrual rights.

### ***C. 1980s: Blue liquid and toxic shock syndrome***

While menstrual products were advertised in newspapers, magazines, and through menstrual education campaigns, there was a large degree of innuendo and indirect language about products' true purpose, with images of nature and flowers predominating. The visual representation of menstrual blood as blue liquid in advertisements contributed to this deception. However, due to toxic shock syndrome (1980) and its deadly consequences for women, there was unprecedented debate in the media about menstrual technologies, and that health warnings about tampons broke some stigma about the discussion of menstruation in public. During this decade, censorship in advertising also eased in the Anglo-American context.

### ***D. 2010s: Rise of new activism and social media***

In the 2010s, the rise of a new wave of menstrual activism resulted in large changes in policy, advertising, and discourse. The activism was spurred on by a diverse range of issues, including the economics of menstruation (tampon tax, period poverty), environmentalism (plastics, waste), and equality (stigma, shame, access to healthcare). In the UK, this included individual advocates like Amika George, and campaigns online like #EndPeriodPoverty. Activists in Scotland included Women for Independence, a coalition of diverse NGOs, and individuals that sought to break menstrual stigma. At the same time, economic downturns and austerity measures in the UK led to renewed focus on poverty, including period poverty. Activists' efforts in the late 2000s and early 2010s had historic roots in the 1970s, but managed to break into more mainstream and public spaces. Social and corporate pressure contributed to ease censorship and a new wave of menstrual advertising soon followed, spearheaded by the red (rather than blue) liquid campaigns by Swedish multinational corporation Essity (Bodyform

brand in the UK). Such activism and advertising galvanized media and public attention, leading to a renewed moment of menstrual discourse that was increasingly difficult for governments to ignore.

#### ***E. 2010s: Government involvement due to equality, economic and environmentalist measures***

The late 2000s and early 2010s marked a notable increase in governmental interest in menstrual issues. Kenya was particularly early in this regard, with free provision of products to schoolchildren. Scotland and the UK both became concerned with period products in the early 2010s, with individual Members of Scottish Parliament (MSPs) and Members of Parliament (MPs) being involved in public discourse via social and traditional media, parliamentary debates, opinion pieces, and engagement with activist groups. In the UK, the End Period Poverty Taskforce was established in 2019, partnering with multinational corporations. In Scotland, parliamentary debates happened at the same time. In the late 2010s, more countries and areas debated similar measures around the world, including New York State, Mexico City, Norway, Sweden, and New Zealand, with more being added almost every year.

#### **Conclusions**

The 2010s and 2020s legislative efforts regarding menstrual products, combined with corporate and activist pressure, have contributed to a global debate about menstruation and equality. The Scottish Act was widely seen to be pioneering and important in this regard, and clearly galvanized efforts elsewhere. The 2020s will likely see more legislation around menstrual issues in some countries, such as menstrual and menopause policies, period poverty initiatives and environmental acts. At this time of quick and large-scale changes, research has lagged behind both the law and practice.

We now need a better understanding of the complexities of menstrual myths, stigma, historic events, and regional specificity to inform legislation. Our work is an effort both to evaluate and to support the menstrual legislative efforts that have been successfully won thus far. We note that this is a landmark moment in menstrual history, and that the future will be determined by the laws and acts put into place today.

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## Appendix

Components	Questions for future policy makers	Is it successfully implemented?	Is it developing?	Is it emerging?	Does it exist at any level?
<b>Menstrual products</b>	In what ways are menstrual products & technologies already part of an economic and distribution system?	Fully incorporated	Adequately incorporated	Limited	Deficient
<b>Nation-building</b>	How does menstruation contribute to the narrative of a nation and its perceived special status?	Highly integrated	Moderately integrated	Marginally integrated	Poorly integrated
<b>Hygienic imperative</b>	To what extent do people care about menstrual concealment to the extent that only menstrual products transform the body to acceptable?	Minimally	Somewhat	To a great extent	Critically important
<b>Stigma &amp; Passing</b>	Is shame or embarrassment about menstruation waning?	Advanced	Progressing	Still a goal	Not at all
<b>Personal Identity</b>	In what ways do menstrual products enhance a menstruator's values & self-perceptions?	Commendably	Satisfactorily	Marginally	Initial Stages

(Contd.)

Components	Questions for future policy makers	Is it successfully implemented?	Is it developing?	Is it emerging?	Does it exist at any level?
<b>Women's Rights &amp; Feminism</b>	Is there a strong grassroots effort for social justice concerning women's rights and gender equity?	Substantial	Adequate	Somewhat	Lacking
<b>Visual, media and cultural representations</b>	In what respects are menstruation and menstrual products already (positively) represented in daily discourse?	Expertly	Competently	Progressing	Scant
<b>Legislative Advocate</b>	Which representatives or officials support the mechanism of legislation?	Champion	Supporter	Observer	Opponent

### Evaluation Worksheet and Discussion Guide

The worksheet above provides a means to think through the local receptivity to menstrual product legislation. Column 2 offers assessment questions for consideration, conversation, and discussion for stakeholders interested in potential legislation. How successfully a locale or nation has addressed these qualitative and historical questions can be evaluated in the following columns. Positive answers indicate fertile ground for implementation. Negative answers demonstrate more work likely needs to be done in preparation for such an act. The responses to each question will indicate specific areas that may need attention, and taken collectively show an overall pattern of receptivity to menstrual product legislation.

### About this research paper

This paper is based on 'Ending Period Poverty in Scotland: A Historical and International Perspective' funded by the Royal Society of Edinburgh's Arts and Humanities Research Network Award from 2020 to 2022 (grant number 64992), and administratively based at the University of St Andrews with Principal Investigator Bettina Bildhauer and Co-Investigators Sharra Vostral and Camilla Mørk Røstvik. The project brought together scholars from various disciplines and countries to research the role of the Scottish debate around Period Poverty, and the subsequent Act. Our research was published in 2022 as a Special Collection in the Open Library of Humanities, titled *The Politics and History of Menstruation: Contextualising the Scottish Campaign to End Period Poverty*.

### Acknowledgements

The editors want to thank the project team for all their hard work; thank you to our collection authors Pavel Vasiliyev, Noelle Spencer, Catherine Spencer, Lara Owen, Alexandra Konovalova, Bee Hughes, Saniya Lee Ghanoui, Gayle Davis and Jessica Campbell, researcher Andrea Ens, and our advisers



Hilary Critchley and Rachel Vette. Special thanks to Lara Owen, Bee Hughes, and Jessica Campbell for project administration and to Lara Owen for copyediting. Thank you to the Royal Society of Edinburgh for funding this project. Thank you to Open Library of Humanities and the team for all their support. Thank you to Bee Hughes and Bibo Keeley for artwork rights. Our sincere thanks to the archives and collections that made the work possible: Edinburgh Surgeons Hall, National Library of Scotland, Edinburgh University Library, Cyrenians charity, Glasgow Women's Library, Hunterian Library, University of Glasgow Library, and University of St Andrews Library and Special Collections.

### Competing Interests

The authors of this briefing paper are also the editors of the Special Collection.

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#### Critical Menstrual Studies

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