

Sylvia Walby "Theorizing Patriarchy"

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## State

### INTRODUCTION

The state is usually defined either as a specific set of social institutions, for instance, as that body which has the monopoly over legitimate coercion in given territory, or in terms of its function, for instance, that body which maintains social cohesion in a class society. There is a question as to whether either of these definitions, the former belonging to a Weberian tradition, the latter to a Marxist one, is appropriate in an analysis of gender relations, since neither of the traditional theories gives much consideration to this issue. Most accounts contain notions that the state is a centralized set of institutions, that force is available to it as a form of power underpinning it, and that it is a focus for political interests.

The problem with the traditional Weberian definition in relation to gender is the notion that the state has a monopoly over legitimate coercion, when in practice individual men are able to utilize considerable amounts of violence against women with impunity. In practice this violence is legitimated by the state, since it takes no effective measure against it. Does this mean that violent men are part of the state, or does the state not have a monopoly over legitimate coercion? The former solution compromises the notion that the state is a set of centralized institutions, the latter that the state has a monopoly over legitimate coercion. I think the latter compromise is preferable, and that Weber's ideal type of the state is rarely attained in practice.

The Marxist definition is problematic in that it usually asserts that the state mediates only between social classes, omitting gendered and racialized groups. As I shall go on to show, the state is engaged with gendered political forces, its actions have gender-differentiated effects, and its structure is highly gendered. The state is patriarchal as well as capitalist, and those Marxist definitions which define the state in terms of its functions for capital are flawed.

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Some examples of the kinds of issues that a full theory of gender and the state would need to be able to explain include: the limiting of women's access to paid work, for example, the Dilution Acts (cf., Andrews, 1918; Braybon, 1981) and 'protective' legislation (cf., Equal Opportunities Commission, 1979); the criminalization of forms of fertility control, for instance, at certain times and places, abortion, contraception (cf., Greenwood and Young, 1976; Gittins, 1982; Gordon, L., 1977, 1979); support for a regulation of the institution of marriage through, for example, the cohabitation rule (Fairbairns, 1979) and discriminatory income maintenance (Land, 1976) and by regulating marriage and divorce law (Barker, 1976; Holcombe, 1983; Smart, 1984); actions against some sexual relations through, for instance, criminalizing male homosexual relations in some periods (Weeks, 1977) and denying custody of children to lesbian mothers; actions against radical dissent, for instance, the coercive response to the suffrage movement (Morrell, 1981); yet, lack of intervention against criminal violence against women by men.

There are four main approaches to the analysis of gender and the state: liberalism, Marxist feminism, radical feminism and dual-systems theory.

### Liberalism

Liberal analyses often start by noting the relative absence of women from powerful positions in the state and other central decisional arenas. Women are to be found infrequently among the formal political elites. After the 1987 general election women formed only 6.6 per cent of members of the House of Commons. The under-representation of women in the legislatures of the world is not confined to Britain and the USA, but is a common pattern. The highest representation is to be found in Norway, where the figure is 40 per cent. At local government level in Britain women are slightly better represented, forming 19 per cent of local councillors in 1985.

If the sphere of public politics or central decisional arenas is broadened to include representatives in trade unions and those appointed to public bodies, the picture looks little different. In January 1986 in NUPE, with nearly half a million female members, who composed 67 per cent of the membership, women held only 31 per cent of the seats on the executive; in USDAW, with a female membership of nearly a quarter of a million, which was 61 per cent of the total, women held 19 per cent of the seats on the executive; in the NUT, with over 150,000 female members, making 72 per cent of the total, women formed only 16 per cent of the executive (Equal Opportunities Commission, 1987: 44). In 1985 women



composed only 18.5 per cent of appointments to public bodies, and in 1984 only 7 per cent of representatives on Industrial Tribunals (Equal Opportunities Commission, 1987: 40, 41).

How is this absence of women to be explained? Kirkpatrick (1974) suggests that there are four main types of account of the constraints holding women back from entering politics: physiological, cultural, role and male conspiracy. On the basis of a study of 46 women who had been elected to state legislatures in the USA, she argues that role constraints are the most important. Women are not anatomically incapable of entering politics, nor do men consciously try to exclude them. Kirkpatrick vigorously denies the claims of Epstein (1970) concerning cultural constraints, that the core attributes of jobs such as that of politician require masculine characteristics of aggressiveness, persistence and drive, on the basis that the women politicians in her sample did not think that these were masculine characteristics. She concludes that the real barrier is that of sex roles, especially that of being wife and mother for women in the contemporary USA, but also that of the restriction of women to occupational categories which do not conventionally lead on to being a politician – unlike typical male jobs such as lawyer.

Currell (1974) similarly argues that successful women politicians are exceptional. She studied 40 women who had been elected to the British House of Commons (she contacted the total population of living past and present MPs to get this many!) and all parliamentary candidates in 1964 and 1973 (in 1973 she reached around three-quarters of the 41 such women). Currell found that these women had succeeded where most other women had not, because they had specific circumstances which counteracted the usual difficulties. She found that women MPs were older and rarely entered Parliament until their childbearing years were over. She suggested that the problem of lack of appropriate socialization was negated when women were born into 'political families' in which girls as well as boys imbibed the activist political culture. The final route by which the exceptional woman was able to enter politics was as a substitute for a close male relative, perhaps a husband who had died.

Currell proposes that this is due to the problems women face as the childbearing sex and the different socialization that girls receive, which makes them more passive and submissive than boys. She states that the complex of factors around family and home was often cited by the women in her study as the reason why women were less successful in politics than men. She does note, however, that it is the articulation of this with the nature of political institutions that causes the difficulty, for instance, in the need for at least partial residence in London for MPs, and also that some technical issues, such as the nature of the voting system –

single or multi-member constituencies – does make some difference.

The gender of the personnel involved in the state is a major concern of liberal writings on gender and the state. These writings contain the assumption that the policies of the state would be more advantageous for women if there were more women in decision-making posts. It is represented in the policy of the 300 Group, which aims to increase the number of seats held by women MPs to 300 out of the 600 or so available.

However, this assumption is problematic. Firstly, it is clear from contemporary British experience that a female Prime Minister does not necessarily mean that government puts forward pro-women policies. Secondly, as a parallel debate on the class composition of Parliament between Milliband (1969) and Poulantzas (1973) showed, structural pressures are more important than personal background in determining the pattern of decision making by the state.

Not all writers on gender and the state within the liberal approach have focused on personnel issues. Pizzey (1974) examined state policy towards battered women from this perspective. Women who are beaten by their husbands or the men they lived with are given very little assistance either by the criminal justice system or the welfare wing of the state. Police are slow to intervene to protect the woman and very reluctant to prosecute the man for his criminal assault. Even enforcement of injunctions can be difficult. Welfare officials are often unhelpful in providing alternative accommodation or necessary payments. Pizzey suggests that the state's response is inadequate for reasons of technical inefficiency. She does not consider it to be a result of structural bias against women by the state. The agencies are seen to be ill-informed and faced with bureaucratically generated problems to action.

#### *Marxist feminism*

Many Marxist accounts of the state have very little to say about gender relations. Their focus is on the relation between capital and labour and that between the bourgeoisie and the proletariat (Gramsci, 1971; Gamble, 1988; Jessop, 1982; Poulantzas, 1973). Nevertheless, many of the issues with which they deal are gendered, even if this is not recognized. For instance, Marx attempted to account for the development of legislation to restrict the number of hours worked in terms of the attempts by the working class to limit the extension of the working day. He conceptualized this in terms of the struggle between capital and labour, bourgeoisie and proletariat. However, as I showed in *Patriarchy at Work* (1986), this ignores the differentiation of the sexes both in the



impact of the legislation and in the social and political forces pressing for it. The legislation, and its later developments, sought primarily to restrict the hours of women and children, and it was principally men who fought for it. The early legislation, in Britain, which concentrated on the cotton textiles mills, restricted the best, not the worst, jobs held by women – textile jobs were better paid and involved shorter hours than the alternatives of domestic service, the sweated needle trades, agricultural work and, especially, housewifery.<sup>1</sup>

Marxist accounts of the development of the welfare state have usually focused on the capital-labour relation, albeit in a variety of ways. One school of thought, the capital logic school, argues that the provision of welfare in the form of health, education and social security benefits is necessary for modern capitalism, which needs a healthy, well-educated workforce. Hence the development of the welfare state is considered to be part of the logic of capital. Another, the neo-Gramscian school, criticizes the former for ignoring the significance of struggle, of the battle of the working class to win welfare provision from a reluctant capitalist state (see Urry, 1981). A further school around Castells judges that many of the developments typically considered part of the welfare state, such as health and education, and also issues such as public transport, constitute the evolution of 'collective consumption' from a previously 'individual consumption', as a result both of the needs of capital and the working-class struggle (Castells, 1978, 1983).

However, all these neglect the different interests of men and women in the development of welfare state, for instance that these advances include the socialization of previously privatized labour of women in the home. They further disregard the role of women in struggling for these improvements, both independent from, and in alliance with, men. Castells's account is particularly problematic in his attempt conceptually to conflate women's unpaid domestic labour into a notion of 'consumption', with all its connotations of leisure rather than work.

McIntosh (1978) provides a Marxist analysis which does explicitly take notice of the oppression of women in relation to the state. She interprets the state and the oppression of women in terms of the logic of capitalism. Gender inequality is seen as derived from capitalism, and the actions of the state as stemming from the needs of capital.

McIntosh suggests that the state upholds the oppression of women by supporting a form of household in which women provide unpaid domestic services for a male. She argues that the state should be conceptualized as capitalist, since it is acting to maintain the capitalist mode of production. Capitalism benefits from a particular form of family which ensures the cheap reproduction of labour power and the availabil-

ity of women as a reserve army of labour. She suggests, however, that the family is not the ideal form for the reproduction of labour power for two reasons. Firstly, the ratio of earner to dependent is widely variable in actual families; thus some families cannot survive on their earned income. The state then steps in to shore up the family structure. Secondly, families by themselves do not necessarily produce the right number of children to meet capitalist requirements for population size, so sometimes explicit population policies are introduced to ensure the maintenance of their members. Thus in McIntosh's account the state's support for the oppression of women is indirect, not direct, since it is through the maintenance of this family form that the state acts to the detriment of women. While McIntosh does point to various contradictions in capitalism and in state policy, her argument nonetheless hinges on the notion that the family is maintained because it is functional for capitalism.

This position is problematic in that it does not take sufficient account of the benefits that men derive from the contemporary family structure (Delphy, 1984) and of the subordination of women in general. Further, the analysis pays little attention to the conflicts that take place on the political level over state policy. Yet there have been considerable struggles over state policy by feminists as well as the organized working class (Banks, 1981; Mark-Lawson, Savage and Warde, 1985; Middleton, L., 1978). This is a limitation in the interpretation similar to that of other capital logic school analyses.

#### *Radical feminism*

Radical feminist writers challenge the conventional definition of 'politics' with which I have been dealing so far. They broaden it to the extent of including the personal as political. For instance, Millett does not define the political as that relatively narrow and exclusive world of meetings, chairmen and parties. The term 'politics' shall refer to power-structured relationships, arrangements whereby one group of persons is controlled by another (Millett, 1977: 23).

Hence Millett argues that the relations between the sexes are political. The empirical terrain on which she chooses to argue her case is that of sexuality. She takes three famous male writers, who till then had been considered to be progressive, and argues that, in their characterization of the sexual conduct of men to women, they are part of a sexual counter-revolution. She demonstrates that in the novels of these writers men use the sex act to express their power over and contempt for women; that it is a form of humiliation and control over women. That is, something which is conventionally considered to be the ultimate private



and personal act is more properly seen as part of a set of structured power relations, and hence as political.

This theme of the 'personal is political' is a crucial part of radical feminist analysis and practice of politics, and recurs in many forms. It was a central component of early second-wave feminism, which introduced consciousness raising groups in which, by sharing and discussing their experiences, women came to see their problems not as private woes, but as public issues; the personal was political, and there was no individual solution. All aspects of the relations came under scrutiny and were analysed through this perspective. For instance, our very forms of interaction – which sex spoke most in mixed conversation (men), which sex interrupted the other more (men) (see Spender, 1980) – were seen as gendered and as political. In this approach, then, everything is political: sexuality (Millett, 1977), conversation (Spender, 1980), housework (Mainardi, 1970; Malos, 1980), rape (Brownmiller, 1976), motherhood (Luker, 1984), abortion (Petchevsky, 1986).

In its strongest form, this argument implies that nothing is not political. And it is this which raises problems for such an approach to the definition of politics, since if everything is political and nothing is not political then the term does not discriminate between two different states. It becomes merely a sensitizing term, but not one which can be used as an analytic tool. Nevertheless it does have a function in problematizing the conventional boundaries to the area of politics and drawing attention to areas of structured inequality which might otherwise be too readily dismissed.

Within this framework the focus on the state which is so central to other analyses of politics is often absent. This is not merely because radical feminists eschew the reformist politics that involvement in electoral politics usually means, but, more importantly, because it is not seen to be the central political site. However, this is not to say that radical feminists ignore the state – they have clearly engaged in theoretical and practical politics around issues of fertility control such as abortion.

One radical feminist study which, usually, does centre on the state is that of Hanmer and Saunders (1984). These writers concentrate on the relationship between women, male violence and the state. They see men's violence as critical in the maintenance of the oppression of women, and the lack of intervention of the state to prevent it is analysed as being the state's collusion. The absence of protection from the extensive and widespread violence that Hanmer and Saunders find in their community study is part of a vicious circle in which women become dependent for protection from violence upon the very people, men they know, who are the most likely source of violence against them. This cycle of violence, so

different from the one postulated by Pizzey, is an important basis of men's control over women.

The collusion of the state in this is more clearly spelt out in an earlier piece by Hanmer alone, 'Violence and the social control of women' (1978), when the lack of intervention of either the criminal justice system or the social welfare branches of the state condemn women to subordination. In this analysis, men's violence against women is seen as an important basis of men's control over women, that is, essentially the basis of the system of patriarchy, although Hanmer does not quite express it in such a fashion. The state is seen as an 'instrument' of patriarchal domination, its non-intervention part of the logic of the patriarchal system.

This view raises the question as to whether it is appropriate to conceptualize the state as 'instrumental' in this way, and as part of a logic of patriarchy. This is parallel to the problem of instrumentality, which is often considered a flaw in the analysis of the capitalist state in the writings of Marxists, because of the extent to which the state itself is seen to behave in response to a variety of different pressures, and the extent to which it is contradictory rather than monolithic.

#### Dual-systems theory

Eisenstein's work is an interesting and important attempt to meet the objections levelled at those analyses of women's position which underplay the significance of either capitalist or patriarchal relations. Eisenstein maintains that capitalist and patriarchal relations are so intertwined and interdependent that they form a mutually interdependent system of capitalist patriarchy.

Eisenstein (1979) contends that capitalism needs patriarchal relations in order to survive, and vice versa. She considers her analysis to be a synthesis of Marxism (thesis) and a radical feminism (antithesis), and argues not merely for a notion of a symbiotic relationship between patriarchy and capitalism, but for an integrated relationship in which they have become one system. Their effect on each other and need for each other is seen as too great for them to be conceptualized as separate systems. She proposes that each system contributes specific things to the whole. Thus patriarchy contributes especially order and control, while capitalism provides the economic system driven by the pursuit of profit. They are fused at the level of the state, where Zillah Eisenstein (1984) argues that patriarchal interests are represented via capitalists, who are male.

The problem with this is that Eisenstein underestimates the significance