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AND THE WELFARE STATE

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GENDER, SOCIAL POLICY REGIMES AND THE WELFARE STATE

Sheila Shaver

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ABSTRACT

Contemporary scholarship of the welfare state is turning strongly comparative, yielding among other fruits an increasingly rigorous comparative history. The 'social policy regime' is an analytic concept being developed to compare welfare states across time, place and types of political system. Usages to date have centred primarily on state/economy relations, giving little specific attention to gender. This paper attempts to extend the concept, identifying basic components of gender in the social policy regimes of the welfare state. Using examples from the Australian state, it suggests there are key dimensions of state/gender relations in such a regime. One dimension concerns the gender basis of legal personhood in the liberal democratic welfare state, including equality and difference in both legal authority over self and body and gender parities in obligation to contribute and right to claim the benefits of social citizenship. A second dimension concerns labour and the relation between state and economy: the key question here concerns how the sexual division of labour is institutionalised in paid employment and closely associated social policy fields such as education and child care. The third dimension of family and reproduction is already widely recognised as a strongly gendered area of social policy. Central issues in this area concern the institutionalisation of dependency in the rights and obligations of citizen entitlements and the privileging of heterosexuality over other forms of sexual relation. An adequate development of the concept of the social policy regime must also identify regimes of race and ethnicity in the institutional structures and social provisions of the welfare state. The paper concludes with discussion of some of the points of connection between class, gender and race and ethnic relations in social policy.

1. INTRODUCTION

Contemporary scholarship on the welfare state is turning strongly comparative, promising among other benefits an increasingly rigorous comparative history. The concept of the 'social policy regime' (Esping-Andersen, 1987b, 1990; Shaver, 1989b, Orloff, forthcoming) is a product of this movement, and is becoming part of the theoretical underpinning for such a history. But its present formulation is narrow and incomplete. Developed within models of the state as mediator between economy and society, it leaves important dimensions of public policy out of consideration. One of these is gender, now widely recognised as fundamental to the welfare state (Wilson, 1977; Nelson, 1984; Hernes, 1987; Pateman, 1988). A proper comparative historical sociology must include this and other such dimensions. For this, the concept of the social policy regime needs to be extended and reformulated.

C. B. Macpherson (1977) once asked the question, 'Do we need a Theory of the State?'. Of late many seem to think not, for the quest for a grand theory of the welfare state has in recent years been set aside. We have nevertheless seen the emergence of a productive sociology of social policy analytically at the level of institutions (Esping-Andersen, 1985; Quadagno, 1988; Weir, Orloff and Skocpol, 1988). Judith Allen (1990) has recently asked whether feminism needs a theory of the state, and she too settles for a more specific analysis of institutions and the play of gender interests around them. There has also emerged a feminist social policy grounded in the analysis of institutions (Nelson, 1984; Hernes, 1987; Sassoon, 1987). In feminist argument, however, an active concern with theorising state/gender relations continues (Burstyn, 1983; MacKinnon, 1983; Pateman, 1988; Franzway, Court and Connell, 1989).

The working focus on institutional analysis has a number of practical virtues (Shaver, 1989a). It facilitates empirical study, for by disaggregating the study of the state each of its apparatuses can be afforded a specific history, framework of internal relations and series of connections with other social structures (Hansot and Tyack, 1988). The empirical analysis of institutions can in turn accommodate the important state-centred contribution (Evans, Rueschemeyer and Skocpol, 1985; Skocpol, 1987; Orloff, 1989). An institutional focus obviates the necessity for *a priori* assumptions about the unity of the state and the integration of its parts. It this way bypasses, but does not resolve, the problems of circular functionalism which have troubled much theory of the state.

But while an analysis of this kind may be adequate in its own terms, it does not do all that we need to. It does not provide a basis for generalising from one institution of the

welfare state to others, or from the character of a particular institution to the character of the welfare state as a whole. We need theoretical terms with which to 'add' institutions together in larger patterns of control and change. Such terms are particularly important for argument about the welfare state, where amelioration of disadvantage is at the same time a mechanism of social control. Some larger perspective is essential if we are to understand how social policy institutions fit into a larger structure of power and rule.

The present paper argues that the concept of the social policy regime provides a potent way of moving from institutional frameworks towards a larger-scale analysis of the state. It sees the welfare state as generated out of and serving to mediate diverse conflicts and tensions of the capitalist social economy. Social policy regimes are structures which carry common logics of mediation, alleviation and regulation of these pressures across individual apparatuses of the welfare state. Embodying underlying structures of conflict in society, they constitute the patterns by which the social organisation of power is inscribed in the apparatuses of the state. The concept also provides a means of comparing the policy frameworks of different welfare states, highlighting variation in the way they institutionalise two-sided relations of amelioration and social control. As a basis for historical analysis it provides a useful way of understanding the target to be addressed in strategies for political change.

We are already familiar with the social policy regime from longstanding ideas in the social policy literature. Titmuss' residual, institutional and achievement models of social policy (1974) refer to a concept of this kind, as does his comparison of blood donor systems under democratic, market and race-quarantined conditions (1970). Fraser (1987) refers to the 'gender subtext' of social policy, and her notion too is potentially comparative.

Recent formulations seek to make the notion systematic, and hence more rigorously comparative across time, place and types of political system. Esping-Andersen defines the social policy regime as

... the specific institutional arrangements adopted by societies in the pursuit of work and welfare. A given organisation of state-economy relations is associated with a particular social policy logic. (1987b, pp. 6-7)

His schema uses the term to explore differences in social policy between laissez-faire, state corporatist and state socialist regimes, pointing to common patterns of structural mediation underpinning apparently diverse institutional arrangements. In this vein the

United States, Britain and Canada, have been said to have liberal social policy regimes (Orloff, forthcoming); Australia and New Zealand could be added to this list.

As is typical of left and social democratic discussion of the welfare state, Esping-Andersen's treatment privileges class conflict as the single and primary source of the welfare state:

Regimes are defined in terms of the relation between politics and markets, or perhaps more appropriately between state and economy. (1987b, p. 7)

The underlying origins of the welfare state are much more complex and multidimensional than can be accounted for in terms of conventional political economy. An expanding scholarship also links it with power rooted in extra-market domains such as sexuality, family, race, nation and culture (Wilson, 1977; Fraser, 1987; Center for European Studies, 1987-88; Williams, 1989). An adequate concept must take account of this more complex character of the state.

Class, gender, race and ethnicity are intertwined in social and political structures of the modern state, but the present paper will take gender as its principal focus. The regime concept is best developed with respect to relations between state and economy. Its development with respect to gender, family structure, fertility and sexuality has only begun (Quadagno, 1989), and may rightfully claim priority for a time. The paper will attempt to identify key components of gender regimes in social policy useful in comparing the development and structures of welfare states across time, place and types of political system. The argument will be illustrated with instances from the Australian welfare state. A concluding section will suggest how the concept might be further broadened to include relations of race and ethnicity in the structures of social policy and the state.

2. SOCIAL POLICY REGIMES

Following Marshall (1963), I view the provisions of the welfare state as 'social rights', historically constructed. Social rights are created incrementally in political processes of parliament and bureaucracy. Their character and distribution engage competing citizen constituencies and rival policy agendas. Welfare politics operate through contending discourse about relative need, economic interest and distributive justice. Their ambit almost always cuts across the ideological divide between the public domain of the market and the private domains of home, family and community. The constituencies

formed in welfare politics reflect the multidimensional character of social rights, engaging interests rooted in various and often crosscutting social interests.

Capitalism and patriarchy are best understood as mutually constituting forms of domination (Smith, 1983; Phillips, 1987). This means that gender relations are integral features of the social organisation of class, and class fundamental to the social construction of gender. Both dimensions are interwoven in the 'public' institutions of the welfare state, in the 'private' structures of the social economy in which it intervenes, and in the relations constructed between public and private social life.

The provisions of the welfare state thus embody simultaneously social structures of class and gender. Welfare¹ systems carry class relations in the way they articulate payments by the state with labour markets and social relationships derived from employment. In principle lack of alternate means of subsistence compels individuals to sell their labour power. In the marketplace, however, not all labour power is actually saleable, with potentially disruptive consequences for social order. Welfare provisions serve to mediate this disjunction (Piven and Cloward, 1971; Gough, 1979, p. 47; see also Pateman, 1988). A social right to subsistence from the state establishes an alternative to wage labour, effectively decommodifying labour power (Esping-Andersen, 1987a). The terms and conditions under which labour power is decommodified are political constructions of class relations. Gender and family are basic elements in these terms and conditions, both immediately in a labour market structured by a deeply rooted sexual division of labour and secondarily in enduring mechanisms of class inheritance such as wealth, education and social connection.

Welfare provisions carry gender in the linkages they set up between welfare resources and the social structures of family and dependency. In principle also, labour markets determine the value of labour power of the worker as an individual, without regard for the consumption needs of the domestic group. In actuality, workers live in family units of variable size and composition. Welfare transfers mediate this contradiction also (McIntosh, 1978, p. 271; Gough, 1979, pp. 48-9). Social rights to welfare resources reflect and reconstruct relations between men and women in terms of sexuality, marriage, fertility, parenthood and kinship. These rights establish a framework of

1. In American usage 'welfare' refers only to means-tested social assistance and contrasts with 'social security' benefits based on social insurance principles; in that country the term often carries derogatory connotations. The term has a more general meaning in Australia where the distinction does not apply and negative connotations, while not entirely absent, are more muted. In the present analysis 'welfare' refers generally to income security benefits and other public provision, including benefits provided under both social insurance and social assistance principles.

familial dependencies institutionalised through the welfare state. The actual social meaning of dependency is strongly conditioned by class and culture.

Thus class and gender are intertwined historically and empirically in the institutional structures of the welfare state. They are not, however, reducible to a single basis of explanation, whether the marxist cycle of capital accumulation (Hartmann, 1981) or some other. Relations between them have varied with time, place and specific histories of state formation. Nor are they reducible to functional requisites of reproduction. In a properly historical sociology order as much as change has to be explained. The causes of both lie not in the inherent 'needs' of the system but in actual social processes taking place in structural context (Shaver, 1989b, pp. 92-3).

Social policy regimes refer to systematic patterns in the structure of class and gender defined by welfare provisions. Esping-Andersen (1989b) defined the social policy regime by the logic set up in the relation between state and economy. I propose to generalise the notion so that it may be applied to policy logics of other kinds, including but not necessarily confined to the axis of state and economy. Interpreting the concept more broadly, social policy regimes are institutionalised patterns in welfare state provision establishing systematic relations between state power and social structures of conflict, domination and accommodation. Such patterns refer to the terms and conditions under which claims may be made on the resources of the state and, reciprocally, the terms and conditions of economic and social obligation to the state. The elements constituting social policy regimes may be economic, legal, political and/or symbolic.

These regimes are to be found in both individual institutions of the welfare state and in common patterns occurring across the domains of health, education, welfare, housing etc. The logic of a policy regime expresses political interests in the underlying structures of welfare provision. The same logic establishes the capacity of welfare provision to mediate structural tensions, for it defines the terms of exchange between private coercions of market, kinship and community and public regulation by legal, bureaucratic and professional administration.

3. GENDER AND THE STATE

Recent theories of the relation between gender and state have focused on different aspects of both objects. In part this is a consequence of the differences of perspective among liberal, socialist, and radical and other feminist politics. The various schools of feminist thought have disagreed about the root causes of women's subordination and

targeted different areas of the state as instrumental in maintaining it. But the multiplex debate also reflects the complexity of gender/state relations, which no theory has yet adequately encompassed.

Liberal feminism has drawn attention to defects in the legal and political identity of women contradicting their ostensible equality in liberal democratic society. The accent here is on equality of rights of citizenship and the corollary obligations of citizen to state. It points most directly to inequalities of right between the sexes: in the ownership of property, political suffrage, military service, employment, taxation and parental authority. The most sophisticated liberal theory of gender relations is Pateman's (1988). Unpacking the hidden contents of the 'social contract', she exposes 'fraternal' assumptions in the metaphor of legitimate rule. The parties to the contract are male heads of household consenting to political order on behalf of other family members. While the contract is a philosophical fiction, here exegesis of its fine print illuminates the persistent ambiguity in liberal ideology whereby woman is sometimes individual and sometimes the member of a family group. Since liberalism is itself the ideology of the welfare state the liberal feminist critique has redoubled moral force. Pateman characterises the welfare state as patriarchal because it maintains a separation between the private family and the public world of civil society and state. The social citizenship it bestows excludes women from the independence that is the hallmark of full membership in liberal society. Women are not the possessive individuals that men are, but the 'protected' dependants of husbands or the state.

Socialist feminist analysis is more directly centred on the work that women do and its place in the system of capitalist relations. The division of society into public and private spheres set up an exploitive sexual division of labour in both through which the product of women's work is appropriated by capital and enjoyed by men. Even after more than a decade Mary McIntosh's 'The State and the Oppression of Women' (1978) remains the most subtle and persuasive marxist-feminist treatment of the state. McIntosh sees the welfare state as acting to ensure the reproduction of labour power and the relations of production. The modern family household system is historically given, and is both well and poorly adapted to fulfil this function; the state is obliged both to support it and to substitute for it. In either case it serves to uphold male power. Its interventions systematically reinforce the family form of male breadwinner with a dependent wife primarily responsible for servicing the domestic unit. At the same time, the actions of the state avoid intrusion in the ostensibly private affairs of the unit, reluctant even in the case of domestic violence, and thus tacitly support male power within the household.

Radical more than liberal or socialist feminism has spoken directly of power and the domination by men as a group over women as a group. Most arguments have understood women's bodies and bodily capacities as the object of male power, and have seen continuities between the extremes of overt violence and more limited forms of intimidation accepted as legitimate. Radical feminist concerns are expressed most forcibly around issues of women's physical and sexual autonomy, such as abortion and fertility control, pornography, incest, rape and sexual harassment, domestic violence. Recent treatments have given increasing weight to cultural domination and the suppression of female difference. MacKinnon (1983) has characterised the state in these terms. Modelling her argument on the substantive law of rape, she argues that the supposed 'objectivity' of the law and legal process is nothing other than male sexuality and male culture. Women's difference and women's ultimate security of person have no recognition in the 'universal' standards of legal right.

Together, these schools of thought provide most of the materials required to understand the way gender relations are woven into the social policy regimes of the welfare state. There is, however, a large and important area of social policy which no existing perspective places at the centre of its focus. This is sexuality, fertility, maternity and the peopling of the nation. The notion of social reproduction is too general, subsuming sexual and physical in a broad field also including housework, child care and education. The Foucauldian notion of 'biopolitics' (Donzelot, 1979; Foucault, 1980) offers potent suggestions about the role of the state in the construction of the social body, but it lacks both a gender analysis and the terms to deal with the structures of the state.

The present paper is concerned with logics of gender encoded in social policy and the political processes which underlie them. We should not expect these to express unitary gender interests in the state. The interests that men or women may share as a group are cut across by other differences such as class, race, age, region. Neither should we expect to find a singular logic of gender relations. The state is structured in historical process, and its institutions change at different rates and in response to different conflicts. Franzway et al. (1989, p. 45) describe the unity of the state as a practical accomplishment, always contingent and incomplete. The same is likely to apply to structures of interest within it. We are looking for patterns in social policy which run through and across institutions. How singular and comprehensive this logic is is an empirical, historical question.

Franzway et al. (1989, p. 34) argue convincingly that an adequate account of state and gender must treat the state within a more general theory of gender relations. Otherwise the state is put outside the domain of gender and escapes the question of gender interests

and dynamics within its own domain. Methodologically their argument reverses the received hierarchy of theory in which gender is explored within the pre-existing terms of political liberalism, marxism and pluralism. This approach will be followed here, in the sense that the structure of gender rather than of economy or polity will lead the analysis.

We should expect gender regimes to be structured as much by gender as by the state. Connell (1987, pp. 91-118) has characterised gender relations as a complex field in which three identifiable social structures are interwoven. In each of these structures gender is institutionalised in a different way, the product of distinct organisational principles and historical trajectories. These structures are labour, power and cathexis.

In Connell's schema labour refers to the social organisation of work and the sexual division of labour between men and women in paid employment and unpaid activity. He speculates that this structure is organised by the logic of capitalist accumulation, which he regards as inherently gendered, and by male power to shape the political economy in masculine interests. Power refers to gendered hierarchies of authority, control and coercion, including violence, legitimate authority, cultural hegemony, organisational control, regulation and surveillance. The power structure of gender is organised first by the general connection of authority with masculinity, but secondarily also by hierarchies of authority within gender including the denial of authority to some groups of men. Cathexis refers to the pattern of emotional attachments and antagonisms, including the patterning of desire. Connell notes two main patterns of cathexis as socially hegemonic: heterosexuality and the opposition of feminine and masculine, and the organisation of sexual practice in couple relationships.

Connell's threefold schema turns out to be enormously useful for thinking about a comparative basis for the regime concept. The discussion to follow draws on it to explore the gender dimensions in social policy. In elaborating the schema for this purpose I find it convenient to reorder his terms, taking the dimension of power first.² The argument is illustrated with examples drawn from the Australian welfare state, but my longer term objective is to develop a basis for comparative study of gender in the social policy regimes of the liberal democratic welfare states.

2. I intend no violence to Connell's theoretical accomplishment, but still I should stress that all errors and deviations are my own.

4. POWER: LEGAL PERSONHOOD IN SOCIAL POLICY

In social policy at least, the social and legal constitution of the gendered individual is the most basic of the three dimensions, for it defines the civil and political status of the person in all three structures. At stake are all the rights, freedoms and legitimate powers of the individual man and woman underlying the 'choices' of liberal democratic social life and the contingencies provided for by the welfare state.

Included here are all the rights of possessive individualism (Macpherson, 1962), without which one is incapable of full selfhood in liberal society. Most commonly recognised are legal statuses identified with capitalism, such as the right to own property including that in one's bodily capacities, the right to enter into a contractual agreement, and by extension obligations of economic citizenship such as taxation. Conceptually parallel with possessive individualism but less commonly identified with it are rights in the control of one's body and sexual person, as in marriage, consent to sexual activity, and the control of fertility and reproduction. Liberal democratic society also bestows political rights on its citizens. Such rights define access to participation in government as voters and as elected representatives. They guarantee more general political rights such as freedom of speech and assembly, and may also carry corollary obligations including military and jury service.

The welfare state represents yet in a third dimension of rights, that to 'live the life of a civilised being according to the standards prevailing in the society' (Marshall, 1963, p. 74). Its 'social rights' include minimum standards of education, income security and health care. The effective meaning of such rights, however, depends on the character of the specific institutions of the welfare state. These are in turn a product of the legal personhood established in civil and political rights.

Rights of legal personhood rest on the separation of state, civil society and family, and are gendered at several levels. Gender figures most overtly in the extent to which men and women are assigned the same or different rights. This is cross-cut, however, by the degree of individuation of the legal self within the family, and particularly partners within marriage. Women's loss of property rights upon marriage is the best known example of a wider field of concern. Historically the individual rights underpinning economic life have been most salient in the lives of men and those concerning sexuality and fertility most salient for women.

The social rights of the Australian welfare state have been concerned with both. The gender logic of its social policy regimes has been slowly changing, from a logic of different rights toward one of the same rights. Early twentieth century Federation

foundations of the Australian welfare state specified systematic differences in the entitlements of men and women, flowing from differences in status as workers and dependants. The judicial system of central wage fixation specified different wages for men and women, while regulations of hours and conditions set different standards of 'protection' for women. Early social security provisions distinguished between men and women, making the age pension available to women earlier than men, and establishing a maternity allowance for the mother of a child. Women's rights to control their fertility were denied, and birth control and abortion practices forcibly suppressed (Pringle, 1973; Allen, 1982; Hicks, 1978).

This logic of difference in social right continued throughout almost the entire period of expansion of the Australian welfare state. Gendered principles for wage determination were not overturned until the end of the 1960s.³ New social rights were added within this framework, mainly in social security where the elaboration of the system during the second world war established family allowances for dependent children (paid to the mother), pensions for civilian widows (but not for widowers) and unemployment compensation. This last was an exception to the general pattern in that it treated men and women workers equally, and was a response to women's claims to equality during the war. Such claims did not prevent women facing differential treatment in harsh wartime public health measures to control venereal disease, including incarceration (Campbell, 1989, pp. 99-107).

As the Australian welfare state gave men and women different social rights, it constructed the rights of marital partners as largely joined. Unlike those of most other advanced industrial nations its social security system is noncontributory, funded from general tax revenues. Benefits are paid at flat rates set at subsistence levels, with eligibility determined by a means test. Marital law made the husband responsible for the support of his wife, and the obligation was carried over into the social security system. The means test for benefits applies to the combined income and property of husband and wife. In consequence neither has independent claims on income security, even in respect of unemployment compensation.

The logic of difference in the Australian welfare state began to change in the mid-1970s, at least partly in response to the rise of an active women's lobby in social policy. Equality in women's rights has been pursued through anti-discrimination legislation, 'femocrat' women's policy units, law reform, and trade union work (see chapters by Eisenstein, Ronalds, Booth and Rubenstein, Windsor and Graycar in Watson, 1990). In

3. See Ryan and Conlon (1978) for a history of Australian women's struggle for equal pay.

principle gender has since been excluded from wage determination, with equal wages being required for 'work of equal value'.⁴ Fertility control, abortion and reproductive technology have become increasingly accessible, though the control of one's body continues to lack any legal status as a right. Access to these services continues to depend on judicial precedent and the decisions of professional gatekeepers. In New South Wales at least the crime of rape has been degendered as 'sexual assault'. The social security entitlements of men and women have been increasingly redefined as equal, though significant exceptions remain (Shaver, 1983, 1989c). There has been less change in the individual rights of marital partners under the Australian welfare state, which remained joined through the means test. In one important respect the individuation of marital partners has actually been reduced. The recent introduction of compulsory child support under the auspices of the Taxation Department effectively continues financial relations between marital partners after divorce through the mediation of the state.⁵

The liberal emphasis on rights is silent about forms of power not legitimated by the state but all too real nonetheless. These include rape, domestic violence and sexual abuse. McIntosh (1978) has pointed to the separation between public and private spheres as itself a source of male power, for the reluctance of public authorities to intervene serves to uphold unchecked patriarchal power within the household. This argument is a useful reminder of the limitations of liberal theory and its tendency to let individual legal rights stand for the much broader notion of effective social power.

5. LABOUR: GENDER, STATE AND ECONOMY

Legal personhood underlies the economic relation of patriarchal capitalist society, including the social organisation of work and paid employment. The welfare state is a political intervention in that economic system, decommodifying labour by replacing wage relations with the resources of the state.

More broadly, the welfare state confers subsistence income and other resources central to personal wellbeing outside the social structures of kinship, family household, and market

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4. The equal pay principle does not preclude inequalities based on gender segmentation of the workforce or differential valuation of masculine and feminine occupation skills (O'Donnell, 1984). Nor has the principle of equal pay for work of comparable value been accepted. Women's income from full-time work continues at about 75 per cent of men's.
 5. This scheme is modelled on Wisconsin legislation. It provides for a government agency to collect compulsory child support payments from the noncustodial parent and pay them to the custodial parents. Since October 1989 payment levels have been set by formula.

economy. Its provisions replace the social controls of market, family and community with the political authority of the state. It is at once a structure of amelioration and of repression. Welfare arrangements are political constructions varying in time and place with historical background, political organisation, economic circumstances and cultural expectations.

The terms and conditions of welfare provision are political constructions of economic relations. Central provisions of the welfare state, paradigmatically income security, decommodify labour market power. Closely related sectors such as health, education and child care maintain and increase labour productivity. These interventions have a gender as well as a class character, and the social policy regimes concerned with the social organisation of work and production a gender as well as a class logic. This gender logic underlies and reinforces the sexual division of labour in public and private social life.

The gender logic of Australian social policy regimes has historical roots in the class formation and bitter class conflict at the end of the nineteenth century. Castles (1985) has argued that the Australian 'wage earners' welfare state' is a product of the distinctive strategy of the labour movement in the Federation period. Whereas other labour movements pressed for state support for the nonworking population, Australian labour became committed to using state institution such as wage arbitration to protect the wage interests of Australian workers. Castles' argument has an unspoken gender dimension, for labour and liberals alike idealised a sexual division of labour in which men were breadwinners and women economically dependent. This structure was systematically coded in the state institutions formed during the Federation period, of which the framework of wage determination was most important. The 'living [family] wage' set a minimum figure appropriate to men supporting a wife and three children, but gave women workers only 54 per cent of that because they were included in the wage of father or husband (Macarthy, 1976; Ryan and Conlon, 1978).

Australian social security was the subject of class and party conflict throughout the interwar period. Both sides sought to expand the Australian welfare state beyond its Federation beginnings, but each wanted to entrench an opposing class interest in its financial principles. The non-Labor parties held that the working man (sic) might have welfare protection only if he paid and was seen to pay for it: equally, only through contributing could he be said to have a 'right' to benefit. The Labor Party preferred social security to be financed from a tax on income, achieving a modest ransom of capital. The 'right' to benefit would attach to the more general contribution of the citizen as worker and taxpayer. This proposal was insubstantial while income taxing

powers lay with the states, but became the basis of Labor's wartime social security legislation when the Federal Government gained fiscal ascendancy. In class terms the financial outcome was not all that different from the contributory schemes mooted by the parties of capital, for the working class had to pay the new tax (Watts, 1987).

When it came to gender the parties agreed as much as they disagreed. Both modelled their social security thinking on the family wage, treating women as the dependants of men or, in lieu of men, dependants of the state. Labor's legacy in social security includes a system of allowances enabling a 'breadwinner' to support a family even when the bread comes from the state (Bryson, 1983), and a means test assuming the financial union of husband and wife.

The struggle over financial principles did have important consequences nevertheless. Australian income security benefits are more lightly 'work conditioned' than those of systems based on social insurance principles, where benefit entitlements depend upon and reward an individual history of employment and contributory payments. Australian protection is attached to the status of citizen rather than worker. In theory it treats the good worker no better than the lazy one, and indeed its means test is most criticised for penalising those who save for an independent rainy day.

In an important sense the gender logic of Australia's noncontributory system has allowed some women a degree of financial and sexual independence not easily achieved under social insurance, for a married woman's entitlements have not had to be financed through the contributions of her husband. Contributory systems usually exclude sole parenthood from their social insurance arrangements, providing instead from a lower tier of means-tested social assistance. Critics of the American welfare state have pointed to the gendered (and also racial) character of this division, treating the mainly male beneficiaries of social insurance as rights bearing possessive individuals and the largely female claimants to programs such as Aid to Families with Dependent Children as 'welfare' claimants (Nelson, 1984; Fraser, 1987). Australian sole parents have not been subject to such a devalued regime.

The fiscal logic of Australian income security allowed an ideology of maternalism to take direct, material form in pensions supporting widows and sole parents in full-time motherhood. The widows' pension was established during the war, and included both widows with children and older widows. The same provision was extended to unmarried women with children during the 1970s, and to sole fathers soon after when the logic of different rights began to be replaced by one of same and equal provision. Recent cutbacks in welfare provision have begun to enforce the logic of same rights by

withdrawing women's special entitlements, most notably pensions for older widows and sole parents with children 16 years or older.

The direct relation between citizen and state is contradicted for married women (and men) by the means test. Testing claims against joint income, it effectively excludes the second earner from access to income support in disablement, sickness and unemployment. This is an instance of the broader gender logic inherent in the asymmetric financial basis of Australian income security. In taxation its revenue system treats people as separate individuals, but provides a substantial rebate to taxpayers supporting a dependent spouse. These are mainly males with above-median income. On the benefit side, however, claimants are treated as members of family groups, making provision for dependent members and applying means test to joint income. The fiscal circulation of social citizenship is patriarchal in both symbolic and material effects. Monies are taxed from individuals, with men paying the largest amount because of their larger incomes. Monies are returned to the same individuals only as members of family groups, with eligibility in ideologies of maternalism, marriage and mutuality. The overall circulation reproduces the breadwinner/dependent relation of traditional family ideology (Shaver, 1983).

This gender logic is part of a wider pattern of state/economy relations. Comparable gender logic has been shown for child care, education and health (Cox, 1983; Blackburn, 1984; Broom, 1983, 1984). The pattern came under challenge during the 1960s, when cultural, economic and political change came together historically (Game and Pringle, 1983).

During the 1970s the move toward a gender logic of same entitlement underpinned first an expansion of welfare provision, the most important dimension of which was extension of support to sole parents, and during the 1980s programs of reform in the face of widespread child poverty concentrated particularly in sole-parent households. Reform of divorce law in the mid-1970s facilitated access to the pension as maintenance and property settlements came to be tailored to means test provisions. These provisions have created poverty traps as disincentives to paid employment by pensioner mothers. Recent changes have been directed toward both increasing payments to low income families and reprivatising the support of children after divorce. The basic gender logic of Australian income security continues unchanged.

6. CATHEXIS: SEXUALITY, FERTILITY AND REPRODUCTION

Australian social policy works to sustain and legitimate the family unit headed by the married couple, *de facto* or *de jure*. Its provisions show a consistent privileging of heterosexuality over homosexual partnership. It works, too, to regulate fertility and the production of children. However the Australian evidence suggests that theories joining these instances together in the concept of reproduction overstate the coherence of the state. The logic of social policy regimes is not necessarily singular or unitary, and in Australia at least regimes oriented to the structure of cathexis seem to be multiple and diverse.

I have already noted the central place of the marital couple in the social policy regimes of the Australian welfare state. This partnership has been central to wage determination, income security and taxation. More recently it has been an important, if less formal criterion in the regulation of access to reproductive technology. The gender logic of Australian policy is relatively indifferent between *de jure* and *de facto* forms. From its inception the widow's pension has been widely defined, including in its ambit unmarried widows and 'deserted' (i.e. separated) wives. During the 1970s, when *de facto* relations became much more common, taxation and other social security provisions were similarly extended.

At the same time, however, Australian support for sole parenthood confers a limited but significant independence from marriage. 'Widows' have been provided for since the 1940s. 1970s legislation for supporting parent's pensions extended the same coverage to single mothers, deserting wives and men with children. Sole parent pensioners have become a significant pressure valve for an increasingly volatile family structure. They are clearly facilitating divorce, remarriage and the emergence of a more autonomous sexuality, one less clearly based on the co-resident couple.

The cohabitation rule polices the boundary between single individual and *de facto* couple in the social security system. This rule requires that co-resident partners in marriage-like relationships be treated as supporting one another financially. A sole parent having a *de facto* partner is ineligible for income security, even if that partner is unwilling to support the parent's children. The cohabitation rule is defended as necessary to avoid the situation where the state treats people in *de facto* relations more favourably than those formally married. The effect is to enforce financial and residential segregation in the

sexual lives of sole parents.⁶ This, and the severe poverty of sole parents, limits the independence conferred by the availability of sole parents' pensions.

Structural support for the couple relation does not extend to homosexual partnership, which is largely unrecognised in social security, taxation and other frameworks of the welfare state. Homosexual couples are privileged in some respects: the pension entitlements of sole parents, for example, are not affected even when the partners live together, share financial obligations or publicly declare themselves joint parents of the children. Such couples are, however, precluded from the recognition by the welfare state that they provide care for one another. Its provisions for dependency do not apply, for example, to the homosexual partner of an age or invalid pensioner as they would to a heterosexual spouse. The carer's pension is available to a man caring for a partner sick with AIDS, but the eligibility carries no specific recognition of the partner relation. The same provision is available to any adult unable to work because of responsibility for caring for an ill person.

Nor does the logic of natalist social policy always or necessarily entail support for marriage and conventional family form. In Australia natalist policies have often been indifferent to marital status. Both maternity allowance and family allowance, for example, have always been paid to single as well as married mothers. The hidden agenda in family allowances has repeatedly concerned the restraint of male wages (Watts, 1987; Cass, 1983). More commonly it has concerned race. The maternity allowance began as part of a Federation package to make women the 'breeders' of a white nation (de Lepervanche, 1989). Even twenty years after Aboriginal mothers became theoretically entitled to family allowances the money continued to be paid to their 'protectors' on their behalf (De Maria, 1986).

7. RACE AND ETHNICITY IN SOCIAL POLICY REGIMES

As the last examples show, the discussion of social policy regimes needs to go beyond gender to include policy logics of population, race, ethnicity and nation in the structures

6. There is a continuing history of conflict over the definition of *de facto* marriage in social security. In principle the existence of a sexual relation is not supposed to constitute marriage-like circumstances. After heated controversy over intrusive investigation by social security authorities the definition has been reconstructed in terms of multiple criteria including co-residence, sexual relations, shared parenthood of a child, joint ownership of property, debt or other economic relations, and other factors. Most recently and over objections from women's and civil liberties organisations the definition has been rewritten so that a man and woman living under the same roof are assumed to be *de facto* marital partners unless the sole parent proves otherwise.

of the welfare state. Welfare provisions also carry these social structures, in complex articulation with those of gender and of class. Entitlements to income security, for example, are defined in terms of birthplace, residence, membership of indigenous society, immigrant status. Their effect is to confer differential access to income support on native peoples, resident aliens and citizens by birth or naturalisation.

Regimes of race and ethnicity record the social history of the nation state in settlement and nation formation in the social citizenship of the welfare state. Their basis lies in boundaries dividing the 'imagined community' of the nation (Anderson, 1983) in terms of race, culture and birthplace. Such boundaries may be defined by law, public administration or calculated use of labour market segmentation. They mediate conflict between indigenous, majority and minority groups.

I have begun to sketch the regimes of race and ethnicity in Australian income security elsewhere (Shaver, 1989b). I want here only to identify some of the points of connection between class, gender and race and ethnic relations in social policy. The starting points for such an analysis lie in the history of the state and nation formation. Williams (1989) interprets British social policy in the light of British imperialism. Beckett (1987) terms social policy for the management of indigenous peoples in settler society 'welfare colonialism'. Piven and Cloward (1971) and Quadagno (1988) have pointed to regional political economy as the underlying basis of racial boundaries in the American welfare state. More specific bases of race and ethnicity in social policy regimes lie in the structures of legal personhood, labour and cathexis.

Legal personhood is differentiated in terms of citizenship status, so that social groups vary in rights of residence and permanency in their membership in the nation. Such differences have consequences for rights of contract including employment and access to the courts, for rights to political participation, and for access to the provisions of the welfare state. The situation of indigenous peoples is especially complex, for their history of dispossession suggests both special rights as original inhabitants and the same rights of all citizens. In all these dimensions the rights of men and women may differ. Women immigrants to Britain, for example, do not have the same right to be joined by an immigrant spouse as do immigrating males.

Social policy regimes also play a part in the differential integration of race, ethnic and cultural groups in labour markets and the economy. Labour markets are highly segmented by both gender, race and ethnicity and by gender (Castles and Kosack, 1973; Gordon, Edwards and Reich, 1982). Welfare payments mediate these relations with differential entitlements to income support according to citizenship, length of residence

and other status criteria. The effects of these differentials are further conditioned by class and gender in educational stratification, urban structure, and the familial bases of immigration and residential mobility.

Social policy regimes also carry biopolitical agenda shaping patterns of family formation and cathexis. Australia's version of 'welfare colonialism', for example, draws strongly on gender in the dependence of indigenous communities on sole parent provision. As Australian policy shows so clearly, natalist policies are centrally concerned with the racial construction of the nation. Immigration policy is actively concerned with the construction of the immigrant family (Martin, 1984). In the present moment the AIDS epidemic has made sexual orientation an overt rather than a covert issue in policies concerning travel and migration, and in a variety of other social policy areas as well.

8. CONCLUSION

When Macpherson asked whether we need a theory of the state, his own answer was yes. He concluded that some of us at least, 'we' who share social democratic values, do indeed need a theory of the state in the grand tradition. According to Macpherson the hallmark of such a theory is that it evaluates the state in normative terms, explaining the history and character of public power in relation to suppositions about human nature and the purpose of social life. This normative basis makes the difference between an empirical account of institutions and a full-on critique of their limitations in the face of human needs and potentials.

Macpherson's own analysis points to the increasing engagement of the state in constructing the political forces that contend for power in liberal democratic society. More than a decade later his focus on a new pluralism of competing capitals seems narrow, giving too little weight to dimensions of social structure and conflict not reducible to the dynamics of class and capitalism. To take his point we must expand and generalise it, seeing the state as also deeply and actively implicated in the structuring of gender relations. Its gender structures are complex historical constructions, the unity and coherence of which are problematic and incomplete.

The gender regimes of the Australian welfare state give some idea of what this might mean. These are increasingly structured around a logic of gender neutrality in entitlement, with the ideology of complementarity of marital roles, materialism and female dependency being replaced by flexible partnership in more equivalent gender identities. The deeper gender logic of financial partnership of the couple continues unchanged, however, in the continued basis of income security on the heterosexual

marital couple, now more reciprocally responsible for one another's support. At the same time discontinuities in the gender logic of Australian social policy regimes signal breaks with the commitment to marriage and family, in limited support to an autonomous parenthood and in a link between natalism and nationalism.

Macpherson reminds us of the potentials of theory in the grand tradition, lately conflated with the universalising tendencies of particular versions. The normative commitment of such theory is what enables empirical analysis also to be critique, for it requires us to connect an account of the working of the state with ideas about what human society might and should be. It is this commitment which raises an account of a concrete instance of mediation and social control to a more general statement about power and rule, interests and oppression.

We are interested in the welfare state because its ideological claims are to ensure the fulfilment of human potential, or more modestly to equality of opportunity for such fulfilment. We know not only that it does not achieve such, but that the welfare state is implicated in the social structures and processes by which the potential of some social groups is denied in the interests of other social groups. I suggest that a theory of the state in Macpherson's tradition is essential for such critique.

The gender logic of social policy regimes show the connections between the structures of the welfare state and the structures of interest and power within and beyond the state. To identify these is to move toward an understanding of how women as a group are subordinated, and of how some women are part of the subordination of others, male and female. It is also to understand how the structures of power are historically constructed, another way of describing the forces by which they may be changed.

Yet normative commitments have divided as much as united feminist interpretation of the relation between state and gender. Williams (1989) identifies six schools of feminist critique of the British welfare state: libertarian, liberal, welfare, radical, socialist and Black feminisms differ in varying degree. As Williams' categories suggest, feminist attempts to appropriate liberal, marxist and radical theories of state and state power have served to replicate these conflicts at the centre of the feminist theoretical enterprise. In this respect the argument of Franzway et al. (1989) for treating the state within a more general theory of gender and society is of more than methodological significance. It has also political implications, for it raises the normative commitment to gender equality from a secondary to a primary principle of theoretical enterprise and social critique. Differences will rightly remain, but perhaps they will be more our own.

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