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Jane Lewis

**Equality, Difference and Gender in
Twentieth Century Welfare States**

Depending on how social citizenship is defined, it may be argued that women achieved social citizenship rights before they became entitled to vote. Certainly in Britain, women were protected by legislation regarding hours and conditions of work (from the 1840s), as well as by a form of minimum wage legislation (in 1909), long before they were enfranchised. This, of course, raises questions as to how far social rights have been “imposed” and how far they are generally participative.

Most states have operated a gendered model of welfare entitlements that defines and treats women as Wives and/or mothers. Their labour market position then becomes a matter of individual “choice”, with greater or lesser opportunity for legal redress in cases of sex discrimination. All Western European countries began with welfare regimes that conceptualised women primarily in terms of dependency on men. They have varied considerably in terms of how far they have moved away from this model. Ireland, Britain and Germany remain strong “malebreadwinner states”, still casting women’s entitlements in relation to their marital status, while Sweden has moved furthest away from such a model, making benefits dependent on labour market status in the case of women as well as men. Interestingly, the framework of equal treatment on the basis of labour market participation, supported by a full employment policy, seems to have made possible the greater recognition of women’s caring work in the family.

Many feminists have addressed the difficult issue of the basis for women’s claims on the state, the fundamental choice appearing to be that between equality and difference. In policy terms, this has translated into claims based on women’s status as paid workers or on their status as mothers. As Joan Scott (1988) has argued, this is an impossible choice. An option for equality means acceptance that difference is antithetical to it, and an option for difference means admitting that equality is unattainable. Furthermore, it is a choice that women reformers have historically

sought to avoid, using both arguments strategically (Lewis, 1991). Yet when Alice Kessler-Harris suggested in evidence given during the course of a legal case that women's claims might be premised on either equality with men or difference, depending on the particular historical moment and the group of women concerned, the court found such ambiguity unconvincing as a legal argument (Scott, 1988; Kessler-Harris, 1989). Writers like Scott urge us to transcend the dichotomy of equality and difference, but it is hard in policy terms to know what this means. However, while it is by no means clear that Swedish policy has succeeded in "transcending" the dichotomy, it has constructed a distinctive equal opportunity strategy by grafting the right to make a claim on the basis of difference onto a policy based on equal treatment.

Such an example also serves to raise a second crucial question: what can be hoped for from the state? Many English speaking feminist policy analysts remain ambivalent at best as to their expectations of state action, given women's weak institutional position and the historical tendency of most welfare states to make assumptions about the reality and desirability of female dependence on men when formulating welfare policies. Although recognizing that the outcomes of welfare policies have changed familial and other structures in society, such that male power has been challenged, state policies have also served to perpetuate patriarchal structures. At best, English-speaking feminist policy analysts view state patriarchy as patriarchy at a remove and thus preferable to dependence on individual men (eg. Oakley, 1986). In contrast, the Scandinavian literature on women and the state has grown increasingly optimistic about the possibility of a 'woman-friendly state' (eg. Hernes, 1987). This in part a product of the nature of policies delivered in Scandinavian countries, and in part due to the rapid increase in women's formal political representation. All Nordic parliaments (with the exception of Iceland) have a critical mass of women members.

This essay begins by reviewing the gendered basis of social entitlement in Western European welfare regimes whereby women have tended to be defined in terms of their role as wives and mothers and then moves on to explore the extent to which this has changed in the post-war period. It ends by discussing the problems and possibilities of entitlements based on equality rather than difference.

Welfare state regimes and the Basis of Social Entitlement

All Western countries developed policies of social amelioration over the last century. The mainstream literature on the development of welfare states addresses the economic, institutional, political, and class variables that may explain this, but often ignores gender and race. The older functionalist arguments which viewed the emergence of social policies as part of the logic of industrialism go some way toward suggesting why modern states took steps to rehabilitate the injured, facilitate labour mobility, and protect skilled (male) workers against sickness and unemployment (eg. Wilensky and Lebaux, 1958). Many more recent left-wing writers on the emergence of welfare states have also stressed the degree to which the survival of capitalism requires a degree of social protection (eg. Rein, Esping Andersen and Rainwater, 1987).

But the timing and instruments of social protection differs widely between nation-states. Explanations of this variation have focused much more on actors and politics, with the arguments falling into two broad camps: either that social provision has been imposed 'from above' or extracted by working people 'from below'. Theda Skocpol has made a forceful attempt to 'bring the state back in' and to argue for the importance of states and bureaucracies as autonomous actors (Evans, Ruesmeyer and Skocpol, 1985). But the majority of participants in the debate focus on the importance of social class. Frances Fox Piven and

Richard A. Cloward (1971), for example, have argued that elites made concessions to the poor to prevent or respond to social unrest but that the gains were substantially weakened when peace was restored. The social democratic 'power resources' model emanating from Sweden has argued for the importance of working-class strength and the way in which wage earners were able to use the democratic state to displace class struggles from the workplace into the political arena (Korpi, 1978). More recent work has emphasized the importance of alliances between the working and middle classes in the creation of 'solidaristic' welfare states that offer universal, tax-based provision (Baldwin, 1990).

Women tend not to figure in these accounts of the development of welfare provision, in part because they focus on state-provided welfare to the exclusion of provision by the family and voluntary organizations. Seth Koven and Sonya Michel (1990) have suggested that in the weakly centralized late-nineteenth states of Britain and United States women were able to exert considerable influence through their philanthropic work. However, the field of influence (measured by the amount of legislative change) secured by even famous women philanthropists remained small. Moreover, the vast majority of nineteenth-century British and American women remained poor, and because philanthropic effort was patchy, such benefits as they acquired were unevenly distributed.

Welfare states developed varied structures which have had very different implications for women. The Scandinavian (social democratic) countries and, to some extent, Britain, emerged from World War II with a commitment to universally provided benefits and services, based on citizenship rights and full employment. The conservative/Catholic countries (Austria, Belgium, France and Germany) emerged with a commitment to making the state a compensator of first resort through social insurance programs designed to maintain status differentials

between occupational groups, and between men as breadwinners and women as wives and mothers. The principle of 'subsidiarity' also ensured that the state only intervened to provide services when family resources were used up. The United States, to some extent Canada and Australia, and, by the end of the 1980s, Britain, developed 'liberal' welfare regimes, characterized by means-tested benefits and a residual role for the state (Esping Andersen, 1990)

Few scholars have attempted to introduce gender into the analysis of welfare regimes. The major commitment of both conservative and liberal welfare regimes in the twentieth century has been to the development of insurance schemes which work via the labour market. Core welfare programs have thus been above all the prerogative of the regularly employed, who have been predominantly male. In most welfare systems, women's rights to welfare have therefore been indirect, a function of their presumed dependence on a male breadwinner. This has meant, first that women's substantial contributions to welfare, both paid and unpaid, have been ignored and with them the direct entitlements that should have been women's due; and second, that women's needs have been defined in terms of motherhood as a social function rather than on the basis of individual need (Land, 1978; Riley, 1981).

Although potential or actual motherhood provided the justification for making the grounds of women's social entitlements different from those of men, in most states' social security systems women have qualified for benefits as wives rather than as mothers. Women have thus been provided for via their husbands in accordance with assumptions regarding the family wage and the bourgeois family form. Women with children and without men have historically posed a particularly difficult problem. Over time, governments have oscillated between treating these women as mothers, or, given that they lack a male breadwinner to depend upon, as workers. In liberal welfare regimes, where a dual

insurance/assistance model operates, first-class (insurance) benefits tend to go to men and second-class (assistance-based) benefits to women who have no call on men (Nelson, 1990).

Social citizenship entitlements are thus linked firmly to the independent status of wage earner (Pateman, 1988). Nowhere has government attached a significant value to the unpaid work of caring that women do for the young and old within the family. To this extent gender regimes tend to cut across other ways of categorizing welfare systems. All Western European welfare systems began by recognizing women's entitlements on the basis of difference as wives and mothers; most have moved towards the equal treatment of women paid workers, the uneasy operation of such a dual system of entitlement becoming painfully clear in the case of lone mothers. Only in Sweden is the basis of the welfare structure clearly equality rather than difference, with the recognition of difference has been grafted on to the model.

The Meaning of Equality and Difference in European Welfare Regimes

State social policies have differed in terms of the assumptions they have made about women's activities and in the degree to which they have actively intervened to promote certain kinds of behaviour. Policy decisions to do nothing, for example regarding the promotion of women's integration in the labour market or in securing the provision of child care, also have profound significance. While social policies towards women's employment may appear neutral (as in Germany), ambiguous (as in Italy) or even favourable (as in France), family law in those countries has historically served to underpin the authority of the husband regarding decision-making in respect of children, divorce and whether the wife takes paid work. While all states have modified their adherence to the male breadwinner model, the extent to which they have done so depends on the issues on which policy-makers have chosen to intervene and the level at which they have decided to do so. Where the male breadwinner model still has major purchase, then women find that they gain entitlements mainly as wives. Their position as paid workers is, at best, a matter of secondary concern (Britain and Germany), and at worst, actively discouraged (Ireland).

Britain, like Ireland, Germany and indeed the Scandinavian countries before the 1960s, exhibited all the hallmarks of a strong male breadwinner state. At the turn of the century, social investigators, philanthropists and policy-makers shared the view that the traditional division of labour between adult family members was crucial to social stability and personal welfare (Lewis, 1991). A prohibition on the work of married women was mooted but not enforced (mainly in respect of women in the professions) until the inter-war years. Similar bans existed in Ireland and Germany. More importance was attached to the effort to educate working-class wives and mothers in household management and infant welfare, using the small army of female 'visitors' attached to charities and increasingly, by the First World War, health visitors employed by local authorities (Lewis, 1980).

Insofar as the majority of families never achieved the gendered division of labour that depended on men being able to earn a family wage, policy prescription inevitably conflicted with reality and was subject to a number of internal contradictions. While women's welfare as wives and mothers was paramount, social policies were not permitted to undermine the man's responsibility to provide for dependants. Thus, the national health and unemployment insurance introduced in Britain in 1911 did not cover women and children unless the woman was in full-time insurable employment (only 10% were so placed). Nor was much protection offered the married woman as worker; Britain failed to implement paid maternity leave and never ratified the ILO Washington Convention provision for six weeks paid leave (Lewis and Davies, 1991). Again, the argument was that the father must support his family and that women's waged work was detrimental to the welfare of children and to the stability of the family. In Britain, protective labour legislation was, as Mary Poovey (1989) has commented, the obverse of control. The concern was not so much to maximize the welfare of working women as mothers, but to minimize their labour market participation, a position that was shared by male and female trade unionists and middle-class women social reformers. The position of women workers was more complicated in that, while there is evidence that they supported the family ideal, material circumstances dictated their need to earn.

Under the post-war Beveridgean settlement, women continued to be treated as dependants for the purposes of social entitlements in Britain. Beveridge (PP. 1942) wrote at length of the importance of women's roles as wives and mothers in ensuring the continuance of the British race (at a time of fears about population decline) and insisted on marriage as a 'partnership' rather than a patriarchal relationship (Wilson, 1977; Lewis, 1983). It was, however, at partnership in which the parties were to be equal but different. Hence women were defined as wives and mothers

and therefore as dependent on a male wage. Married women were accordingly invited to take the 'married women's option' paying less by way of contributions and collecting less in benefits. The married women's option was not abandoned until the middle of the 1970s with the passing of equal opportunities legislation. From the mid-1970s, Britain offered an allowance for the unpaid work of caring for infirm dependants (the invalid care allowance) Within the social security system, but interestingly - at the very same time that legislation was being passed to provide women with the means of legal redress on an individual basis against sex discrimination in pay, promotion, hiring and other mainly workplace-related issues - the invalid care allowance was denied to married women on the grounds that caring was part of their normal duties.

A broadly similar pattern of treatment characterized most mid-century European social security systems. Adherence to the male breadwinner model was perhaps strongest and most long-lived in Ireland, where a marriage bar prevented married women from working in the civil service until 1977; where those (relatively few) married women who did succeed in entering the labour market faced exceptionally harsh treatment under the tax system, with high marginal rates and very low tax-free allowances; and where, until the mid-1980s (under pressure from EC law), married women received lower rates of benefit, shorter lengths of payment of benefit and were not eligible for unemployment assistance. Indeed, Ireland was the only European country to pay dependants' benefits regardless of whether the wife was in paid work (Callender, 1988). Thus in Ireland, the government assumed active responsibility for enforcing the traditional division of labour between men and women and treated women as profoundly different from men.

In Germany, modifications to the strong male breadwinner model have not been dissimilar to those in Britain in that women have been left to

'choose' whether to engage in paid employment. Equal opportunities legislation helps to ensure a measure of equal treatment if they do enter the labour market, but government does not provide much by way of systematic aid to their labour market integration, and it is also assumed that they will provide unpaid labour in the home. Until 1977, German family law reinforced the domestic authority of husbands; indeed, Germany continues to provide incentives to the traditional gendered division of labour, particularly via its tax system, which is heavily weighted in favour of married, one-earner couples. Its female labour participation rate is significantly lower than in either Britain or France. In Italy both patriarchal family law (substantially reformed in 1975) and the lack of any coherent pattern of social security or social services have rendered the family and within it, women extremely important in the provision of welfare. This in turn has served to suppress women's employment relative to northern European countries (Ireland excepted), although women's share of the labour market increased by 5% during the 1970s and 1980s.

Britain and Germany give very little incentive to married women's work either in terms of social protection for those who become mothers, or in securing child-care provision. In Britain maternity rights granted in 1975 were actually eroded during the 1980s. Neither country has a large amount of publicly funded child care relative to France and the Scandinavian countries. Italy is also weaker in this respect, particularly with regard to provision for young children, but it does provide more generous protection for women as women, which is in line with the more general support it provides for women whenever they are identified as mothers. France also provides generous recognition for working mothers and, like Italy, has a strong history of pronatalism that has legitimated its family policy. But French policies have for the most part recognized mothers indirectly through a system of family benefits that has focused on compensating parents for the costs of children and has historically

taken precedence over policies to redistribute income vertically between rich and poor. In 1945, allowances enabled a French family of four to double its income, whereas in Britain the same size family received only 15 shillings from family allowances when the average male wage was 121 shillings (Pedersen, 1993).

In France, women have also historically been recognized as paid workers in an occupational structure that remained heavily based on agriculture and family enterprises until well after the Second World War. Until 1970, French family law allowed the husband to dictate the place of the family's residence and whether his wife should go out to work, even though it was not in the interests of most husbands actively to prevent their wives from working. In France there were no early twentieth-century attempts to push women out of the labour market (other than in Vichy France during World War II), and paid maternity leave was introduced as early as 1913. Since the early 1970s, benefits have been granted to families with a single wage-earner **and** in respect of child-care expenses. Government have explicitly sought policies to give women a genuine choice regarding paid employment, which was recognized to involve the substantial provision of child care. Nevertheless, both the tax and the social security systems still work effectively to penalize married women's paid work and to favour women in low-income families who stay at home.

In the Scandinavian countries women have high labour force participation rates dating from the 1960s. These are closely related to the growth of the welfare state, which provided for women as workers as well as clients. Additionally, in Sweden, government policy gave deliberate and decisive encouragement to women to enter the labour market in the early 1970s and to the creation of a dual breadwinner family norm by implementing separate taxation (which in a highly progressive tax system reduced married women's marginal tax rates), by

rapidly expanding public day-care provision and by instituting a policy of generous parental leave following a birth and for sick children. Thus women engage in paid work at virtually the same rate as men, and then exercise their right to labour market-related benefits that provide recognition of their needs as mothers. Less than 10% of parental leave is claimed by men. Only 6% of Swedish women do not conform to the requirement that they get a job before a baby. These pay the price by qualifying only for low assistance-based flat-rate benefits rather than getting insurance-based replacement income. Labour markets are strongly sexually segregated and it is likely that women's exercise of parental leave entitlements exacerbates this. But the recognition of women's unpaid work via mechanisms such as parental leave in Sweden and family benefits in France bring significant advantages to women in those countries. In Davies and Joshi's (1990) econometric analysis of gross cash earnings foregone by a women bearing one, two or three children, the costs in Britain and Germany are shown to be similar and high at 50% of income. In France and Sweden the costs are similar and low at 10% or less.

In the case of lone mothers, countries where there is a stronger assumption as to the primacy of women's unpaid work, there is no consensus as to the treatment of these women. This must be related to the fact that their position defies the logic of the male breadwinner system, however residual. Thus Britain (and until recently Ireland) treats them as mothers and does not require them to register for benefit if they have a child under 16. Low levels of child care, a regulation that makes it impossible to set child-care expenses against earnings, and a social security system that permits only low earnings discourage entry to the labour market. In Germany, low rates of benefit and work tests tend to define these women as workers; in Italy, difficulty in gaining welfare entitlements makes this trend even more pronounced. France provides a special benefit to lone mothers for 12 months or until the youngest child

is three, the clear expectation being that they will then enter the labour market. However, French lone mothers gain from universal benefits for children, and, as Jane Millar (1989) has shown, France is one of the few countries in which unemployed lone mothers are almost as well off as those in paid work. Swedish lone mothers have high rates of labour market participation; like other adult women, they are assumed to be workers. In terms of material outcomes, Swedish women do the best (Millar, 1989), but they are exceptionally time-poor; in her study of Swedish parents, Phyllis Moen (1989) found lone mothers to experience considerable psychological stress.

Thus the Swedish system is based firmly on equality, but the conception of equality is very different to that which is prevalent in the English-speaking countries. British and US legislation has sought to secure women's equality with men in the public world of employment. Under equality opportunity legislation in these countries, if a woman receives less pay than an equivalently employed man, or if she suffers discrimination in hiring, promotion, or layoff, she may seek legal redress. The legislation was premised on the idea of securing formal equality between women and men at work. In contrast, Sweden had a considerably stronger and better institutionalized tradition for also recognizing women's needs as mothers. This, together with the active labour market policy at the core of the Swedish welfare system, enabled women to synchronize family and labour market work. Sweden did not pass equal opportunity legislation on US and British lines until 1980, but the legislation lacks adequate enforcement provisions and has been little used. Rather, the Swedish equal opportunities strategy has involved, first, defining all adults as workers and providing incentives to ensure that women enter the labour market and, second, providing compensation to women and men for lost earnings with generous recognition of the needs of parents. To this extent the Swedish system moved beyond the severely formal equality on men's terms offered in Britain and the United States

to encompass women's needs as mothers. Nevertheless, arguably, the Swedish strategy has not been gender-neutral at all, but was the result of government's desire to see a change in the way **women** used their time. There have been no really significant changes in the way in which men divide their time between paid and unpaid work.

Possibilities for Equal and Different Treatment in Welfare States

During the 1980s, social policies in both the United States and Britain moved more firmly toward an equal treatment model within the context of government determination to 'roll back the state' and to stamp out the so-called culture of dependency. Workfare schemes, which set terms of work or training to be met in return for benefit, employed the rhetoric of gender equality. Mothers were expected to put their children in daycare and were then treated in the same way as male applicants for benefit. A similar rhetoric of 'formal' equality underpinned 1980s divorce law reform in both the US and Britain, where the attack on 'alimony drones' and the idea that women and men should start again on 'equal terms' with a 'clean slate' gained acceptance, despite increasing evidence that the gendered division of work and gendered access to resources reproduced prior, substantive inequalities. Sylvia Hewlett's bitterness about women's double jeopardy as less well paid, lower-status workers, and as mothers with little state aid or protection, led her to look favourable on the family policies of the European countries. However, it is dangerous to lump these policies together. European welfare regimes vary, with some primarily motivated by pronatalism rather than by any notion of gender equality. What is granted in the name of pronatalism can easily be taken away.

Hewlett is not alone in rejecting claims based on equality in favour of claims based on difference. Pateman (1990) has argued for a concept of a universal participatory citizenship grounded in the recognition of sexual difference such that women can actively participate as fully autonomous members of the body politic. However, historically it has proved very difficult to validate the caring work that women do in modern industrial societies. Whenever a state benefit has been offered to women for their work as mothers, or more commonly in the 1980s, for their work in caring for elderly and infirm dependents, the rates have been extremely low.

In fact, within modern welfare states, better benefits have always been accorded to those with attachment to the labour force. Thus the Swedish system, rooted in equal treatment, but with provision for the recognition of difference, secures first-class rather than second-class social benefits for women. Arguably the aim should be to change the system entirely such that unpaid work commands equivalent benefits to paid work. Pateman has argued for a redefinition of work, paid and unpaid, that would lay the foundation for a new form of female citizenship. This is an important vision, but regrettably, it has little purchase given the way in which welfare regimes have been gendered. Indeed in countries like Britain and the United States the boundaries between primary and secondary labour markets and between paid and unpaid work have been more tightly drawn during the last decade, with the result that welfare systems have also become increasingly residual. Women have suffered disproportionately.

For women to participate as fully autonomous citizens, there must be substantive choice in the matter of paid and unpaid work. As Hilary Land and Hilary Rose (1985) have argued, for the choice to engage in unpaid caring work to be genuine, women must be able to choose not to care. The Swedish model guarantees that choosing to care will attract

reasonable monetary reward only so long as the carer has first undertaken to become citizen worker. But among existing models, the Swedish, for all its unresolved problems, may still be the most attractive. However, it is unlikely to prove exportable to countries like Britain where unemployment is high and women tend to be in 'precarious' short part-time and casual jobs.

The Swedish system for securing equal opportunity is nevertheless useful in assessing the rich literature emerging on the proper basis for women's citizenship. Much of this work rejects both equality and difference as the basis for women's participation and instead makes the case for 'participation from below and the representation of differences. Iris Marion Young (1989), for example, has argued that the idea of universal citizenship has in practice excluded groups judged incapable of adopting the general point of view and that the existence of privileged groups has meant that the equal treatment inherent in the idea of universality has perpetuated inequality. She has therefore advocated that full participation by all requires mechanisms for group representation. However, by beginning with the construction of ways to represent differences, Young begs the question of how the problem of differential power and hierarchy between interest groups is to be overcome. In the case of Swedish women's social citizenship, the central state had to secure equal treatment via labour market status before women could exercise a claim grounded in difference without suffering grave material disadvantages. It is, however, important that the Swedish citizen-worker system came into being without much active campaigning on the part of women; the government was anxious to address the problem of labour market shortage. But since 1970 women have captured a substantial number of Parliamentary seats, which may provide some support for Laura Balbo's (1987) suggestion that strong welfare states provide women with political entitlements.

Not only are differences difficult to recognize and to value equally within the hierarchical and segregated gender system of late-twentieth century states, but, unfashionable though it might be to say so, it is unlikely that any authority other than a central state can exert sufficient power to change that system. One problem with the equality/difference debate is that it tends to make women's choices between the two strategies the focus of attention rather than the gender inequalities that underpin the choice.

As Merle Thornton (1986) has suggested, only 'equal freedom' or 'equal consideration of interests' will empower the genders, but thus far no workable means has been found to achieve equality for women **qua** women. Women are left with the pragmatic option of using claims based on equality and difference strategically, in the time-honoured manner of feminist movements.

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