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Feminism and the State:  
The Politics of Wife Abuse Reform

by  
DAWN FAROUGH

A Thesis  
Submitted to the Faculty of Graduate Studies  
in Partial Fulfillment of the Requirement for the Degree  
Master of Arts

Department of Sociology  
University of Manitoba  
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THE POLITICS OF WIFE ABUSE REFORM

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DAWN FAROUGH

A thesis submitted to the Faculty of Graduate Studies of  
the University of Manitoba in partial fulfillment of the requirements  
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MASTER OF ARTS

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Abstract

Feminism as an ideology and a social movement seeks to challenge and transform the state. Yet, feminists find themselves in the ironic position of involving and working with the state on the issues which concern them. This thesis examines the working relationship between the state and the women's movement over the issue of wife abuse. Any strategy regarding the state and its usefulness in effecting social change must consider the nature of the state. In Chapter One, the work of neo-Marxist and feminist scholars considers questions of state autonomy, capacity, unity and conflict. This chapter also examines the merits of metatheory and comparative-historical research and the dialectic between feminist ideology and strategy. Chapters Two and Three trace the evolving relationship between the state and the women's movement in their response to wife abuse. Two periods of wife abuse reform are discussed: the English, American and Canadian campaigns during the nineteenth and early twentieth centuries and the contemporary period beginning in the late 1960s. In both periods, the women's movement and the state compete to define and manage the issue according to their own ideologies and strategic styles. Chapter Four profiles the battered women's movement in Manitoba in order to provide an understanding of how feminists perceive the state, its usefulness to them and the political strategies used in working with and/or challenging the state. The thesis argues

that feminists need to explore the social and historical character of state apparatuses and relations. It concludes that the limits of state autonomy, power and reform are unknown and that feminists who wish to struggle with the state must push the state to its limits, acknowledging its complexities while taking advantage of its contradictions and vulnerabilities.

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## Introduction

This thesis deals with the politically important question of how feminist analysis and practice should approach the state. I examine the state both theoretically -- what is the state and what are the limits of state power -- and in more concrete terms -- what does state involvement mean for feminists, especially state involvement in "feminist concerns"? The relationship between the state and the feminist movement in western democratic societies inevitably involves conflict, contradiction and compromise. I propose to illustrate this relationship by analyzing the struggles between the state and feminists around the social problem of wife abuse. Specifically, I propose to examine the positions of the state and the feminist movement in terms of the historical emergence of wife abuse as a public issue and the current legal and social issues which surround it.

Chapter One examines the theoretical debate around the state. The work of neo-Marxist and feminist scholars deals with the character, structure and determination of the state and more specifically, the role of the state in contributing to and constructing oppression. The discussion centers on questions of state autonomy and capacity: does the state have autonomy from patriarchy and/or capitalism? Is the state capable of and willing to respond to social protest? This chapter will also address the usefulness of metatheory and comparative-historical analysis to state research.

Chapters Two and Three trace the evolving relationship between the state and the women's movement in their response to the problem of wife abuse. Chapter Two looks at how the state and the emerging women's movement handled (or did not handle) wife abuse in nineteenth and early twentieth century England, America and Canada. The chapter examines state legislation as well as the feminist activities and philosophies of the time.

Chapter Three deals with the contemporary relationship between the state and the women's movement over wife abuse. It looks at the discovery of the problem by feminists, the building of a social movement called the battered women's movement and the state response to that movement. This chapter also looks at feminist concerns regarding the "institutionalization of women's issues" -- a term used by some feminists to describe the process by which the state takes on women's issues and redefines them according to its own agenda.

Chapter Four uses Manitoba as a case study of the feminist/state struggle over wife abuse. I focus on a particular issue which illustrates this struggle -- the directive to charge and its consequences<sup>1</sup>. Twenty-four women working in the battered women's movement were interviewed for this chapter. Their interviews were meant to provide an understanding of how feminists perceive the state, its usefulness to them and the

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<sup>1</sup> In 1983 the Attorney General of Manitoba, under pressure from women's groups, issued a directive ordering police to lay charges in all wife abuse cases where there was a reasonable or probable cause that an assault had occurred.

political strategies used in working with and/or challenging the state.

Chapter Five attempts to come to some conclusions to questions raised by the preceding chapters: what can theory tell us about the nature of the state and its potential for insurgency? How has the state evolved in its handling of wife abuse? How has the feminist movement evolved? What historical differences exist between the time periods? What concept do contemporary feminists have of the "state"? How do they believe the state can help their cause? What do they perceive as the consequences of state involvement? What kinds of divisions exist in the women's movement in terms of these questions? And finally, what does the thesis tell us about the transference of feminism into society and the state?

## Chapter One: The Theoretical Debate

During the 1960s and 70s, state theory was dominated by the work of neo-Marxists. More recently, feminist theorists have started to construct theoretical understandings of the state and state power. My focus in reviewing this literature is to look at the implications of state theory vis-a-vis the potential of the state to respond to social protest and its potential as an agent for social change. I will also examine the critique of comparative-historical scholars who argue that "metatheory" is a "deadend" in terms of the future understanding of the state.

### Marxist-Oriented Theories of the State

Although Marx did not develop a systematic theory of state power, neo-Marxists have sought to formulate an understanding of the state using Marxist analysis. Much of this work serves as a rebuttal to classical liberal theory (Rousseau, Locke), pluralism (Dahl, 1961; Polsby, 1962; Truman, 1951) and elite theory (Mills, 1956). While neo-Marxists differ in their interpretations of the state, they can be easily distinguished from status quo liberal analyses which see the state as a neutral apparatus removed from societal conflict, concerned with mediating various interest groups and protecting the democratic rights of all citizens. For Marxists, the state is part of a class-structured society where

one class is disadvantaged economically and politically because of its relation to the capitalist mode of production.

Amongst neo-Marxists, debate on the nature of the state is influenced by two different philosophies: instrumentalism and structuralism.<sup>2</sup> Large conceptual questions have been the focus of these debates: what is the state? Should it be defined in terms of its institutions or its social relations? Can it be located in the private as well as the public sphere? Is the state autonomous and if so, to what degree? Does it have autonomy from capital or the capitalist class? Is the state determined by structure? By human actors? By political struggle?

### Instrumentalism

The view that the state is an instrument of the ruling class is fundamental in the work of Marx and Engels. In The German Ideology (1845), Marx and Engels declare that the state in capitalist society is "nothing more than the form of organization which the bourgeois necessarily adopt both for internal and external purposes, for the mutual guarantee of their property and interests" (Tucker, 1978:187). This viewpoint reappears in the

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<sup>2</sup> Instrumentalist and structuralist theories of the state vary greatly in terms of their sophistication. Some theorists use elements of both. I have categorized theorists in terms of the tendencies which dominate their analyses.

Communist Manifesto (1848) and in Engel's Origin of the Family (1894).

Instrumentalism views the state as a thing to be used rather than a subject or an actor independent in its own right. Instrumentalism implies that there is no separation of the state from the economically dominant class or from capital itself. Why and how the state becomes and remains a "thing" is explained by two instrumentalist approaches: in the first, the state is defined through the relations of the ruling class; in the second, through the relations of capital.

The first approach, characterized by the work of Domhoff (1967) and Miliband (1969) disputes the pluralist claim that no one group dominates the state. Domhoff and Miliband argue that the capitalist class owns and controls most major societal institutions and a disproportionate share of societal wealth, thereby owning and occupying key positions within the state. What the capitalist class does not own, it is able to influence. The state functions through the exercise of power by the capitalist class. This approach argues that although there may be some disagreement and conflict among members of the capitalist class, there will also be ideological congruence on major goals which seek to protect the private property system and perpetuate class relations.

The second approach stems from the work of neo-Ricardian and "state monopoly capitalism" theorists. Here the state is controlled by capital not by capitalists. State policies must

ensure the accumulation and reproduction of capital. The state may intervene to establish profit at the expense of wages (Boddy and Crotty, 1974; Glyn and Sutcliffe, 1972; Glough, 1975) or it may "fuse" with monopoly capital in the attempt to promote the political conditions necessary for capital accumulation and economic conditions which cannot be secured through operating market forces (Jessop, 1982:14).

The instrumentalist state is without a social context in the Marxist sense of the word. It does not have a history of its own because its history is the history of the capitalist class. State relations are entirely the product of class relations structured by the mode of production. This is a state void of its own logic, initiation and power. Clearly, the instrumentalist state cannot respond independently to social protest and can not respond even as the voice of the capitalist class or capital to feminist protest which is outside of the productive process. Any change put forward by the state would only be ideological in nature in order to dupe subordinates into thinking that real change, i.e., change in productive relations had occurred.

#### Structuralism

The most complete structuralist-Marxist theory of the state is presented by Poulantzas (1968). For Poulantzas, the state is determined by structure. The state will maintain social cohesiveness and will reproduce the conditions of production

regardless of the individuals in "charge". This is a complete rejection of Miliband's thesis that the state functions through the exercise of power by capitalist actors who must obtain privileged positions both inside and outside of the state. Poulantzas argues that first of all, individual actors are determined by structure and cannot be the subject of history or social change.<sup>3</sup> Secondly, the capitalist class is too divided and short-sighted to make decisions necessary for the long term interests of the capitalist system.

In examining the structure of capitalist society, Poulantzas looks at how the state is able to counteract the fundamental contradiction within the mode of production, i.e., the separation of the producer (worker) from his product does not individualize and isolate him, but rather serves to socialize his work and thus provide the possibility of uniting him with other workers; at the same time the capitalist class is threatened by a lack of unity because of the competition between capitalists for the appropriation of surplus.

What must the state do to preserve the capitalist system? First of all, the state must "individualize" workers into private citizens thereby promoting competition amongst workers and preventing class struggle. At the same time, the state controls workers by allowing them to participate in various democratic institutions i.e., voting, interest groups. Competition does not

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<sup>3</sup> Poulantzas is following the work of Althusser (1969, 1970).



develop between classes because class relations are concealed and the state appears to be representing the "general interest".

Secondly, the state must organize the unity of the capitalist class. It is able to do so because of its "relative autonomy" -- its ability to transcend "the parochial, individualized interests of specific capitalists and capitalist class fractions" (Gold et al., 1975:38).

For Poulantzas then, the state is not a "thing". It is not a mere reflection of the economic mode of production or an instrument of the capitalist class. Poulantzas's state is active -- it "organizes", "mediates", and "transforms". However, the state is not a "subject". It is only "relatively autonomous" with limits set by the capitalist mode of production.

At first glance, the structuralist approach seems to have an advantage over instrumentalism. A "relatively autonomous" state may be able to account for historical instances when the state seems to contradict particular capitalist interests or when the state seems to favour workers or minorities -- when the state seems to have responded to social protest. However, the concept of relative autonomy is extremely problematic. In spite of numerous debates, Poulantzas and other structuralists have never been able to specify the degree of state autonomy. How relative is relatively? If the state is more autonomous than not, perhaps it makes sense to view the state in a more independent manner than structuralism allows. In fact, critics argue that in the end, Poulantzas's model is as deterministic as

its instrumentalist counterpart. This determinism can be seen in Poulantzas's "functionalist" account of a state dedicated to performing the functions necessary for the maintenance and reproduction of the capitalist system. Oblivious to historical event and circumstance, this state "is basically a vehicle of system maintenance" with guaranteed "functional outcomes" (Skocpol, 1980:171).

Furthermore, critics argue against the structuralist claim that individuals are irrelevant in state theory. Miliband states that there is certainly a difference between a state ruled ... by bourgeois constitutionalists, whether conservative or social-democrat, and one ruled by ... fascists" (Blackburn, 1972:259). Bottomore adds that any Marxist theory must account for "the conscious value preferences, choices and decisions of men, both individually and collectively, in the given historical situations that confront them" (1984:85).

In his later work ([1978] 1980), Poulantzas attempts to abandon the structural/functionalist state for one shaped by class struggle. The state (which Poulantzas redefines as a "relationship of forces") becomes a part of the conflicts and contradictions of class struggle and thus is formed by the struggles within the state as well as by the contradictions within the mode of production. Just how this happens is unclear as this theory is even more abstract than Poulantzas's earlier work. The questions surrounding the relative autonomy of the state remain unanswered and although I agree that class struggle

can shape the state, the abstract nature of this work denies any opportunity for an historically grounded discussion of the state and its relationship to political struggle and social movements.

### The Comparative-Historical Critique

Clearly, the time has come to move beyond highly speculative theoretical debates about whether the "modern state" or the "state in capitalism" has an independent impact on the course of social change. Heuristically, at least, it is fruitful to assume both that states are potentially autonomous and, conversely, that socioeconomic relations influence and limit state structures and activities...Glib overgeneralizations from partial evidence, along with what may be called "fallacies of misplaced abstraction" that obscure temporal and comparative variations, have all too often plagued macroscopic social science. It may in the end prove more theoretically fruitful to lay the groundwork for sound generalizations through the rewarding complexities of comparative-historical research (Evans et al., 1985:viii, ix).

How is it possible to find a way past the problems of neo-Marxist theory and other metatheoretical discussions of the state? The American Social Science Research Council Committee on States and Social Structures released a volume in 1985 entitled: Bringing the State Back In. The authors of the book's articles, touched by the neo-Marxist debates of the 1970s had become extremely dissatisfied with the abstract "society-centered" explanations of the state. The authors, all dedicated to comparative-historical method, argued that although Marxism is an historically-grounded theory, contemporary Marxists have not

looked to history to test and modify the explanations offered by the theory. Furthermore, when historical cases have been considered, important historical details have been overlooked because they contradict certain "truisms" within Marxism.<sup>4</sup>

Comparative historians argue that rather than society-centered explanations which constantly reduce the state to an instrumentalist or deterministic role, further studies on the state must be "state-centered". The possibility that the state may be an autonomous structure and a powerful actor in shaping history must be considered. I want to stress here that first of all, comparative historians don't mean to section off the state and study it independent of its social relations. Comparative historians constantly stress the "need to analyze states in relation to socioeconomic and sociocultural contexts" (Skocpol, 1985:20). Secondly, "state-centered" analyses are different from the Hegelian notion of the omnipotent state. Comparative-historical scholars stress that there are limits to state autonomy but the theory has never been able to agree on what these limits are and the limits vary from state to state and from time period to time period. Historical cases<sup>5</sup> show that the autonomy of any state is not a fixed characteristic. This is due to crisis situations that may arise and historical changes within

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<sup>4</sup> The major complaints seem to centre around the "absolute causal primacy of socioeconomic processes" in neo-Marxist work on the state (Evans et al., 1985:347). See also p. 13 of this thesis.

<sup>5</sup> For example, see Heclo's 1974 study of Britain and Sweden and Skocpol and Finegold's 1982 article on the New Deal.

"the very structural potentials for autonomous state action" (Skocpol, 1985:14).

History seems to show a less well-ordered universe than that predicted by neo-Marxist theory. States do pursue goals that are not feasible and state policies do have unintended as well as intended consequences (Skocpol, 1980, 1985). Sharpening contradictions are brewing between capital and state managers (Block, 1980). Telling variations in state structures and capacities often occur among states that appear to belong to the same type for example, within "advanced", "monopoly" or "dependent" capitalist states (Evans et al., 1985).

I want to use Nora Hamilton's study of Mexico (1982) as an example of the difficulties of generalizing about state autonomy and capacity. Hamilton gives a careful, detailed historical account of the Mexican revolution. She argues that the attack on capitalism -- the autonomy of the state in that country -- lasted for only three years. She then accounts for certain conditions that limit state autonomy not only in Mexico but in other capitalist countries as well. However, comparative historians upon reading Hamilton's work have argued that although her generalizations may apply to countries a,b,c, they certainly do not apply to x,y,z.<sup>6</sup> Neo-Marxists faced with these criticisms like to argue that the states which do not fit the mold are historical "exceptions" to the rule. I have a problem with that argument. "Exception" means atypical, unusual, out of the

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<sup>6</sup> For example see the discussion of Hodges and Gandy (1986).