

Carole Pateman

Carole Pateman was born in Sussex, England, and earned a PhD in political philosophy from Oxford University. She has held professorial appointments at the University of Sydney, Stanford University, Princeton University, and the University of California at Los Angeles, where she currently teaches in the Department of Political Science. Known for her work in democratic theory, political obligation, and feminist political philosophy, Pateman has served as president of the International Political Science Association and president of the Australasian Political Studies Association. Her books include *Participation and Democratic Theory* (1970), *The Problem of Political Obligation* (second edition, 1985), *Feminist Challenges* (1986), *The Sexual Contract* (1988), *The Disorder of Women* (1989), *Feminist Interpretations and Political Theory* (1991), and *Contract and Domination* (with Charles Mills, 2007).

In *The Sexual Contract*, Pateman develops a feminist critical analysis of social contract theory from Hobbes to Rawls, arguing that the social contract is a fraternal contract that rests upon the subordination of women to men. The classical social contract theorists offer differing conceptions of humanity in the state of nature, but each offers an account of human nature in which distinctively human characteristics are masculine characteristics. At the same time that classical theorists maintain men and women possess different natural attributes, they nevertheless subsume feminine beings under the genderless category of 'human being' and conflate 'individuals' with 'men'. Moreover, both classical and contemporary contract theorists direct attention to public civil society by maintaining an implicit (and sometimes explicit) contrast between a public sphere of freedom and equality among brothers and a private sphere of inequality among men, women, and children. Even in Rawls's *Theory of Justice*, the parties in the original position are heads of households or representatives deliberating on behalf of their wives.

The Sexual Contract

1

Contracting In

Telling stories of all kinds is the major way that human beings have endeavoured to make sense of themselves and their social world. The most famous and influential political story of modern times is found in the writings of the social contract theorists. The story, or conjectural history, tells how a new civil society and a new form of political right is created through an original contract. An explanation for the binding authority of the state and civil law, and for the legitimacy of modern civil government, is to be found by treating our society as if it had originated in a contract. The attraction of the idea of an original contract and of contract theory in a more general sense, a theory that claims that free social relations take a contractual form, is probably greater now than at any time since the seventeenth and eighteenth centuries when the classic writers told their tales. But today, invariably, only half the story is told. We hear an enormous amount about the *social* contract; a deep silence is maintained about the *sexual* contract.

The original contract is a sexual-social pact, but the story of the sexual contract has been repressed. Standard accounts of social contract theory do not discuss the whole story and contemporary contract theorists give no indication that half the agreement is missing. The story of the sexual contract is also about the genesis of political right, and explains why exercise of the right is legitimate—but this story is about political right as *patriarchal right* or *sex-right*, the power that men exercise over women. The missing half of the story tells how a specifically modern form of patriarchy is

established. The new civil society created through the original contract is a patriarchal social order.

Social contract theory is conventionally presented as a story about freedom. One interpretation of the original contract is that the inhabitants of the state of nature exchange the insecurities of natural freedom for equal, civil freedom which is protected by the state. In civil society freedom is universal; all adults enjoy the same civil standing and can exercise their freedom by, as it were, replicating the original contract when, for example, they enter into the employment contract or the marriage contract. Another interpretation, which takes into account conjectural histories of the state of nature in the classic texts, is that freedom is won by sons who cast off their natural subjection to their fathers and replace paternal rule by civil government. Political right as paternal right is inconsistent with modern civil society. In this version of the story, civil society is created through the original contract after paternal rule—or patriarchy—is overthrown. The new civil order, therefore, appears to be anti-patriarchal or post-patriarchal. Civil society is created through contract so that contract and patriarchy appear to be irrevocably opposed.

These familiar readings of the classic stories fail to mention that a good deal more than freedom is at stake. Men's domination over women, and the right of men to enjoy equal sexual access to women, is at issue in the making of the original pact. The social contract is a story of freedom; the sexual contract is a story of subjection. The original contract constitutes both freedom and domination. Men's freedom and women's subjection are created through the original contract—and the character of civil freedom cannot be understood

without the missing half of the story that reveals how men's patriarchal right over women is established through contract. Civil freedom is not universal. Civil freedom is a masculine attribute and depends upon patriarchal right. The sons overturn paternal rule not merely to gain their liberty but to secure women for themselves. Their success in this endeavour is chronicled in the story of the sexual contract. The original pact is a sexual as well as a social contract: it is sexual in the sense of patriarchal—that is, the contract establishes men's political right over women—and also sexual in the sense of establishing orderly access by men to women's bodies. The original contract creates what I shall call, following Adrienne Rich, 'the law of male sex-right'.¹ Contract is far from being opposed to patriarchy; contract is the means through which modern patriarchy is constituted.

One reason why political theorists so rarely notice that half the story of the original contract is missing, or that civil society is patriarchal, is that 'patriarchy' is usually interpreted patriarchally as paternal rule (the literal meaning of the term). So, for example, in the standard reading of the theoretical battle in the seventeenth century between the patriarchalists and social contract theorists, patriarchy is assumed to refer only to paternal right. Sir Robert Filmer claimed that political power was paternal power and that the procreative power of the father was the origin of political right. Locke and his fellow contract theorists insisted that paternal and political power were not the same and that contract was the genesis of political right. The contract theorists were victorious on this point; the standard interpretation is on firm ground—as far as it goes. Once more, a crucial portion of the story is missing. The true origin of political right is overlooked in this interpretation; no stories are told about its genesis (I attempt to remedy the omission

in chapter 4). Political right originates in sex-right or conjugal right. Paternal right is only one, and not the original, dimension of patriarchal power. A man's power as a father comes after he has exercised the patriarchal right of a man (a husband) over a woman (wife). The contract theorists had no wish to challenge the original patriarchal right in their onslaught on paternal right. Instead, they incorporated conjugal right into their theories and, in so doing, transformed the law of male sex-right into its modern contractual form. Patriarchy ceased to be paternal long ago. Modern civil society is not structured by kinship and the power of fathers; in the modern world, women are subordinated to men *as men*, or to men as a fraternity. The original contract takes place after the political defeat of the father and creates modern *fraternal patriarchy*.

Another reason for the omission of the story of the sexual contract is that conventional approaches to the classic texts, whether those of mainstream political theorists or their socialist critics, give a misleading picture of a distinctive feature of the civil society created through the original pact. Patriarchal civil society is divided into two spheres, but attention is directed to one sphere only. The story of the social contract is treated as an account of the creation of the public sphere of civil freedom. The other, private, sphere is not seen as politically relevant. Marriage and the marriage contract are, therefore, also deemed politically irrelevant. To ignore the marriage contract is to ignore half the original contract. In the classic texts, as I shall show in some detail, the sexual contract is displaced onto the marriage contract. The displacement creates a difficulty in retrieving and recounting the lost story. All too easily, the impression can be given that the sexual contract and the social contract are two separate, albeit related, contracts, and that the sexual contract concerns the private sphere.

Patriarchy then appears to have no relevance to the public world. On the contrary, patriarchal right extends throughout civil society. The employment contract and (what I shall call) the prostitution contract, both of which are entered into in the public, capitalist market, uphold men's right as firmly as the marriage contract. The two spheres of civil society are at once separate and inseparable. The public realm cannot be fully understood in the absence of the private sphere, and, similarly, the meaning of the original contract is misinterpreted without both, mutually dependent, halves of the story. Civil freedom depends on patriarchal right. . . .

The perception of civil society as a post-patriarchal social order also depends on the inherent ambiguity of the term 'civil society'. From one perspective, civil society is the contractual order that follows the pre-modern order of status, or the civil order of constitutional, limited government replaces political absolutism. From another perspective, civil society replaces the state of nature; and, yet again, 'civil' also refers to one of the spheres, the public sphere, of 'civil society'. Most advocates and opponents of contract theory trade on the ambiguity of 'civil'. 'Civil society' is distinguished from other forms of social order by the separation of the private from the public sphere; civil society is divided into two opposing realms, each with a distinctive and contrasting mode of association. Yet attention is focused on one sphere, which is treated as the only realm of political interest. Questions are rarely asked about the political significance of the existence of two spheres, or about how both spheres are brought into being. The origin of the public sphere is no mystery. The social contract brings the public world of civil law, civil freedom and equality, contract and the individual into being. What is the (conjectural) history of the origin of the private sphere?

To understand any classic theorist's picture of either the natural condition or the civil state, both must be considered together. 'Natural' and 'civil' are at once opposed to each other and mutually dependent. The two terms gain their meaning from their relationship to each other; what is 'natural' excludes what is 'civil' and vice versa. To draw attention to the mutual dependence of the state of nature/civil society does not explain why, after the original pact, the term 'civil' shifts and is used to refer not to the whole of 'civil society' but to one of its parts. To explain the shift, a double opposition and dependence between 'natural' and 'civil' must be taken into account. Once the original contract is entered into, the relevant dichotomy is between the private sphere and the civil, public sphere—a dichotomy that reflects the order of sexual difference in the natural condition, which is also a political difference. Women have no part in the original contract, but they are not left behind in the state of nature—that would defeat the purpose of the sexual contract! Women are incorporated into a sphere that both is and is not in civil society. The private sphere is part of civil society but is separated from the 'civil' sphere. The antinomy private/public is another expression of natural/civil and women/men. The private, womanly sphere (natural) and the public, masculine sphere (civil) are opposed but gain their meaning from each other, and the meaning of the civil freedom of public life is thrown into relief when counterposed to the natural subjection that characterizes the private realm (Locke misleads by presenting the contrast in patriarchal terms as between paternal and political power). What it means to be an 'individual', a maker of contracts and civilly free, is revealed by the subjection of women within the private sphere.

~~The private sphere is typically presupposed as a necessary, natural foundation for civil,~~

i.e., public life, but treated as irrelevant to the concerns of political theorists and political activists. Since at least 1792 when Mary Wollstonecraft's *A Vindication of the Rights of Woman* appeared, feminists have persistently pointed to the complex interdependence between the two spheres, but, nearly two centuries later, 'civil' society is still usually treated as a realm that subsists independently. The origin of the private sphere thus remains shrouded in mystery. The mystery is deepened because discussions of social contract theory almost always pass directly from the eighteenth century to the present day and John Rawls's contemporary reformulation of the (social) contract story. Yet Sigmund Freud also (re)wrote more than one version of the story of the original contract. He is rarely mentioned, but perhaps there is good reason for the absence of Freud's name. Freud's stories make explicit that power over women and not only freedom is at issue before the original agreement is made, and he also makes clear that two realms are created through the original pact. In the classic texts (except for those of Hobbes) it can easily seem at first sight that there is no need to create the private sphere, since sexual relations between men and women, marriage and the family already exist in the state of nature. But the original contract brings 'civil society' into being, and the story of the sexual contract must be told in order to elucidate how the private realm (is held to be) established and why the separation from the public sphere is necessary. . . .

3

Contract, the Individual, and Slavery

Classic social contract theory and the broader argument that, ideally, all social relations should take a contractual form, derive from a revolutionary claim. The claim is that individ-

uals are naturally free and equal to each other, or that individuals are born free and born equal. That such a notion can seem commonplace rather than revolutionary today is a tribute to the successful manner in which contract theorists have turned a subversive proposition into a defence of civil subjection. Contract theory is not the only example of a theoretical strategy that justifies subjection by presenting it as freedom, but contract theory is remarkable in reaching that conclusion from its particular starting-point. The doctrine of natural individual freedom and equality was revolutionary precisely because it swept away, in one fell swoop, all the grounds through which the subordination of some individuals, groups or categories of people to others had been justified; or, conversely, through which rule by one individual or group over others was justified. Contract theory was the emancipatory doctrine *par excellence*, promising that universal freedom was the principle of the modern era.

The assumption that individuals were born free and equal to each other meant that none of the old arguments for subordination could be accepted. Arguments that rulers and masters exercised their power through God's will had to be rejected; might or force could no longer be translated into political right; appeals to custom and tradition were no longer sufficient; nor were the various arguments from nature, whether they looked to the generative power of a father, or to superior birth, strength, ability, or rationality. All these familiar arguments became unacceptable because the doctrine of individual freedom and equality entailed that there was only one justification for subordination. A naturally free and equal individual must, necessarily, agree to be ruled by another. The creation of civil mastery and civil subordination must be voluntary; such relationships can be brought into being in one way only, through free agreement.

There are a variety of forms of free agreement but, for reasons which I shall explore below, contract has become paradigmatic of voluntary commitment.

When individuals must freely agree or contract to be governed, the corollary is that they may refuse to be bound. Since the seventeenth century, when doctrines of individual freedom and equality and of contract first became the basis for general theories of social life, conservatives of all kinds have feared that this possibility would become reality and that contract theory would therefore become destructive of social order. Children, servants, wives, peasants, workers, and subjects and citizens in the state would, it was feared, cease to obey their superiors if the bond between them came to be understood as merely conventional or contractual, and thus open to the whim and caprice of voluntary commitment. Conservatives had both cause to be alarmed and very little cause at all. The cause for alarm was that, in principle, it is hard to see why a free and equal individual should have sufficiently good reason to subordinate herself to another. Moreover, in practice, political movements have arisen over the past three centuries that have attempted to replace institutions structured by subordination with institutions constituted by free relationships. However, the anxiety was misplaced, not only because these political movements have rarely been successful, but because the alarm about contract theory was groundless. Rather than undermining subordination, contract theorists justified modern civil subjection.

The classic social contract theorists assumed that individual attributes and social conditions always made it reasonable for an individual to give an affirmative answer to the fundamental question whether a relationship of subordination should be created through contract. The point of the story of the social

contract is that, in the state of nature, freedom is so insecure that it is reasonable for individuals to subordinate themselves to the civil law of the state, or, in Rousseau's version, to be subject to themselves collectively, in a participatory political association. The pictures of the state of nature and the stories of the social contract found in the classic texts vary widely, but despite their differences on many important issues, the classic contract theorists have a crucial feature in common. They all tell patriarchal stories.

Contract doctrine entails that there is only one, conventional, origin of political right, yet, except in Hobbes's theory where both sexes are pictured as naturally free and equal, the contract theorists also insist that men's right over women has a natural basis. Men alone have the attributes of free and equal 'individuals'. Relations of subordination between *men* must, if they are to be legitimate, originate in contract. Women are born into subjection. The classic writers were well aware of the significance of the assumptions of contract doctrine for the relation between the sexes. They could take nothing for granted when the premise of their arguments was potentially so subversive of all authority relations, including conjugal relations. The classic pictures of the state of nature take into account that human beings are sexually differentiated. Even in Hobbes's radically individualist version of the natural condition the sexes are distinguished. In contemporary discussions of the state of nature, however, this feature of human life is usually disregarded. The fact that 'individuals' are all of the same sex is never mentioned; attention is focused instead on different conceptions of the masculine 'individual'.

The naturally free and equal (masculine) individuals who people the pages of the social contract theorists are a disparate collection indeed. They cover the spectrum from

Rousseau's social beings to Hobbes's entities reduced to matter in motion, or, more recently, James Buchanan's reduction of individuals to preference and production functions; John Rawls manages to introduce both ends of the spectrum into his version of the contract story. Rousseau criticized his fellow social contract theorists for presenting individuals in the state of nature as lacking all social characteristics, and his criticism has been repeated many times. The attempt to set out the purely natural attributes of individuals is inevitably doomed to fail; all that is left if the attempt is consistent enough is a merely physiological, biological, or reasoning entity, not a human being. In order to make their natural beings recognizable, social contract theorists smuggle social characteristics into the natural condition, or their readers supply what is missing. The form of the state or political association that a theorist wishes to justify also influences the 'natural' characteristics that he gives to individuals; as Rawls stated recently, the aim of arguing from an original position, Rawls's equivalent to the state of nature, 'is to get the desired solution.'² What is not often recognized, however, is that the 'desired solution' includes the sexual contract and men's patriarchal right over women.

Despite disagreement over what counts as a 'natural' characteristic, features so designated are held to be common to all human beings. Yet almost all the classic writers held that natural capacities and attributes were sexually differentiated. Contemporary contract theorists implicitly follow their example, but this goes unnoticed because they subsume feminine beings under the apparently universal, sexually neuter category of the 'individual'. In the most recent rewriting of the social contract story sexual relations have dropped from view because sexually differentiated individuals have disappeared. In *A Theory of Justice*, the

parties in the original position are purely reasoning entities. Rawls follows Kant on this point, and Kant's view of the original contract differs from that of the other classic contract theorists, although (as I shall indicate in chapter 6) in some other respects his arguments resemble theirs. Kant does not offer a story about the origins of political right or suggest that, even hypothetically, an original agreement was once made. Kant is not dealing in this kind of political fiction. For Kant, the original contract is 'merely an *idea* of reason',³ an idea necessary for an understanding of actual political institutions. Similarly, Rawls writes in his most recent discussion that his own argument 'tries to draw solely upon basic intuitive ideas that are embedded in the political institutions of a constitutional democratic regime and the public traditions of their interpretation.' As an idea of reason, rather than a political fiction, the original contract helps 'us work out what we now think.'⁴ If Rawls is to show how free and equal parties, suitably situated, would agree to principles that are (pretty near to) those implicit in existing institutions, the appropriate idea of reason is required. The problem about political right faced by the classic contract theorists has disappeared. Rawls's task is to find a picture of an original position that will confirm 'our' intuitions about existing institutions, which include patriarchal relations of subordination.

Rawls claims that his parties in their original position are completely ignorant of any 'particular facts' about themselves.⁵ The parties are free citizens, and Rawls states that their freedom is a 'moral power to form, to revise, and rationally to pursue a conception of the good,' which involves a view of themselves as sources of valid claims and as responsible for their ends. If citizens change their idea of the good, this has no effect on their 'public identity', that is, their juridical standing as civil

individuals or citizens. Rawls also states that the original position is a 'device of representation'.⁶ But representation is hardly required. As reasoning entities (as Sandel has noticed), the parties are indistinguishable one from another. One party can 'represent' all the rest. In effect, there is only one individual in the original position behind Rawls's 'veil of ignorance'.⁷ Rawls can, therefore, state that 'we can view the choice [contract] in the original position from the standpoint of one person selected at random'.⁸

Rawls's parties merely reason and make their choice—or the one party does this as the representative of them all—and so their bodies can be dispensed with. The representative is sexless. The disembodied party who makes the choice cannot know one vital 'particular fact', namely, its sex. Rawls's original position is a logical construction in the most complete sense; it is a realm of pure reason with nothing human in it—except that Rawls, of course, like Kant before him, inevitably introduces real, embodied male and female beings in the course of his argument. Before ignorance of 'particular facts' is postulated, Rawls has already claimed that parties have 'descendants' (for whom they are concerned), and Rawls states that he will generally view the parties as 'heads of families'.⁹ He merely takes it for granted that he can, at one and the same time, postulate disembodied parties devoid of all substantive characteristics, and assume that sexual difference exists, sexual intercourse takes place, children are born and families formed. Rawls's participants in the original contract are, simultaneously, mere reasoning entities, and 'heads of families', or men who represent their wives.

Rawls's original position is a logical abstraction of such rigour that nothing happens there. In contrast, the various states of nature pictured by the classic social contract theorists are

full of life. They portray the state of nature as a condition that extends over more than one generation. Men and women come together, engage in sexual relations, and women give birth. The circumstances under which they do so, whether conjugal relations exist and whether families are formed, depends on the extent to which the state of nature is portrayed as a social condition. I shall begin with Hobbes, the first contractarian, and his picture of the asocial war of all against all. Hobbes stands at one theoretical pole of contract doctrine and his radical individualism exerts a powerful attraction for contemporary contract theorists. However, several of Hobbes's most important arguments had to be rejected before modern patriarchal theory could be constructed.

For Hobbes, all political power was absolute power, and there was no difference between conquest and contract. Subsequent contract theorists drew a sharp distinction between free agreement and enforced submission and argued that civil political power was limited, constrained by the terms of the original contract, even though the state retained the power of life and death over citizens. Hobbes also saw all contractual relations, including sexual relations, as political, but a fundamental assumption of modern political theory is that sexual relations are not political. Hobbes was too revealing about the civil order to become a founding father of modern patriarchy. As I have already mentioned, Hobbes differs from the other classic contract theorists in his assumption that there is no natural mastery in the state of nature, not even of men over women; natural individual attributes and capacities are distributed irrespective of sex. There is no difference between men and women in their strength or prudence, and all individuals are isolated and mutually wary of each other. It follows that sexual relations can take place only under two circumstances;

his Family, as Proprietor of the Goods and Lands there, and to have his Will take place before that of his wife in all things of their common Concernment; but not a Political Power of Life and Death over her, much less over anybody else.³²

Rousseau, who was critical of so much else in the theories of Hobbes, Pufendorf, and Locke, has no difficulty with their arguments about conjugal right. He maintains that civil order depends on the right of husbands over their wives, which, he argues, arises from nature, from the very different natural attributes of the sexes. Rousseau has much more to say than the other classic social contract theorists about what it is in women's natures that entails that they must be excluded from civil life. He elaborates at some length on the reasons why women 'never cease to be subjected either to a man or to the judgements of men,' and why a husband must be a 'master for the whole of life'.³³ . . .

Several puzzles, anomalies and contradictions, which I shall take up in subsequent chapters, arise from the theoretical manoeuvring of the classic social contract theorists on the question of conjugal right and natural freedom and equality. Perhaps the most obvious puzzle concerns the status of conjugal or sex-right; why, since Hobbes, has it so rarely been seen as an example of political power? In civil society all absolute power is illegitimate (uncivil), so the fact that a husband's right over his wife is not absolute is not sufficient to render his role non-political. On the other hand, a distinguishing feature of civil society is that only the government of the state is held to provide an example of political right. Civil subordination in other 'private' social arenas, whether the economy or the domestic sphere, where subordination is

constituted through contract, is declared to be non-political.

There are other difficulties about the origin of conjugal right. The classic contract theorists' arguments about the state of nature contrive to exclude women from participation in the original contract. But what about the marriage contract? If women have been forcibly subjugated by men, or if they naturally lack the capacities of 'individuals', they *also* lack the standing and capacities necessary to enter into the original contract. Yet the social contract theorists insist that women are capable of entering, indeed, must enter, into one contract, namely the marriage contract. Contract theorists simultaneously deny and presuppose that women can make contracts. Nor does Locke, for example, explain why the marriage contract is necessary when women are declared to be naturally subject to men. There are other ways in which a union between a man and his natural subordinate could be established, but, instead, Locke holds that it is brought into being through contract, which is an agreement between two equals.

Nor do the puzzles end once the marriage contract is concluded. Most of the classic social contract theorists present marriage as a natural relationship that is carried over into civil society. Marriage is not unique in this respect, other contractual relations are held to exist in the natural condition. The curious feature of marriage is that it retains a natural status even in civil society. Once the original contract has been made and civil society has been brought into being, the state of nature is left behind and contract should create civil, not natural, relations. Certainly, the relation between employer and worker is seen as civil, as purely contractual or conventional. But marriage must necessarily differ from other contractual relations because an 'individual'

and a natural subordinate enter into the contract, not two 'individuals'. Moreover, when the state of nature is left behind, the meaning of 'civil' society is not independently given, but depends upon the contrast with the 'private' sphere, in which marriage is the central relationship.

Notes

1. A. Rich, 'Compulsory Heterosexuality and Lesbian Existence,' *Signs* 5, no. 4 (1980): 645.
2. J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 141.
3. I. Kant, *Political Writings*, ed. H. Reiss (Cambridge: Cambridge University Press, 1970), 79.
4. J. Rawls, 'Justice as Fairness: Political Not Metaphysical,' *Philosophy and Public Affairs* 14, no. 3 (1985): 225, 238.
5. Rawls, *Theory of Justice*, 137–8.
6. Rawls, 'Justice as Fairness,' 241, 236.
7. M. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 131.
8. Rawls, *Theory of Justice*, 139.
9. *Ibid.*, 128.
10. T. Hobbes, 'Leviathan,' in *The English Works of Thomas Hobbes of Malmesbury* (hereafter *EW*) (T. Germany: Scientia Verlag Aalen, 1966), vol. 3, chap. 20, 186.
11. T. Hobbes, 'Philosophical Rudiments concerning Government and Society' (the English version of *De Cive*), *EW*, vol. 2, chap. 9, 116.
12. *Ibid.*, chap. 9, 116.
13. Hobbes, 'Leviathan,' chap. 20, 188.
14. *Ibid.*, 187.
15. *Ibid.*, chap. 15, 133.
16. *Ibid.*, chap. 20, 191.
17. Hobbes, 'Philosophical Rudiments,' chap. 9, 121.
18. Hobbes, 'De Corpore Politico,' chap. 4, 158.
19. Hobbes, 'Leviathan,' chap. 20, 189.
20. Hobbes, 'De Corpore Politico,' chap. 3, 149–50.
21. T. Brennan and C. Pateman, "'Mere Auxiliaries to the Commonwealth": Women and the Origins of Liberalism,' *Political Studies* 27, no. 2 (1979): 189–90. I was prompted to look at this again by J. Zvesper, 'Hobbes' Individualistic Analysis of the Family,' 'family' in the state of nature as like a 'family' in civil society, despite the absence of 'matrimonial laws'.
22. Hobbes, 'Leviathan,' chap. 15, 187.
23. Hobbes, 'Philosophical Rudiments,' chap. 9, 118.
24. Hobbes, 'De Corpore Politico,' chap. 4, 157–8.
25. Hobbes, 'Philosophical Rudiments,' chap. 9, 121.
26. Hinton, 'Husband, Fathers and Conquerors,' 66; and M.A. Butler, 'Early Liberal Roots of Feminism: John Locke and the Attack on Patriarchy,' *American Political Science Review* 72, 1 (1978): 135–50.
27. J. Locke, *Two Treatises of Government*, 2nd edn, ed. P. Laslett (Cambridge: Cambridge University Press, 1967), II, 183, II, 81–2.
28. *Ibid.*, I, 47.
29. *Ibid.*, II, 82.
30. *Ibid.*
31. *Ibid.*, 4.
32. *Ibid.*, I, 48.
33. J.-J. Rousseau, *Emile or on Education*, translated by A. Bloom (New York: Basic Books, 1979), 370, 404. In *The Problem of Political Obligation*, I argued that the form of Rousseau's original pact meant that it was not a 'contract'. Rousseau is, however, the leading theorist of the original sexual contract, which certainly is a contract. So, without implying that I have changed my mind about my previous interpretation (which is not the case), I shall refer to Rousseau here as a 'classic contract theorist'.

Study Questions for *The Sexual Contract*

1. According to Pateman, why is it important to study the writings of social contract theorists?
2. In chapter 3, Pateman discusses the revolutionary character of the contractarian doctrine of natural freedom and equality among human beings. How did this doctrine revolutionize political thought in the modern era? Why did conservatives fear that this doctrine would disrupt existing social orders?
3. How are problematic assumptions about gender manifested in the theories of Hobbes, Locke, Rousseau, and Rawls, according to Pateman? How do these theorists differ in their assumptions about men and women?
4. In your view, are the sexist assumptions identified by Pateman essential to the social and political philosophies of Hobbes, Locke, Rousseau, or Rawls?
5. Review the accounts of human nature (given in stories about human beings living in a state of nature) in the theories of Hobbes, Locke, and Rousseau. Are the hypothetical individuals in the state of nature in fact masculine beings?

Recommended Readings

Clark, Beverley, *Misogyny in the Western Philosophical Tradition* (Routledge, 1999).

Deutscher, Penelope, *Yielding Gender: Feminism, Deconstruction and the History of Philosophy* (Routledge, 1997).

Di Stefano, Christine, *Configurations of Masculinity: A Feminist Perspective on Modern Political Theory* (Cornell University Press, 1991).

Elshtain, Jean Bethke, *Public Man, Private Woman: Women in Social and Political Thought*, 2nd edn (Princeton University Press, 1993).

Held, Virginia, *Feminist Morality: Transforming Culture, Society and Politics* (University of Chicago Press, 1993).

Landes, Joan, *Feminism: The Public and the Private* (Oxford University Press, 1998).

Nussbaum, Martha C., 'Rawls and Feminism' in *The Cambridge Companion to Rawls*, edited by Samuel Freeman (Cambridge University Press, 2003).

Zack, Naomi, Laurie Shrage, and Crispin Sartwell, eds, *Race, Class, Gender and Sexuality* (Blackwell Publishers, 1998).