

demics (and they are mainly male) are able to get jobs and publications (increasingly vital to the academic career) in the area of 'gender', which exists only because of feminists' work, whilst the latter continue to be underfunded and unrecognized (Canaan and Griffin, 1989).

TNMS is part of a contemporary crisis of hegemonic masculinity. It is not simply an unsympathetic reaction against feminist gains or visibility, and nor is it a totally supportive antisexist movement. Contributors to these texts cover a wide range of positions, often combining contradictory arguments. Yet at a structural and institutional level, the launch of TNMS, along with the ideological fuss over the need for 'new research directions', will surely undermine Women's Studies and feminist research: and the WLM itself, wherever and whatever she is. However sympathetic individual men might be, once TNMS is in place as it already is in the USA, and now rapidly gaining ground in the UK, I find it difficult to be optimistic about the future in times of economic and academic constraint. And whilst Bob Connell is critical of TNMS, he has no objection to publishing his work in texts edited by its apologists, who are mainly from one of the most powerful and well-established groups in

academia: white middle-class heterosexual men in relatively secure teaching posts.

So I would urge all men interested in TNMS to the critique of hegemonic masculinity to identify themselves as antisexist for a start. This is assuming that they read *Feminist Review* of course. Then they should consider joining WODGEM, or Women Don't Get Enough Money, a fund into which men like Brod, Kimmel and Connell could pay 'the bit of the wages they know they wouldn't get if they were a woman'. Contributions c/o *Shocking Pink* magazine, 55 Acre Lane, Brixton, London SW2. Now *that's* what I call supportive, and if you believe this, you really *are* optimistic. Subscribe to *Shocking Pink* anyway, it's a lot more informative and entertaining than reading about 'the New Men's Studies'.

**Christine Griffin**

#### Reference

- CANAAN, Joyce and GRIFFIN, Christine (1989) 'Men's Studies: Part of the Problem or Part of the Solution?' *Network* newsletter of the British Sociological Association, to be published in HEARN, J. and MORGAN, D. H. editors *Men, Masculinity and Social Theory* London: Macmillan (forthcoming).

## The Sexual Contract

Carole Pateman

*Basil Blackwell: Oxford 1988,*  
£8.95 Pbk, ISBN 0 7456 0432 3  
£27.50 Hbk, ISBN 0 7456 0431 5

Rarely these days do I find myself feeling really excited by a book from start to finish. Carole Pateman's *The Sexual Contract* is one of the most challenging and thought-provoking books that I have read in recent years, and well worth the effort required to absorb the complex and

interesting arguments it weaves. Pateman re-examines social contract theory and texts to show how the original social contract was simultaneously a sexual contract which established modern forms of patriarchy – specifically fraternal patriarchy. Carole Pateman is in no doubt that she is telling a story, but it is a story which helps us understand the bases of modern political and civil society. In the context of current feminist debates about sexual equality and difference, the uses to

which the law can be put, and the deployment of contractarian arguments, the book makes a very timely intervention.

The social contract, Pateman argues, was a story of freedom while the sexual contract is a story of subjection. The original contract constitutes men's freedom and women's subjection. Freedom in civil society is not universal but is a masculine attribute which depends on patriarchal right. The story of the original overthrow of the father by the sons which established civil society and civil freedom in the place of the rule of the fathers has one crucial element missing: the sons reject the power of the father not only to gain liberty but also to secure women for themselves. Women in modern society are subordinated to men as men or more centrally to men as a fraternity. Contract is the means through which modern fraternal patriarchy and the notion of the individual is created.

Such a framework enables Pateman to develop a refreshing analysis of thorny areas that have been troubling feminist theorists for some time. One of these is the public/private, or natural/civil dichotomy. Another and related question is the notion of the universal. As others have shown before, Pateman argues that the two spheres of civil society are simultaneously both separate and interwoven in a highly complex way. The by now well-established argument that the two terms gain their meaning from their relation to each other cannot explain why, after the original contract, the term 'civil' (public) shifts and is used to describe not the whole of civil society but only one part. According to Pateman the dichotomy reflects the order of difference in the natural condition, which is also a political difference, the difference between subjection and freedom. Women have no part in the original pact. Only men are endowed with the attributes and capacities necessary to enter into

contracts. The most important of these is ownership of property in the person. This is a key part of the argument. As far as the classical theorists were concerned, in the natural condition all men are born free and equal to each other and only men are individuals. Women are not born free, lack the attributes and capacities of 'individuals', and are thereby not party to the original contract through which men transform their natural freedom into the security of civil freedom. They are not however abandoned to the state of nature but are incorporated through the marriage contract into a sphere that both is and is not civil society. The two spheres can only be understood in relation to one another. The meaning of the civil freedom of public life is exposed 'only when counterposed to the natural subjection that characterizes the private realm. 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' (p. 11). Although almost all the classical theorists (with the exception of Hobbes) held that capacities and attributes were sexually differentiated, women have increasingly come to be subsumed under the apparently universal sexually neuter category of the 'individual'.

Central to the notion of contract is the idea that individuals own property in their person in the shape of their capacities or bodies. Contracts thus enable and legitimate access to someone else's body or services. This is one of the major claims of the significance of the sexual contract for feminism. Contract is deeply patriarchal in that it reflects men's desire to control and have access to women's bodies, the implications of which are explored in some depth in this work, particularly in relation to the marriage, employment, prostitution and surrogacy contracts.

Pateman takes issue with the assumption embodied in contract,

and indeed in Marxist or feminist notions of labour power, that we can separate ourselves or our bodies from the capacities that we have or the services that we perform. The notion that we can sell off parts of our selves for support or wages, as is suggested in relation to the marriage or employment contracts denies the social relations of subordination which are inherent in the arrangement. Pateman challenges the notion of the possessive individual as the universal on which contract is based. The story of the sexual contract she argues is about (hetero-)sexual relations and women as embodied sexual beings. To argue for an egalitarian marriage contract is to avoid the issue. Women are incorporated into society via the marriage contract but they may enter such a contract not as equal individuals but as natural subordinates. When a man marries a woman he gains right of sexual access to her body and to her labour as a wife. The marriage contract upholds patriarchal right. The outcome of feminist reforms for equal rights within marriage and on divorce would be for 'marriage to become a contract of sexual use [which] would mark the political defeat of women as women. When contract and the individual hold full sway under the flag of civil freedom, women are left with no alternative but to [try to] become replicas of men.' (p. 187).

The discussion of prostitution follows similar lines. Prostitution is another form of the 'original' sexual contract, it enables men to buy sex from women and so exercise their patriarchal right. Pateman challenges the notion that the sexual contract is an employment contract like any other. This is another illustration of what she calls the 'political fiction' of labour power. The capitalist cannot and does not contract to use the worker's services or labour power. The employment contract gives the employer the right of command over the self, body and person

of the worker for the period outlined in the contract. Similarly the services of the prostitute cannot be used unless she is there, property in the person cannot be separated from its owner. But there is a difference in the two contracts. The capitalist has no intrinsic interest in the body and self of the worker, whereas the men who enter the prostitution contract have only one interest: the prostitute and sexual access to her body. Substitutes for women exist in the shape of dolls, but these are advertised as lifelike (unlike the machine which is a functional replacement of the worker), a literal substitute, to give the man the sensation that he is the patriarchal master.

According to Pateman the feminist argument that prostitutes are workers (selling sexual services) in exactly the same sense as other wage labourers – an argument which has left me uneasy for many years – and the contractarian defence of prostitution, both depend on the assumption that women are 'individuals', with full ownership of property in their persons. The implications of the arguments that have been put forward are that women enter prostitution out of economic necessity, that the conditions of work are poor, and that prostitutes lack rights. The implicit assumption is that if the barriers to full participation in the labour markets were withdrawn, so that women could choose alternative employment if they wanted to, or if prostitutes had the same rights and legal protection as other workers there would be no problem. This denies the fact that the effect of the contract is the subordination of the woman and her body, even for a restricted time, to a man. Would the problem be solved by the woman making a contract which gave her 'equal' rights or do we need to challenge the notion of contract?

Similarly, surrogate motherhood sharply illustrates the contradictions surrounding women and contract, which may, Pateman sug-

gests, indicate a further transformation of modern patriarchy. The term 'surrogate' indicates that the aim of the contract is to render motherhood irrelevant and to deny that the 'surrogate' is a mother. A woman who becomes involved in such a contract is not being paid for (bearing) a child which would amount to babyselling – which is considered generally as unacceptable – but is being paid for entering into a contract that enables a man to make use of her services. In this instance the contract is for the use of the property a woman owns in her womb. As Pateman points out, the irony is that after a long time of women being excluded from contract, the surrogacy contract is presented as a women's contract. Women are now seen as parties to the contract yet the contract is only possible at all because one party is a woman: 'The contractual subjection of women is full of contradictions, paradoxes and ironies. Perhaps the greatest irony of all is yet to come. Contract is conventionally believed to have defeated the old patriarchal order, but, in eliminating the final remnants of the old world of status, contract may usher in a new form of paternal right' (218). It is difficult to do justice to such a complex, scholarly and interesting book in a matter of paragraphs. *The Sexual Contract* draws on a great range of political theorists, philosophers and thinkers, as well as feminist writing of more recent years, from the USA, Britain and Australia. I can only suggest that the book must be read, not only because it is a fascinating account of modern political theory, but, and more importantly, because it has significant implications for contemporary feminist debates. In particular, *The Sexual Contract* offers new insights for the discussion of equality measures as the route to eradicating sexual differences versus arguments which posit sexual difference as centrally inscribed in

the gender-neutral categories, concepts and language of modern society.

For my own part I am left with several questions. I am happy to accept that in the contracts concerned with property in the person entered into by women it is the body of a woman that is at issue. The case also is made that women are clearly excluded from the central category of the 'individual' in civil society. To conclude that to accept embodied identity means abandoning the 'masculine unitary individual' to open up space for two figures; one masculine, one feminine' seems a logical endpoint to the argument. I am just left wondering not so much how to avoid a biological essentialism – which is a route some feminists might suggest these arguments take us, but which I think is clearly addressed by Pateman's thesis – but how in a society where masculinity ascribes power, an autonomous, powerful, dare I say 'equal', meaning of 'women' can be constructed. How is sexual difference to be expressed? Does the notion of something referred to as the individual necessarily have to be abandoned as irredeemably a patriarchal category or can some abstract notion of the individual be found which denies neither men nor women? Do we even need such a category in our struggle against women's subordination and are liberal claims for equality bound to be fought within their own terms and necessarily severely limited? If the social-sexual contract is a story about mastery and subordination what does it mean to freely agree and what is the alternative? In the 'reality' of everyday life, some gains have been made by feminists in the world of contract, just as there are contradictions, complexities, powers and resistances in modern society that are not suggested by the story of the contract. Certainly during a period in Britain when the onslaught of Thatcherism means feminist

claims need to be continually reasserted, it is helpful to be reminded that our attention must turn to subordination and the contradiction of slavery which lies at the heart of civil society in the classic contract theorists' simultaneous denial and affirmation of women's freedom. Carole Pateman's work for me has

echoes of the early feminist writing that confidently asserted the need for women's liberation before the hyphens changed the terms of the debates. As Pateman concludes, the story is far from finished but it certainly deserves to be widely read.

**Sophie Watson**