

NOTES ON CAROLE PATEMAN, *THE SEXUAL CONTRACT*

Reading Assignment: 1-8; 44-50; 52-66; 82-92; 96-99; 219-234

1-8: Social contract is a legitimation exercise: modern political states are legitimate if they can be conceived of as originating in a contract, that is, if they pass the test of free consent to their basic principles.

But there is also the “sexual contract” which establishes modern patriarchy. This is about domination of men over women; modern patriarchy is fraternal rather than paternal. That is, the equal brothers of modern society have defeated the king qua father and thereby assured access to and control over women for themselves.

The private sphere of domestic relations is not seen as political. But it is there where husbands rule over wives.

Men are the ones making the social contract, and they carry into civil society the natural subjection of women to men. Women’s inferior rationality disqualifies them from the status of “individual.”

44-50: Hobbes is unique in not seeing natural mastery of men over women. In fact, in the SN he sees the infant under the political power of the mother. But in households, men are sovereign over servants (47). So a defeated woman in SN becomes a servant in a household. Once entering civil society, this subordination is ensured by civil enforcement of the marriage contract. Now no woman would agree to the SC that reinforces her subordination in marriage. So women must not be among those who make the SC.

How are women defeated and made into servants in the SN? When they become mothers they must defend children too; that weakens their defensive position. But why then would a self-interested person agree to care for children?

52-53: Locke: women are inferior in the SN in terms of strength. Custom and nature agree wives are subordinate to husbands. Women are not part of the SC, though male domination is not absolute, nor even is it political (there is no power of laws and death in marriage) and women can own property.

53-54: Rousseau: women are inferior in SN and civil order depends on husbands’ power over wives.

55-59: contract: must own alienable property (your powers: labor, but also power of fighting, which you cede to civil authority in SC, except in matters of self-defense) and have that

ownership be recognized by others with whom you enter into a contract. SC is about obedience “exchanged” for protection; but that just means creation of subordination.

59: employment contract: employee agrees to obey within limits; but it’s still subordination.

59: marriage contract: women are held to be unable to contract fully (hence excluded from SC), but they do exchange agreement to obey for protection in marriage contract.

60: slavery is problematic case: is it really a contract?

82-92: classical SC theorists argued against Filmer that political power derived from paternal power; there would be kings wherever there were fathers.

87: conjugal right or husbands’ power over wives precedes paternal power. Apogee of this power is mid-19th C legal doctrine of *couverture*, in which the personhood of the wife is suspended (90-91)

96-99: Rousseau: *2D*: social life begins with family life and gendered division of labor (97). *Emile*: women cannot control their passions (only modesty is a guardrail) and so would disrupt civil society if allowed to participate. Emile learns citizenship then is allowed to marry and be master of his wife. To be a good citizen he must have a good, i.e., obedient wife who upholds order in the private, domestic, sphere, which is the excluded basis of political life.