

**Title:** *The Sexual Contract*    **Author:** Carole Pateman    **Readability:** Moderate

### **Summary:**

Pateman argues that the social contract is undergirded by a sexual contract which establishes men's political right over women as well as men's right of access to women's bodies (2). She says that this patriarchal relationship is present and informs contracts made in both the private (e.g. marriage) and public (e.g. employment, prostitution, and surrogacy) realm. Discussions of contracts occlude the more basic patriarchal relationship for a number of reasons: they focus on the public sphere, thus separating it from the private sphere and masking the way the public is dependent on the private (4, 11), they gloss over the fact that not all groups participate equally in the creation of the contract (6), they falsely present actual contracts as expressions of freedom (8), they make unequal outcomes seem like the only injustice in contractual relationships (9), and they expand rhetoric of "individual as owner of oneself" which makes it seem as though all contracts involving property in the person are free (14-17). For Pateman, the social contract tradition is deeply flawed, as it is predicated upon and fails to address the sexual contract, which informs and shapes many present day institutions of both the private and public realm.

### **Possible Applications:**

#### Social/Political Philosophy

- Would be helpful for a unit on social contract theory in an intro course, e.g. selections from *Leviathan*, then Rousseau's 2<sup>nd</sup> Discourse, then selections from Rawls, then Pateman's *Sexual Contract*. Particularly helpful if you teach Locke, since Pateman uses him mostly.
- Would be a really good transition piece from liberal political theories to others – possibly civic republicanism (b/c freedom as non-domination contrasts nicely with freedom as expressed in contracts) but probably more naturally Marxist/feminist theory.
- Could be really helpful setup for a unit on the moral limits of markets, especially since Pateman singles out Employment, Marriage, Prostitution, and Surrogate contracts. Could start with some libertarian stuff (probably just like Nozick's Entitlement Theory), then use this article as an initial critique and then move on to more specific pieces like Debra Satz on prostitution, Elizabeth Anderson on women's labor and surrogacy, and a whole bunch of stuff on marriage and employment.
- The issue of "who gets to contract" is useful in discussions about contractualism. The critique of the private/public seems best suited for critiques of Rawls.

### **Complimentary Texts/Resources:**

The Really Obvious Ones: Hobbes' *Leviathan*, Locke's 2<sup>nd</sup> *Treatise*, Rousseau's 2<sup>nd</sup> *Discourse on Inequality*, Kant's *Metaphysics of Morals* and *Toward Perpetual Peace*, Rawls's *A Theory of Justice*, Nozick's *Anarchy, State and Utopia*

Others I Like: Debra Satz, *Why Some Things Should Not Be For Sale – The Moral Limits of Markets*; Elizabeth Anderson, "Is Women's Labor a Commodity?"; Susan Moller Okin, *Justice, Gender, and the Family*; Heidi Hartmann, "The Unhappy Marriage of Marxism and Feminism"; Ann Cudd, *Analyzing Oppression*.