

‘Does Sex Matter to Democracy?’ – A Comment

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Two aspects of the relation between sexual difference and democracy are discussed: (i) the construction in classic contract theory of the ‘natural’ difference between the sexes as a relation of superiority and subordination; (ii) the peculiarities and paradoxes of women’s standing as citizens as the ‘different’ sex. This is illustrated by the examples of motherhood – women have been seen as having a distinctive political duty as mothers, but motherhood is also seen as the antithesis of citizenship – by the difficulties surrounding women and consent, and by the questions raised by contemporary feminists about the meaning of (‘normal’) ‘sex’.

In her wide-ranging article published in SPS, Vol. 11, no. 4, Anna Jónasdóttir has raised some important questions that are usually treated as irrelevant or, at best, peripheral, to an understanding of political life. Political theorists still tend to ignore three hundred years of feminist argument and the fact that the problem of the relation between the sexes was central to the political theories of the seventeenth and eighteenth centuries. Jónasdóttir draws on some of my own work in her argument and I should like to comment on two matters that she discusses.

Firstly, there is the question of interpreting the classic texts and the implications of alternative readings for feminist political theory. Jónasdóttir argues that ‘it did not really matter’ whether or not women were seen as equal to or subordinate to men in arguments about the state of nature (p. 307). She also argues that in early-modern political theory men’s sovereignty over women was not justified ‘by defining women as different’, but by legitimating ‘a new form of oppressive relationship between the sexes’ (p. 314). Women were there to be used by men. The argument for women’s subjection was not made, as I have argued, from an appeal to the different natures of the sexes, but from considerations of social utility.

I find it rather surprising that Jónasdóttir suggests that ‘arguments about women’s inferior nature were problems of true and untrue claims’ and that such claims ‘were relatively easy to solve’ (pp. 305–306). The claims may always have angered many women but, far from being easily resolved, they are still being fought over at present by, for example, the advocates and opponents of fundamentalist religions and the ‘science’ of sociobiology,

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I find it rather surprising that Jónasdóttir suggests that ‘arguments about women’s inferior nature were problems of true and untrue claims’ and that such claims ‘were relatively easy to solve’ (pp. 305–306). The claims may always have angered many women but, far from being easily resolved, they are still being fought over at present by, for example, the advocates and opponents of fundamentalist religions and the ‘science’ of sociobiology,

and in arguments about the sexual division of labour in the private home and public work-place. Indeed, utilitarian arguments about the separation of men's and women's spheres are much more likely to be undermined by, say, evidence about economic efficiency than is the appeal to the natures of the sexes. The appeal to nature is not, and never has been, easily open to falsification 'on the grounds of rational thinking and empirical evidence' (p. 305). Jónasdóttir's statement implies that portrayals of the 'nature' of the sexes are direct derivations from empirical, and thus falsifiable, 'natural facts' about the human species. On the contrary, arguments about the 'natures' of the sexes are political constructs of what it means to be a man and a woman; they derive from political meanings attributed to manhood and womanhood.

This is not to deny that arguments from utility were often used by the advocates of men's government over women. But on what basis did such arguments achieve their success? Why could it appear so 'obvious' that utility demanded 'a new form of oppressive relationship'? This relationship was legitimated by a conception of femininity that placed women in political subordination to men. Appeals to social utility called upon a certain understanding of the political meaning of sexual difference, and the relationship of superiority and subordination between the sexes was held to be justified because it mirrored the order of nature.

Contract Theories

Theories about the state of nature and the original contract are important precisely because the classic contract theorists held that the natural difference between the sexes was the political difference between freedom (for men) and subjection (for women).¹ Only men 'by nature' possessed the capacities of 'individuals' that enabled them to make the original contract and then participate as equal citizens in the free civil society they had created through their agreement. Contract doctrine has had a new lease of life since the publication of Rawls's *A Theory of Justice* (1971). We are told that the idea of an original contract is the appropriate way in which we can understand the character of our political institutions, and that contract doctrine provides the appropriate metaphors, images, models and analogies through which we can represent our political life to ourselves. Contemporary contract theorists, however, do not tell the whole story. They merely discuss the social contract, which justifies the government of the state. But the social contract is only half of the original contract. The sexual contract, which justifies the government of men over women, is always missing. The original contract is an agreement which creates modern *patriarchal* civil society. (The details of this interpretation can be found in Pateman 1988.)

The classic contract theorists' appeal to nature enabled them to exclude sexual relations from the revolutionary implications of their own premise of individual (natural) freedom and equality. The same brilliant theoretical manoeuvre enabled them to place sexual difference at the centre of their political theories and to justify patriarchal rule and yet, at the same time, to exclude the ('natural') relations between the sexes from the scrutiny and criticism to which other forms of government were subjected. 'Nature' (in other words, womanhood and manhood or sexual difference) and convention or 'politics' were brought into opposition with each other. The exclusion of sexual difference, women and the relation between the sexes from 'the political' began as an explicitly political strategy, but is now accepted as a valid limitation on the scope of political enquiry by most contemporary students of politics. They accept that the public world of politics can be understood, investigated and theorized in isolation from relations between men and women and the private world, and thus they fail to ask how this isolation of the public and political was established. That is to say, they fail to explore the interdependence between the meaning of the political, the public, manhood, equality, freedom and citizenship, and the meaning of the natural, the private, womanhood, difference, subordination and sex and love.

Women as Women

The construction of politics and citizenship in exclusion from, and in opposition to, sexual difference is central to the second issue on which I wish to comment: namely, women's standing as citizens, and what Jónasdóttir calls 'the struggle over the creation and confirmation of a self-evident authority of women' (p. 313). The difficulty for women is that citizenship as an equal political status is seen as antithetical to sexual difference. 'Equality' requires a standard of measurement, and the present standard is the masculine construction of what it means to be an 'individual' and citizen; women are always 'different'. Thus, on the one hand, to demand that women must be equal to men in all respects as citizens is to demand that women must be like men; on the other hand, the demand that has long been heard from feminists, that women's 'different' capacities and tasks should be recognized as relevant for citizenship or become part of citizenship, is to try to attain something that at present is out of reach, because citizenship is held to transcend such differences between the sexes. So the question, as Jónasdóttir emphasizes, is how women are to be citizens 'as women'.

Jónasdóttir asks what I mean when I refer to 'women as women' (p. 301). Before I turn to her answer, let me provide a response. I am referring

to the curious manner of women's incorporation into political life. Women's political standing is so peculiar and complex because our political exclusion and political inclusion are both based on our difference from men; women have been excluded and included 'as women'. In the past, women have been excluded as women, as men's natural subordinates, and also included as women, as beings who have a different political contribution to make from men whether or not they are citizens. In the future, feminists hope, women will be included 'as women', that is as autonomous, full members of the citizen body, who have 'self-evident authority' – but who are not the same as men. The crucial point is that it has not been, and is not, a matter of whether women will be excluded/included as women (i.e. whether sexual difference is politically relevant) but always of how sexual difference will be given political expression and how women will be incorporated into politics. Is the patriarchal expression of sexual difference as the difference between freedom and subordination to continue?

The answer that Jónasdóttir gives to the question of what I mean by 'women as women' is that I split women 'into two separate figures with no obvious connection between them'. The two figures, she states, are 'women as victims' of men's sexual and political coercion and women as 'dignified civil mothers' (pp. 301–302). Let me take the two figures in turn, beginning with the mother. Here, Jónasdóttir misunderstands my argument. She draws on some unpublished lectures (which will not be published as they stand, because both my own ideas and feminist theory more generally have developed since 1985), so that readers will not be able to judge my position for themselves. But the point of my earlier argument was not that women would be citizens only as mothers; rather, my aim was to illustrate that for two hundred years, both for feminists and their opponents, one of the most politically significant differences between the sexes has been women's ability to become mothers (an ability that men lack).²

Foucault (1980) has argued that modern politics is not based on the old right of the sovereign to put his subjects to death – sovereignty symbolized by the sword – but on a new form of government and discipline concerned with the quantity and quality of the life of the population. Foucault glosses over the fact that sexual difference and women's citizenship is tied up with this modern interest; he fails to ask the question of where the population comes from. If the population is to maintain itself, or grow, women must give birth, and if the population is to be healthy they must be good mothers. Women have thus been seen to have a distinctive political contribution to make and a distinctive duty to fulfil – but their task has not necessarily been regarded as a duty of citizens. Indeed, motherhood is seen as the antithesis of citizenship, as symbolic of everything 'different', that must, therefore, be separated from the life of citizens. Women's duty exemplified nature and the privacy of the home, not the conventional, public life of

politics. Political theorists frequently remind us that the ultimate duty of men as citizens is to die for the state. But what of women? Theorists are silent about women, but the answer is easy to find. Women have a duty to give birth for the state.

The historical importance of motherhood to women's political standing has been demonstrated in, for example, the ideology of republican motherhood in America (see Kerber 1986), by the anxieties of many governments about falling birth-rates and 'race suicide' – in France in 1920 a medal was given to particularly fecund women – and in the demand made by women from the 1790s onwards that their duties as mothers, and their work caring for others, should be part of their citizenship. This demand was heard during the suffrage movement, during the fight to establish the welfare state, and again now in arguments about 'maternal thinking' (Ruddick 1980), and the political relevance of women's 'different voice' (Gilligan 1982). Moreover, the interest of the state in the condition of the population means that childbirth and motherhood have been and continue to be regulated by the state. The present controversies over abortion in the USA, Australia and many European countries are yet another example of the battle over the political construction of motherhood and over women's freedom.

Citizenship and Sexual Difference

My argument is not, as Jónasdóttir states, that a genuine democracy 'must be redirected and completed by women in virtue of motherhood' (p. 302). In my lectures I said that my argument was not 'that women will be citizens only as mothers. Women as citizens will do many things.' My aim was to show that there cannot be a genuinely democratic theory and practice unless the problem of motherhood is treated as a problem of democracy. Most democratic theorists see no special problem about women and citizenship, and tacitly assume that motherhood stands outside politics. The contradictions and ambiguities in women's political position thus remain unrecognized and the antagonism between motherhood and citizenship appears irresolvable.

Jónasdóttir finds 'no obvious connections' between the two figures of the mother and the sexually coerced woman that she has discerned in my work. There is, however, one connection between my interest in women and consent and the figure of the mother; women usually only become pregnant as a result of sexual intercourse, and 'consent' determines whether pregnancy and motherhood have been undertaken freely or are a result of coercion or violence. But that is not the point I wish to pursue here. I disagree with Jónasdóttir that feminist scholars have had little to say about

'normal' heterosexual relations (p. 311) and that feminists have neglected love. From 1792 when Mary Wollstonecraft had some sharp words to say about romantic love in her *Vindication of the Rights of Woman*, to the revival of the organized feminist movement two decades ago (see, for example, Firestone 1970; Greer 1970), feminists have been critical of 'love'. Feminists have raised two fundamentally important and related questions: firstly, to what extent 'consent' in any genuine sense can be said to exist for women in democracies given the present structure of sexual relations; and secondly, what exactly is the meaning of 'sex'?

Women's relation to the practice of consent is very peculiar. 'Consent' has meaning if and only if withdrawal of consent and refusal of consent are actually possible. Yet women's moral and sexual characters are seen to be such that, simultaneously, women are held to lack the capacities required to enter the practice of consent, yet always consent, and can always have their refusals of consent reinterpreted. Both the texts of political theory and empirical evidence about contemporary sexual relations raise disquieting questions about the comfortable assumption that 'sex' is consensual, constituted by the freely given consent of the two partners, and thus is decisively separated from coercion and violence. Popular belief and legal and social practice mean that enforced submission is often taken to be 'consent'. Empirical evidence about rape and sexual harassment, the fact that in many jurisdictions husbands still have the legal right of sexual access to their wife's body irrespective of her consent and the fact that the sex industry is now a world-wide branch of capitalism, mean that there are some very severe, and barely recognized, obstacles to women's 'self-evident authority' and, hence, to their citizenship (Pateman 1989b).

Political theorists emphasize the fundamental importance of public speech, debate and deliberation to the practice of consent and democracy. But they rarely take account of the problems that stand in the way of the creation of 'democracy' when 'everyone knows' that women always say 'no' when they mean 'yes', and women's speech is thus systematically invalidated every day in their sexual relations with men. Nor do they ponder on the meaning of 'sex' and its significance for democracy in the light of the problems about women and consent. In my investigation of the texts of classic contract theory and the contemporary marriage contract and prostitution industry in *The Sexual Contract* (Pateman 1988), I came to the conclusion that 'sex' means men's mastery, their demand to have right of sexual access to women's bodies. This is not to say that it is impossible for (heterosexual) sex to be consensual. But any such relationship has to be created in the face of the constraints imposed by the present patriarchal structure of meaning of 'masculinity', 'femininity', 'husband' and 'wife' (whether *de jure* or *de facto*).

The questions that feminists have raised about what Jónasdóttir calls

'ordinary' sexuality (p. 311) also pose problems for her strategy of putting 'freely given and taken love' (p. 312) at the centre of analysis. From ancient times philosophers have insisted that love is possible only between equals – and so the argument comes back to the problem of creating the conditions for women's citizenship and the political recognition of our 'self-evident authority'. Sex matters to democracy because the construction of sexual difference and sexual relations is part of the construction of political life. Women will not be citizens of a democracy *as women* until sexual difference is given expression in a manner that acknowledges and maintains, instead of denying, women's freedom.

NOTES

1. Hobbes is an exception; he argued that men and women were natural equals and both free by nature. Political theorists typically ignore the significance of this difference between Hobbes's theory and the other contract theorists. On Hobbes see Pateman (1989a).
2. Motherhood is also important for another reason. Contract theory is an example of a story of masculine political creation or birth. Political theory dismisses physical birth as irrelevant and substitutes a masculine political capacity; see the comments in Pateman (1988, 86–90, 95–96).

REFERENCES

- Firestone, S. 1970. *The Dialectic of Sex*. New York: W. Morrow.
- Foucault, M. 1980. *The History of Sexuality*, Vol. I. New York: Vintage Books.
- Gilligan, C. 1982. In *A Different Voice: Psychological Theory and Women's Development*. Cambridge MA: Harvard University Press.
- Greer, G. 1970. *The Female Eunuch*. London: MacGibbon & Kee.
- Kerber, L. K. 1986. *Women of the Republic: Intellect and Ideology in Revolutionary America*. New York: W. W. Norton & Co. Inc.
- Pateman, C. 1988. *The Sexual Contract*. Cambridge: Polity Press.
- Pateman, C. 1989a, "'God Hath Ordained to Man a Helper": Hobbes, Patriarchy and Conjugal Right', *British Journal of Political Science*, 19, 445–464.
- Pateman, C. 1989b. 'Women and Consent', in Pateman, C. *The Disorder of Women: Democracy, Feminism and Political Theory*. Cambridge: Polity Press.
- Ruddick, S. 1980. 'Maternal Thinking', *Feminist Studies* 6(2), 342–367.

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- Gilligan, C. 1982. In *A Different Voice: Psychological Theory and Women's Development*. Cambridge MA: Harvard University Press.
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- Kerber, L. K. 1986. *Women of the Republic: Intellect and Ideology in Revolutionary America*. New York: W. W. Norton & Co. Inc.
- Pateman, C. 1988. *The Sexual Contract*. Cambridge: Polity Press.
- Pateman, C. 1989a, "'God Hath Ordained to Man a Helper": Hobbes, Patriarchy and Conjugal Right', *British Journal of Political Science*, 19, 445–464.
- Pateman, C. 1989b. 'Women and Consent', in Pateman, C. *The Disorder of Women: Democracy, Feminism and Political Theory*. Cambridge: Polity Press.
- Ruddick, S. 1980. 'Maternal Thinking', *Feminist Studies* 6(2), 342–367.