

social forms rely on what has come to be called a dual-systems argument; patriarchy and capitalism are seen as two autonomous systems. Sometimes patriarchy is seen as an ideological and psychological structure, sometimes as another set of material social relations that is separate from the social relations of capitalism. The latter argument is best illustrated by Heidi Hartmann's much-discussed 'The Unhappy Marriage of Marxism and Feminism'. She presents the relationship as a 'partnership' between patriarchy and capitalism; 'patriarchy as a system of relations between men and women exists in capitalism' and the 'accumulation of capital both accommodates itself to patriarchal social structure and helps to perpetuate it.'⁴⁵ The assumption, as critics have noted, is that a more or less adequate account of capitalism and class domination is available and feminism is merely supplementing this account.⁴⁶

The difficulties of breaking with this approach can be seen in Zillah Eisenstein's discussion, which is unusual in arguing that 'capitalism still is patriarchal', and that 'in the transition from feudalism to capitalism, patriarchy changed in relation to these economic changes, but it also set the limits and structure of this change.' Yet, she also states that we must recognize 'two systems, one economic, the other sexual, which are relatively autonomous from each other', but, she adds, 'they are completely intertwined.'⁴⁷ If capitalism is patriarchal, it is hard to see what is to be gained by insisting that there are two systems. One of the advantages of approaching the question of patriarchy through the story of the sexual contract is that it reveals that civil society, including the capitalist economy, has a patriarchal structure. The capacities that enable men but not women to be 'workers' are the same masculine capacities required to be an 'individual', a husband and head of a family. The story of the sexual contract thus begins with the construction of the individual. To tell the story in a way that illuminates capitalist relations in modern patriarchy, the theoretical route through which (civil) slavery comes to exemplify freedom also has to be considered.

3

Contract, the Individual and Slavery

Carole Pateman, *Contract*
— The Sexual Contract — (1988)

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 individuals 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

