From Retroactivation to Futurity: The End of the Sexual Contract?
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ABSTRACT This article investigates the changing relations between gender and labour in contemporary capitalism. It challenges what has become a default although mostly implicit position for understanding this relationship, namely what I shall term, following the work of Carole Pateman (1988), a sexual contract position. This position will be shown to cast labour with a particular temporal structure, namely as a package of capacities and abilities which are developed, accumulated, and stored up over time and become, as Pierre Bourdieu might have it, part of the habitus of the worker. But the relevance of this model is questioned in a context where labour appears not to be organized with reference to embodied accumulation but with reference to an open and vital future. And if labour now concerns such futurity, this article asks, does this imply that the sexual contract has passed away? Certainly the latter is implied in the view that we are witnessing a break with a previous synchronicity between work and life and in the idea that (particularly young) women are now hyper-charged with economic capacity. But do these ideas and interventions fully grasp the passing of the sexual contract? This article suggests that they do not. To do so requires a direct confrontation with changing arrangements of labour.

Introduction

This article is concerned with the changing relations between gender and labour in contemporary capitalism. It observes that, particularly for sociologists, a sexual contract position as articulated by Carole Pateman in 1988—namely, that the ability to exchange labour power for a wage is underpinned and mediated by the domestically labouring body of woman—has become a default although largely implicit stance for understanding this relationship, and that this is especially the case for those concerned with economic life. But while a sexual contract position will be shown to operate as a sociological taken-for-granted, this stance will be shown to cast labour power with a particular temporal structure, namely one which is about the past, as a package of capacities and abilities which are developed, accumulated, and stored up over time and become, as Pierre Bourdieu (1977, 1990, 2000) might have it, part of the habitus of the worker.
Yet the efficacy of this model of labour for the historical present will be questioned. Specifically the efficacy of this model will be questioned when labour power is organized not with reference to the past but with reference to an open future. Put slightly differently, the efficacy of this understanding of labour will be questioned when the power and dynamic of labour operate not via a model of retroactivation but by one of futurity. Moreover, this article will ask: if labour concerns the future and not the past, what are the implications for the sexual contract? Does it imply that the ability to exchange labour power for a wage is no longer organized via a sexual contract logic and demand new orientations towards the issue of gendered labour? Indeed, does it imply that the sexual contract has passed away? Such a passing is most certainly alluded to in current ideas that women’s increasing employment activities have unbalanced the relationship between work and life and that various socio-technical interventions are required to resynchronize this relationship. It is also implied in the idea that young women are now the privileged subjects of economic capacity and that a new sexual contract has come into being.

This article will, however, suggest that neither of these positions fully grasp the passing of the sexual contract, the former because it retains a commitment to a retroactive model of labour and the latter because it side-steps a confrontation with the organization of labour in favour of an engagement with governmental discourses. Indeed this article will suggest that it is only by confronting the arrangements of labour in contemporary capitalism that it is possible to grasp, engage, and prise open the implications of the passing of the sexual contract or, and to cast this in slightly different terms, to confront gender after society. In order to lay the ground for the arguments that follow and to address the questions this article seeks to confront, I begin with a brief overview of Pateman’s argument regarding the sexual contract.

**Contracting In**

Pateman’s work (1988) is best known as a feminist critique of the social contract, that is, of modern political right and the institutional systems developed to both pursue and uphold such right. Canonical liberal theory positions this right as constituting freedom, while classical social theory takes it as its back-drop, and more specifically assumes it to be tied to both the birth of the social and of modern subjectivity, indeed to be tied to the birth of society (Gane 2004). In *The Sexual Contract* Pateman’s main aim was liberal contract theory. She took issue with the central claim of contract theory, namely that political right is created through a social contract or that free social relations take a contractual form. Pateman took issue, for example, with the employment contract, and specifically with the assumption that employment involves a liberal freedom to contract out or alienate property in the person (in short, labour power) in exchange for a wage. Pateman observed that this contract view of employment can only be accepted if it assumed that labour has an external relation to an individual and can be treated as if it is property, that is, that the elements which comprise labour power—such as abilities, capacities and skills—can be alienated or disentangled from the person. Moreover,
contract can be accepted not only if it assumed that labour power can be alienated from the person, but also if it is assumed that it is this process of alienation or disentanglement, together with the workers’ ownership of these alienated skills, capacities, and abilities, which defines a worker as a free individual. The contract ideal can therefore only be accepted if it is taken for granted that the individual owns his or her labour power as a commodity, and that this relation to labour power is the same relation enacted in regard to any other form of material property.

Pateman argued, however, that labour is not the same as other forms of material property. Unlike other commodities labour cannot be straightforwardly disentangled from the person. She wrote:

The worker’s capacities are developed over time and they form an integral part of his self-esteem and self-identity; capacities are internally not externally related to the person. (Pateman 1988: 150)

Labour power therefore always requires the presence of its owner and cannot easily be made external to the person as is the case for other forms of material property. And because a worker cannot be separated from his/her capacities, skills and abilities, for Pateman the subject of the employment contract should be correctly understood not as labour power, but as the worker and his/her labour: what is sold is not labour power but command over the use of the worker’s body and of him/herself. The employment contract therefore does not concern a free exchange of labour as commodity for wages, but gives employers political right to workers’ obedience. It concerns not a relationship of exchange but one of subordination, since it “necessarily, gives the employer political right to compel the worker to use his capacities in a given manner” (Pateman 1988: 151).

Despite this analysis Pateman maintained that under the conditions of the social contract some workers did come close to achieving the ideal of ownership of property in the person as aspired towards in the employment contract. Indeed, Pateman argued that under conditions of contract only certain men came close to reaching this ideal since an institutionalized system of socio-legal rights afforded such men jurisdiction over property in the person. We may think of the artisan as the optimal figure who embodied such rights. For this is a figure for whom, at a certain historical moment, state and other forms of institutional legislation ensured that he could claim to own and contract out the skills, capacities, and know-how he accumulated over his years of apprenticeship and time spent on the job (albeit that this may have been achieved with struggle). The exclusions from this are obvious; the figure of the artisan always assumed its other, namely the figure of the housewife.

Indeed Pateman argued that the employment contract presupposes the marriage contract, and in particular a housewife who took care of the worker’s daily needs. In the social contract a housewife, Pateman argued, is a sexual subject who lacks jurisdiction over property in her person, which included her labour power. Thus in conditions of the social contract “women” could not be workers in the same sense as men as they lacked the political right, or had limited right, to alienate property in the person. Or perhaps we can say more precisely, following the insights of actor network theory, that under the conditions of the social contract the socio-technical
devices which made such forms of alienation possible for many men were not fully operative for women. For Pateman, therefore, the employment contract—or the ability to disentangle or alienate labour power—should be understood as being underwritten by a sexual contract since man could only operate as a labouring individual because “he is other than, and holds power over, the domestically labouring body of woman” (Colebrook 2004: 112).1

Retroactivation

Clearly Pateman’s critique of the social contract has been remarkably important for feminist analyses, a significance that extends well beyond the strict boundaries of political theory. In the field of the analysis of economic formations, for example, her insistence that the subject of the employment contract is not labour power but the worker and his/her labour, enabled a confrontation with the embodied aspects of labour. This was particularly significant in the context of the rise of post-industrial and service-based economies where the mobilization of the body in the employment contract was made particularly explicit.2 Yet while this influence can be clearly tracked, one aspect of Pateman’s analysis which has been relatively neglected is the temporality that she ascribes to labour. Let me quote Pateman once more to highlight this temporality:

The worker’s capacities are developed over time and they form an integral part of his self-esteem and self-identity; capacities are internally not externally related to the person. (Pateman 1988: 150, emphasis added)

So while in Pateman’s view we must not accept the political fiction of labour power, namely that it is externally related to the person, she wants labour itself to be understood as a kind of substance, as a package of capacities and abilities, developed and accumulated over time which become, as Bourdieu might have it, part of the habitus of the worker. The implication of this is, of course, that what is sold in the employment contract is not simply just “command over the use of his body and him/herself” but these temporally accumulated, stored-up capacities.

Pateman is not the only theorist who views labour in this fashion. As already alluded to, Bourdieu (2000), for example, will see the various forms of capital which he animates (symbolic, social, economic, and cultural) as accumulated human labour, or what at times he also refers to as accumulated history. For Bourdieu, therefore, labour is built and stored up over time and constitutes the key forms of capital which are incorporated into the habitus, that is, into the “systems of schemes of perception, appreciation and action [which] enable [actors] to perform acts of practical knowledge” (Bourdieu 2000: 138), systems which are “inscribed in bodies by past experiences” (Bourdieu 2000: 138, emphasis added). The habitus is then for Bourdieu a “product of historical acquisition” (2000: 151), it is “embodied history, internalized as a second nature” (Bourdieu 1990: 56), with the body acting as a “memory pad” (Bourdieu 2000: 141). The habitus is “the active presence of the whole past” (Bourdieu 1990: 56), a presence which not only enables practical action in the present but an orientation to the future.3 Hence for Bourdieu, the system of
dispositions which comprise the habitus is “a present past that tends to perpetuate itself into the future by reactivation in similarly structured practices” (Bourdieu 1990: 54). The present and the future are then for Bourdieu only possible because of the past, a past which is “enacted and acting”, and functions as “accumulated capital” (Bourdieu 1990: 56), that is, as accumulated labour.

Interestingly from the point of view of my concerns here, to illustrate this historicity of the habitus, Bourdieu makes reference to a paradigmatic figure of industrial society, namely the skilled manual worker or artisan who has trained over many years to gain practical mastery in the use of particular tools and techniques. Of the artisan Bourdieu writes “to be able to use a tool (or do a job), and to do it ‘comfortably’ [...] one has to have ‘grown into it’ through long use, sometimes methodical training [...] in short, to have let oneself be used, even instrumentalized, by the instrument” (Bourdieu 2000: 111). In this instance history, in the form of past training and long use, not only defines the ability to work (to be able to “do a job”)—indeed constitutes work—but also allows for the key process which defines and enables capitalist accumulation, namely instrumentalization or commodification. Thus past training and long use allow (albeit tacitly) for the instrumentalization and commodification of the worker and his labour and hence for the classic exchange of industrial society, namely the exchange of labour-time for a wage. Put differently, for Bourdieu, the habitus acting—to repeat—as accumulated and embodied history, or more precisely as accumulated labour, enables the very appropriation of that labour. For Bourdieu, therefore, and with Pateman, labour consists of stored-up or accumulated embodied capacities with the body acting, to reiterate, as a “memory pad”, even as these capacities are for the most part tacitly and unconsciously acquired.

The Persistent Sexual Contract

The view that labour comprises a substance accumulated over time and stored in the body also forms an implicit back-drop to many sociological understandings of the gendered arrangements of economic life. Very generally put, in many sociological analyses of economic life (and along similar lines to Pateman) there is an assumption that women are either excluded from accumulating skills and capacities over time, and/or that such skills and capacities are (by various means) not recognized. Two examples will suffice here, the first a mode of analysis with important historical links to the formation of specifically materialist modes of feminist social theory (see especially Hartmann 1976, 1981; Cockburn 1981, 1983), namely the study of the gendered division of labour within the sphere of paid labour, and more precisely analyses of gendered occupational segregation. Even if this is today very rarely acknowledged and made explicit, and indeed now mostly comprise a set of technical and positivistic procedures which have become somewhat detached from their theoretical origins (see e.g. McVeigh & Sobolewski 2007), nonetheless studies of gendered occupational segregation are based upon the view that a range of socio-technical mechanisms (e.g. the organizational mechanisms of employment associations and the legislative mechanisms of the state) have prevented women from accumulating capacities and skills—or storing labour—over time. Such studies
indeed are based upon the view that gender is constituted in this blocked or failed accumulation. Moreover, analyses of gendered occupational segregation tend to posit that the political solution to this problem is to create a range of socio-technical interventions which will enable the accumulation of skills and capacities or, to put this slightly differently, to create socio-technical devices which will enable skills and capacities to stick to and to be stored in the bodies of women. In short, work on occupational segregation works fundamentally with the assumption that many women (and of course some men) need to acquire the political right to store up, own, and alienate labour power.  

In referencing this body of work I am certainly not wishing to return us to all of those problems, including those of the distinctions between nature and society and nature and history, associated with conceptions of gender which were built upon or at the very least were indebted to a Marxist understanding of the category of labour (Haraway 1991). Nor am I somehow suggesting that such views have a grip on contemporary economic life. For while it may be the case that historically capitalist economies were characterized by the exclusion and segregation of women, the utter centrality of women’s paid labour in contemporary capitalism (Mohanty 2002; Walby 2002; McDowell 2004; Morini 2007) suggests that such a model of gendered labour may now be a rather blunt instrument for the contemporary present. Rather my point is that while studies of occupational segregation now rarely reference their theoretical lineages, nonetheless with Pateman and Bourdieu they are based on the view that labour comprises stored-up embodied capacities and skills, or, more precisely that labour comprises stored power or stored energy, even as the right to store such power or energy is uneven and unequal.

We also find similar assumptions regarding labour in recent theoretically orientated analyses of the contemporary capitalist economy. And significantly, we find these assumptions when such analyses confront the issue of gender. More particularly we confront these assumptions regarding labour in implicit claims that a sexual contract logic is at issue for the contemporary economy. Consider, for example, recent statements that there is an increasing economic value attached to creativity (Thrift 2001; Osborne 2003; Thrift 2005), indeed that the contemporary economy demands that workers be creative by embracing risk, unpredictability, and uncertainty, and that the increasing value attached to creativity is giving rise to and privileging a specific form of subjectivity in working life, namely a creative and romantic subjectivity.  

Louise Amoore (2004), for example, suggests that the embracing of economic uncertainty and unpredictability gives rise to a heroic, romantic subject who follows an exciting path to self-fulfilment; while Nigel Thrift (2001, 2005) discusses the entrepreneur who sleeps in his office, slaves away at the computer until the break of dawn, and visibly displays the signs of his passionate labour.

As writers such as Janet Wolff (1990) and Griselda Pollock (1988) have made clear, the creative individual—the artist, painter, novelist, philosopher or flâneur—has historically been associated more with masculinity than with femininity, indeed women have been historically excluded from this form of subjectivity. And writers on the contemporary economy believe that the incitement to creativity within the mainstream of economic life is precisely unrolling these kinds of exclusions. Amoore,
for example, argues that contemporary economic creativity is reminiscent of "frontier masculinities" (Amoore 2004: 180) and positions this heroic, autonomous masculinity as dependent upon a feminized labour of intimacy, in short, on various forms of low-paid and unpaid, privately provided and organized intimate forms of servicing, including hotel, domestic, and catering services. Thrift, too, draws on the historical associations between creativity, the autonomous figure of the artist, and masculinity to argue that the increasing value attached to creativity, romance, and entrepreneurial innovation plays "to a certain kind of male role model: the artist obsessed with their work" (Thrift 2001: 422). Specifically, he argues that while the imperative in the contemporary economy is to display passion for work 24/7 "those with other responsibilities [find] it hard to play" (Thrift 2001: 421). By this Thrift is referring to women, and more particularly he argues that "for all the talk of female values, women [are] actually a declining element of the new economy" (Thrift 2001: 421), a decline which he suggests is connected to a lack of representation in relevant educational sectors (for example computer science) and to the fact that the contemporary economy demands long working hours, onerous travelling demands, and thus affords workers limited hours at home.7

For both Thrift and Amoore therefore, and much as Pateman might claim, in the contemporary economy women cannot be "workers" on the same terms as men. Indeed while this is certainly not made explicit, both Thrift and Amoore rely on and assume a sexual contract logic in their analyses of gender and contemporary capitalism. When, for example, Thrift argues that women find it difficult to participate in the contemporary economy because of "other responsibilities" he is evoking such a logic. Specifically, he is assuming that women cannot occupy the position of the creative worker as they lack jurisdiction over property in the person, and in particular over labour power. Indeed a sexual contract logic is also at issue in his claim that women have limited opportunities and rights to accumulate and store up the capacities and skills required of creative labour, such as capacities and skills in the field of computing.

Amoore’s analysis also displays a similar logic. Specifically, for her women cannot achieve the status of the romantic, heroic, and creative worker because such labour is dependent on low-paid and unpaid domestic and intimate servicing, services which women are delivering. Here, then, we find the assumption that the employment contract rests itself on a sexual contract, and in particular the assumption that the achievement of the status of a labouring individual requires the domestically and intimately labouring body of a woman, whose existence is in turn defined by her lack of political right to store up and alienate labour power. For Amoore therefore, and with Thrift, not only does contemporary capitalism involve a sexual contract logic in that there is a persistence for women of a lack of political right to store up, own, and alienate labour power but also, and inter alia, labour power is assumed to be a substance comprised of accumulated capacities and skills which stick to and are stored up in the body.

Resynchronizing Work and Life: An Unravelling Sexual Contract?

Yet how are we to reconcile such assumptions regarding the persistence of the sexual contract with ideas, however implicit, that the sexual contract may be under some
significant transformation? Consider, for example, the assumptions underlying a concept which not only seems to dominate certain policy discussions and interventions regarding working life, but also frames a whole programme of empirical studies of work, namely the concept of the work–life balance (see e.g. Allan et al. 2007; Charles & Harris 2007). This is a concept mobilized to express the view that policy devices can and should enable people to achieve their desired expectations regarding the organization of on the one hand their paid work and on the other their lives outside of work, indeed that such devices can and should alleviate any conflicts which may arise between the two. Typically, and significantly from the point of view of my concerns here, such policy devices are understood to be required due to the removal of most of the formal barriers to women’s employment (those barriers which have historically limited women’s political right to store up, embody, and alienate labour power) and because of the aforementioned centrality of women’s paid labour for the operations of contemporary capitalism.

Crompton and Lyonette (2006), for example, posit that the issue of the work–life balance must be understood as emerging in the context of the break-up of those arrangements whereby the standard worker was (usually) a male full-time worker and where women were typically assigned to unpaid caring and domestic work, an arrangement which ensured that the balance between work and life was not an issue. As Crompton and Lyonette cast it, women’s increasing employment has undone this “balance” and hence requires attention. And in this context, for a number of commentators, work–life balance devices must and should deal with the key problem which emerges from the undoing of this balance, namely the conflict which may emerge between women’s increasing employment and domestic and caring responsibilities, or deal, as it is sometimes phrased, with a “care deficit” (see Perrons et al. 2006).

Leaving aside the functionalist impulses at play in these sentiments, we might posit, following Pateman, that the issue of the work–life balance has emerged in a context where the underwriting of the employment contract by a sexual contract has to some extent or another come undone, an undoing evidenced in increasing numbers of women in employment. But what is also worth reflecting on is that the very idea of a “work–life balance” only seems to make sense if work is understood to be alienating in the classic Marxist sense, an alienation which needs to be “balanced out” or at least mitigated against by home, family, and leisure time. For certainly the assumption embedded in the concept is not that an alienating home-life needs to be balanced by a healthy work-life, or that domestic life needs to be rearranged to accommodate work commitments. On the contrary, the assumption at play in the notion of the “work–life balance” is that work needs to be rearranged so as to soften its effects. In particular, work needs to be arranged in such a way to allow time for both caring and other domestic responsibilities and to enjoy home, family, friends, and leisure.

This assumption is, for example, made obvious in recent sociological studies of the work–life balance whose thrust is generally to underscore the injurious effects of contemporary modes of work organization (including flexible working patterns, long paid working hours, and homeworking) for domestic and family life, indeed for the deleterious effects of such arrangements for social reproduction more generally (see
e.g. Perrons 2003; Perrons et al. 2005). It is also made obvious in claims that devices which enhance variety, autonomy, and decision-making among employees reduce work–life conflict (Crompton & Lyonette 2006).8

The implicit reliance on the idea that work is alienating within the work–life balance concept is made explicit if we consider the following extract from Marx:

The worker […] only feels himself outside his work, and in his work feels outside himself. He is at home when he is not working, and when he is working he is not at home. […] the worker’s activity is not his spontaneous activity. It belongs to another; it is the loss of his self. (Marx 1978 in Brown 2001: 74)

While I do not think that Marx was referring to home in quite the same sense as we find in the contemporary debates about the work–life balance, nonetheless the debt that this concept owes to Marx is made explicit in this quote. For just as Marx found that the worker was not at home when he is working and feels himself only outside of work, so contemporary proponents of the work–life balance assume that there is no home in work and that workers need a literal home to feel at home. And for Marx at issue in the loss of self experienced in working is the social domination constituted by the commodity. Specifically, alienation for Marx concerns the fact that commodities are depositories of human labour, indeed comprise abstracted, accumulated, or congealed labour (Marx 1894/1974: 88, 1887/1983: 48–49), labour which has been “abstracted from every element of its concrete, sensuous being” (McNally 2004: 195). The uncanny alienation that Marx describes therefore concerns the fact that in the act of production, labour becomes estranged and is made foreign to the worker since it is congealed in an object—in the commodity form—which is distant from her/him, that is, in an object that the worker neither controls nor directs, even as that worker has contributed towards its very production.9

Crucially for my concerns here, for Marx such alienation takes place because the substance accumulated in the commodity is not simply labour but abstracted labour, and more specifically labour quantified and measured as (socially necessary) labour-time, time measured as spent in the past. Thus, when discussing the commodity of yarn, Marx wrote: “the whole of the labour in the yarn is past labour” (Marx 1887/1983: 182, emphasis added). Indeed for Marx commodities only materialize and have value because they are substances measured as units of human labour-time: “they [commodities] are nothing more than the materialization of so many hours or so many days of social labour” (Marx 1887/1983: 184–185); they are “crystallized labour-time” (Marx 1887/1983: 184). Acting as depositories of absorbed labour, commodities “count” because of the labour-time measured as embodied within them, and this for Marx is a matter of duration: “it amounts to so many hours or days as the case may be” (Marx 1887/1983: 190). It is, in other words, precisely that commodities are measured (and hence quantifiable) as abstracted units of labour-time—time measured as spent in the past—which produces and indeed enables estrangement between the worker and his/her labour since the process of abstraction strips human labour of subjectivity and transforms such labour into “alien property” (Marx 1887/1983: 453–454).10
My point here is that in drawing on the idea that when a worker is working he is not at home, and when he is not working he is at home, that is, in assuming that work is alienating, proponents of the work–life balance are not only taking for granted that productive activity produces (and indeed requires) an alienated subjectivity (an alienation which a healthy life outside of work can mitigate against), but are also making a number of further methodological and theoretical assumptions. In particular they are assuming that the commodity form consists in accumulated, abstracted, quantifiable units of labour-time and that value also consists in this accumulated labour-time. In so doing, supporters of the work–life balance concept also follow a further of Marx’s (and as we have also seen Bourdieu’s) methodological propositions, namely that accumulated or past labour creates the very vitality of social formation and the dynamics of capitalist accumulation, a vitality captured in Marx’s statement that “the past labour that is embodied in labour power […] calls living labour into action” (Marx 1887/1983: 188). In short, proponents of the work–life balance are not only assuming a particular model of political economy, one where what is at issue is the alienation (and exploitation) of labour, but also of labour, whereby labour is understood as a substance which can be accumulated over time (both concrete and abstract) and to have retroactive powers, powers which call living labour into action and give commodities their vitality and force. And proponents of the work–life balance concept make such assumptions even as they posit “work–life balance” devices as significant in the context of what appear to be at face value shifts in or at least challenges to the very political right to accumulate and alienate labour power, namely challenges to the sexual contract.

A New Sexual Contract?

I shall return to this apparent paradox, but before I do so it is important to consider the view that not only is the sexual contract being reworked but that, especially for the case of young women, a new sexual contract is in operation. Angela McRobbie (2007), for example, has suggested that in the last ten to fifteen years, a new sexual contract has emerged for young women in the (so-called) advanced democracies of the West. This new sexual contract appears to displace traditional modes of patriarchal authority and attribute to young women all manner of social, political, and economic freedoms, those very freedoms the feminist movement once demanded. Examining the case of the UK, McRobbie argues that the outstanding characteristic of this new category of womanhood is that young women are now increasingly attributed with capacity, indeed are now the privileged subjects of capacity, including the capacities of success, attainment, and social mobility. Thus, and in contrast to the kind of womanhood elaborated by writers such as Pateman, where conditions of existence are marked by containment, or more precisely by a blocked capacity, womanhood now appears to be associated with an excess of capacity. To put this in McRobbie’s terms, young womanhood is now less about what young women ought not to do (or what they cannot do) and is more about “what they can do” (McRobbie 2007: 721).
McRobbie argues that the incitement towards such capacity is particularly visible in the field of education and employment. In UK governmental discourse, for example, young women are compelled to be active, willing, motivated, and aspirational. They can (through determination and hard work), transcend barriers of class, gender, and race and secure occupational identities, success at work, and material reward. As subjects endowed with newly found capacities to succeed economically, McRobbie posits that young women are increasing incited (and normatively expected) to become wage earning subjects across their lifetime, an incitement confirmed by Anita Harris (2004) who, in a review of labour market trends across Europe, North America, and Australia, observes that young women are entering the work-force in unprecedented numbers. Harris notes for example how young women are entering traditionally male professions such as “law and medicine, earning high salaries, and enjoying their disposable income in a way that would have been unimaginied a generation ago” (Harris 2004: 46). While this latter biography is only available for the relatively privileged, Harris nonetheless shows that the incitement for young women into employment is operative across the class spectrum. In short, “at all levels of social class, young women have a critical part to play in the smooth functioning of the new economy” (Harris 2004: 60).

For McRobbie this centrality of women’s labour in the contemporary economy would evidence that young women are now privileged subjects of economic capacity. Indeed, such capacity forms a central element of what she terms the new sexual contract. And for McRobbie this is a new sexual contract rather than a simple transgression or release from the old sexual contract since while operating within a framework of freedom, choice, change, and equality, the condition of young womanhood involves a feminist tragedy. Specifically the new sexual contract involves a “fall” of public woman since the endowment of young women with capacity involves their removal from feminism, indeed the erasure of feminist politics, since attributing women with capacity requires the abandonment of the critique of hegemonic masculinity associated with feminism and the women’s movement. Endowing young women with economic capacity, for example, is predicated on the assumption that the demands of feminism, especially those of equality, freedom, and independence, have already been met. In short, attributing young women with capacity closes a space for feminist critique.

McRobbie’s arguments are of importance on a number of counts. First, and perhaps most obviously, her account stands in contrast to writers such as Thrift who de facto maintain that for the contemporary economy Pateman’s pre-feminist sexual contract is at issue. Specifically, and to put this in the terms I have been deploying throughout this article, while writers such as Thrift maintain that for the contemporary economy women lack the socio-political right to store up, own, and alienate economic capacity, McRobbie’s account implies that not only have women gained this socio-political right, but are storing up and alienating economic capacity in a hyper-active fashion. Second, McRobbie’s account is of interest in that although she uses the language of the sexual contract, she in fact distances herself from a direct engagement with Pateman. She writes:
My use of the term sexual contract is cultural […] and to be understood as a provision to young women on behalf of government including education, employment [and] control of fertility within specific conditions. In this respect my use of the term is therefore quite different from the more contractual language of Pateman. (McRobbie 2007: 734–735)

But given McRobbie’s claims regarding employment, and especially her claims regarding young women’s new-found hyper-economic capacity and all of the implications this seems to hold for Pateman’s understanding of the employment contract and its underpinning by the sexual contract, is a confrontation with the language of contract not both useful and necessary? To be sure, McRobbie’s analysis is confined to governmental discourse, and hence the materials she draws upon do not obviously lend themselves to such a procedure. But what if we were to carry out such an operation? Would the claim that a post-feminist sexual contract is operative in the domain of culture be substantiated for the case of the employment contract?

Futurity

These are big questions indeed, but let me make a modest start towards addressing them by considering some materials derived from two small-scale projects I have recently carried out, one with web designers or, as they are sometimes termed, digital labourers and one with accountants. I will use these materials illustratively and suggestively, and by no means am I claiming that I am using them to establish or demonstrate watertight empirical fact. Nonetheless they raise a series of seriously consequential issues regarding the contemporary organization of labour, value, and the commodity, which in turn provoke questions regarding the analytical and substantive status of the sexual contract in contemporary capitalism. Consider, for example, this response from a web designer I interviewed when I asked him what he thought made a good web site:

[One] web site that I have done [for a financial services company], I can prove this, [has] about a high 20 something, over the one in three [of the previous site] of people looking at the web site and making an enquiry. So I don’t really care about opinion, I don’t care if I think it looks good or they think it looks good. All I care about is the response rate.

What is particularly striking here is that for this designer the value of a web site does not appear to lie in the acquisition and mastery of web design skills, as Bourdieu might suggest, or in stored-up, already-expended labour-time crystallized in web sites as we might deduce from Marx. Rather, it lies in what we might think of as effects, specifically in response rates or more precisely hit rates and the potential hit rates which web sites might generate. Indeed this web designer went on to explain that he did not even sell his sites. What he sold, instead, were customer leads, that is, potential customers, and the potential of such customer leads that his web sites may generate. He went on:
What I don’t want to be doing is saying “I’m a web designer for hire for an hourly rate”. You can never earn a huge amount of money doing that. If I can say “I can generate leads for you and I can sell them to you for 20 pounds each”, and I can generate them for 10 pounds each and I can do 200 a day, that is when you can earn serious money.

This is suggestive of a very different picture of the organization of labour, value, and the commodity (and indeed of time) to that which we find in the classical social theory of Marx and the contemporary social theory of Bourdieu. For here we find not the classic exchange of industrial capitalism, that is, the exchange of a retroactively structured (and alienated) labour-time for a wage: it is not about being a designer for hire for an hourly rate, a designer whose embodied skills and capacities have perhaps been built up over time, through training, or time spent on the job. Thus in the case of this web designer we do not find that labour is organized retroactively in time: it is not an issue of duration or, to use Patricia Ticineto Clough’s (2003) terms, a socialized model of labour-time. And while labour does not have a retroactive structure as would be assigned to it by writers such as Marx and Bourdieu, neither does the commodity. Specifically, the value of the commodity (the web site) does not lie in congealed, spent, or crystallized labour-time—it is not about the past. Indeed for this designer the conventional product is in a sense irrelevant, hence he does not care at all about the actual web site. For rather than value being made up of stored-up or spent labour-time, a past which not only gives the commodity value but also constitutes the worker as a worker and allows him to alienate and instrumentalize his labour power, value for this designer concerns the future, a future which lies outside of and is external to the body of the worker and the dead labour-time of the commodity. And this is a future which concerns potential leads, and more precisely, potential and not yet even existing customers, a future captured by this designer in his statement that he understands himself not to be a web designer but a “lead generator”, that is, engaged in the generation of potential but not yet existing customers, in short, engaged in the creation of potential.

And less we attribute this web designer’s, or more precisely lead generator’s, sentiments regarding value and the commodity to erroneous subjective experience, consider the following quote from a management consultant I recently interviewed in the context of discussing calculations of economic value:

You know, a business might say, “In the last ten years we’ve done really, really well, invest in us”. No way! I want to see that you have a robust and defensible strategy going forward that focuses on how you manage the intangibles to deliver the outcome that you have set out as your strategic intent. And only when you show me that, will I have comfort that you are a business worth investing in. It’s not about the last ten years. What does the last ten years tell me?

For this consultant and with the web designer, value does not lay in the past (in fact, for him both the past and the present are irrelevant) but in the future, in the
form of a “strategy going forward”. Moreover, and again with the web designer, for this consultant the commodity form appears to have little relevance in the constitution of value. So for him calculations of value take place not with reference to what we might traditionally understand as the commodity, or we might say, more precisely, with reference to commodities which comprise stored-up or spent human labour-time, commodities which this consultant consistently referred to as “widgets” sitting in factories, on the shelf, or in the cupboard (and which for the designer are web sites); instead, for this consultant what matters in the constitution of value are, to use his terms, “the intangibles”. In his terms what matters are not physical or conventional forms of capital but intangible, or as it is sometimes termed, intellectual capital. The latter includes intellectual property (brands, trade-marks, patents, and government licenses) as well as knowledge, know-how, and a range of projected calculations of customer loyalty. Indeed there are now attempts to develop techniques to capture and measure such forms of capital, which include consumer audits, customer satisfaction indexes, customer focus groups, user ethnographies, and measures of customer loyalty (we might think of the loyalty card as paradigmatic of these techniques). And this consultant explained how the value of whole organizations should be and indeed now often is calculated using such techniques, confirming not only Maurizio Lazzarato’s (2004) observation that in contemporary capitalism “clients are at the centre of an enterprise’s strategy” (Lazzarato 2004: 188) but also Christian Marazzi’s (2007) claim that contemporary capitalism is precipitating a crisis of traditional conceptions of economic measure since it witnesses the rise of forms of value which are constituted in networks of social and vital relations.18

For both the web designer and the consultant it is, therefore, not the past but the future that matters; a future defined as having the property of potential, whether this is in the form of potential leads, potential loyalty, or potential customers, a future which moreover is certainly not defined by the dead labour-time of the commodity or a socialized model of labour-time. My point, as I hope is clear, is that for contemporary capitalist economies we may not be straightforwardly able to assume (as Marx did for the case of industrial capitalism) that value is constituted in stored-up or expended labour-time which has been both spent by and appropriated from the worker and is congealed and crystallized in the commodity, whether this commodity be yarn or a web site. Indeed the empirical materials I have presented seem to demand that we understand not only value but also the commodity and labour differently. They suggest, for example, that rather than understanding labour-time as dead, past labour-time as sealed into and frozen within the commodity, and indeed workers as zombies, that is as the living dead (dead because the process of abstraction strips human labour of subjectivity), we should think of labour and the commodity, and hence of value, as far more open, as vital and alive.

**Contracting Out**

And if the logic and dynamic of contemporary capitalism is not the accumulation of dead time but an open and vital future, what are the implications not only for Marx’s labour theory of value and Bourdieu’s socialized model of labour-time, but also for
Pateman’s sexual contract? We might ask of Pateman, for example, if labour no longer comprises stored-up labour-time but a future which lies outside of the labouring body and the commodity form, can it be maintained that a sexual contract based on an exclusion of women from the political right to accumulate, embody, and alienate labour power is operative in contemporary capitalism? Indeed, can it be maintained that a sexual contract underpins the employment contract? To put this slightly differently if, as the empirical materials I have presented seem to suggest, labour may no longer comprise a retroactively organized substance or property accumulated in bodies which can be alienated (albeit with struggle), is a model which assumes that gender is constituted in an uneven distribution of rights to jurisdiction over such a substance or property relevant for the contemporary present?

Indeed, if labour no longer takes the form of accumulated substance that can stick to and be stored in bodies, how can it be maintained, as writers such as Thrift and Amoore do, that the creativity demanded by contemporary capitalism rests itself upon and demands the unpaid and low-paid labour of women and that women are excluded from creative labour as they lack the socio-political right to accumulate the skills and capacities required of this work? In short, if labour power no longer comprises capacities which are developed over time and stored in the body, how can it be maintained that a sexual contract logic is at issue for the contemporary economy? Or, and to cast this a little more bluntly, how can it be assumed that women are excluded via various institutional means from accumulating labour power and participating in the contemporary economy when it appears that the dynamic of contemporary capitalism may not be constituted in the past, that is, in a logic of accumulation, but in the yet-to-come? We might also ask, if labour is now open, vital, and alive and does not concern the embodied accumulation of abilities and capacities, how can it be maintained that certain features of economic life, such as gendered occupational segregation, are constituted via a range of mechanisms which prevent women from accumulating such capacities? In short, when labour, the commodity, and value appear to be about the future and not the past, does this suggest that not only Marx’s labour theory of value and Bourdieu’s model of socialized labour need to be rethought but also the sexual contract as articulated by Pateman and as assumed in so much work on the gendering of economic life? Indeed if labour, the commodity form, and value concern an open future, does this not also suggest that we are witnessing the end of arrangements of labour organized via the logic of the sexual contract?

As we have seen, the assumptions underlying the concept of the work–life balance seem to also suggest that it may well be the case that the sexual contract is coming undone. Specifically, the assumption that work–life balance devices are required to redress a “care deficit” constituted by women’s increased employment suggests that not only have women now acquired the political right to store up and alienate labour power but also that the underwriting of the employment contract by the sexual contract has also to some extent or another come undone. But we have also seen that the work–life balance concept only makes sense if we accept that work is alienating, an alienation constituted by the structure of the commodity form as a depository for abstracted and spent labour-time, an alienation which proponents of the work–life balance assume must be mitigated against via the deployment of various socio-technical devices. Yet if
the logic of labour and the commodity no longer comprise dead or accumulated labour, indeed if the commodity and labour no longer appear to concern the properties of retroactivity but those of futurity, should we not question the relevance and efficacy of work–life balance devices which assume that at issue in production is the alienation and exploitation of labour as a retroactively arranged substance? Indeed should we not also question the assumption that increasing numbers of women in employment create a crisis of social reproduction, for is this not also to assume that the act of production rests upon unpaid labour which enables and facilitates the alienation of labour power as substance or property? In short, do not arrangements of labour based on futurity demand that such a model of society—where production is understood to be underpinned by and to require social reproduction—be rethought?

As we have also seen, McRobbie’s analysis implies that Pateman’s sexual contract may have passed away. While McRobbie avoids a direct engagement with Pateman, and indeed with the arrangements of labour in contemporary capitalism, nonetheless her argument that (many) young women are now “can do” girls is certainly suggestive of this passing, or at the very least, that the terms of this contract have been radically reworked. Thus, and as I have already suggested, McRobbie’s argument implies that far from being excluded from the political right to accumulate and alienate labour power, women are now excessively storing up, accumulating, and alienating economic capacity. But McRobbie insists that the undoing of previous forms of patriarchal authority (the pre-feminist sexual contract) and the emergence of new forms of young womanhood are issues of shifting governmental strategies which are increasingly inciting young women towards capacity. Yet the empirical materials I have presented in this article demand perhaps that we understand that the passing away of the sexual contract may fundamentally rest on a restructuring of labour in contemporary capitalism. We must therefore confront the issue that the passing away of traditional forms of patriarchal authority, women’s increased labour market participation and occupational status, and other forms of normatively defined material success, may be less about shifting governmental discourses (and less still the winning of feminist demands) and instead concern the fact that the very structure of labour and capital which enabled and mediated the sexual contract—one based on dead labour-time and the accumulation of the past, indeed based on the living dead—may be giving way to a form of labour and capital which concern a future which has not yet, and may not ever arrive (Clough et al. 2007). And to confront this issue rather than avoid the language of Pateman we should, as I hope to have shown the utility of in this article, engage these very terms.

But if the arrangement of labour that sustained and enabled the sexual contract has passed, and if women are now charged with the socio-political right to accumulate, store up, and alienate labour power, should we now assume that gender is no longer significant in the organization of economic life? I suspect that the answer to this question lies in recognizing the paradox that contemporary capitalism witnesses both an erosion and intensification of gender (Haraway 1991). For while it may be the case that many women are storing up and alienating labour power as a form of property, and are doing so hyper-actively, and while the sexual contract may have passed away, surely we must ask what currency storing up capacity has in
regard to a form of capitalism which is not concerned with the past but with the future. What currency does embodied labour power have when value lies outside of the labouring body and outside of the commodity form in the yet-to-come?

My point is not that, empirically speaking, women are now not enjoying unprecedented labour market success, but rather that we need to raise the sociological possibility that women are precisely beginning to enjoy full socio-political rights to accumulate and alienate labour at a moment when embodied labour power may not be the currency at the very cutting edge of contemporary capitalism. Anita Harris has observed that “the success of middle-class young women in the professions is partly a consequence of these areas being vacated by men, who in turn have moved on to even more prestigious and better-paying employment” (Harris 2004: 60). What I think we need to be asking is exactly what kinds of employment are at issue here. Are these areas of employment in which the key currency is the yet-to-come, where the power and dynamic of labour and value operate via a model of futurity? It is only when we have addressed these kinds of questions that we may gain a better understanding of the gendering of economic life, and indeed a better understanding of gender after the sexual contract. Moreover, in addressing these kinds of questions we may open up a space for feminist critique which McRobbie believes to have been closed down in contemporary culture, that is a space for the articulation and rethinking of feminist demands after and outside of the logic of the sexual contract.

Notes

1 The particularism of the social contract has also been discussed by Verges (2004) who in her work on the relationship between French republicanism and colonialism has exposed the exclusion of colonial subjects from the political rights of the social contract.

2 In my own early work (Adkins 1995), for example, I drew upon and extended Pateman’s analysis to consider the differentiation of rights to jurisdiction over property in the person (i.e. the right to claim ownership of labour) between men and women in service organizations where, and to use Lazzarato’s (1996) terms, immaterial labour was at issue.

3 It is important to rehearse here that for Bourdieu social action is in no way mechanically determined, nor an act of a self-conscious free will, since practical action operates not through a thinking consciousness but through a “feel for the game”, that is, through an unconscious practical mastery (Bourdieu 1990).

4 Or, as it is sometimes termed, the sex-ordering of jobs.

5 There is a tradition of feminist analyses of occupational segregation which is Weberian in orientation and does not operate with these assumptions regarding labour (see e.g. Witz 1992).

6 The assumption that contemporary economic creativity involves a distinct form of subject formation is, however, problematized by analyses which consider the open and distributed character of creative and cultural labour (see Lazzarato 1996; Adkins 2005).

7 See also Gill (2002) and Perrons (2003) who both suggest that the demands of the new economy and especially the flexibility demanded by such work mitigate against women’s participation because of prior demands on their labour, especially in the form of child-care.

8 It is also made obvious in policy documents. Thus in a recent UK government document the Department of Trade and Industry recommends that employers adopt a series of measures including extra-statutory maternity, paternity, and adoption pay and/or leave; career breaks; reduced and/or changed working hours; and offer possibilities of alternative working locations (such as the home) to enhance their employees’ work–life balance choices, and in particular to enable good parenting and the building of strong family relationships (Department of Trade and Industry/HM Treasury 2003).
9 It is important to register that Marx’s understanding of the experience of alienation breaks with his general historical materialism since he tended to describe it in metaphysical or immaterial terms (see e.g. Brown 2001).
10 As Postone (1993) argues, this process also transforms concrete into abstract time.
11 Here I am not attempting to collapse the significant differences between Marx and Bourdieu, and I am certainly not wishing to side-step the important point that Bourdieu’s social theory tends to neglect the strictly economic, which leads to a number of significant consequences. Comparing Bourdieu and Marx on the questions of value and capital, Beasley-Murray (2000), for example, has observed that Bourdieu’s concept of capital fails to account for the production and accumulation of surplus and hence for exploitation. However, while these differences may exist, my point here is that there are also lines of methodological and theoretical equivalence, particularly their shared assumptions that labour comprises a substance which may be accumulated in and through time (both concrete and abstract) and that labour has retroactive properties.
12 McRobbie argues that the attribution of capacity to young women is also evident in the domains of consumer culture and sexuality.
13 See also McDowell in this issue.
14 Thus Harris notes the influx of lower-middle-class and working-class young women into the service and communication sectors, and how key elements of the restructured manufacturing industry also depend on the labour of young women, particularly for piece-work in homes and sweat-shops.
15 And this is so even as dominant narratives of (post-feminist) choice, self-invention and success will position any form of socio-cultural disadvantage as failures of individual will and effort (see also Rentschler 2007).
16 Although these materials raise issues around what, in this context, an empirical fact might comprise, especially since in the social sciences the empirical has generally been assumed to comprise a homogenous, physical, and measurable substance (see e.g. Latour 2005; Lash 2007).
17 This interview took place in the context of a small-scale exploration of the changing work of accountants in 2003 and was funded by the University of Manchester Research Support Fund. The consultant quoted worked for one of the big four accountancy firms and was interviewed in his office in the City of London.
18 It also confirms broader claims that in contemporary capitalism value creation is not confined to the four walls of a factory but is now increasingly dispersed across the social body (see e.g. Lazzarato 1996; Terranova 2004).

References


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