

# Contract and Domination

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## Reply to Critics

Charles W. Mills

Criticism of *The Racial Contract* (Mills 1997) in the ten years since its original publication has come overwhelmingly from fellow political progressives who are, variously, dubious about my engagement with contract theory, critical of my neglect of Marxism, skeptical of the project of adapting Enlightenment liberalism for racial liberation (or, in some cases, conversely, skeptical that any modification of Enlightenment liberalism is necessary), but all in agreement with the importance of the goal itself, and in complete sympathy with my indictment of Western racism and its legacy. So these have basically been disagreements among friends as against enemies. For the most part, the political right has ignored it, if it even came to their attention in the first place (but see David Gordon 1998). Since the book is a short one – an “extended essay,” in the words of more than one reviewer – that sacrifices detail for range and velocity, in many places the argument could have benefited from being developed more. So I will try here to provide more argumentation on certain crucial points. I have also explored some of its central ideas at greater length elsewhere,<sup>1</sup> so interested

<sup>1</sup> For a more explicit rationale for how I am using contract theory in the book, descriptively and prescriptively, see Mills (2000, 2003c); for my diagnosis of the problems with Rawlsian “ideal theory,” see Mills (2005a), and for Rawls’s inadequacies on race in particular, see Mills (2006c); for the idea of racial exploitation, see Mills (2004); for the “radical Enlightenment,” see Mills (2003a); for the “epistemology of ignorance,” see Mills (2007); for “subpersons,” see Mills (1998b, 2006b); for white supremacy, both local and global, see Mills (1998d, 2003e, 2003f); for the deficiencies of Marxism on race, see Mills (2003b); and for a more detailed discussion of Kant and race, see Mills (2005b). Two symposia on *The Racial Contract*, with my replies, are (1) Lewis Gordon (1998), Bogues (1998), Hutton (1998), and Mills (1998c), and (2) Nagel (2003), Schmitt (2003),

readers should consult these pieces also, which, together with the present reply, provide a more comprehensive account than in the book itself.

The breakdown of topics is as follows: (I) The Contract as Descriptive/Explanatory Framework; (II) The Contract as Normative Framework; (III) White Contract Theorists and Race; (IV) Race and Political Economy.

## I The Contract as Descriptive/Explanatory Framework

### *Reviving and revising the descriptive contract*

In Thomas McCarthy's very generous review in *Ethics*, he characterizes *The Racial Contract* as being "in the tradition of radical Enlightenment critique . . . This is the ongoing, unfinished project of rethinking and reshaping [liberal-democratic] ideas to include all that, in their corrupted historical forms, they have unjustly excluded" (1999: 453-4). I am happy to endorse this reading. As against an "externalist" anti-Enlightenment, antiliberal, anticontractual critique, then, the book should be regarded as a critique of the white Enlightenment in the name of the nonwhite Enlightenment, a critique of racial liberalism in the name of nonracial liberalism, and a critique of the white-supremacist contract in the name of the racially egalitarian contract. (See also Mills 2003a; Bronner 2004.)

The starting-point of this critique is an alternative *factual* picture of the societies and politics created by modernity and, correspondingly, an alternative *modeling* of them. Whereas contemporary contract theory, following John Rawls (1999h), is (nominally) purely prescriptive, I argued in the book, following Jean Hampton (1990, 1993), for the revival of the descriptive side that was present in at least some of the classic contract theorists. So for me, then, the contract has two dimensions, the descriptive/explanatory and the normative/prescriptive. But it must immediately be emphasized that "explanation" here is *not* meant in the social scientific sense. One of the failings of the book is that I did not make sufficiently clear that I was using the term in the weaker and more abstract sense appropriate to the conceptual universe of contract theory, as updated by Hampton. So it is not, as some critics have misinterpreted me, that I am claiming that the origins of white racism and white supremacy can be traced to a literal contract among whites, and that this is an "explanation" superior to standard accounts in the social

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Zack (2003), and Mills (2003d). In my opinion, the best critique so far is Garcia (2001); for my reply, see Mills (2003c).

scientific literature on the history of racism. Rather, the point being made is Rousseau's original simple but far-reaching claim in *Discourse on Inequality*: that many of what we take to be natural human inequalities are actually created by humans, and are thus non-natural and political. As he writes: "I conceive of two sorts of inequality in the human Species; one which I call natural or Physical, because it is established by Nature. . . . The other, which may be called moral, or political inequality, because it depends on a sort of convention, and is established, or at least authorized by Men's consent" (1997a: 131).

What Rousseau claimed for class, and Pateman claimed for gender, I am claiming for race. Racial inequality no less than class and gender inequality is artificial, conventional, *political*. But the "consent" is, of course, restricted to the privileged group, who are the real "contractors." So whereas the neutral state, the impartial legal system, and a codified universalist set of rights and freedoms are brought into existence by human activity in the (nominally classless, genderless, and raceless) mainstream contract, their real-life discriminatory class, gendered, and racialized versions (and class, gender, and race themselves) are brought into existence respectively by rich, male, and white humans in the class, sexual, and racial contracts. It is in this sense that they are "explained." Racial domination as a sociopolitical system, and indeed race itself, are human creations, and ones that have been sufficiently central to modern politics that we should think of them – to use Rawlsian language – as part of these politics' "basic structure."

But what is the overall point of trying to revive contract's descriptive side, given the shift to the (nominally) purely prescriptive and hypothetical in Rawls? And aren't I just misunderstanding the goals of the contemporary version of the contract, which is focused on the adjudication of matters of social justice? Tom McCarthy writes that my claim that the "racial contract" "is superior to the [social contract] both descriptively-explanatorily and prescriptively-normatively" is "doubtful" (1999: 453). After all, "the social contract tradition has largely ceded such matters to empirical, historical, and social inquiry and retreated to the purely normative domain of ideal theory." But that is precisely my point – and that's why, not just in Rawls but in the two generations of political philosophers inspired by Rawls, the results have been so problematic. The whole burden of my suggested rethinking of the contract tradition is that it should be reoriented to deal with *non-ideal* moral theory. And this necessarily requires, on several different levels, the advertence to rather than the ignoring of factual matters.

The contrast can be simply put as follows. For ideal theory, the project is, starting from ground zero, to map an ideally just society. For non-ideal theory, the project is, starting from an already-existent non-ideal

unjust society, to prescribe what ideally would be required in the way of rectificatory justice to make it more just. But such a correction requires a factual characterization of past and present injustices, that is, a description. And the point of framing it in terms of a "contract" among the privileged is to register the crucial claim that *these injustices were (and are) embedded in the basic structures of these societies, not anomalies within a structure essentially just.*

So the concept of the "racial contract," or, more generally, the domination contract is not merely challenging the mainstream focus on ideal theory. It is also challenging the representation of the non-ideal *as* a minor deviation from this norm. As such, it is seeking to overturn idealizing assumptions embedded in the contractual apparatus at levels far deeper than the obvious ones. Rawls says explicitly in *A Theory of Justice* that he is going to work within ideal theory, mapping a "well-ordered society" with no history of injustice: "[F]or the most part I examine the principles of justice that would regulate a well-ordered society. . . . what a perfectly just society would be like. Thus I consider primarily what I call strict compliance as opposed to partial compliance theory" (1999h: 7–8). So this is the overtly announced idealization, with all its primary and secondary ramifications, that shapes his writing. But there is also what one could term a kind of "stealth" idealization that is the legacy of the supposedly repudiated descriptive side of the original contract, and that has not received enough theoretical attention. Rawls begins the book with the claim that "a society is a cooperative venture for mutual advantage," governed by rules "designed to advance the good of those taking part in it" (1999h: 4; see also 109). Not society *should be* – which everyone could agree with – but society *is*. This pivotal assumption is not itself identified as part of the idealizing apparatus. Yet it arguably is such in a deeper sense than anything else Rawls says. For once you have predicated the modeling of society on such a foundation, you are *already* assuming a consensual non-exploitative sociopolitical system that is completely antithetical to the way the modern world was actually created.

Moreover, this tacit idealization is carried further in a picture of history that generally abstracts away from social oppression and its consequences. Note that this also is a logically separate level of idealization from the explicit "ideal theory" announcement, since one could seek to paint an ideally just society in the light of – that is, while self-consciously cognizant of – the lessons we have learned from the past history of unjust societies. But Rawls idealizes here also. We are supposed to know "the general facts about human society" behind the veil – this knowledge is not stripped from us (1999h: 119). Yet if one were to put together the original Marxist critiques of Rawls from the 1970s (with their points

about the historic role of class power in the functioning of the state and the legal system), the feminist critiques from the 1980s onward (with their points about the ubiquity of gender domination in human society, and the pernicious effects of the drawing of the public/private distinction), and the more recent critiques on race (with their points about the centrality of white racial domination to modern global history), then obviously Rawls's abstracting away from the aggregative total of these facts – *all of which, as emphasized, we are supposed to know* – represents a massive evasion of the actual history of the human race.

So that is why I have emphasized the “nominal” character of the supposed Rawlsian shift to the purely prescriptive. Though his updated contractual apparatus is supposed to be purely normative, its denial of the history and consequences of social oppression in his characterization of the social order is a *factual* claim and one that serves to orient his justice focus and priorities. Rawls is making crucial factual/descriptive assumptions about how societies work in the framing of his normative enterprise, and these assumptions are profoundly misleading ones. Moreover, it is a descriptive foundation that arguably derives precisely from the original contract's descriptive account of political society's consensual founding. This founding is not represented as a process of oppression in the original contract theorists' work (except in Rousseau), and its attenuated version in Rawls does not represent it as such either. So there is a *multiple* idealization: the explicit, acknowledged idealization of focusing on a perfectly just society, leaving discussion of non-ideal theory to some other time (a time that, 30-plus years later, has yet to arrive, and which we have no reason to think ever will), and the implicit, unacknowledged idealizations – in a sense more pernicious precisely for their embedded and covert character – manifest in the initial representation of political society as essentially a consensual non-exploitative creation, with no advertence to the long history of gender, class, and (more recent) racial domination that would expose how absurd and risible this framing is.<sup>2</sup>

In sum, then:

Mainstream contract theory is saying: political society is basically consensual and reciprocally beneficial; cases of class, gender, and racial exclusion are anomalies, since the contract (the sociopolitical order) was meant to include everybody with equal consideration.

<sup>2</sup> In *Justice as Fairness*, Rawls warns that “political philosophy is always in danger of being used corruptly as a defense of an unjust and unworthy status quo, and thus of being ideological in Marx's sense. From time to time we must ask whether justice as fairness . . . is ideological in this way . . . ? Are the very basic ideas it uses ideological?” (2001: 4 n4). I would suggest that in these key respects, and especially where gender and race are concerned, it has indeed been ideological from the start. (Thanks to Michael Gray for bringing this footnote to my attention.)



Radical (or "alternative" or "revisionist" or "subversive") contract theory is saying: political society is basically coercive and exploitative; cases of class, gender, and racial exclusion are not anomalies, since the contract (the sociopolitical order) was not meant to include everybody but (cumulatively, in its different guises) to exclude the majority from equal consideration.

It can be appreciated, then, how radical the challenge of alternative contract theory is. Picking up on the original Rousseauian demystification of a supposedly "consensual" social order as actually an inequitable class society, it is extending the claim to gender and race, and alerting us to the ubiquity of structures of sociopolitical exclusion, and their manifestation in the juridical, state, economic, cultural, ideational, moral, and psychological realms. Thus its mission is a startlingly and unsettlingly far-reaching democratic one. By self-consciously developing non-ideal theory within this revisionist framework, alternative contractualism forces on to the agenda a whole range of topics never discussed by the mainstream contract.

#### *Not social science explanation*

So my claims about "explanation" were expressly intended as political-philosophical in nature (Mills 1997: 5–6). However, because of these ambiguities about the racial contract's "explaining" white racial domination, numerous critics have interpreted me to be putting forward an account meant to compete with, and to be theoretically superior to, the standard list of candidates in the social science literature: for example, racism as the result of European ethnocentrism writ large, or militant Christianity, or unconscious psychosexual drives, or white/black color symbolism, or rational-choice power politics, or the political economy of imperialism, and so forth. Critics identify the obvious weaknesses in a literally contractual account and then put forward their own superior candidate instead.

For example, in David Theo Goldberg's book *The Racial State* (2002), he criticizes the idea of a literal racial contract for its oversimplicity,<sup>3</sup>

<sup>3</sup> Goldberg also gets Pateman wrong (Goldberg 2002: 41), attributing to her the belief in a literal sexual contract when the opening paragraph of her book makes it quite plain that the contract for her is a "story," an "explanation" based on "treating our society *as if* it had originated in a contract [my emphasis]" (Pateman 1988: 1). Or, in the words of her concluding chapter, "The original contract is merely a story, a political fiction" (1988: 219), a formulation no different from Goldberg's own characterization (2002: 38), "The social contract tradition, far from being a realist(ic) account, then, is more aptly conceived as the prevailing modern story or narrative form."

advocating in its stead the Foucauldian discursive account of race he has developed elsewhere (Goldberg 1993):

Mills takes at face value the realist interpretation of social contract theory. . . . Mills accordingly assumes that social contract theory accounts for an actual contractual arrangement. . . . Simplicity may be the mark of a certain sort of social science and philosophy. But while simplicity is a theoretical value worth pursuing, complex social phenomena require a more complex theoretical account than offered here. Racially configuring discourse did not follow from a social contract but emerged coterminous with modern state formation. . . . White supremacy accordingly emerges not out of some imaginary "racial contract" but as a complex product of this discursive diffusion. (Goldberg 2002: 37–8; see also 41, 47, 49–50)

Writing from a Marxist perspective, Philip Cohen (1999: 103) also takes me to be offering a social-scientific explanation. He chides me, accordingly, for not considering "one reasonable counter-explanation, that the world is 'essentially dominated' by *capital*," and calls for the "greater level of granularity" provided by Marxist political economy. Similarly, Robert Young dismisses my "materialist" pretensions (see, for example, Mills 1997: 129–30): "Mills removes the possibility of connecting white supremacy, a political-cultural structure, to its underlying economic base. Mills's empiricist framework mystifies our understanding of race. . . . [W]hat is needed is an explanation of this racial formation" (Young 2006: 36). Anthony Bogues strikes a similar note of complaint: "[T]he racial contract, while being more historically accurate [than the social contract], is not able to adequately explain the complexities of racial formation. . . . Its power lies in describing, not theorizing, racial domination" (2001: 269). Likewise, while as seen earlier Tom McCarthy is enthusiastic about the book, he is dubious about the claims to descriptive superiority: "[T]he racial contract is at best a highly condensed and stylized model of the endlessly variegated and shifting reality of centuries of liberal political practice," much less detailed than Marxist political economy, "which has itself proven to be undercomplex." Thus "explanatorily the 'racial contract' might better be thought of as an (adjustable) conceptual model useful for orienting empirical research into the politics of race and for representing its accumulating results" (1999: 453).

On the basis of the above clarification, then, it should now be obvious why these criticisms are misguided, if perfectly understandable. I did not intend the "descriptive/explanatory" claims to be thought of as attempted social science explanation, in terms of an actual literal agreement, but rather as located on the more abstract level distinctive of classic social contract theory, as updated and glossed by Jean Hampton.

Though I am, as Barry Wilkins (1999: 53) correctly guesses from my emphasis on "the global expansion of European capitalism," most sympathetic to Marxist social science explanations of racism, I don't see that I have to take a position on these controversial questions *for the purposes of engaging with and revising social contract theory*. We can agree that white racial domination has been central to the making of the modern world without having to agree on its exact causes; these are matters to be settled in some other forum and settling them is not a prerequisite for tackling social justice questions. The philosophical imperative is to register the fact of this domination in the contract apparatus.

But if the "contract" doesn't explain anything at the social science level, then what work is it actually doing? Andrew Valls is unsure what the point of the contractual framework is:

Those skeptical of contractarianism's justificatory power may be skeptical of its force as a critique as well. . . . [O]ne must ask what is gained by speaking in terms of agreement and contract. Of course, the atrocities and racist policies that Mills cites occurred, and no doubt their legacies continue to shape our society and the world. But what is added to the account by the contractarian framework? It seems to raise more questions than it answers. . . . All this seems to obscure rather than clarify the important normative issues raised by the racist history of our society and, therefore, undermines rather than advances Mills's project. (1998: 692)

The point is not just to correct the whitewashed history of modernity standard in mainstream political philosophy (and elsewhere), a *factually/conceptual* revision, but also to provide a way of translating this suppressed history and alternative conceptual framework into the discourse now most influential in mainstream political philosophy, social contract theory, and thus a *theoretical* revision. And the goal is to assist our theorizing about justice. The main use of social contract theory today, post-Rawls, is not, of course, explanation but normative inquiry. So the point of working with a "racial contract" is to use it as a tool for dramatizing and making cognitively vivid the history of racial injustice, and then to facilitate – within a contractual framework – the discussion of matters of non-ideal rectificatory theory. I did not actually draw out the implications of this revisionist approach in *The Racial Contract*, but I am trying to do so here. Given that I did not in the book provide an example of the positive reconstructive use I had in mind, it is perhaps unsurprising that to many it came off largely as a completely negative trashing of the tradition. My hope is that the present book will correct this mistaken impression.

In a discussion of the usefulness or not for progressives of the idea of a domination contract, Sally Haslanger raises many good points,

including the question of whether there might not be crucial asymmetries between gender and racial domination (2000: 1–2). She discusses weak and strong interpretations of the contract idea, and contrasts teleological and causal explanation:

[A]s I read the domination/exclusivist contract there is something of a dilemma: either we see it as giving us a substantive model of how group domination works across the board, but one which is not entirely plausible as an analysis of all cases and seems to over-generalize from the example of race; or we see it as giving us a kind of metaphorical (quasi-teleological) model of group domination, which is illuminating, but doesn't give us the kind of substantive analysis we need in order to understand how "social causation" works. (2000: 5)

I think this is a very clear statement of the different senses of explanation that could be involved. And as we have seen, the answer is that there is no actual dilemma since I was not trying to provide a "substantive model of how group domination works." So the weaker "as if"/"quasi-teleological" sense is all that I need for my purposes. As Haslanger herself goes on to write: "A very plausible interpretation would be [that Mills] is offering a 'picture' or 'iconography' that when applied to the actual situation highlights its morally relevant features. . . . [I]ts point is to illuminate the actual structure of society in such a way that our normative model can get a grip on it" (2000: 5). Exactly.

### *Problems in application*

Let me turn now to criticisms about details of my application of the contract idea, rather than criticisms of the contract as would-be social science.

Stephen Ferguson (2004: 80) takes me to be saying in an endnote (Mills 1997: 137–8 n3) that "race functions as a transcendental category which overrides gender and class." And he really does mean *transcendental*, that is, in the Kantian sense (Ferguson 2004: 11, 116, 207). But the claim that race generally trumps gender and class as a social division (what sides people generally choose to line up on) is sociological, not metaphysical (except perhaps in the "social ontology" sense). In the United States, for example, as Donald Kinder and Lynn Sanders have shown in a comprehensive survey and analysis of numerous attitudinal studies of whites and blacks, racial division eclipses all others: "Political differences such as these [i.e. on race] are simply without peer: differences by class or gender or religion or any other social characteristic are diminutive by comparison" (1996: 287). That's not Kantian apriorism – that's a posteriori

empirical sociology. So when Robert Young (2006: 36–7) claims I am implying in the endnote “some kind of [white] metaphysical alliance,” this doesn’t follow at all. The fact that I don’t attempt to give a social science explanation myself doesn’t mean that I think there is none. Nor is it true that I’m thereby “suppress[ing] other forms of oppression, such as gender and class oppression.” I’m not denying that they exist; I’m just not focusing on them in the book.

That would also be my response to David Theo Goldberg’s criticism that “while the concept of a ‘racial contract’ predicates itself on power between racially conceived groups, its presumption of voluntarism completely denies the constitution of power and its effects within such groups” (2002: 39). The “racial contract” is a simplifying abstraction that abstracts away from gender and class power, thereby making generalizations that have to be qualified (as I concede at the start in the same endnote: Mills 1997: 137–8 n3). But I was completely cognizant – how could I not be, when I explicitly acknowledge my debt to Carole Pateman’s “sexual contract”? – that a comprehensive account would have to integrate gender and class also, and their intraracial effects. In chapter 6, as seen, I make a tentative start on this task.

Goldberg (2002: 36–7) also claims that a reference I make to “the social contract’s application to non-Europe, where it becomes the Racial Contract” (Mills 1997: 42) implies I believe “that the social contracts that supposedly established European states historically formed are not racial.” To begin with, as clarified above, I never meant to imply that European states were literally founded on a contract. Second, it needs to be borne in mind that to the extent that contract theory is a useful way, a metaphor, for thinking about states and political obligation, it goes back to the *premodern*, medieval period. Modern European states certainly are racialized from their inception, and it is the modern state that is Goldberg’s subject in his book. But is Goldberg claiming that the premodern European contract theorists cited by Michael Lessnoff (1986: ch. 2) in his history of the tradition, such as Manegold of Lautenbach (writing around 1080) and Engelbert of Volkersdorf (writing around 1310), were advocating a racial contract? At a time when most experts in the field would deny that race had even come into existence as a concept and social reality? Presumably not. ~ ~ ~

Kenneth Warren (1997) is concerned that I am conflating varieties of nonwhite racial subordination with significant differences among them, and, correspondingly, in the nonwhite oppositional theory addressing them: “Mills’s positing the transparency of the racial contract to its victims . . . prevents him from addressing nuances within nonwhite political thought. In the night cast by the racial contract,” he says wittily, “all nonwhite political cats are gray.” Warren goes on to cite the

long list of nonwhite oppositional political thinkers I mention (Mills 1997: 111–13), from Sitting Bull to Aimé Césaire, and suggests that “If together these thinkers attest to ‘the reality of racial subordination. . .’, their differences from each other may point to the limits of the kind of inquiry that Mills has attempted here” (Warren 1997: 46).

But the distinctive mission of political philosophy needs to be remembered and appreciated. Political philosophy deals with abstractions – if it did not, it would not be political philosophy, but something else. And by definition, abstractions abstract away from particulars to get at key commonalities. Certainly Warren is correct that there are all kinds of differences between, say, Native American expropriation, Jim Crow, and European colonial rule. Nonetheless, what they all have in common is that they are different kinds of racial subordination, in this case, white-over-nonwhite racial subordination, white supremacy. So just as the abstractions *aristocracy*, *democracy*, *absolutism*, *fascism*, *socialism*, *patriarchy* apply to a wide range of political systems, with many differences among them, they are, nonetheless, seen as crucial terms in the discipline’s theoretical vocabulary, insofar as they capture, at the high level of abstraction appropriate to the subject matter, key varieties of political rule. What the book argues, as well as my articles and chapters elsewhere, is that the term *white supremacy* needs to be added to this vocabulary, and that its absence from the standard lexicon has served to blind us to crucial political realities.

Warren, who is a Professor of American Literature at the University of Chicago, mentions in passing, as if it would be a minor accomplishment, the possibility that my book “may tell us how to put race back into the center of our accounts of Western societies,” before going on to criticize me for the really important issue, my failure to tell us what to do about white supremacy (1997: 46). But he does not seem to realize – from his privileged disciplinary perspective, where these curricular battles were fought and won decades ago – what a remarkable and considerable accomplishment such a “centering” would be. Even in political science, more closely linked to the empirical, it has been hard to get race taken seriously as a global-national reality (as against a local subject in, say, urban politics). In philosophy, it is far more difficult. It is routinely the case that anthologies on Western political philosophy are published that run to hundreds of pages or more with no mention of historic white domination and the political resistance to it. A good example is Steven Cahn’s *Oxford Classics of Political and Moral Philosophy* (2002), which – in 1,200 pages from Plato to Martha Nussbaum – only manages to include work from one nonwhite thinker, Martin Luther King, Jr.’s “Letter from Birmingham Jail,” and “The March on Washington Address,” and not even in the main text at that but in the appendices. No

Douglass, no Du Bois, no James, no Fanon. I led off *The Racial Contract*, published ten years ago, by making this point about the whiteness of the subject, and its consequent contribution to a racially sanitized picture of modern global history. (No racial oppression, no political struggle against racial oppression, no political texts of the struggle against racial oppression.) Ten years later, this picture has hardly changed. So if the battle to get white supremacy recognized as a historic political reality like absolutism in the discipline's defining texts is not remotely close to being accomplished, then why worry about nuances when even this gross reality has not been acknowledged?

### *The contract as bourgeois ideology*

The representation of social contract theory as a classic example of bourgeois ideology is a familiar and important indictment from the left. Stephen Ferguson's (2004) dissertation, a "Marxist-Leninist" critique of the theory of the racial contract, offers the most detailed version of this accusation. (But see also John McClendon 2002 and Robert Young 2006.) Ferguson lists what he sees as "five essential characteristics of contractarianism":

- (1) [S]ocial contract theorists offer [a] justification for political obligation that rest[s] upon the voluntary consent, assent, choice, agreement, and promises of individuals;
- (2) contract theorists start from the same reflective starting-point, namely, an original state or position;
- (3) methodological individualism which upholds an atomistic social ontology . . . the individual is seen as prior to and the ultimate constituent of society;
- (4) civil society is a human convention . . .
- (5) social contract theory functions as a form of bourgeois ideology which historically has justified a liberal democratic political philosophy. (2004: 20-1)

Even for mainstream social contract theory, of course, this characterization is inaccurate, since Hobbes's absolutist ideal and Rousseau's "general will" are hardly examples of "liberal democratic political philosophy." But the real point that needs to be emphasized is that this listing does *not* capture the key features of the revisionist contract theory – utilizing the "domination contract" – that I am advocating. Rousseau's "class contract," the progenitor of this hitherto unacknowledged alternative tradition of contract theory, (1) seeks to demystify as a scam, rather than to justify, political obligation, since its whole point is that the rich are conning the poor; (2) does not start from the state of nature, but from a pre-existing social stage; (3) does not – at least in the creation of class society – presuppose methodological individualism; and (5) represents a critique of the mainstream contract as a mystification of class

inequality and plutocracy. The only thing they have in common, then, is (4) the portrayal of society as a human creation, which Ferguson is surely not going to deny. So while claiming to recognize that my version of the contract is an alternative to the conventional formulation, Ferguson nonetheless assimilates it to orthodoxy, when it is a critique of orthodoxy.

Similar points can be made in reply to John McClendon. In his free-wheeling "Marxist-Leninist" polemic against an extensive list of African-American scholars, of whom I am just one, McClendon distinguishes "ideological critique," aimed at uncovering "fundamental presuppositions" of a worldview, and "internal criticism," whether "empirical" or "conceptual," that "shares the same ideological commitments" with the target of criticism (2002: 49). He sees me as pretending to do the former while actually doing the latter: "Charles W. Mills is a more recent exemplar of how internal criticism masquerades as ideological critique. . . . For Mills, the problem is not the fact that contractarianism is, more fundamentally, a form of bourgeois ideology; his concern is only that contractarianism has been corrupted by 'white contractarians'" (2002: 50). McClendon goes on to cite Marx's comments from the *Grundrisse* deriding "Robinsonades," that is, the absurd idea of starting one's theorizing from "the solitary and isolated hunter or fisherman," as in "Rousseau's *contrat social*, which brings naturally independent autonomous subjects into relations and connection by contract" (2002: 50).

But unlike (Rousseau's *contrat social*), Rousseau's class contract (1997a) is *not* cited by Marx anywhere in his work, and, far from being a "Robinsonade," is in fact, a century beforehand, an anticipation of Marxism itself. Indeed, Christopher Brooke characterizes Marx as "Rousseau's great successor in the tradition of European radical democracy," while noting that "Nowhere, however, is Marx's debt to the spirit and substance of [*Discourse on Inequality*] properly acknowledged, though it remained both deep and lifelong" (2001: 117-18). Rousseau's striking theoretical innovation within contract theory is to begin not from isolated individuals in the state of nature but from the main groups (classes) of an *already-existent society*. So its methodological presumptions and social ontology are radically different since it recognizes and condemns class inequality as foundational to the modern world (while justifying, of course, gender inequality). As Michael Lessnoff writes:

Here we have Rousseau's revolutionary version of the original contract of government – portrayed as the outcome of cunning and short-sightedness, and having as its result the stabilization of inequality and oppression. Such a contract, one might suppose, could provide no basis for the legitimation



of government, for it could have no legitimacy itself. Rather, it appears to portray the governments known to human history as mechanisms for institutionalizing the rule of the rich over the poor (a view which prefigures that of Karl Marx). (1986: 79)

So it seems to me that the "bourgeois ideology" criticism fails for multiple reasons. To begin with, the critique is irrelevant to the specific aims of the book, which was the focus on racial injustice. It was not pretending to be a comprehensive analysis of every kind of social injustice (which is not to say, of course, that I *don't* think they should be identified and eliminated). Even abstracting away from class, the achievement of a non-white-supremacist capitalism would indeed represent major moral progress, a great stride forward in justice, though other inequities remained. Second, the factual assumptions of the domination contract rest on a different social ontology from the traditional methodologically individualist one of orthodox contract theory, so it is hardly "bourgeois ideology" in that sense. And third, this separation of the normative apparatus of bourgeois liberalism from its original social ontology (that restricts its emancipatory potential) opens the door for a corresponding rethinking of its content. Rodney Peffer (1990) showed nearly 20 years ago how a Rawlsian apparatus could be used to develop a socialist critique, behind the veil, of class society.

## II The Contract as Normative Framework

We come now to the uncontroversial side of contract theory that is, of course, the one central to its present incarnation: the normative.

Glenn Loury says he finds the book "provocative but in my view ultimately unpersuasive" (2002: 211 n1). But this, it turns out, is because he sees me as trying to replace liberal universalism with some other principle:

But here is the problem, and the source of my dissatisfaction with Mills's argument. . . . What are we to do? Overthrow Kantian ethics? And put what, exactly, in its place? . . . To recognize the flaws of the liberal tradition is one thing; to replace it with something workable is quite another. . . . Thus a historically oriented effort to expose the particularity at the core of universalistic arguments may be interesting, but it is not a refutation of the universalistic claims. (Loury 2002: 120-1)

As readers will by now appreciate, I am not in the least trying "to refute the universalistic claims." Rather, I am pointing out that they have not *been* universalistic. Instead, pseudo-universalism has masqueraded as genuine universalism, for example in a Kantian theory that has been

represented in innumerable books and essays as proclaiming the equality of all "persons," while in reality arguably restricting full personhood to whites. Lounsbury would surely applaud, rather than condemn, the "overthrow" of the principle that we should "Treat only whites with respect." Yet, if the argument of Emmanuel Eze (1997a), Robert Bernasconi (2001a, 2002), and myself (Mills 2005b) is correct, that is exactly what Kant's categorical imperative is really saying, since "person" is a term of art with racial prerequisites.

So the point of racially demystifying Kant's work, and the writings of other central liberal theorists, is (1) to reveal that the "universalistic" claims and arguments were not really universalistic at all; (2) to attain, in the process, a more realistic picture of recent global history and the work of leading Western ethicists and liberals in rationalizing white racial oppression (currently denied in the typical textbook and anthology); and (3) to raise the question of what the attainment of genuine universalism would require. We need to recognize the centrality of the history of racial exclusion, both in reality and in the concepts employed to map that reality, *so that we can correct for it*. And, as argued, I would claim that a crucial initial move is the transition from ideal to non-ideal theory, since the seeming universalism of the former orientation tacitly reinscribes the priorities of the white male experience of modernity at its moral core, thus contributing to the retention of the racial particularism still covertly remaining even after overtly racist restrictions have been dropped.

From the perspective of a feminism dubious about retrieving liberalism and contract theory, Laura Brace (2004) characterizes Pateman's book as doing a "devastating rather than reconstructive analysis," and expresses her wariness about theorists like Donna Dickenson (1997) and myself, who think contract can still be salvaged:

Feminist theory, theory that takes women's experiences seriously and pays close attention to the impact of ideas and practices on women, is unlikely to want to reclaim a theory that relies on the idea that human beings are not the product of their social existence, and is built on the assumption that the fundamental motivations of human beings are presocial, nonsocial and fixed. It is at least questionable whether the social contract can be reconstructed in a feminist manner. . . . In the end, Mills's project is as liberal as Dickenson's, and they share the problematic goal of purging liberalism of its repressive elements. . . . I would argue that their approach is unsustainable because liberalism is much messier than contractarianism. (Brace 2004: 1, 3)

But to begin with, as I have emphasized throughout (and as I make clear in my chapter 3 above, on Pateman), the founding assumptions of my recommended "domination contract" revision of the tradition are

radically different from orthodox contract theory, and quite antithetical to the idea of human beings as asocial creatures with fixed motivations. So it is putting liberal values on a different social ontology, as should have been clear to Brace from my "subperson" concept (which she applauds: Brace 2004: 3). I agree that liberalism is not coextensive with contract theory (for one thing, there is utilitarian liberalism). But with the resurgence of deontological liberalism, contractual liberalism is now the most important variety, and, I claim, can in this revisionist version accommodate the different "messy" varieties of "bondage" ushered in by modernity and denied or marginalized in Whiggish histories of liberalism. Finally, the adjudication of the normatively justified autonomy (and rights and freedoms) of the members of these interlocking groups will undeniably be a complex and challenging task, but what's the alternative? It can't be to leave things as they are, in regimes of systemic injustice. And what alternative theory has the resources and legitimacy of liberal democracy?

Another kind of principled antiliberal criticism I encountered draws on particular interpretations of the black radical tradition. In his contribution to a symposium on *The Racial Contract*, Lewis Gordon expresses misgivings about its strategy (or at least what he sees as its strategy):

[I]t is clear that this work is designed specifically for white audiences. . . . It is asking whites to challenge white hegemony. Such a tactic is a familiar one in black protest literature – particularly black liberalism. . . . [B]lack progressive radicalism usually takes at least two forms: (1) demanding coalitions with poor whites and other people of color or (2) focusing on the means of racial transformation *in spite of whites*. The second radical perspective, although not separatist, is not white dependent. (1998: 173)

I certainly hoped that whites would form a significant part of my audience, but I was definitely not aiming exclusively at them. Insofar as the book provides a salutary précis of a history of racial domination and atrocity that has largely been covered up, then whites, as the privileged race, are particularly in need of its demystificatory illumination. But I also hoped that nonwhites would find it useful, and this has indeed proven to be the case, as attested to by its enthusiastic reception by students of color across the country in classes where the book has been assigned. However, apart from this educative role, the crucial point is that the purpose of the book is to facilitate discussions of racial injustice and its remediation. Now the simple challenge for Gordon is this: how does he think that racial justice in a white-majority and/or white-dominated society is going to come about except, in part, through dialogue with whites? Certainly one can pursue other kinds of subjects through an

internal intrablack dialogue. But how can racial equality and racial justice be achieved "in spite of whites"? If an internal dialogue were all that was necessary, then we would have achieved it long ago!

So we will need to get these arguments outside of the academy and into engagement with the general public, with white public policy makers and legislators and shapers of public opinion. And to this end, intellectual tools will be needed. The most influential, the most widely accepted, such tool in contemporary political theory in the Western world is social contract theory. Why not see, then, whether these concerns can be translated into a contract framework? In such an enterprise, how could it *not* be a tremendous advantage to have them translated into an intellectual framework and a language with which whites will be familiar? How could it *not* be a tremendous advantage to appeal to the set of values that whites at least nominally accept?

In a more recent work by Gordon, *Disciplinary Decadence*, where I appear as the mysterious and somewhat obtuse "Mr. X," Gordon (2006: 111–17) argues that one should not (as, it is implied, I do) endorse a liberalism "which is, in the end, not a genuinely *political* theory at all since it has subordinated itself to the grammar of economics" and "relies on eliminating the *political* from political theory," by presenting theories "devoid of analyses of power" (2006: 115–16). But the concept of the domination contract makes power *central*, appropriating liberal values but rejecting liberalism's atomistic social ontology for an ontology of groups in relations of privilege and subordination. So it is a liberalism only in a qualified sense.

Finally, to point to the possible racism of leading white political philosophers, or of whites in general, as the primary obstacle to progressive change (Gordon 2006: 115) is, though Gordon does not seem to realize it, to abandon the claim that liberal values are the main problem. Rather, one would be appealing to familiar if controversial theses (to which, as a materialist, I am quite sympathetic) about the pivotal role of group interests in shaping group cognition and group motivation. But the obvious riposte here is that if such factors are indeed so important and determinative, then what reason is there to think that a *nonliberal* framework will be any the more successful? Is it that white group interests and white racism will somehow magically evaporate as material and ideological barriers once an alternative conceptual framework is invoked? Surely not. So unless the plan is to somehow sidestep vested white power in bringing about progressive antiracist social change (how?), it does not seem to me that a convincing anticontract case can rest on these grounds.

Anthony Bogues has developed a comparable line of argument, based on his reading of the black radical tradition. For Bogues, the

basic problem I face is that I am trying to do a critique while remaining within a framework that limits that critique:

Mills's critique of contract theory is an external one. His is not an interior criticism that explodes the contract theory at its deepest levels. . . . There is a basic tension in *The Racial Contract* between the historical construction of race in a set of exploitative power relations and a programme that is limited by the acceptance of the interior norms developed within social contract theory – namely, that of liberalism. (1998: 178)

What we need to do, then, is to transcend liberalism: “If the *practices* of liberalism reveal an inadequate emancipatory logic, then can it give social equality and therefore freedom to racially oppressed groups and others who are dominated? If not, then do we require another theory of emancipation?” (Bogues 1998: 179). And in such a theory, Bogues claims, “political values like the meanings of equality and freedom are themselves transformed” (2001: 270).

But as I have argued in greater detail elsewhere (Mills 2006a), the problem with Bogues' prescription is that it is ironically undercut by the positive account he himself provides in his book *Black Heretics, Black Prophets* (Bogues 2003) (a book which I recommend highly to anybody interested in these questions). Taking the ex-slave Quobna Cugoano (1999) as a paradigm representative of this black radical tradition that supposedly makes a clean break with European humanism, Bogues (2003: 35) gives a ten-point summary of the “major political ideas” of Cugoano's 1787 *Thoughts and Sentiments on the Evil of Slavery* from which it is immediately apparent that virtually all of them can be readily derived not merely from liberalism in general, but right-wing Lockean liberalism in particular, once deracialized. Liberal values have not been “transformed” in the work of this “black heretic,” as Bogues claims, but extended to a black population normally excluded from their scope. And in fact, as Bogues (2003: 35) is forced to admit, Cugoano's *own* political characterization of himself is as a liberal. So a more accurate rendition of Cugoano's achievement would seem to be Bogues' gloss elsewhere in the text (somewhat in contradiction to his announced conclusion): “Cugoano sees natural rights as ‘common rights,’ and applies these rights to African slaves. *In doing this he universalizes natural rights in ways others did not*” (2003: 36; my emphasis). In other words, and contra Bogues, he sought to develop a black liberalism that was simultaneously a radicalism in its extension of values previously confined to whites. But the radicalism inheres not in the axiological newness of the values (unless their extension to blacks is, definitionally, taken to make them new, which trivializes the claim) but the “astonishing” insistence (Bogues 2003: 45), with all its world-overturning implications, that norms applicable to whites

should indeed be applicable to blacks also. Once the realities of racial subordination are acknowledged and incorporated into the contract apparatus, as the "racial contract" tries to do, white liberal norms generate black radical prescriptions – indeed heretical ones.

### III White Contract Theorists and Race

In *The Racial Contract*, as part of my general critique of social contract theory, I characterize various contract philosophers as actually or incipiently racist, or at least as neglecting the issue of race in their work. Since I do not go into much detail, some of these characterizations have been challenged by commentators and critics. So let me now try to back up my claims (or, in some cases, make a partial retreat from them).

#### *Thomas Hobbes*

It is clear that there is a dichotomization between the civilized and Native American "savages" in Hobbes's *Leviathan* (see, for example: Macpherson 1968: 41; Ashcraft 1972). It might be, though, that I do "racialize" it to a greater extent than is warranted, as Tommy Lott (2002) contends in his important essay on gender and race in Hobbes. Lott makes various points against my reading: (1) Hobbes's (1996: 459) reference later in *Leviathan* to the "ancient Philosophers" of India, Persia, Chaldaea, and Egypt shows that he was not committed to European superiority (Lott 2002: 72). (2) Elsewhere in his writings Hobbes includes the ancient Germans as "savages." (3) Hobbes "does not use racial concepts, or terms such as 'Negro' and 'African,' in a negative fashion to imply inferiority" (2002: 72). (4) Hobbes explains the difference between Native Americans and Europeans "in terms of social development and environmental influences rather than in terms of greater intelligence," and insists that "although Native Americans are not philosophers, they have a basic capacity to reason," but because of lack of "leisure" have not been able to develop it (2002: 72). (Hobbes: "*Leisure is the mother of Philosophy*" (1996: 459).)

I concede that there is merit to some of Lott's criticisms, and that my claims about "a tacit racial logic in the text [*Leviathan*]" (Mills 1997: 66) might be a bit overstated. Nonetheless, there are points worth making in reply.<sup>4</sup>

(1) My claim was not that for the racial contract in general, or for the discussion of Hobbes in particular, *all* nonwhites were to be characterized

<sup>4</sup> The following points largely repeat what I said in my reply to Lott in Mills (2006b: 247–8 n10).

as "savages" still in the state of nature. Rather, early in the book I explicitly distinguish between the racial contract's characterization of "savages" still in the state of nature and "barbarians" in existing, though inferior and deficient, societies (1997: 13). It is not incompatible with certain "evolutionist" (and devolutionist) varieties of racism that particular nonwhites are conceded to have had viable civilizations in the ancient past.

(2) Similarly, the fact that particular groups of Europeans were also characterized as once, in ancient times, having been "savage" does not undercut their superiority if, in the present epoch, they are long past that stage. And surely it must remain significant that a group of nonwhites are the only examples given of people *presently* in the state of nature.

(3) My discussion in the book of Hobbes on race is limited to Native Americans; I do not generalize to other groups who would now count as "nonwhite" for us. (I say "the *literal* state of nature is reserved for nonwhites" (1997: 66), not that "all nonwhites are in the literal state of nature." So being nonwhite is at least necessary (if this reading is correct), even if it is not sufficient, for being in the state of nature.) And I do contrast Hobbes's relative "racial egalitarianism" with John Stuart Mill's more clear-cut racial "ontological dichotomization" two hundred years later (1997: 66, 149 n57).

(4) However, perhaps my most fundamental difference with Lott is over the significance of "savage" as a term applied to a *contemporary* group of human beings, and, relatedly, the causes and import for Hobbes of Native American "savagery." I would claim that when used about people in the *modern* period, "savage" is indeed either incipiently racialized, or at least (perhaps the same thing) a very close conceptual precursor to race. In her discussion of "English Ethnocentrism and the Idea of the Savage," Audrey Smedley (1993) points out that the category first crystallized in mass English consciousness as a result of the sixteenth-century/seventeenth-century conflicts with the Irish, whom some theorists (for example Allen 1994) have seen as the first systematically racialized group in history – "incapable of being civilized" and "something less than human":

To document and confirm the growing beliefs about the unsuitability of Irishmen for civilization, many of the Englishmen pointed to the experiences of the Spanish with New World natives. They cited Spanish practices of exterminating Indians . . . as justification for policies of killing Irish men, women, and children. . . . In the English collective consciousness, "the savage" was thus a kind of composite of these streams of negative ideas and images. . . . The savage came to embody all of those repulsive characteristics that were contrary and opposed to English beliefs, habits, laws, and values. . . . [S]uch attitudes were more strongly felt by Englishmen and were instrumental in molding the English's cognitive

perceptions of other conquered peoples in the New World as well as later in the Middle East, India, Burma, South Asia, and Africa. They became important subthemes to the ideology of race and in the characterization of racial differences. (Smedley 1993: 60–1)

Surely Hobbes, writing in the mid-seventeenth century, would have been strongly influenced by such perceptions and associations in his decision to use the term. So I would suggest that we have at least proto-racialization here, if not actual racialization.

Correspondingly, in response to Lott's claim that Hobbes sees Native Americans as different only because of "social development and environmental influences," not intrinsic inferiority, I would raise the simple challenge: why, then, are they still in the state of nature? Why have they not developed a society that would give them the necessary leisure to become "philosophers"? The horrible "environment" of the state of war described in *Leviathan*, chapter 13, is the consequence of human behavior, not extrahuman factors. So since all humans are (supposedly) mentally equal, why have *these* particular humans not been able to pursue the prudential, natural law-mandated imperative to create a sovereign and end the state of war? They may have a "basic capacity to reason," but it would seem that it does not attain the threshold level necessary for leaving the state of nature.

So when Lott writes "only those groups free from the necessities of survival will undergo the process of social evolution to make the transition to civil society," and "[cultural advancement] is made possible by having greater leisure time" (2002: 73), I would suggest that this reply only defers the question to another level: what is peculiar to *Native American* development (or lack thereof) that has made them, unlike Europeans, unable to find this leisure time? Mental equality is, Hobbes tells us, even greater than equality of strength: "For Prudence, is but Experience; which equall time, equally bestowes on all men, in those things they equally apply themselves unto" (1996: 87). Yet the "Savage people of America" are later singled out again in *Leviathan* as the paradigm example of those peoples unable to build a lasting house (a figure for a lasting commonwealth) and mistakenly inferring from their own architectural incompetence that the "Principles of Reason" for such a task do not exist (1996: 232). What explains this unique distinction if not their inferiority? And if they are indeed inferior for Hobbes, why is this not appropriately designated as racism?<sup>5</sup>

<sup>5</sup> Barbara Hall agrees that "the fact remains that Hobbes thought Europeans were superior. This view may not reflect a racist ideology, but it does smack of an uncomfortable bias" (2005: 48). After reviewing various passages in Hobbes, she concludes that Hobbes "can justifiably be termed a racist" (2005: 54).



### John Locke

David Theo Goldberg's second major criticism of me (the first being his mistaken literalist reading of the racial contract) pertains to a distinction he draws in *The Racial State* (2002) between what he sees as two importantly different strains of racism, "naturalist" and "historicist" (p. 43). (The "naturalist" variety involves "the claim of inherent racial inferiority," the "historicist" involves "claims of historical immaturity" (p. 74).) Goldberg categorizes Locke as a historicist, and says that in my discussion of Locke in particular (pp. 43–4, 54 n5), but also more generally (pp. 97 n6, 136 n6), I only recognize the former (naturalist) kind.

Let me begin with the general claim. Whether or not Goldberg is right about the significance of his distinction, the matter can obviously not be resolved here – it will have to be evaluated by historians of racism. But even if he turns out to be right, it is false that I only recognize naturalist varieties of racism, though undoubtedly I lay far greater emphasis on them. (For example, my initial formulation of the racial contract (Mills 1997: 11) explicitly glosses the "racial" as including the "cultural," so it is clearly supposed to be broader than the "natural," and as such could, I claim, readily accommodate the "historicist" strain Goldberg is differentiating.) Goldberg offers as evidence (2002: 54 n5) a passage from my second book, *Blackness Visible*, where I say that, over its existence, "race has paradigmatically been thought of as 'natural'" (1998a: xiii). But this claim is not, as he mistakenly infers, incompatible with recognizing that there are other varieties of racism. The paradigmatic form need not be the only form. And I think that, especially on the level of mass consciousness as against the academic level, I *am* right about naturalism historically being the dominant form.

Another passage from *Blackness Visible* that he cites rests on a confusion on his part about natural law. I stated there that "for these beings [subpersons], a different set of normative rules applies; natural law speaks differently" (Mills 1998a: 188; original emphasis removed). Goldberg (2002: 136–7 n6) reads this as further evidence for my "naturalism," and it is true that what I subsequently go on to say again emphasizes the naturalist version. But natural law in the philosophical sense is quite different from *descriptive* laws (of physics, chemistry, biology). Natural law is the set of *normative* principles that are supposed to morally regulate human behavior, the natural moral law of a God-created universe. As such, its (alleged) prescriptions for the differential and inferior treatment of nonwhites need not rest on their biological inferiority, but could be justified by their cultural inferiority also – as my reference to Cicero's views of non-Roman barbarians on the same page (Mills 1998a: 188) makes clear. (Not to mention the obvious point that

Locke himself was a natural law theorist, so that even if Goldberg's "historicist" reading of him is correct, it would be because of natural law that differential treatment of such "immature" adult humans would for Locke be justified.)

I think part of the problem is that his literalism (failing to see that I am giving a "contractual" rather than social scientific account of racism) leads him to misread my later remarks about the less-than-humanness of subpersons (for example, in what I say about Locke's views (Mills 1997: 68)). He is taking these as (always being) *biological* claims about nonwhites rather than *normative philosophical* judgments about their "contractual" moral inferiority (which can have more than one foundation, including the cultural [see, for example, 1997: 56]). Subpersonhood need not imply literal subhumanity. Finally, he mistakes my gloss of Jennifer Welchman's (1995) controversial article on Locke as a statement of my own position, when I was just citing it as one possible way of addressing the problem hereditary enslavement of Africans poses for the principles articulated in the *Second Treatise*. Even if Locke, through some feat of rationalization and self-deception, was somehow able to convince himself that African slaves had been captured in a just war (Goldberg 2002: 44), how could he possibly have justified the enslavement of their wives and children, when chapter 16 of the *Second Treatise* explicitly prohibits such a policy? At least Welchman tries to answer this question ("Children born to non-persons are neither the children of men nor entitled to claim rights natural to men": Welchman 1995: 80); Goldberg does not.

### *Jean-Jacques Rousseau*

Rousseau is obviously the classical contract theorist most crucial for my revisionist contract theory, and in *The Racial Contract* (1997: 68–9) I praised the environmentalist historical account of the *Discourse on Inequality* (Rousseau 1997a). Nonetheless, I did also make accusations about what I saw as racial differentiations in his writing, some of which I now concede might be too strongly phrased. For example, I had read his claim about the ignorance of metallurgy and agriculture of the "Savages of America" (Rousseau 1997a: 168) as applying generally to the two continents, and thus as flagrantly contradicted by the great Aztec and Inca empires (Mills 1997: 69). But in a passage I've subsequently noticed in the "Essay on the Origin of Languages," Rousseau (1997c: 258) refers to the "Mexicans" as "a civilized people," making clear that the reference to American "savages" was more geographically limited than I realized. It is still false, of course, that no native peoples in the territory we now call the United States practiced metallurgy and

agriculture, but the degree of "historical amnesia and factual misrepresentation" (Mills 1997: 69) involved is somewhat less than I originally thought.

On the negative side, however, I should mention a point made by some other critics of Rousseau that I neglected to cite in *The Racial Contract*. Barry Wilkins says of my critique that "Rousseau's condemnation of slavery" is given "insufficient consideration" (1999: 52). And it is true that *The Social Contract* is famous for its supposedly principled and unequivocal condemnation of slavery (bk I, chs 1–4). But the question is this: Why – in the midst of the endless references to ancient Greece and Rome, long dead and buried – does Rousseau not take the opportunity anywhere in the book to condemn the *contemporary* enslavement of live and suffering Africans by the country in which he was writing, especially since in the French *Code Noir* it had its most infamous and explicit codification? If his principles were really meant to apply transracially, why omit this flagrant contemporary violation of them? Textual silence can speak volumes, especially when the subject has been broached by the author himself. Moreover, in a passage contrasting the freedoms of the ancients and the moderns, Rousseau characterizes the Spartan citizen as one who "can be perfectly free only if the slave is utterly enslaved" (1997d: 115), while judging the situation of his contemporaries to be quite different: "As for you, modern peoples, you have no slaves." That's a bizarre claim, if his reference class is transracial, as most readers have assumed.

In his stinging indictment of the hypocrisy (if that's the word) of Enlightenment thinkers such as Condorcet, Diderot, Montesquieu, and Rousseau, political philosopher Louis Sala-Molins<sup>6</sup> points out that despite "the definitive passage where [Rousseau] condemns the four possible forms of slavery examined by Grotius" (2006: 73), he falls strangely silent on the Atlantic slave trade:—

Rousseau, who resolutely condemned classical slavery, did not notice that the slave trade and the ordeal of Negroes in the Caribbean raised a philosophical problem. . . . I challenge anyone to find and show me the smallest little line where Rousseau condemns the kidnapping of Africans and their enslavement in the Antilles. It does not exist. . . . The Greek or Roman slave can serve as a term of comparison, and reference is frequently made to him. So can the European serf. . . . The Negro slave, the Negro, naturally a slave, does not fit the criteria of the comparable either on the grounds of universalism, as it is defined, or of accomplishment as it is perceived. The question asked is not "Who is the Negro?" It is most often framed differently as "What is the Negro?" (2006: 49, 73, 74–5)

<sup>6</sup> I thank Tony Bogues for bringing this book to my attention.

So I suggest that if the class inequality of white men is clearly for Rousseau unnatural, conventional, political, racial inequality is, at the very least, somewhat more ambiguous.

### *Immanuel Kant*

Both in *The Racial Contract* (Mills 1997: 71) and in my second book, *Blackness Visible* (Mills 1998a: 188), I assert that Kant "mapped a natural racial hierarchy" in which Native Americans are at the bottom, with blacks one rung above. But again David Theo Goldberg corrects me: "[N]othing Kant says bears this ordering out" (2002: 136–7 n6). Rather, it is blacks who are unequivocally at the bottom.

Well, here are two such things Kant said:

In the hot countries the human being matures earlier in all ways but does not reach the perfection of the temperate zones. Humanity exists in its greatest perfection in the white race. The yellow Indians have a smaller amount of Talent. The Negroes are lower and the lowest are a part of the American peoples. (Cited in Eze 1997a: 118)

That their [Native Americans'] natural disposition has not yet reached a *complete* fitness for any climate provides a test that can hardly offer another explanation why this race, too weak for hard labor, too phlegmatic for diligence, and unfit for any culture, still stands . . . far below the Negro, who undoubtedly holds the lowest of all remaining levels by which we designate the different races. (Cited in Bernasconi 2002: 148)

That seems to "bear this ordering out" pretty definitively.

As he did with Rousseau, Barry Wilkins taxes me for not taking into account "other, countervailing features" of Kant's thought, specifically his "condemnation of colonial conquest and enslavement" (1999: 52). But as I have argued in an essay on Kant (Mills 2005b), it is not altogether clear whether his condemnation of colonialism is a condemnation in principle or a condemnation of "abuses." And based on his examination of the texts, Robert Bernasconi claims that in fact "there is *no* record of [Kant's] having expressly opposed [African chattel slavery]" (2002: 149; my emphasis).

### *John Rawls*

We come now to the most famous modern contract theorist, John Rawls. I did not accuse Rawls of racism but race-evasiveness, making the point that in his *A Theory of Justice* (1999h), a book written by an American in the late twentieth century, "not a single reference to American slavery

and its legacy can be found" (Mills 1997: 77). Rawls's work, and that of his disciples, does not confront the fact, with all its implications for the need to rethink American political philosophy, that the United States has been a white-supremacist polity, and that the Western democracies which are now his key reference class (the earlier transhistorical and transnational interpretations of *Theory* having been declared to be mistaken) were almost all imperialist states whose wealth was based in part on slavery and colonial expropriation. Rather, in such post-*Theory* work as *Political Liberalism* (1996) and *Justice as Fairness* (2001), Rawls says explicitly that these issues of race are matters of non-ideal theory, and so not to be appropriately dealt with in his framework, which is concerned with ideal theory. So as I pointed out in *The Racial Contract*, and have subsequently argued in greater detail elsewhere (2005a, 2006c), as well as in my previous chapters in this book, the framework itself militates against the consideration of these matters.

However, Ajume Wingo thinks I am being unfair to Rawls:

Charles Mills objects that John Rawls's theory of justice is impoverished because it fails to take particular, historically contingent conditions (such as the lasting effects of slavery and racism) into consideration. . . . [Mills] maintains that they are relevant to political considerations in ways that are easily overlooked if we focus too closely on persons conceived in a completely abstract and general way. To be fair to Rawls, however, Mills's is a rather myopic snapshot of Rawls. A closer reading of Rawls tells us another story, a historically contingent story about Western liberal democracy in which the development of liberal democracy turns crucially on events that led first to a *modus vivendi* and then matured into the modern liberal value of tolerance. In other words, the contingent historical events in the West prepared people for liberal democracy. (2003: 31–2)

Wingo goes on to cite from Rawls's "Kantian Constructivism in Moral Theory" (Rawls 1999f: 305–7):

[W]e are not trying to find a conception of justice suitable for all societies regardless of their particular social or historical circumstances. . . . What justifies a conception of justice is not its being true to an order antecedent to and given to us, but . . . our realization that, *given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us*. (Cited in Wingo 2003: 32; Wingo's emphasis)

But it seems to me that this quote actually buttresses my own rather than Wingo's case, both with respect to Rawls's own position and Wingo's defense of Rawls. For it comes from one of Rawls's crucial 1980s essays signaling his shift from traditional contract theory, with its pretensions to be giving a cognitively "Archimedean" perspective on

matters of justice, valid for all societies and all times, to a more situated and “contingent” viewpoint (a shift widely seen, though Rawls himself denied it, as a response to communitarian criticisms like those of Michael Sandel (1998)). But if justice is no longer to be conceived of in transhistorical terms, but rather as rooted in and responsive to local historical circumstances and distinctive national traditions, *then the case for the inclusion of racial justice as a central imperative becomes all the stronger*. As various theorists (outside of philosophy, of course!) have pointed out, the United States, along with apartheid South Africa, is virtually unique in the thoroughness with which white supremacy as a central organizing principle was incorporated into its “basic structure” (Fredrickson 1981; Horsman 1986; Saxton 2003; R. Smith 1997; A. Marx 1998). It follows, then, that a theory of justice sensitized to local conditions, *Sittlichkeit* rather than *Moralität*, must make the dismantling of white supremacy and remedying of racial injustice a priority. For it is nonwhite racial subordination that has “historically” been seen as the “most reasonable doctrine for us [whites],” and the “tradition” most deeply “embedded in our public life.”<sup>7</sup>

Moreover, Wingo takes Rawlsian liberal democracy at its word, and speaks about its evolution from a *modus vivendi* to “tolerance.” But insofar as this is supposed to apply to race it’s doubly wrong. A *modus vivendi* is a compromise based on a standoff between adversaries with roughly comparable power. How could that possibly be an appropriate characterization of the white settler expropriation of Native Americans, and the white enslavement and subsequent segregation of blacks, of white power and nonwhite subordination? This is white *oppression* gradually alleviated through changing socioeconomic circumstances and concessions forced by nonwhite political struggles. Nor is it, as Wingo phrases it, a matter of “tolerance” – that’s the wrong category to begin with – but of the moral imperative (which continues to be ignored) of the racial state’s living up to its obligations to guarantee for nonwhite citizens equal opportunity, compensate for the past lack of such equality, implement measures to undermine white majoritarianism in the electoral arena, take steps against segregation, and so forth.

Tommie Shelby is also dubious that any fundamental rethinking of a Rawlsian framework is necessary. Thus in a recent symposium on Rawls, with a special section on race and ethnicity, he acknowledges the

<sup>7</sup> Actually, an alternative response – even more damaging for Wingo’s defense of Rawls – would be that the moral relativism many ethicists have argued is inevitably associated with *Sittlichkeit* rules out any principled condemnation of racism, given this very “embeddedness” in US traditions.

undeniable, that Rawls has very little to say about race, while contending that the Rawlsian framework, unmodified, can still be used to tackle issues of the remediation of racial injustice (Shelby 2004). Shelby asserts that "it is a mistake to think, as some have [and here he cites to me], that abstraction from the social realities of race within the contractarian model is necessarily a way of obfuscating or denying the centrality of racial domination to the historical development of modern societies" (2004: 1700 n16). As he goes on to make clear, however, Shelby is really talking about the Rawlsian normative contract, whereas my claim was primarily meant about the descriptive contract. Obviously "modern societies" like the United States and the European colonial nations evolved in the modern period as white-supremacist states, so to the extent that mainstream contract theory ignores this crucial fact about them, it does indeed "obfuscate" a central social reality. Moreover, this mystification *does* survive in Rawls, in that he talks about "modern democratic societies" as his reference group while ignoring that they were (are) *racist* societies. And as just argued in reply to Wingo, and also at the start of the chapter, I would make the further claim that the evasion of race in the account of the original descriptive contract continues to haunt the framing of the normative contract also, in that issues of racial justice are methodologically marginalized.

Thus what Shelby says in his opening paragraph (and here we really do dramatically disagree) seems to me utterly wrong, a complete inversion of reality: "When liberal thinkers make this complaint [re the nondiscussion of racial justice in Rawls] they generally do not mean to deny what is no doubt obvious to anyone who has studied Rawls's work, namely, that he was concerned about racial problems and that this concern influenced how he constructed and defended his theory" (2004: 1697). With all due respect to Shelby, I find this statement quite astonishing. Where is there the textual evidence, in a career that spanned 50 years,<sup>8</sup> that Rawls was "concerned about racial problems," apart from the occasional pro forma platitude about the wrongness of racial discrimination? Where in Rawls's corpus over these five decades is there a single essay, or even a section of an essay – let alone a book – that addresses such problems (as against passages explaining why he is *not* addressing them!), as such concern would presumably motivate? If a white philosopher with strong antiracist commitments does not reveal them in his writing because he works in an area of philosophy remote from such issues, there is nothing surprising about such reticence. But how can this silence be explained when the issue is absolutely central to your field and you are *the* leading theorist of social justice in the United States?

<sup>8</sup> Rawls got his Ph.D. in 1950, and he died in 2002.

Shelby concedes that Rawls's remarks about racism are "sparse," but it is worthwhile underlining how truly exiguous they really are. If you add together *A Theory of Justice* (Rawls 1999h), *Political Liberalism* (Rawls 1996), the *Collected Papers* (Rawls 1999a), *The Law of Peoples* (Rawls 1999g), and *Justice as Fairness: A Restatement* (Rawls 2001), you get over 2,000 pages. If you add together every sentence about racism in these five books, you might get three or four pages, if that much. Indeed, so far as I can tell from an illuminating textual search I conducted one day, even the phrase "racial justice" never appears in Rawls's writing. If he was so concerned about racial problems, this was an odd way of showing it.<sup>9</sup> What was preventing him from addressing them? Fear of not getting tenure? Hope of landing a job at an institution more prestigious than the obscure liberal arts college in the boon-docks at which, frustrated and unrecognized, he was forced to labor for so many unrewarding decades? Irony aside, to me, as earlier indicated, it's almost the exact opposite: that the theory was constructed to *evade* these problems. Shelby goes on to admit that "many of the most vexing and urgent questions of racial justice fall within the domain of partial compliance theory," and are thus located "outside the purview of [Rawls's] main theoretical concerns" (2004: 1698). But he does not draw the obvious conclusion, that this methodological decision *itself* demonstrates Rawls's lack of concern. And it's not just Rawls himself, but, as emphasized in chapter 4, the secondary literature also. I think Shelby needs to ask himself why it has been so easy for white philosophers in this tradition working on justice to evade racial questions, and what it says about the apparatus.

So it does not seem to me that Shelby is facing the implications of Rawls's explicit theoretical declarations about the limited scope of his principles. In *Theory* Rawls had written: "We must ascertain how the ideal conception of justice applies, *if indeed it applies at all*, to cases where . . . we are confronted with injustice" (1999h: 309; my emphasis). Thomas Nagel's essay in the *Cambridge Companion to Rawls* has an endnote – one of the few sentences on race in the entire collection – that makes this limitation explicit. Nagel points out there that as "corrective justice," "Affirmative action therefore does not form a part of what Rawls would call 'strict compliance theory' or ideal theory, which is what the two principles of justice are supposed to describe" (2003: 84 n3).

Affirmative action, preferential treatment, reparations, and so forth – all those topics which have preoccupied black moral philosophers like

<sup>9</sup> In his 1998 interview with George Yancy (1998: 294), Laurence Thomas also makes the useful point that nowhere in his work up to that time had Rawls ever cited a black philosopher. Nor would he do so subsequently.



Bernard Boxill (1992) and Howard McGary (1999) for decades – are not called for from the original position because they presume a history of racial injustice that is outside the ambit of Rawls's book. And that's why white philosophers following in Rawls's footsteps don't have to talk about them. But where there *has* been such a history – where the "basic structure" has been fundamentally shaped by Native American expropriation, African slavery, and then Jim Crow – ideal theory is clearly inappropriate, since measures are called for *to deal with* that history. What do we do *now* to correct for the multidimensional legacy of white supremacy in the forms of the non-ideal functioning of the state and the legal system, dominant tendentious interpretations of the Constitution, grossly inequitable racial distributions of income and wealth, residential segregation, the racial division of labor, color-coded education, white voting patterns, biases in the criminal justice system, white privilege, white moral psychology, white denial of the past (and present), and so forth? What "device of representation" is appropriate for adjudicating the normative questions generated by these issues?

By its very nature (the focus on ideal theory) Rawls's work gives no answer to these questions. One can, of course, appeal to antidiscrimination as a principle, which Rawls does explicitly endorse. But antidiscrimination as a guiding tenet is going to be of limited use, since it does not tell us how we should regard corrective policies which, as the white backlash against affirmative action confirms, will typically be seen by most whites today as "*reverse*" discrimination. Instead one will need a justification that refers to the workings of systemic and cumulative illicit racial advantage that will often manifest themselves *without* discrete acts of individual "discrimination" guided by conscious "intent" (which tends to be the gold standard in antidiscrimination law). As Rawls himself says explicitly in *Justice as Fairness*: "The idea of a well-ordered society is plainly a very considerable idealization. . . . Justice as fairness is a political conception of justice for the special case of the basic structure of a modern democratic society" (2001: 9, 14), and "a democratic society. . . *excludes . . . a racist one*" (2001: 21; my emphasis). By definition, a white-supremacist society is not a "well-ordered society," so the requirements for transforming it into a just society, or at least a less unjust one, are necessarily going to be different in key respects from the requirements for ensuring that racism does not enter into the basic structure of an ideally just society. These are two different kinds of enterprise. So though Shelby (2004) makes a gallant and ingenious attempt to extract racial justice prescriptions from Rawls's statements, it seems to me that he is underestimating the changes that (by Rawls's *own* admission) would need to be made in his framework.

#### IV Race and Political Economy

Finally, to repeat my earlier clarification about the kind of “explanation” I am invoking in the book, I do not (contra my left-wing critics) see the “racial contract” as competing with classical political economy approaches but rather, in a theoretical division of labor, as operating in a different conceptual space than they do. Explanation in this “philosophical,” distinctively contract-theoretical sense thus has different goals than social science explanation, and is obviously compatible with a range of contenders in the field, including at least some Marxist ones.

But what kind of Marxism? Insofar as claims about “racial exploitation,” “white supremacy,” and “white” racial causality are central to my argument, a class-reductionist “white” Marxism will be hostile to some of my crucial assumptions (see Mills 2003b). So I have to admit that the “racial contract” is to a certain extent theoretically committed on the social science level also, ruling out theories that deny the social reality of race.

Steve Ferguson, for example, takes issue with what I say in the book about exploitation: “Although racism and national oppression are instances of white supremacy, class exploitation cannot be subsumed under and made identical to white supremacy, as Mills would have it” (2004: 99). But nowhere do I claim that it can; I am not talking in the book about “class exploitation” but *racial* exploitation (Mills 2004). For Ferguson, however – imprisoned as he is in the walls of orthodoxy – exploitation is by definition class exploitation. (How, one wonders, would he conceptualize the sexual exploitation of women? As an example of the transfer of surplus carnal value?) This concept has to be debated on its own merits; it can’t be declared inconsistent with Marxism and *ipso facto* therefore invalid.

Robert Young offers a related challenge: “From Mills’s logic, it seems that all whites (materially) benefit from the Racial Contract, but if this is true, then how does he account for the class structure within the white community?” (2006: 37). Quite easily: there is no inconsistency between racial group R1 benefiting from the exploitation of racial group R2 and the proceeds of this exploitation being distributed unequally among the members of racial group R1. Nor, indeed, does it rule out the possibility that other kinds of exploitation exist. Nowhere do I claim that racial exploitation is the only kind of exploitation. Though Ferguson and Young both obviously have difficulty grasping the idea, it is possible for someone, as a member of one group, to be a beneficiary of one kind of exploitation, while simultaneously, as a member of another group, to be a victim of another kind of exploitation – as with white women, for example.

Let me now say something about the term I use in *The Racial Contract*, "global white supremacy," a transgressive political concept which has a long history in the black radical tradition. (See, for example, W. E. B. Du Bois (1995) and Malcolm X (1989).) Philip Cohen expresses an orthodox left skepticism about such a notion, in keeping with a white left tradition (see, for example, Lenin 1996) that fails to recognize the ways in which European imperialism brings race into existence as a global reality:

One may imagine a "common identity based on the transcontinental exploitation of the non-European world" ([Mills 1997:] 35) after the fact, but such an alignment is not clearly in evidence in history, beyond the machinations of a tiny group of rulers. . . . Mills does little to argue against at least one reasonable counter-explanation, that the world is "essentially dominated" by *capital*. (1999: 103)

In other words, the real movers and shakers are the (colorless) ruling classes, not the white population as such.

I see this as a class-reductionist Marxism that has historically been very prevalent on the white left, that is deeply wrong, and that has, tragically, blocked a recognition on the part of its proponents of what Howard Winant (2001: xiv) aptly calls the "world-historical" significance of race. While, as emphasized, I am sympathetic to the claim that white supremacy – and indeed race itself – are brought into existence by capitalism in its early imperialist phase, and that causality within the white population needs to be disaggregated, I do want to insist that, once created, *race achieves a causal efficacy of its own*. Europeans at home and abroad come to think of themselves *as white*, and this self-conception shapes their perceptions, their emotions, their motivations, and their actions. As David Roediger (1999) classically points out, the white working class make themselves *as white*, and are not just puppets of bourgeois agency.

Cohen needs to look at fellow sociologist Winant's recent powerful *The World Is a Ghetto* (2001), which explains the "immense planetary metamorphosis" (p. 21) that leads to the establishment of a "world racial system" (p. 3) in which race becomes "a corporealizing means of human identification and classification that informed everyday life and culture" (p. 112). Or he could look at British sociologist Frank Furedi's analysis of race as "a central element in the composition of Western identity," underpinning a "Western racial imagination" for which "racial thinking was an accepted part of the intellectual climate" (1998: 1, 5), with the growing international white conviction by the start of the twentieth century that racial conflict would take the form of "a racial threat posed by people of color against the white race" (1998: 1–2). Or

the vast "whiteness" literature, for example sociologists Ashley Doane and Eduardo Bonilla-Silva's important recent anthology, *White Out* (2003) (interest disclosed: I am a contributor). Race is an emergent social structure with a real causality of its own, not to be reduced to class. And imperial domination, correspondingly, is in part racial domination, with whites across the world thinking of themselves as such, and in opposition to nonwhite "natives" everywhere.

Cohen says "such an alignment is not clearly evident in history." He should read historian Thomas Borstelmann's recent *The Cold War and the Color Line* (2001). Borstelmann himself refers to "the era of global white supremacy," "the international character of white rule over people of color," "the truly international sweep of white authority" (pp. 14–15). His prologue describes how "In the twentieth century the global movement toward racial equality and self-determination gathered speed and finally broke upon the bulwarks of white supremacy with irresistible force," so that "With the democratic elections of 1994 in South Africa, the long era of legalized white rule over people of color – much, much longer than the period of competition between Communism and capitalism – came finally to an end" (pp. 1, 6).

So these iconoclastic and seemingly outrageous concepts, pioneered with great intellectual courage by Du Bois and other mapmakers of the alternative black radical political cartography, are at last coming in from the cold, achieving the respectability they deserve. Contra Cohen and other like-minded white Marxists (or, for that matter, black Marxist-Leninists: see McClendon and Ferguson), white supremacy is more than just bourgeois rule, white workers are actively involved as well as the white ruling classes, and it was originally international in character. A political economy of race is indeed desirable, but it must be a nonreductionist one that recognizes the theoretical failures of white left orthodoxy.

And that brings me finally back to Steve Ferguson. I want to close by addressing what I think is his best and most important point: the question of white benefit from white supremacy (Ferguson 2004: ch. 3; see also Young 2006). This is a topic obviously of interest both in its own right and as one way of cashing out a version of "tacit consent" to the racial contract. (Not simply in the Lockean fact of benefits, though, since even white "nonsignatories" trying to undermine white supremacy will continue to benefit from their whiteness. Rather it is tacit consent as manifested in deliberate actions aimed at securing those benefits, and maintaining the structure that generates them.)

Ferguson writes: "Mills' racialist ideology – to put it bluntly – exaggerates the material significance of white privilege" (2004: 108). For Ferguson, despite the large amount of recent literature on the subject,

"White privilege is little more than a psychological sense of entitlement" (2004: 99). So the only "benefits" are illusory psychological ones. "Once we make a class analysis of white supremacy, we can see that white supremacy does not advance the objective material interests of the white working-class. . . . [T]he white working-class in no way benefits from the Black proletariat being exploited" (2004: 102-7). He cites as evidence work by the economist Michael Reich, glossing his argument as concluding that "the income share of middle-income and high-income families increases with an increase in racial inequality. . . . Since the income differences *among* whites [increase] with racial inequality, capitalist[s] gain and white workers lose" (2004: 103-4).

I want to make three points in reply, having to do with logic, scope, and methodology.

First, a simple logical point. If an individual, or a group (say, white workers), would benefit more under system S2 than system S1, it does not follow that they do *not* benefit under system S1, only that they benefit less. Nor does the fact that another group in system S1 (say, white capitalists) benefit far more than they do prove that they themselves do not benefit. And in terms of motivation, if S2 seems uncertain, while S1 is already here, beneficial, and entrenched, and the transition costs of moving from S1 to S2 loom high, one's "objective material interests" may well seem to be better served by remaining in S1 rather than risking trying for S2.

Second, the scope of my claims about racial exploitation was self-consciously global, including crucially the long-standing argument of various theorists that African slavery and colonial plunder were pivotal to the development of the West, and its economic dominance in the world (Mills 1997: 31-7). This thesis has, of course, always been a controversial one. But if the case can in fact be convincingly made for it, how would this not be a clear-cut instance of transcontinental racial exploitation that benefits Europeans in general, given the huge differences in living standards between "the West and the Rest"? Moreover, even within particular countries, such as white settler states like the United States, Australia, and South Africa, one also has to take account of benefits derived from land and resource expropriation from the indigenous population which white Marxists focused just on an abstract "capitalism" and "wage labor" tend to ignore. If working-class European immigrants to the United States, say, are better off than they would have been had they stayed in Europe, why should this not be the appropriate baseline of comparison, considering that the opportunities opened up for them in the United States have been made possible by the killing and expropriation – the racial exploitation, whether Ferguson wants to admit it or not – of Native Americans? Limiting the

debate to wage labor, the main kind of exploitation admitted by traditional Marxists, is illegitimate, since the point of the concept ("racial exploitation") is in part precisely to *contest* this one-dimensional conceptualization.

But finally, the crucial methodological problem with Ferguson's argument is that Reich's work was published more than a quarter-century ago (Ferguson cites essays from 1978 and 1981), and the debate has moved on considerably since then. At least since Melvin Oliver and Thomas Shapiro's prizewinning 1995 *Black Wealth/White Wealth*, it has been recognized in the literature that *wealth* is a far more significant determinant of racial inequality than income. So Reich's assumptions are dated insofar as he is using black/white median income ratios as "the principal measure of racial inequality" (Ferguson). Wealth represents a past cumulative history of discriminatory advantage and disadvantage in multiple spheres that tends to reproduce itself intergenerationally. In the words of Thomas Shapiro: "[W]ealth motivates much of what Americans do, grounds their life chances, and provides enduring advantages and disadvantages across generations. Wealth ownership is the single dimension on which whites and blacks are most persistently unequal" (2004: 33). And as mentioned in chapter 4, as of 2004 the white to black ratio in median net worth stands at ten to one and in financial wealth at over a hundred to one, the reason being that the sources of wealth are themselves racially differentiated in ways more complex than income variation. So the natural inference one might make of a straightforward correlation between income and wealth is quite wrong, since "wealth discloses the consequences of the racial patterning of opportunities" (Shapiro 2004: 35–6). Instead one has to cast one's theoretical net much more broadly, looking for example at differential past and present chances of getting a mortgage, and so being able to build wealth through home ownership; at segregation in housing, and restricted access to the greater appreciation in property values of the white suburbs; at inferior education, and what it means for competitiveness on the labor market; at the racialized distribution of transfer payments from the state, such as the postwar implementation of the GI Bill; and so forth. Racial exploitation in this sense is multidimensional. And the point is that at *all* class levels whites do much better.

To illustrate this pattern, we only need to look at figures on wealth distribution, broken down by quintiles for the white and black population, which show that "white households in *every income quintile* have significantly higher median wealth than similar-earning black households" (Shapiro 2004: 49; my emphasis). For our purposes (since Ferguson's claim is that the white working class do not benefit from white supremacy) the crucial category is obviously "the lowest fifth

median." As Carole Pateman pointed out above in chapter 5 (I am using her more recent figures, from L. Williams 2004: 684, rather than Shapiro's), the figures for these bottom quintiles are as follows: whites (median net worth) \$24,000; blacks (median net worth) \$57. The ratio of difference is actually *greatest* at the lowest levels (over 400:1). In Shapiro's conclusion: "No matter how much or how little you make, then, wealth is dramatically higher for white households" (2004: 50).

This huge differential in the bottom quintile – greater than at any other level – is *prima facie* evidence of the reality of transclass racial exploitation, and of white working-class benefit from it, and a refutation of Ferguson's claim that "white privilege is little more than a psychological sense of entitlement." Moreover, the reality of this privilege – to return one last time to the "contract" framework – does indeed provide the motivation for whites to continue being "signatories" to the racial contract. It is not a matter, as Ferguson misunderstands me, of claiming that all whites are racist, but rather of recognizing how white group interest in maintaining their "competitive advantage" for themselves and their children, in Shapiro's phrase, encourages them to make certain kinds of decisions: "Recent surveys have shown repeatedly that nearly every social choice that white people make about where they live, what schools their children attend, what careers they pursue, and what policies they endorse is shaped by considerations involving race. . . . The incentives, rewards, patterns, expectations – indeed, the structure – [lead one's] family into an all-white world, rational decision by rational decision" (2004: 102, 143).

What clearer empirical confirmation could one want of the reality of an ongoing, rational, white "tacit consent" to the existing racial contract-founded racial polity?

I hope, then, that this reply will have clarified my position where it was fuzzy, and made it more convincing to those who were skeptical. The point, as emphasized throughout, is to reorient contract theory to deal with issues of racial justice and issues of non-ideal theory more generally – surely a worthwhile goal, indeed a goal that John Rawls himself declared his support for, even if he never got round to doing anything about it himself. Social contract theory provides us with an illuminating metaphor for thinking about the creation of society and the egalitarian values that should guide its construction. But if modern societies were not actually constructed on egalitarian lines, then we need to adjust social contract theory so as to model and address these inequities. Social contract theory claims to be including all adults as contractors, descriptively and prescriptively. But if only white men were originally part of the contract, both in theory and in practice, then

obviously we need to rethink the contract to include, in a substantive way, white women and people of color. What could be controversial about any of that?

In our opening book epigraph, the worthy John Adams warns that the "tribes" of Native Americans, blacks, and white females are, bizarrely, actually assuming that the revolutionary liberal challenge to the "bands of government" should include them also. For the several hundred years since its inception, liberalism has restricted its egalitarian promise to a white male minority. If contemporary white male contract theorists continue to ignore gender and racial oppression in their prescriptions for a just society, even while disavowing that they are "masters," why should they too not be seen as simply carrying out two hundred years later, on the battlefield of political theory, the same "fight" against the "repeal" of the masculine and white-supremacist systems that Adams was confident "General Washington and all our brave heroes" would lead?



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