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“To take the arguments that Mills makes in *The Racial Contract* seriously is to be prepared to rethink the concept of race and the structure of our political systems. This is a very important book indeed, and should be a welcome addition to the ongoing discussions surrounding social contract theory. . . . It would be an excellent critical complement to any course that covers the history of social contract theory or that deals with issues surrounding race and racism.”—*Teaching Philosophy*

CHARLES W. MILLS

The Racial Contract

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This book is dedicated to the blacks, reds, browns, and yellows who have resisted the Racial Contract and the white renegades and race traitors who have refused it.

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OVERVIEW

I will start with an overview of the Racial Contract, highlighting its differences from, as well as its similarities to, the classical and contemporary social contract. The Racial Contract is political, moral, and epistemological; the Racial Contract is real; and economically, in determining who gets what, the Racial Contract is an exploitation contract.

The Racial Contract is political, moral, and epistemological.

The "social contract" is actually several contracts in one. Contemporary contractarians usually distinguish, to begin with, between the *political* contract and the *moral* contract, before going on to make (subsidiary) distinctions within both. I contend, however, that the orthodox social contract also tacitly presupposes an "epistemological" contract, and that for the Racial Contract it is crucial to make this explicit.

The political contract is an account of the origins of government and our political obligations to it. The subsidiary distinction sometimes made in the political contract is between the contract to establish *society* (thereby taking "natural," preso-

cial individuals out of the state of nature and reconstructing and constituting them as members of a collective body) and the contract to establish the *state* (thereby transferring outright or delegating in a relationship of trust the rights and powers we have in the state of nature to a sovereign governing entity).¹ The moral contract, on the other hand, is the foundation of the moral code established for the society, by which the citizens are supposed to regulate their behavior. The subsidiary distinction here is between two interpretations (to be discussed) of the relationship between the moral contract and state-of-nature morality. In modern versions of the contract, most notably Rawls's of course, the political contract largely vanishes, modern anthropology having long superseded the naive social origin histories of the classic contractarians. The focus is then almost exclusively on the moral contract. This is not conceived of as an actual historical event that took place on leaving the state of nature. Rather, the state of nature survives only in the attenuated form of what Rawls calls the "original position," and the "contract" is a purely hypothetical exercise (a thought experiment) in establishing what a just "basic structure" would be, with a schedule of rights, duties, and liberties that shapes citizens' moral psychology, conceptions of the right, notions of self-respect, etc.²

Now the Racial Contract—and the "Racial Contract" as a theory, that is, the distanced, critical examination of the Racial Contract—follows the classical model in being both sociopolitical and moral. It explains how society was created or crucially transformed, how the individuals in that society were reconstituted, how the state was established, and how a particular moral code and a certain moral psychology were brought into existence. (As I have emphasized, the "Racial Contract" seeks to account for the way things are and how they came to be that way—the descriptive—as well as the

way they should be—the normative—since indeed one of its complaints about white political philosophy is precisely its otherworldiness, its ignoring of basic political realities.) But the Racial Contract, as we will see, is also epistemological, prescribing norms for cognition to which its signatories must adhere. A preliminary characterization would run something like this:

The Racial Contract is that set of formal or informal agreements or meta-agreements (higher-level contracts *about* contracts, which set the limits of the contracts' validity) between the members of one subset of humans, henceforth designated by (shifting) "racial" (phenotypical/genealogical/cultural) criteria C₁, C₂, C₃ . . . as "white," and coextensive (making due allowance for gender differentiation) with the class of full persons, to categorize the remaining subset of humans as "nonwhite" and of a different and inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-ruled polities the whites either already inhabit or establish or in transactions as aliens with these polities, and the moral and juridical rules normally regulating the behavior of whites in their dealings with one another either do not apply at all in dealings with nonwhites or apply only in a qualified form (depending in part on changing historical circumstances and what particular variety of nonwhite is involved), but in any case the general purpose of the Contract is always the differential privileging of the whites as a group with respect to the nonwhites as a group, the exploitation of their bodies, land, and resources, and the denial of equal socioeconomic opportunities to them. All whites are *beneficiaries* of the Contract, though some whites are not *signatories* to it.³

It will be obvious, therefore, that the Racial Contract is not a contract to which the nonwhite subset of humans can be a

phosis is the preliminary conceptual partitioning and corresponding transformation of human populations into "white" and "nonwhite" men. The role played by the "state of nature" then becomes radically different. In the white settler state, its role is not primarily to demarcate the (temporarily) prepolitical state of "all" men (who are really white men), but rather the permanently prepolitical state or, perhaps better, *nonpolitical* state (insofar as "pre-" suggests eventual internal movement toward) of nonwhite men. The establishment of society thus implies the denial that a society already existed, the creation of society *requires* the intervention of white men, who are thereby positioned as *already* sociopolitical beings. White men who are (definitionally) already part of society encounter nonwhites who are not, who are "savage" residents of a state of nature characterized in terms of wilderness, jungle, wasteland. These the white men bring partially into society as subordinate citizens or exclude on reservations or deny the existence of or exterminate. In the colonial case, admittedly preexisting but (for one reason or another) deficient societies (decadent, stagnant, corrupt) are taken over and run for the "benefit" of the nonwhite natives, who are deemed childlike, incapable of self-rule and handling their own affairs, and thus appropriately wards of the state. Here the natives are usually characterized as "barbarians" rather than "savages," their state of nature being somewhat farther away (though not, of course, as remote and lost in the past—if it ever existed in the first place—as the Europeans' state of nature). But in times of crisis the conceptual distance between the two, barbarian and savage, tends to shrink or collapse, for this technical distinction within the nonwhite population is vastly less important than the *central* distinction between whites and nonwhites.

In both cases, then, though in different ways, the Racial Contract establishes a racial polity, a racial state, and a racial

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genuinely consenting party (though, depending again on the circumstances, it may sometimes be politic to pretend that this is the case). Rather, it is a contract between those categorized as white over the nonwhites, who are thus the objects rather than the subjects of the agreement.

The logic of the classic social contract, political, moral, and epistemological, then undergoes a corresponding refraction, with shifts, accordingly, in the key terms and principles.

Politically, the contract to establish society and the government, thereby transforming abstract raceless "men" from denizens of the state of nature into social creatures who are politically obligated to a neutral state, becomes the founding of a *racial polity*, whether white settler states (where preexisting populations already are or can be made sparse) or what are sometimes called "sojourner colonies," the establishment of a white presence and colonial rule over existing societies (which are somewhat more populous, or whose inhabitants are more resistant to being made sparse). In addition, the colonizing mother country is also changed by its relation to these new polities, so that its own citizens are altered.

In the social contract, the crucial human metamorphosis is from "natural" man to "civil/political" man, from the resident of the state of nature to the citizen of the created society. This change can be more or less extreme, depending on the theorist involved. For Rousseau it is a dramatic transformation, by which animallike creatures of appetite and instinct become citizens bound by justice and self-prescribed laws. For Hobbes it is a somewhat more laid-back affair by which people who look out primarily for themselves learn to constrain their self-interest for their own good.⁴ But in all cases the original "state of nature" supposedly indicates the condition of *all* men, and the social metamorphosis affects them all in the same way.

In the Racial Contract, by contrast, the crucial metamor-

juridical system, where the status of whites and nonwhites is clearly demarcated, whether by law or custom. And the purpose of this state, by contrast with the neutral state of classic contractarianism, is, *inter alia*, specifically to maintain and reproduce this racial order, securing the privileges and advantages of the full white citizens and maintaining the subordination of nonwhites. Correspondingly, the "consent" expected of the white citizens is in part conceptualized as a consent, whether explicit or tacit, to the racial order, to white supremacy, what could be called Whiteness. To the extent that those phenotypically/genealogically/culturally categorized as white fail to live up to the civic and political responsibilities of Whiteness, they are in dereliction of their duties as citizens. From the inception, then, race is in no way an "afterthought," a "deviation" from ostensibly raceless Western ideals, but rather a central shaping constituent of those ideals.

In the social contract tradition, there are two main possible relations between the moral contract and the political contract. On the first view, the moral contract represents *preexisting* objectivist morality (theological or secular) and thus constrains the terms of the political contract. This is the view found in Locke and Kant. In other words, there is an objective moral code in the state of nature itself, even if there are no policemen and judges to enforce it. So any society, government, and legal system that are established should be based on that moral code. On the second view, the political contract *creates* morality as a conventionalist set of rules. So there is no independent objective moral criterion for judging one moral code to be superior to another or for indicting a society's established morality as unjust. On this conception, which is famously attributed to Hobbes, morality is just a set of rules for expediting the rational pursuit and coordination of our own

interests without conflict with those other people who are doing the same thing.⁵

The Racial Contract can accommodate both versions, but as it is the former version (the contract as described in Locke and Kant) rather than the latter version (the contract as described in Hobbes) which represents the mainstream of the contract tradition, I focus on that one.⁶ Here, the good polity is taken to rest on a preexisting moral foundation. Obviously, this is a far more attractive conception of a political system than Hobbes's view. The ideal of an objectively just polis to which we should aspire in our political activism goes back in the Western tradition all the way to Plato. In the medieval Christian worldview which continued to influence contractarianism well into the modern period, there is a "natural law" immanent in the structure of the universe which is supposed to direct us morally in striving for this ideal.⁷ (For the later, secular versions of contractarianism, the idea would simply be that people have rights and duties even in the state of nature because of their nature as human beings.) So it is wrong to steal, rape, kill in the state of nature even if there are no human laws written down saying it is wrong. These moral principles must constrain the human laws that are made and the civil rights that are assigned once the polity is established. In part, then, the political contract simply *codifies* a morality that already exists, writing it down and filling in the details, so we don't have to rely on a divinely implanted moral sense, or conscience, whose perceptions may on occasion be distorted by self-interest. What is right and wrong, just and unjust, in society will largely be determined by what is right and wrong, just and unjust, in the state of nature.

The character of this objective moral foundation is therefore obviously crucial. For the mainstream of the contractarian tradition, it is the *freedom and equality of all men in the*

tively appropriately known as "subject races." And these subpersons—niggers, injuns, chinks, wogs, greasers, blackfells, kaffirs, coolies, abos, dinks, googoes, gooks—are biologically destined never to penetrate the normative rights ceiling established for them below white persons. Henceforth, then, whether openly admitted or not, it is taken for granted that the grand ethical theories propounded in the development of Western moral and political thought are of restricted scope, explicitly or implicitly intended by their proponents to be restricted to persons, whites. The terms of the Racial Contract set the parameters for white morality as a whole, so that competing Lockean and Kantian contractarian theories of natural rights and duties, or later anticontractarian theories such as nineteenth-century utilitarianism, are all limited by its stipulations.

Finally, the Racial Contract requires its own peculiar moral and empirical epistemology, its norms and procedures for determining what counts as moral and factual knowledge of the world. In the standard accounts of contractarianism it is not usual to speak of there being an "epistemological" contract, but there is an epistemology associated with contractarianism, in the form of natural law. This provides us with a moral compass, whether in the traditional version of Locke—the light of reason implanted in us by God so we can discern objective right and wrong—or in the revisionist version of Hobbes—the ability to assess the objectively optimal prudential course of action and what it requires of us for self-interested cooperation with others. So through our natural faculties we come to know reality in both its factual and valuational aspects, the way things objectively are and what is objectively good or bad about them. I suggest we can think of this as an idealized consensus about cognitive norms and, in this respect, an agreement or "contract" of sorts. There is an understanding

state of nature. As Locke writes in the *Second Treatise*, "To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions. . . . A *State also of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another."⁸ For Kant, similarly, it is our equal moral personhood.⁹ Contractarianism is (supposedly) committed to moral egalitarianism, the moral equality of all men, the notion that the interests of all men matter equally and all men must have equal rights. Thus, contractarianism is also committed to a principled and foundational opposition to the traditionalist hierarchical ideology of the old feudal order, the ideology of inherent ascribed status and natural subordination. It is this language of equality which echoes in the American and French Revolutions, the Declaration of Independence, and the Declaration of the Rights of Man. And it is this moral egalitarianism that must be retained in the allocation of rights and liberties in civil society. When in a modern Western society people insist on their rights and freedoms and express their outrage at not being treated equally, it is to these classic ideas that, whether they know it or not, they are appealing.

But as we will see in greater detail later on, the color-coded morality of the Racial Contract restricts the possession of this natural freedom and equality to *white* men. By virtue of their complete nonrecognition, or at best inadequate, myopic recognition, of the duties of natural law, nonwhites are appropriately relegated to a lower rung on the moral ladder (the Great Chain of Being).¹⁰ They are designated as born unfree and unequal. A partitioned social ontology is therefore created, a universe divided between persons and racial subpersons, *Untermenschen*, who may variously be black, red, brown, yellow—slaves, aborigines, colonial populations—but who are collec-

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about what counts as a correct, objective interpretation of the world, and for agreeing to this view, one is ("contractually") granted full cognitive standing in the polity, the official epistemic community.¹¹

But for the Racial Contract things are necessarily more complicated. The requirements of "objective" cognition, factual and moral, in a racial polity are in a sense more demanding in that officially sanctioned reality is divergent from actual reality. So here, it could be said, one has an agreement to misinterpret the world. One has to learn to see the world wrongly, but with the assurance that this set of mistaken perceptions will be validated by white epistemic authority, whether religious or secular.

Thus in effect, on matters related to race, the Racial Contract prescribes for its signatories an inverted epistemology. an epistemology of ignorance, a particular pattern of localized and global cognitive dysfunctions (which are psychologically and socially functional), producing the ironic outcome that whites will in general be unable to understand the world they themselves have made. Part of what it means to be constructed as "white" (the metamorphosis of the sociopolitical contract), part of what it requires to achieve Whiteness, successfully to become a white person (one imagines a ceremony with certificates attending the successful rite of passage: "Congratulations, you're now an official white person!"), is a cognitive model that precludes self-transparency and genuine understanding of social realities. To a significant extent, then, white signatories will live in an invented delusional world, a racial fantasyland, a "consensual hallucination," to quote William Gibson's famous characterization of cyberspace, though this particular hallucination is located in real space.¹² There will be white mythologies, invented Orientals, invented Africas, invented Americas, with a correspondingly fabricated

population, countries that never were, inhabited by people who never were—Calibans and Tontos, Man Fridays and Sambos—but who attain a virtual reality through their existence in travelers' tales, folk myth, popular and highbrow fiction, colonial reports, scholarly theory, Hollywood cinema, living in the white imagination and determinedly imposed on their alarmed real-life counterparts.¹³ One could say then, as a general rule, that *white misunderstanding, misrepresentation, evasion, and self-deception on matters related to race* are among the most pervasive mental phenomena of the past few hundred years, a cognitive and moral economy psychically required for conquest, colonization, and enslavement. And these phenomena are in no way *accidental*, but *prescribed* by the terms of the Racial Contract, which requires a certain schedule of structured blindnesses and opacities in order to establish and maintain the white polity.

The Racial Contract is a historical actuality.

The social contract in its modern version has long since given up any pretensions to be able to explain the historical origins of society and the state. Whereas the classic contractarians were engaged in a project both descriptive and prescriptive, the modern Rawls-inspired contract is purely a prescriptive thought experiment. And even Pateman's Sexual Contract, though its focus is the real rather than the ideal, is not meant as a literal account of what men in 4004 B.C. decided to do on the plains of Mesopotamia. Whatever accounts for what Frederick Engels once called "the *world historical defeat of the female sex*"¹⁴—whether the development of an economic surplus, as he theorized, or the male discovery of the capacity to rape and the female disadvantage of being the childbearing

half of the species, as radical feminists have argued—it is clearly lost in antiquity.

By contrast, ironically, the Racial Contract, never so far as I know explored as such, has the best claim to being an actual historical fact. Far from being lost in the mists of the ages, it is clearly historically locatable in the series of events marking the creation of the modern world by European colonialism and the voyages of "discovery" now increasingly and more appropriately called expeditions of conquest. The Columbian quincentenary a few years ago, with its accompanying debates, polemics, controversies, counterdemonstrations, and outpourings of revisionist literature, confronted many whites with the uncomfortable fact, hardly discussed in mainstream moral and political theory, that we live in a world which has been *foundationally shaped for the past five hundred years by the realities of European domination and the gradual consolidation of global white supremacy*. Thus not only is the Racial Contract "real," but—whereas the social contract is characteristically taken to be establishing the legitimacy of the nation-state, and codifying morality and law within its boundaries—the Racial Contract is *global*, involving a tectonic shift of the ethicojuridical basis of the planet as a whole, the division of the world, as Jean-Paul Sartre put it long ago, between "men" and "natives."¹⁵

Europeans thereby emerge as "the lords of human kind," the "lords of all the world," with the increasing power to determine the standing of the non-Europeans who are their subjects.¹⁶ Although no single act literally corresponds to the drawing up and signing of a contract, there is a series of acts—papal bulls and other theological pronouncements; European discussions about colonialism, "discovery," and international law; pacts, treaties, and legal decisions; academic and popular debates about the humanity of nonwhites; the establishment

of formalized legal structures of differential treatment; and the routinization of informal illegal or quasi-legal practices effectively sanctioned by the complicity of silence and government failure to intervene and punish perpetrators—which collectively can be seen, not just metaphorically but close to literally, as its conceptual, juridical, and normative equivalent.

Anthony Pagden suggests that a division of the European empires into their main temporal periods should recognize "two distinct, but interdependent histories": the colonization of the Americas, 1492 to the 1830s, and the occupation of Asia, Africa, and the Pacific, 1730s to the period after World War II.¹⁷ In the first period, it was, to begin with, the nature and moral status of the Native Americans that primarily had to be determined, and then that of the imported African slaves whose labor was required to build this "New World." In the second period, culminating in formal European colonial rule over most of the world by the early twentieth century, it was the character of colonial peoples that became crucial. But in all cases "race" is the common conceptual denominator that gradually came to signify the respective global statuses of superiority and inferiority, privilege and subordination. There is an opposition of us against them with multiple overlapping dimensions: Europeans versus non-Europeans (geography), civilized versus wild/savage/barbarians (culture), Christians versus heathens (religion). But they all eventually coalesced into the *basic* opposition of white versus nonwhite.

A Lumbee Indian legal scholar, Robert Williams, has traced the evolution of the Western legal position on the rights of native peoples from its medieval antecedents to the beginnings of the modern period, showing how it is consistently based on the assumption of "the rightness and necessity of subjugating and assimilating other peoples to [the European] worldview."¹⁸ Initially the intellectual framework was a theo-

logical one, with normative inclusion and exclusion manifesting itself as the demarcation between Christians and heathens. The pope's powers over the *Societas Christiana*, the universal Christian commonwealth, were seen as "extending not only over all Christians within the universal commonwealth, but over unregenerated heathens and infidels as well," and this policy would subsequently underwrite not merely the Crusades against Islam but the later voyages to the Americas. Sometimes papal pronouncements did grant rights and rationality to nonbelievers. As a result of dealing with the Mongols in the thirteenth century, for example, Pope Innocent IV "conceded that infidels and heathens possessed the natural law right to elect their own secular leaders," and Pope Paul III's famous *Sublimis Deus* (1537) stated that Native Americans were rational beings, not to be treated as "dumb brutes created for our service" but "as truly men . . . capable of understanding the Catholic faith."¹⁹ But as Williams points out, the latter qualification was always crucial. A Eurocentrically normed conception of rationality made it coextensive with acceptance of the Christian message, so that rejection was proof of essential irrationality.

Even more remarkably, in the case of Native Americans this acceptance was to be signaled by their agreement to the *Requerimiento*, a long statement read aloud to them in, of course, a language they did not understand, failing which as sent a just war could lawfully be waged against them.²⁰ One author writes:

The *requerimiento* is the prototypical example of *text jussifying conquest*. Informing the Indians that their lands were entrusted by Christ to the pope and thence to the kings of Spain, the document offers freedom from slavery for those Indians who accept Spanish rule. Even though it was entirely

incomprehensible to a non-Spanish speaker, reading the document provided sufficient justification for dispossession of land and immediate enslavement of the indigenous people. [Bartolomé de] Las Casas's famous comment on the *requerimiento* was that one does not know "whether to laugh or cry at the absurdity of it." . . . While appearing to respect "rights" the *requerimiento*, in fact, takes them away.²¹

In effect, then, the Catholic Church's declarations either formally legitimated conquest or could be easily circumvented where a weak *prima facie* moral barrier was erected.

The growth of the Enlightenment and the rise of secularism did not *challenge* this strategic dichotomization (Christian/infidel) so much as translate it into other forms. Philip Curtin refers to the characteristic "exceptionalism in European thought about the non-West," "a conception of the world largely based on self-identification—and identification of the other people."²² Similarly, Pierre van den Berghe describes the "Enlightenment dichotomization" of the normative theories of the period.²³ "Race" gradually became the formal marker of this differentiated status, replacing the religious divide (whose disadvantage, after all, was that it could always be overcome through conversion). Thus a category crystallized over time in European thought to represent entities who are *humanoid* but not fully *human* ("savages," "barbarians") and who are identified as such by being members of the general set of nonwhite races. Influenced by the ancient Roman distinction between the civilized within and the barbarians outside the empire, the distinction between full and question-mark humans, Europeans set up a two-tiered moral code with one set of rules for whites and another for nonwhites.²⁴

Correspondingly, various moral and legal doctrines were

propounded which can be seen as specific manifestations and instantiations, appropriately adjusted to circumstances, of the overarching Racial Contract. These were specific subsidiary contracts designed for different modes of exploiting the resources and peoples of the rest of the world for Europe: the expropriation contract, the slavery contract, the colonial contract.

The "Doctrine of Discovery," for example, what Williams identifies as the "paradigmatic tenet informing and determining contemporary European legal discourse respecting relations with Western tribal societies," was central to the expropriation contract.²⁵ The American Justice Joseph Story glossed it as granting Europeans

an absolute dominion over the whole territories afterwards occupied by them, not in virtue of any conquest of, or cession by, the Indian natives, but as a right acquired by discovery. . . . The title of the Indians was not treated as a right of property and dominion, but as a mere right of occupancy. As infidels, heathens, and savages, they were not allowed to possess the prerogatives belonging to absolute, sovereign, and independent nations. The territory over which they wandered, and which they used for their temporary and fugitive purposes, was, in respect to Christians, deemed as if it were inhabited only by brute animals.²⁶

Similarly, the slavery contract gave Europeans the right to enslave Native Americans and Africans at a time when slavery was dead or dying out in Europe, based on doctrines of the inherent inferiority of these peoples. A classic statement of the slavery contract is the 1857 *Dred Scott v. Sanford* U.S. Supreme Court decision of Chief Justice Roger Taney, which stated that blacks

had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. . . . This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute.²⁷

Finally, there is the colonial contract, which legitimated European rule over the nations in Asia, Africa, and the Pacific. Consider, for instance, this wonderful example, almost literally "contractarian" in character, from the French imperial theorist Jules Harmand (1845-1921), who devised the notion of *association*:

Expansion by conquest, however necessary, seems especially unjust and disturbing to the conscience of democracies. . . . But to transmute democratic institutions into such a setting is aberrant nonsense. The subject people are not and cannot become citizens in the democratic sense of the term. . . . It is necessary, then, to accept as a principle and point of departure the fact that there is a hierarchy of races and civilizations, and that we belong to the superior race and civilization. . . . The basic legitimation of conquest over native peoples is the conviction of our superiority, not merely our mechanical, economic, and military superiority, but our moral superiority. Our dignity rests on that quality, and it underlies our right to direct the rest of humanity.

What is therefore necessary is a "Contract of Association":

Without falling into Rousseauian reveries, it is worth noting that association implies a contract, and this idea, though nothing more than an illustration, is more appropriately applied to the coexistence of two profoundly different societies thrown sharply and artificially into contact than it is to the single society formed by natural processes which Rousseau envisaged. This is how the terms of this implicit agreement can be conceived. The European conqueror brings order, foresight, and security to a human society which, though ardently aspiring for these fundamental values without which no community can make progress, still lacks the aptitude to achieve them from within itself. . . . With these mental and material instruments, which it lacked and now receives, it gains the idea and ambition for a better existence, and the means of achieving it. We will obey you, say the subjects, if you begin by proving yourself worthy. We will obey you if you can succeed in convincing us of the superiority of that civilization of which you talk so much.²⁸

Indian laws, slave codes, and colonial native acts formally codified the subordinate status of nonwhites and (ostensibly) regulated their treatment, creating a juridical space for non-Europeans as a separate category of beings. So even if there was sometimes an attempt to prevent "abuses" (and these codes were honored far more often in the breach than the observance), the point is that "abuse" as a concept presupposes as a norm the *legitimacy* of the subordination. Slavery and colonialism are not conceived as wrong in their denial of autonomy to persons; what is wrong is the improper administration of these regimes.

It would be a fundamental error, then—a point to which I will return—to see racism as anomalous, a mysterious devia-

tion from European Enlightenment humanism. Rather, it needs to be realized that, in keeping with the Roman precedent, *European humanism usually meant that only Europeans were human*. European moral and political theory, like European thought in general, developed within the framework of the Racial Contract and, as a rule, took it for granted. As Edward Said points out in *Culture and Imperialism*, we must not see culture as "antiseptically quarantined from its worldly affiliations." But this occupational blindness has in fact infected most "professional humanists" (and certainly most philosophers), so that "as a result [they are] unable to make the connection between the prolonged and sordid cruelty of practices such as slavery, colonialist and racial oppression, and imperial subjection on the one hand, and the poetry, fiction, philosophy of the society that engages in these practices on the other."²⁹ By the nineteenth century, conventional white opinion casually assumed the uncontroversial validity of a hierarchy of "higher" and "lower," "master" and "subject" races, for whom, it is obvious, different rules must apply.

The modern world was thus expressly created as a *racially hierarchical* polity, globally dominated by Europeans. A 1969 *Foreign Affairs* article worth rereading today reminds us that as late as the 1940s the world "was still by and large a Western white-dominated world. The long-established patterns of white power and nonwhite non-power were still the generally accepted order of things. All the accompanying assumptions and mythologies about race and color were still mostly taken for granted. . . . [W]hite supremacy was a generally assumed and accepted state of affairs in the United States as well as in Europe's empires."³⁰ But statements of such frankness are rare or nonexistent in mainstream white opinion today, which generally seeks to rewrite the past so as to deny or minimize the obvious fact of global white domination.

Yet the United States itself, of course, is a white settler state on territory expropriated from its aboriginal inhabitants through a combination of military force, disease, and a "century of dishonor" of broken treaties.³¹ The expropriation involved literal genocide (a word now unfortunately devalued by hyperbolic overuse) of a kind that some recent revisionist historians have argued needs to be seen as comparable to the Third Reich's.³² Washington, Father of the Nation, was, understandably, known somewhat differently to the Senecas as "Town Destroyer."³³ In the Declaration of Independence, Jefferson characterized Native Americans as "merciless Indian Savages," and in the Constitution, blacks, of course, appear only obliquely, through the famous "60 percent solution." Thus, as Richard Drinnon concludes: "The Framers manifestly established a government under which non-Europeans were not men created equal—in the white polity . . . they were nonpeoples."³⁴ Though on a smaller scale and not always so ruthlessly (or, in the case of New Zealand, because of more successful indigenous resistance), what are standardly classified as the other white settler states—for example, Canada, Australia, New Zealand, Rhodesia, and South Africa—were all founded on similar policies: the extermination, displacement, and/or herding onto reservations of the aboriginal population.³⁵ Pierre van den Berghe has coined the illuminating phrase "*Herrenvolk* democracies" to describe these polities, which captures perfectly the dichotomization of the Racial Contract.³⁶ Their subsequent evolution has been somewhat different, but defenders of South Africa's system of apartheid often argued that U.S. criticism was hypocritical in light of its own history of jim crow, especially since de facto segregation remains sufficiently entrenched that even today, forty years after *Brown v. Board of Education*, two American sociologists can title their study *American Apartheid*.³⁷ The racist record of prelib-

eration Rhodesia (now Zimbabwe) and South Africa is well known, not so familiar may be the fact that the United States, Canada, and Australia all maintained "white" immigration policies until a few decades ago, and native peoples in all three countries suffer high poverty, infant mortality, and suicide rates.

Elsewhere, in Latin America, Asia, and Africa, large parts of the world were colonized, that is, formally brought under the rule of one or another of the European powers (or, later, the United States): the early Spanish and Portuguese empires in the Americas, the Philippines, and south Asia; the jealous competition from Britain, France, and Holland; the British conquest of India; the French expansion into Algeria and Indochina; the Dutch advance into Indonesia; the Opium Wars against China; the late nineteenth-century "scramble for Africa"; the U.S. war against Spain, seizure of Cuba, Puerto Rico, and the Philippines, and annexation of Hawaii.³⁸ The pace of change this century has been so dramatic that it is easy to forget that less than a hundred years ago, in 1914, "Europe held a grand total of roughly 85 percent of the earth as colonies, protectorates, dependencies, dominions, and commonwealths. No other associated set of colonies in history was as large, none so totally dominated, none so unequal in power to the Western metropolis."³⁹ One could say that the Racial Contract creates a transnational white polity, a virtual community of people linked by their citizenship in Europe at home and abroad (Europe proper, the colonial greater Europe, and the "fragments" of Euro-America, Euro-Australia, etc.), and constituted in opposition to their indigenous subjects. In most of Africa and Asia, where colonial rule ended only after World War II, rigid "color bars" maintained the separation between Europeans and indigenes. As European, as white, one knew oneself to be a member of the superior race, one's skin being one's

passport: "Whatever a white man did must in some grotesque fashion be 'civilized.'"⁴⁰ So though there were local variations in the Racial Contract, depending on circumstances and the particular mode of exploitation—for example, a bipolar racial system in the (Anglo) United States, as against a subtler color hierarchy in (Iberian) Latin America—it remains the case that the white tribe, as the global representative of civilization and modernity, is generally on top of the social pyramid.⁴¹

We live, then, in a world built on the Racial Contract. That we do is simultaneously quite obvious if you think about it (the dates and details of colonial conquest, the constitutions of these states and their exclusionary juridical mechanisms, the histories of official racist ideologies, the battles against slavery and colonialism, the formal and informal structures of discrimination, are all within recent historical memory and, of course, massively documented in other disciplines) and nonobvious, since most whites *don't* think about it or don't think about it as the outcome of a history of political oppression but rather as just "the way things are." ("You say we're all over the world because we *conquered* the world? Why would you put it that way?") In the Treaty of Tordesillas (1494) which divided the world between Spain and Portugal, the Valladolid (Spain) Conference (1550–1551) to decide whether Native Americans were really human, the later debates over African slavery and abolitionism, the Berlin Conference (1884–1885) to partition Africa, the various inter-European pacts, treaties, and informal arrangements on policing their colonies, the post-World War I discussions in Versailles after a war to make the world safe for democracy—we see (or should see) with complete clarity a world being governed by white people. So though there is also internal conflict—disagreements, battles, even world wars—the dominant movers and shapers will be Europeans at home and abroad, with non-Europeans lining up

to fight under their respective banners, and the system of white domination itself rarely being challenged. (The exception, of course, is Japan, which escaped colonization, and so for most of the twentieth century has had a shifting and ambivalent relationship with the global white polity.) The legacy of this world is, of course, still with us today, in the economic, political, and cultural domination of the planet by Europeans and their descendants. The fact that this racial structure, clearly political in character, and the struggle against it, equally so, have *not* for the most part been deemed appropriate subject matter for mainstream Anglo-American political philosophy and the fact that the very concepts hegemonic in the discipline are refractory to an understanding of these realities, reveal at best, a disturbing provincialism and an ahistoricity profoundly at odds with the radically foundational questioning on which philosophy prides itself and, at worst, a complicity with the terms of the Racial Contract itself.

The Racial Contract is an exploitation contract that creates global European economic domination and national white racial privilege.

The classic social contract, as I have detailed, is primarily moral/political in nature. But it is also *economic* in the background sense that the point of leaving the state of nature is in part to secure a stable environment for the industrious appropriation of the world. (After all, one famous definition of politics is that it is about who gets what and why.) Thus even in Locke's moralized state of nature, where people generally do obey natural law, he is concerned about the safety of private property, indeed proclaiming that "the great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is the *Preservation of their*

*Property.*⁴² And in Hobbes's famously amoral and unsafe state of nature, we are told that "there is no place for Industry; because the fruit thereof is uncertain, and consequently no Culture of the Earth."⁴³ So part of the point of bringing society into existence, with its laws and enforcers of the law, is to protect what you have accumulated.

What, then, is the nature of the economic system of the new society? The general contract does not itself prescribe a particular model or particular schedule of property rights, requiring only that the "equality" in the prepolitical state be somehow preserved. This provision may be variously interpreted as a self-interested surrender to an absolutist Hobbesian government that itself determines property rights, or a Lockean insistence that private property accumulated in the moralized state of nature be respected by the constitutionalist government. Or more radical political theorists, such as socialists and feminists, might argue that state-of-nature equality actually mandates class or gender economic egalitarianism in society. So, different political interpretations of the initial moral egalitarianism can be advanced, but the general background idea is that the equality of human beings in the state of nature is somehow (whether as equality of opportunity or as equality of outcome) supposed to carry over into the economy of the created sociopolitical order, leading to a system of voluntary human intercourse and exchange in which exploitation is precluded.

By contrast, the economic dimension of the Racial Contract is the *most* salient, foreground rather than background, since the Racial Contract is calculatedly aimed at economic exploitation. The whole point of establishing a moral hierarchy and juridically partitioning the polity according to race is to secure and legitimate the privileging of those individuals designated as white/persons and the exploitation of those individuals des-

ignated as nonwhite/subpersons. There are other benefits accruing from the Racial Contract—far greater political influence, cultural hegemony, the psychic payoff that comes from knowing one is a member of the *Herrenvolk* (what W. E. B. Du Bois once called "the wages of whiteness")⁴⁴—but the bottom line is material advantage. Globally, the Racial Contract creates Europe as the continent that dominates the world; locally, within Europe and the other continents, it designates Europeans as the privileged race.

The challenge of explaining what has been called "the European miracle"—the rise of Europe to global domination—has long exercised both academic and lay opinion.⁴⁵ How is it that a formerly peripheral region on the outskirts of the Asian land mass, at the far edge of the trade routes, remote from the great civilizations of Islam and the East, was able in a century or two to achieve global political and economic dominance? The explanations historically given by Europeans themselves have varied tremendously, from the straightforwardly racist and geographically determinist to the more subtly environmentalist and culturalist. But what they have all had in common, even those influenced by Marxism, is their tendency to depict this development as essentially autochthonous, their tendency to privilege some set of internal variables and correspondingly downplay or ignore altogether the role of colonial conquest and African slavery. Europe made it on its own, it is said, because of the peculiar characteristics of Europe and Europeans.

Thus whereas no reputable historian today would espouse the frankly biologicistic theories of the past, which made Europeans (in both pre- and post-Darwinian accounts) inherently the most advanced race, as contrasted with the backward/less-evolved races elsewhere, the thesis of European specialness and exceptionalism is still presupposed. It is still assumed that

rationalism and science, innovativeness and inventiveness found their special home here, as against the intellectual stagnation and traditionalism of the rest of the world, so that Europe was therefore destined in advance to occupy the special position in global history it has. James Blaut calls this the theory, or "super-theory" (an umbrella covering many different versions: theological, cultural, biological, geographical, technological, etc.), of "Eurocentric diffusionism," according to which European progress is seen as "natural" and asymmetrically determinant of the fate of non-Europe.⁴⁶ Similarly, Sandra Harding, in her anthology on the "racial" economy of science, cites "the assumption that Europe functions autonomously from other parts of the world; that Europe is its own origin, final end, and agent; and that Europe and people of European descent in the Americas and elsewhere owe nothing to the rest of the world."⁴⁷

Unsurprisingly, black and Third World theorists have traditionally dissented from this notion of happy divine or natural European dispensation. They have claimed, quite to the contrary, that there is a crucial causal connection between European advance and the unhappy fate of the rest of the world. One classic example of such scholarship from a half century ago was the Caribbean historian Eric Williams's *Capitalism and Slavery*, which argued that the profits from African slavery helped to make the industrial revolution possible, so that inter-
 nationalist accounts were fundamentally mistaken.⁴⁸ And in recent years, with decolonization, the rise of the New Left in the United States, and the entry of more alternative voices into the academy, this challenge has deepened and broadened. There are variations in the authors' positions—for example, Walter Rodney, Samir Amin, André Gunder Frank, Immanuel Wallerstein⁴⁹—but the basic theme is that the exploitation of the empire (the bullion from the great gold and silver mines

in Mexico and Peru, the profits from plantation slavery, the fortunes made by the colonial companies, the general social and economic stimulus provided by the opening up of the "New World") was to a greater or lesser extent crucial in enabling and then consolidating the takeoff of what had previously been an economic backwater. It was far from the case that Europe was specially destined to assume economic hegemony; there were a number of centers in Asia and Africa of a comparable level of development which could potentially have evolved in the same way. But the European ascent closed off this development path for others because it forcibly inserted them into a colonial network whose exploitative relations and extractive mechanisms prevented autonomous growth.

Overall, then, colonialism "lies at the heart" of the rise of Europe.⁵⁰ The economic unit of analysis needs to be Europe as a whole, since it is not always the case that the colonizing nations directly involved always benefited in the long term. Imperial Spain, for example, still feudal in character, suffered massive inflation from its bullion imports. But through trade and financial exchange, others launched on the capitalist path, such as Holland, profited. Internal national rivalries continued, of course, but this common identity based on the continental exploitation of the non-European world would in many cases be politically crucial, generating a sense of Europe as a cosmopolitan entity engaged in a common enterprise, underwritten by race. As Victor Kiernan puts it, "All countries within the European orbit benefited however, as Adam Smith pointed out, from colonial contributions to a common stock of wealth, bitterly as they might wrangle over ownership of one territory or another. . . . [T]here was a sense in which all Europeans shared in a heightened sense of power engendered by the successes of any of them, as well as in the pool of material wealth . . . that the colonies produced."⁵¹

Today, correspondingly, though formal decolonization has taken place and in Africa and Asia black, brown, and yellow natives are in office, ruling independent nations, the global economy is essentially dominated by the former colonial powers, their offshoots (Euro-United States, Euro-Canada), and their international financial institutions, lending agencies, and corporations. (As previously observed, the notable exception, whose history confirms rather than challenges the rule, is Japan, which escaped colonization and, after the Meiji Restoration, successfully embarked on its own industrialization.) Thus one could say that the world is essentially dominated by white capital. Global figures on income and property ownership are, of course, broken down nationally rather than racially, but if a transnational racial disaggregation were to be done, it would reveal that whites control a percentage of the world's wealth grossly disproportionate to their numbers. Since there is no reason to think that the chasm between First and Third Worlds (which largely coincides with this racial division) is going to be bridged—vide the abject failure of various United Nations plans from the “development decade” of the 1960s onward—it seems undeniable that for years to come, the planet will be white dominated. With the collapse of communism and the defeat of Third World attempts to seek alternative paths, the West reigns supreme, as celebrated in a London *Financial Times* headline: “The fall of the Soviet bloc has left the IMF and G7 to rule the world and create a new imperial age.”⁵² Economic structures have been set in place, causal processes established, whose outcome is to pump wealth from one side of the globe to another, and which will continue to work largely independently of the ill will/good will, racist/antiracist feelings of particular individuals. This globally color-coded distribution of wealth and poverty has been pro-

duced by the Racial Contract and in turn reinforces adherence to it in its signatories and beneficiaries.

Moreover, it is not merely that Europe and the former white settler states are globally dominant but that *within* them, where there is a significant nonwhite presence (indigenous peoples, descendants of imported slaves, voluntary nonwhite immigration), whites continue to be privileged vis-à-vis nonwhites. The old structures of formal, de jure exclusion have largely been dismantled, the old explicitly biologicistic ideologies largely abandoned⁵³—the Racial Contract, as will be discussed later, is continually being rewritten—but opportunities for nonwhites, though they have expanded, remain below those for whites. The claim is not, of course, that all whites are better off than all nonwhites, but that, as a statistical generalization, the objective life chances of whites are significantly better.

As an example, consider the United States. A series of books has recently documented the decline of the integrationist hopes raised by the 1960s and the growing intransigence and hostility of whites who think they have “done enough,” despite the fact that the country continues to be massively segregated, median black family incomes have begun falling by comparison to white family incomes after some earlier closing of the gap, the so-called “black underclass” has basically been written off, and reparations for slavery and post-Emancipation discrimination have never been paid, or, indeed, even seriously considered.⁵⁴ Recent work on racial inequality by Melvin Oliver and Thomas Shapiro suggests that wealth is more important than income in determining the likelihood of future racial equalization, since it has a cumulative effect that is passed down through intergenerational transfer, affecting life chances and opportunities for one's children. Whereas in 1988 black households earned sixty-two cents for every dollar

earned by white households, the comparative differential with regard to wealth is much greater and, arguably, provides a more realistically negative picture of the prospects for closing the racial gap: "Whites possess nearly twelve times as much median net worth as blacks, or \$43,800 versus \$3,700. In an even starker contrast, perhaps, the average white household controls \$6,999 in net financial assets while the average black household retains no NFA nest egg whatsoever." Moreover, the analytic focus on wealth rather than income exposes how illusory the much-trumpeted rise of a "black middle class" is: "Middle-class blacks, for example, earn seventy cents for every dollar earned by middle-class whites but they possess only fifteen cents for every dollar of wealth held by middle-class whites." This huge disparity in white and black wealth is not remotely contingent, accidental, fortuitous; it is the direct outcome of American state policy and the collusion with it of the white citizenry. In effect, "materially, whites and blacks constitute two nations,"⁵⁵ the white nation being constituted by the American Racial Contract in a relationship of structured racial exploitation with the black (and, of course, historically also the red) nation.

A collection of papers from panels organized in the 1980s by the National Economic Association, the professional organization of black economists, provides some insight into the mechanics and the magnitude of such exploitative transfers and denials of opportunity to accumulate material and human capital. It takes as its title *The Wealth of Races*—an ironic tribute to Adam Smith's famous book *The Wealth of Nations*—and analyzes the different varieties of discrimination to which blacks have been subjected: slavery, employment discrimination, wage discrimination, promotion discrimination, white monopoly power discrimination against black capital, racial price discrimination in consumer goods, housing, services,

insurance, etc.⁵⁶ Many of these, by their very nature, are difficult to quantify; moreover, there are costs in anguish and suffering that can never really be compensated. Nonetheless, those that do lend themselves to calculation offer some remarkable figures. (The figures are unfortunately dated; readers should multiply by a factor that takes fifteen years of inflation into account.) If one were to do a calculation of the *cumulative* benefits (through compound interest) from labor market discrimination over the forty-year period from 1929 to 1969 and adjust for inflation, then in 1983 dollars, the figure would be over \$1.6 trillion.⁵⁷ An estimate for the total of "diverted income" from slavery, 1790 to 1860, compounded and translated into 1983 dollars, would yield the sum of \$2.1 trillion to \$4.7 trillion.⁵⁸ And if one were to try to work out the cumulative value, with compound interest, of unpaid slave labor before 1863, underpayment since 1863, and denial of opportunity to acquire land and natural resources available to white settlers, then the total amount required to compensate blacks "could take more than the entire wealth of the United States."⁵⁹

So this gives an idea of the centrality of racial exploitation to the U.S. economy and the dimensions of the payoff for its white beneficiaries from one nation's Racial Contract. But this very centrality, these very dimensions render the topic taboo, virtually undiscussed in the debates on justice of most white political theory. If there is such a backlash against affirmative action, what would the response be to the demand for the interest on the unpaid forty acres and a mule? These issues cannot be raised because they go to the heart of the real nature of the polity and its structuring by the Racial Contract. White moral theory's debates on justice in the state must therefore inevitably have a somewhat farcical air, since they ignore the central injustice on which the state rests. [No won-

der a hypothetical contractarianism that evades the actual circumstances of the polity's founding is preferred!)

Both globally and within particular nations, then, white people, Europeans and their descendants, continue to benefit from the Racial Contract, which creates a world in their cultural image, political states differentially favoring their interests, an economy structured around the racial exploitation of others, and a moral psychology (not just in whites but sometimes in nonwhites also) skewed consciously or unconsciously toward privileging them, taking the status quo of differential racial entitlement as normatively legitimate, and not to be investigated further.

2

DETAILS

So that gives us the overview. Let us now move to a closer examination of the details and workings of the Racial Contract: its norming of space and the (sub)person, its relation to the "official" social contract, and the terms of its enforcement.

The Racial Contract norms (and races) space, demarcating civil and wild spaces.

Neither space nor the individual is usually an object of explicit and detailed norming for the mainstream social contract. Space is just *there*, taken for granted, and the individual is tacitly posited as the white adult male, so that all individuals are obviously equal. But for the Racial Contract, space itself and the individuals therein are not homogeneous; so explicit normative distinctions necessarily have to be made. I will treat the norming of space and the person separately, though exegesis is complicated by the fact that they are bound up together. The norming of space is partially done in terms of the *racing of space*, the depiction of space as dominated by