



The “Racial Contract”: Between Norm and Fact

An Obituary to Charles W. Mills

Amrita Banerjee

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Department of Humanities and Social Sciences,
IITB, Mumbai

Charles W. Mills, one of the leading social and political philosophers passed away in September, 2021. He was Distinguished Professor of Philosophy at the Graduate Center of the City University of New York (CUNY). As the philosophical community mourns his death, we take this opportunity to remember some of his pathbreaking contributions to political philosophy and philosophy of race. In this obituary, I focus on the powerful idea of the “Racial contract” (1997). Mills’ work was deeply informed by critical race theory, and it displaces some of the fundamental theoretical commitments of whitestream political philosophy. While exposing the colorblindness of political philosophy, Mills argues that it has failed to acknowledge white supremacy or racism as a form of

domination and a political system in its own right, against which many of the political systems it theorizes have emerged. White privilege constitutes the dominant but unseen background condition, in which the typically white male philosopher is embedded, but which he neither questions nor theorizes upon. The colorblindness of mainstream political philosophy, according to Mills, “entrenches White privilege” (1997, 77). Mills’ work also has strong affinities with feminist philosophy in its conceptual and methodological interventions, thus resulting in a collaboration between him and Carole Pateman on the book titled, *Contract and Domination* (2007).

Social contract theory has been foundational to modern and

contemporary political thought, and has functioned as a conceptual blueprint for conceiving of civil society and government. In his famous book, *The Racial Contract* (1997), Mills develops a powerful critique of the classical and contemporary ideas of a social contract, and offers the framework of the “Racial contract.” Mills argues that the conventional raceless idea of a social contract, which is conceived in terms of an agreement between everybody, where each person counts as one, is misleading and fails to explain the nature of how the world is and how political communities came to be. *The Racial contract*, in contrast, acknowledges that a racialized structure skewed in favor of whites and predicated on the idea of white supremacy has been intrinsic to the idea of the contract. Mills, in fact, conceptualizes white supremacy as a political system, which can be “theorized as based on a “contract” between Whites” (1997, 7). Although not all whites are signatories to the contract, they all stand to benefit from it. On the other hand, the remaining groups of people are designated as non-white and are considered to have, “... have inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-

ruled polities...” (1997, 11). In other words, non-white people can never become the subjects of the contract. *The Racial contract*, according to Mills is therefore, an, “exploitation contract” (1997, 9).

A unique dimension of Mill’s idea of the Racial contract is that it not only encompasses moral and socio-political contracts, but also includes an epistemological contract. The latter prescribes “... norms for cognition to which its signatories must adhere” (1997.11). In other words, a specific moral and empirical epistemology underlies the Racial contract (1997, 17), in so far as the polity is also an epistemological community bound by norms of what constitutes the correct and objective interpretation of the world. Here, Mills’ work on white ignorance constitutes a remarkable intervention in the field of political epistemology. White ignorance is understood not simply as an absence of knowledge, but as something that plays a unique role in creating (or rather, distorting) reality. Mills, in fact, characterizes the “epistemological contract” as an “epistemology of ignorance” (1997, 97). The epistemic authority that whites enjoy within white-ruled polities allows them to collectively agree to “misinterpret the world”,

and yet allow them to validate these mistaken perceptions on the basis of epistemic authority (1997, 18). In other words, white supremacy is predicated on an epistemology of ignorance, or what Mills often designates as an “inverted epistemology” (1997, 18), or a kind of “structured blindness” (1997, 19), where Whites routinely operate with “*misunderstanding, misrepresentation, evasion, and self-deception on matters related to race*” (1997, 19). Non-whites too must learn to understand themselves through these norms, which eventually makes it seem as if the Racial contract is based on the consent of nonwhites as well (1997, 88-89). Mills’ detailed work on various forms of moral cognitive distortions within a white-dominated polity helps bring to light the complex moral psychology that underlies the moral contract. In other words, a racialized moral psychology helps uphold a racialized contractarian ethic. Writes Mills, “Whites will ... act in racist ways while thinking of themselves as acting morally” (1997, 93). Mills’ work on the epistemologies of contract has synergistically tapped into larger debates within both critical race theory and feminist philosophy, and has subsequently helped in defining the emerging field

of epistemologies of ignorance over the last couple of decades.

The Racial contract is offered as a bridge between the traditionally abstract ideal theorization of political philosophy and the lived world of diverse groups of people of color with their varied experiences of racism, slavery, colonialism and other complex forms of domination within a racist polity. The theory of the Racial contract, therefore, constitutes a methodologically radical intervention in the domain of political philosophy since it stipulates a new kind of non-ideal theory. The latter retains the space for normative theorization without running into the explanatory failures of whitestream political philosophy. On the use of the term, Racial contract writes Mills, “I use it not merely normatively, to generate judgements about social justice and injustice, but descriptively, to *explain* the actual genesis of the society and the state, the way society is structured, the way the government functions, and people’s moral psychology.” (1997, 5) The “non-ideal” Racial contract, therefore, plays not only an explanatory role of how a non-ideal political community came to be and its moral justifications, but it also performs a normative role in

furnishing a corrective version of a more just “ideal” contract. If, as Mills says, “The *Racial Contract* is ... the truth of the *social contract*” (1997, 64), then looking at actual moral and political ideals is imperative for envisioning a just moral and political order, where different lives are no longer attributed differential moral worth. As philosophical methodology, the Racial contract therefore, becomes one of the most significant tools in our philosophical arsenal for a radical revision of moral and political philosophy. To put it in Mills’ words, “it unites description and prescription, fact and norm.” (1997, 130) Ultimately, the Racial contract becomes a site from which we can begin to envision an embedded and yet normatively sound political philosophy, which does not take recourse to abstraction as a way of securing its own hegemonic and ideological foundations.

References:

Mills, Charles W 1997 *The Racial Contract*, Ithaca: Cornell University Press

Pateman, Carole and Mills, Charles W 2007 *Contract and Domination*, Polity Press

