



CHAPTER

3 Racial Liberalism

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Abstract

Liberalism is globally triumphant, and contemporary political debates either assume a liberal framework or take it as the main target. But in these debates, the historic racialization of liberalism is rarely discussed. This chapter argues for the recognition of the “whiteness” of liberalism and political philosophy more generally, both in constructions of the canon and in the ignoring of racial justice as an issue. Correspondingly, it contends that there is a need to deracialize liberalism. The suggested strategy for accomplishing this goal is to adopt the “domination contract” as a superior “device of representation,” recover the obfuscated and sanitized past of white racial domination, and thereby expose the centrality of racial exploitation to the American polity and its implications for social justice.

Keywords: liberalism, racial liberalism, contractarianism, Rawlsianism, white supremacy, the domination contract, whiteness of political philosophy

Subject: Political Theory

Liberalism is globally triumphant. The anti-feudal egalitarian ideology of individual rights and freedoms that emerged in the seventeenth and eighteenth centuries to oppose absolutism and ascriptive hierarchy has unquestionably become, whether in right- or left-wing versions, the dominant political outlook of the modern age. Normative justifications of the existing order as well as normative critiques overwhelmingly use a liberal framework. Debate typically centers on the comparative defensibility of “neo-liberal” or free market conceptions versus social democratic or welfarist conceptions of liberalism. But liberalism itself is rarely challenged.

Within liberalism there are rival perspectives on the moral foundations of the state and the ultimate basis of people’s rights. For a century and a half from the 1800s onward, the utilitarianism of Jeremy Bentham, James and John Stuart Mill, and Henry Sidgwick was most politically influential. But the World War II experience of the death camps and the global movement for postwar decolonization encouraged a return to a natural rights tradition that seemed to put individual personal protections on a more secure basis. Not social welfare but “natural,” pre-social individual entitlements were judged to be the superior and infrangible foundation. Thus it is the language of rights and duties—*independent* of social utility—most strongly associated with the earlier, rival social contract tradition of 1650–1800, particularly in John Locke’s and Immanuel Kant’s versions, that is now ubiquitous.¹ Unsurprisingly, then, especially with the revival of social contract theory stimulated by John Rawls’s 1971 *A Theory of Justice*, contractarian (also called “deontological”) liberalism has now become hegemonic.²

But in these myriad debates about and within liberalism, a key issue tends to be missed, to remain unacknowledged, even though—or perhaps precisely because—its implications for the rethinking of liberalism, and for the world order that liberalism has largely rationalized, would be so far-ranging. Liberalism, I suggest, has historically been predominantly a *racial* liberalism,³ in which conceptions of personhood and resulting schedules of rights, duties, and government responsibilities have all been

racialized. And the contract, correspondingly, has really been a *racial* one, an agreement among white contractors to subordinate and exploit nonwhite non-contractors for white benefit.⁴ Insofar as moral debate in contemporary political theory ignores this history, it will only serve to perpetuate it.

Race and the Social Contract

Let me begin with some general points about the social contract. The concept is, of course, to be taken not literally but rather as an illuminating metaphor or thought experiment. We are asked to imagine the socio-political order (society, the state) as being self-consciously brought into existence through a “contract” among human beings in a pre-social, pre-political stage of humanity (the “state of nature”). The enduring appeal of the metaphor, despite its patent absurdity as a literal representation of the formation of socio-political systems, inheres in its capturing of two key insights. The first (against theological views of divine creation or secular conceptions of an organicist kind) is that society and the polity are artificial human constructs. The second (against ancient and medieval views of natural social hierarchy) is that human beings are naturally equal and that this equality in the state of nature should somehow translate into egalitarian socio-political institutions.⁵

For the Lockean and Kantian contracts that (in conjunction and in competition) define the mainstream of the liberal tradition—but not for the Hobbesian contract—*moral* equality is foundational.⁶ The social ontology is classically individualist, and it demands the creation of a polity that respects the equal personhood of individuals and (whether in stronger or weaker versions) their property rights. Basic moral entitlements for the citizenry are then juridically codified and enforced by an impartial state. Economic transactions are, correspondingly, ideally supposed to be non-exploitative, though there will, of course, be controversy about how this concept should be cashed out. So fairness in a broad sense is the overarching contract norm, as befits an apparatus ostensibly founded on principles antithetical to a non-individual-respecting, welfare-aggregating utilitarianism. The moral equality of people in the state of nature demands an equality of treatment (juridical, political, and economic) in the liberal polity they create. The state is not alien or antagonistic to us but the protector of our rights, whether as the constitutionalist Lockean sovereign or the Kantian *↳ Rechtsstaat*. The good polity is the just polity, and the just polity is founded on safeguarding our interests as individuals.

But what if—not merely episodically and randomly, but systematically and structurally—the personhood of some persons was historically disregarded, and their rights disrespected? What if entitlements and justice were, correspondingly, so conceived of that the unequal treatment of these persons, or sub-persons, was *not* seen as unfair, not flagged as an internal inconsistency, but accommodated by suitable discursive shifts and conceptual framings? And what if, after long political struggles, there developed at last a seeming equality that later turned out to be more nominal than substantive, so that justice and equal protection were still effectively denied even while being triumphantly proclaimed? It would mean that we would need to recognize the inadequacy of speaking in the abstract of liberalism and contractarianism. We would need to acknowledge that race had underpinned the liberal framework from the outset, refracting the sense of crucial terms, embedding a particular model of rights-bearers, dictating a certain historical narrative, and providing an overall theoretical orientation for normative discussions. We would need to confront the fact that to understand the actual logic of these normative debates, both what is said and what is not said, we would have to understand not just the ideal, abstract social contract but also its incarnation in the United States (and arguably elsewhere) as a non-ideal racial contract.

Consider the major divisions in the political philosophy of the last few decades. In *Liberalism and the Limits of Justice*, Michael Sandel makes the point that Rawls’s *A Theory of Justice* is important because—apart from carrying the Kantianism versus utilitarianism dispute to a higher theoretical level—it was central to not one but two of the major political debates of the 1970s and 1980s, left/social-democratic liberalism versus right/laissez-faire liberalism (John Rawls versus Robert Nozick) and liberalism or contractarianism versus communitarianism (Rawls versus Michael Walzer, Alasdair MacIntyre, Charles Taylor, and Sandel himself).⁷ A third major debate, initiated by Rawls’s essays of the 1980s and culminating in *Political Liberalism*, could be said to be the debate of the 1990s and 2000s on “comprehensive” versus “political” liberalism.⁸ In their domination of the conceptual and theoretical landscape, these overarching frameworks tend to set the political agenda, establishing a hegemonic framing of key assumptions and jointly exhaustive alternatives. One locates oneself as a theorist by choosing one or the other of these primary alternatives and then taking

up the corresponding socio-political and normative picture, adopting the defining terms, and making the argumentative moves characteristically associated with it. So though other theoretical and political alternatives are not logically excluded, they tend to be marginalized. ⁴

But there is another debate—one that has been going on for hundreds of years, if not always in the academy—which is, in a sense, orthogonal to all three of the foregoing and is arguably more pressing than any of them: the conflict between racial liberalism (generally known just as liberalism) and deracialized liberalism. Racial liberalism, or white liberalism, is the actual liberalism that has been historically dominant since modernity: a liberal theory whose terms originally restricted full personhood to whites (or, more accurately, white men) and relegated nonwhites to an inferior category, so that its schedule of rights and prescriptions for justice were all color-coded. Ascriptive hierarchy is abolished for white men, but not white women and people of color.⁹ So racism is not an anomaly in an unqualified liberal universalism but generally symbiotically related to a qualified and particularistic liberalism.¹⁰ Though there have always been white liberals who have been anti-racist and anti-imperialist, whose records should not be ignored,¹¹ they have been in the minority. Indeed the most striking manifestation of this symbiotic rather than conflictual relation is that the two philosophers earlier demarcated as central to the liberal tradition, Locke and Kant, both limited property rights, self-ownership, and personhood racially. Locke invested in African slavery, justified Native American expropriation, and helped to write the Carolina constitution of 1669, which gave masters absolute power over their slaves.¹² Kant, the most important ethicist of the modern period and the famous theorist of personhood and respect, turns out to be one of the founders of modern scientific racism, and thus a pioneering theorist of sub-personhood and disrespect.¹³ So the inferior treatment of people of color is not at all incongruent with racialized liberal norms, since by these norms nonwhites are less than full persons.

If this analysis is correct, such inequality, and its historic ramifications, is arguably more fundamental than all the other issues mentioned above, since in principle at least all parties to the many-sided political debate are supposed to be committed to the non-racial moral equality of all. Thus the rethinking, purging, and deracializing of racial liberalism should be a priority for us—and in fact the struggles of people of color for racial equality over the past few hundred years can to a significant extent be most illuminatingly seen as just such a project. As Michael Dawson writes in his comprehensive study of African American political ideologies:

The great majority of black theorists challenge liberalism as it has been practiced within the United States, not some abstract ideal version of the ideology.... [T]here is no necessary contradiction between the liberal tradition in *theory* and black liberalism. The contradiction exists between black liberalism and how liberalism has come to be understood in practice within the American context.¹⁴

Yet the need for such a reconstruction has been neither acknowledged nor acted on. Rawls and Nozick may be in conflict over left-wing versus right-wing liberalism, but both offer us idealized views of the polity that ignore the racial subordination rationalized by racial liberalism. Rawls and Sandel may be in conflict over contractarian liberalism versus neo-Hegelian communitarianism, but neither confronts how the whiteness of the actual American contract and its conception of the right and of the actual American community and its conception of the good affects their views of justice and the self. Late Rawls may be in conflict with early Rawls about political versus comprehensive liberalism, but neither addresses the question of the ways in which both versions have been shaped by race, whether through an “overlapping consensus” (among whites) or a “reflective equilibrium” (of whites). From the perspective of people of color, these intramural and intra-white debates all fail to deal with the simple overwhelming reality on which left and right, contractarian and communitarian, comprehensive or political liberal, should theoretically all be able to agree: that the centrality of racial exclusion and racial injustice demands a reconceptualization of the orthodox view of the polity and calls for radical rectification.

The “Whiteness” of Political Philosophy, Demographic and Conceptual

Political philosophers need to take race seriously. Unfortunately, for a combination of reasons, both externalist and internalist, they have not generally done so. Demographically, philosophy is one of the very whitest of the humanities; only about 1 percent of American philosophers are African American, with Latinos, Asian Americans, and Native Americans making up another 2 to 3 percent or so.¹⁵ So while the past two decades have generated an impressive body of work on race, largely by philosophers of color though with increasing white contributions, it has tended to be ghettoized and not taken up in the writings of the most prominent figures in the field. Basically, one can choose to do race or choose to do philosophy. Nor do ads in *Jobs for Philosophers*, the profession’s official listing of available employment, usually include race as a desired area of specialization in their job descriptions. So though Africana philosophy and critical philosophy of race are formally recognized by the American Philosophical Association as legitimate research areas, which represents progress, they remain marginal in the field, far more so than issues of gender and feminism, a sign of the greater proportion of (white) women in the profession (about 20 percent). Indeed, in the entire country, out of a total population of more than 11,000 ↪ professional philosophers, there are only about thirty black women PhDs employed in philosophy departments.

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(UPDATE: I would be remiss not to cite some positive developments in the field since the original [2008] PMLA appearance of this article. In October 2007, the Collegium of Black Women Philosophers under the leadership of Kathryn Gines was launched as an attempt to remedy the situation of black women in particular and they have been holding regular conferences ever since. More recently, the Society of Young Black Philosophers has been formed to reach out to and encourage black undergrads contemplating a future in philosophy as well as to provide a solidarity network for black graduate students and black junior professors.)

But the problem is not at all just demographic. Philosophers of color are absent not only from the halls of academe but from the texts also. Introductions to political philosophy standardly exclude any discussion of race, except, perhaps, for brief discussions of affirmative action.¹⁶ Historical anthologies of political philosophy will present a lineup of figures extending from ancient Greece to the contemporary world—from Plato to NATO in one wit’s formulation—but with no representation of nonwhite theorists. Almost to the point of parody, the Western political canon is limited to the thoughts of white males. Steven Cahn’s *Classics of Political and Moral Philosophy*, for example, a widely used Oxford anthology of more than 1,200 pages includes only one nonwhite thinker, Martin Luther King Jr., and not even in the main text but in the appendixes.¹⁷ So it is not merely that the pantheon is closed to nonwhite outsiders but that a particular misleading narrative of Western political philosophy—indeed a particular misleading narrative of the West itself—is being inculcated in generations of students. The central debates in the field as presented—aristocracy versus democracy, absolutism versus liberalism, capitalism versus socialism, social democracy versus libertarianism, contractarianism versus communitarianism—exclude any reference to the modern global history of racism versus anti-racism, of abolitionist, anti-imperialist, anti-colonialist, anti-Jim Crow, anti-apartheid struggles. Quobna Cugoana, Frederick Douglass, W. E. B. Du Bois, Mahatma Gandhi, Aimé Césaire, C. L. R. James, Frantz Fanon, Steve Biko, Edward Said are all missing.¹⁸ The political history of the West is sanitized, reconstructed as if white racial domination and the oppression of people of color had not been central to that history. A white supremacy that was originally planetary, a racial political structure that was transnational, is whitewashed out of existence. One would never guess from reading such works that less than a century ago, “the era of global white supremacy” was inspiring “a global struggle for racial equality.”¹⁹ One would never dream that the moral equality supposedly established by modernity was in actuality so racially restricted that at the 1919 post-World War I peace conference ↪ in Versailles, the Japanese delegation’s proposal to insert a “racial equality” clause in the League of Nations’ Covenant was soundly defeated by the “Anglo-Saxon” nations (including, of course, the United States), which refused to accept such a principle.²⁰

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(UPDATE: Here also I am happy to report that some progress has been made since 2008. Sections on race are included in several recent introductory social and political philosophy anthologies that I am aware of: Andrea Veltman’s *Social and Political Philosophy: Classic and Contemporary Readings*, Diane Jeske and Richard Fumerton’s *Readings in Political Philosophy: Theory and Applications*, Omid Payrow Shabani and Monique Deveaux’s *Introduction to Social and Political Philosophy*, and the second edition of Matt Zwolinski’s *Arguing*

Moreover, it is not just that the political theorists of the struggle against racism and white supremacy are Jim-Crowed but, even more remarkably, that *justice itself* as a subject is Jim-Crowed. Contemporary political philosophy, at least in the Anglo-American tradition, is focused almost exclusively on normative issues. Whereas the original contract theorists used the contract idea to address questions of our political obligation to the state, contemporary contract theorists, following Rawls, only use it to address questions of social justice. So how, one might ask, could white political philosophers possibly exclude race and racial justice as subjects, considering that racial *injustice* has been so central to the making of the modern world and to the creation of the United States in particular? The answer: through the simple expedient of concentrating on what has come to be called "ideal theory."

Ideal theory is not supposed to contrast with non-ideal theory as a moral outlook contrasts with an amoral, *realpolitik* outlook. Both ideal and non-ideal theory are concerned with justice, and so with the appeal to moral ideals. The contrast is that ideal theory asks what justice demands in a perfectly just society while non-ideal theory asks what justice demands in a society with a history of injustice. So non-ideal theory is concerned with corrective measures, with remedial or rectificatory justice.²³ Racial justice is pre-eminently a matter of non-ideal theory, of what corrective measures are called for to rectify a history of discrimination. So by the apparently innocuous methodological decision to focus on ideal theory, white political philosophers are immediately exempted from dealing with the legacy of white supremacy in our actual society. You do not need affirmative action—and you certainly do not need reparations—in a society where no race has been discriminated against in the first place. In fact, if the social constructionist position on race is correct and race is brought into existence through racializing processes linked with projects of exploitation (aboriginal ↵ expropriation, slavery, colonial rule), then a perfectly just society would be raceless! By a weird philosophical route, the "color-blindness" already endorsed by the white majority gains a perverse philosophical sanction. In a perfectly just society, race would not exist, so we do not (as white philosophers working in ideal theory) have to concern ourselves with matters of racial justice in our own society, where it does exist—just as the white citizenry increasingly insist that the surest way of bringing about a raceless society is to ignore race, and that those (largely people of color) who still claim to see race are themselves the real racists.

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The absurd outcome is the marginalization of race in the work of white political philosophers across the spectrum, most strikingly in the Rawls industry. The person seen as the most important twentieth-century American political philosopher and theorist of social justice, and a fortiori the most important American contract theorist, had nothing to say about the remediation of racial injustice, so central to American society and history. His five major books (excluding the two lecture collections on the history of ethics and political philosophy)—*A Theory of Justice*, *Political Liberalism*, *Collected Papers*, *The Law of Peoples*, and *Justice as Fairness: A Restatement*—together total over 2,000 pages.²⁴ If one were to add together all their sentences on race and racism, one might get half a dozen pages, if that much. So the focus on ideal theory has had the effect of sidelining what is surely one of the most pressing and urgent of the "pressing and urgent matters" that Rawls conceded at the start of *A Theory of Justice*²⁵ should be most important for us: the analysis and remedying of racial injustice in the United States. The racial nature of the liberalism of Rawls and his commentators manifests itself not (of course) in racist characterizations of people of color but in a racial avoidance—an artifact of racial privilege—of injustices that do not negatively affect whites.

In sum, the seeming neutrality and universality of the mainstream contract is illusory. As it stands, it is really predicated on the white experience and generates, accordingly, a contractarian liberalism that is racially structured in its apparatus and assumptions. Deracializing this racial liberalism requires rethinking the actual contract and what social justice demands for its voiding. It forces us to move to non-ideal theory and to understand the role of race in the modernity for which the contract metaphor has seemed peculiarly appropriate.

Deracializing Racial Liberalism

My suggestion is, then, that if we are going to continue to work within contract theory, we need to use a contract model that registers rather than ↵ obfuscates the non-ideal history of white oppression and racial exploitation: the domination contract.²⁶

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Even in the liberal tradition, contract theory has long been criticized for its emphasis on agreement. David Hume pointed out long ago that, rather than popular consent, “conquest or usurpation, that is, in plain terms, force” was the origin of most “new governments”; his conclusion was that the metaphor of the contract should simply be abandoned.²⁷ Rousseau, on the other hand, had the brilliant idea of incorporating the radical critique of the contract into a subversive conception of the contract itself. In his *The Social Contract*, Rousseau maps an ideal polity.²⁸ But unlike any of the other classic contract theorists, he earlier distinguished, in *Discourse on the Origins of Inequality*, a non-ideal, manifestly unjust polity that also rests on a “contract,” but one that “irreversibly destroyed natural freedom, forever fixed the Law of property and inequality, [and] transformed a skillful usurpation into an irrevocable right.”²⁹ So this, for Rousseau, is the actual contract that creates political society and establishes the architecture of the world we live in: a class contract among the rich. Instead of including all persons as equal citizens, guaranteeing their rights and freedoms, this contract privileges the wealthy at the expense of the poor. It is an exclusionary contract, a contract of domination.

Rousseau can be seen as initiating an alternative, radical democratic strain in contract theory, one that seeks to expose the realities of domination behind the façade and ideology of liberal consensuality. He retains the two key insights captured by the contract metaphor, the constructed nature of the polity and the recognition of human moral equality, but he incorporates them into a more realistic narrative that shows how they are perverted. Some human beings come to dominate others, denying them the equality they enjoyed in the state of nature. Carole Pateman’s *The Sexual Contract*, which analogously posits an intra-male agreement to subordinate women, can be read as applying Rousseau’s innovation to gender relations.³⁰ Drawing on both Rousseau and Pateman, I in turn sought in my *The Racial Contract* to develop a comparable concept of an intra-white agreement that—through European expansionism, colonialism, white settlement, slavery, apartheid, and Jim Crow—shapes the modern world.³¹ Whites “contract” to regard one another as moral equals who are superior to nonwhites and who create, accordingly, governments, legal systems, and economic structures that privilege them at the expense of people of color. ↵

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So in all three cases, the “contract” is an exclusionary one among a subset of the population rather than a universal and inclusive one. As such, it acknowledges what we all know to be true, that real-life societies are structured through and through by hierarchies of privilege and power. The concept of a domination contract captures better as a metaphor the patterns of socio-political exclusion characterizing actual modern polities and puts us in a better position for dealing with the important normative questions of social justice. Rather than a fictitious universal inclusion and a mythical moral and political egalitarianism, this revisionist contract expresses the reality of group domination and social hierarchy. So by contrast with an ideal-theory framework, the domination contract is firmly located on the terrain of non-ideal theory. Not only does it point us toward the structures of injustice that need to be eliminated, unlike the evasive ideal mainstream contract, but it also recognizes their link with group privilege and group causality. These structures did not just happen to come into existence; rather, they were brought into being and are maintained by the actions and inactions of those privileged by them.

For the idealization that characterizes mainstream liberalism is descriptive as well as normative, extending to matters of fact as well as varieties of justice. It is not only that the focus is on a perfectly just society but also that the picture of our own society is carefully sanitized. The contract in its contemporary incarnation does not, of course, have the social-scientific pretensions—the contract as ur-sociology or anthropology—of (at least some variants of) the original. Yet I would claim that even in its modern version some of the key factual assumptions of the original contract still remain. It is not—the standard reply—just a necessary disciplinary abstraction, one that goes with the conceptual territory of philosophy, but rather, in the phrase of Onora O’Neill, an *idealizing* abstraction, one that abstracts away from social oppression.³² And in this case it is a white abstraction.

Consider Rawls. He says we should think of society as a “cooperative venture for mutual advantage” governed by rules “designed to advance the good of those taking part in it.”³³ But Rawls is a citizen of the United States, a nation founded on African slavery, aboriginal expropriation, and genocide. How could this possibly be an appropriate way to think of the nation’s origins? Only through a massive and willful ignoring of the actual history, an ignoring that is psychologically and cognitively most feasible for the white population.

p. 38 When I make this criticism, I am standardly accused of confusing the normative with the descriptive. Rawls, I am told, obviously meant that we should think of an *ideal* society as “a cooperative venture for mutual advantage.” But Thomas Pogge and Samuel Freeman, both prominent Rawls scholars and former Rawls students, seem to endorse this reading themselves. ↪ Pogge writes: “This [Rawlsian] explication [of society] seems narrow, for there are surely many historical societies (standardly so-called) whose rules fail ... to be designed for mutual advantage,” adding in a footnote “I think Rawls is here defining what a society is,” not “what a society ought to be.”³⁴ Freeman agrees, stating in his massive *Rawls*, “Basically [Rawls] conceives of society in terms of social cooperation, which he regards as productive and mutually beneficial, and which involves an idea of reciprocity or fair terms,” and noting in his later glossary “Rawls regards society as a fair system of social cooperation.”³⁵ Moreover, if Rawls means an ideal society, then how could there be further conceptual room for his later category of a “well-ordered society?” Wouldn’t this be *already* subsumed under the ideal? And what could he mean by going on to say on the next page, as he does, “Existing societies are of course seldom well-ordered in this sense?”³⁶ This is a statement about *actual* societies, not ideal societies (which presumably have no real-life exemplars on the planet). So what Rawls seems to think is that societies in general—or perhaps modern Western societies, given the retreat in scope of his later work—are cooperative ventures, even if few are well-ordered—a view with no basis in reality, given the long history of social oppression of various kinds even in Western nations, and a conception particularly inappropriate for the origins of the United States.

Or consider Nozick. He begins his book with chapters reconstructing how, through the voluntary creation of what he calls “protective associations” in the state of nature, a “dominant protective association” would eventually emerge through invisible-hand processes, which becomes the state.³⁷ He concedes, of course, that things did not actually happen this way but claims that as a “potential explanation,” the account is still valuable, even if it is “law-defective” and “fact-defective”(!): “State-of-nature explanations of the political realm *are* fundamental potential explanations of this realm and pack explanatory punch and illumination, even if incorrect. We learn much by seeing how the state could have arisen, even if it didn’t arise that way.”³⁸ But what do we learn from such reality-defective hypothetical accounts that could be relevant to determining racial social justice in the United States? How does a reconstruction of how the US state did *not* arise assist us in making normative judgments about how it actually *did* arise, especially when—although Nozick is the justice theorist most famous for advancing “historical” rather than “end-state” principles of social justice—its real-life origins in expropriative white settlement are never discussed?

p. 39 In the US context, these assumptions and conceptual devices—the state of nature as empty of aboriginal peoples, society as non-exploitative and consensually and cooperatively founded, the political state supposedly illuminatingly conceived of as arising through the actions of an invisible hand—are unavoidably an abstraction from the European and ↪ Euro-American experience of modernity. It is a distinctively white (not colorless) abstraction away from Native American expropriation and African slavery and from the role of the state in facilitating both. It is in effect—though at the rarefied and stratospheric level of philosophy—a conceptualization ultimately grounded in and apposite for the experience of white settlerdom. Making racial socio-political oppression methodologically central would put us on very different theoretical terrain from the start.

The domination contract, here as the racial contract, thus provides a way of translating into a mainstream liberal apparatus—social contract theory—the egalitarian agenda and concerns of political progressives. It offers a competing metaphor that more accurately represents the creation and maintenance of the socio-political order. The white privilege that is systematically obfuscated in the mainstream contract is here nakedly revealed. And the biasing of liberal abstractions by the concrete interests of the privileged (here, whites) then becomes transparent. It is immediately made unmysterious why liberal norms and ideals that seem so attractive in the abstract—freedom, equality, rights, justice—have proved unsatisfactory, refractory, in practice and failed to serve the interests of people of color. But the appropriate reaction is not (or so I would claim anyway) to reject these liberal ideals but rather to reject the mystified individualist social ontology that blocks an understanding of the political forces determining the ideals’ restricted and exclusionary application. The group ontology of the domination contract better maps the underlying metaphysics of the socio-political order.

So if the actual contract has been a racial one, what are the implications for liberal theory, specifically for the desirable project of deracializing racial liberalism? What rethinkings and revisions of seemingly colorless, but actually white, contractarian liberalism would be necessary?

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To begin with, it would be necessary to recover the past, not merely factually but conceptually and theoretically, in terms of how we conceive of and theorize the polity. The idealizing white cognitive patterns of racial liberalism manifest themselves in a whitewashing not merely of the facts but also of their organizing conceptual and theoretical political frameworks. The contractarian ideal is classically social transparency, in keeping with a Kantian tradition of a *Rechtsstaat* that scorns behind-the-scenes *realpolitik* for ethical transactions that can stand up to the light of day. But the centrality of racial subordination to the creation of the modern world is too ↪ explosive to be subjected to such scrutiny and so has to be retroactively edited out of national (and Western) memory because of its contradiction of the overarching contract myth that the impartial state was consensually created by reciprocally respecting rights-bearing persons.

For the reality is, as David Theo Goldberg argues in his book *The Racial State*, that modern states in general are racialized: “race is integral to the emergence, development, and transformations (conceptually, philosophically, materially) of the modern nation-state.”³⁹ What should have been a *Rechtsstaat* is actually a *Rassenstaat*, and the citizenry are demarcated in civic status by their racial membership. The modern world order, what Paul Keal calls “international society,” is created by European expansionism, and the conquest and expropriation of indigenous peoples is central to that process: “non-Europeans were progressively conceptualized in ways that dehumanized them and enabled their dispossession and subordination.”⁴⁰ So race as a global structure of privilege and subordination, normative entitlement and normative exclusion, is inextricably tied up with the development of the modern societies for which the contract is supposed to be an appropriate metaphor, whether in the colonized world or the colonizing mother countries. A model predicated on the (past or present) universal inclusion of colorless atomic individuals will therefore get things fundamentally wrong from the start. Races in relations of domination and subordination centrally constitute the social ontology. In their failure to admit this historical truth, in their refusal to acknowledge (or even consider) the accuracy of the alternative political characterization of *white supremacy*, mainstream contractarians reject social transparency for a principled social opacity not merely at the perceptual but at the conceptual and theoretical levels.

If this is an obvious general reality that contemporary white Western contract theorists have ignored in their theorizing, it is a truth particularly salient in the United States (and its denial here is, correspondingly, particularly culpable). For, in the historian George Fredrickson’s judgment, “more than the other multi-racial societies resulting from the ‘expansion of Europe’ ” the United States (along with apartheid South Africa) can be seen as “a kind of *Herrenvolk* society in which people of color ... are treated as permanent aliens or outsiders.”⁴¹

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The distinctive and peculiar nature of the founding of the American New World in comparison to the origins of the Old World European powers cuts both ways for the contract image. The youth of the United States as a nation, its creation in the modern period, and the formal and extensively documented establishment of the Constitution and the other institutions of the new polity have made the social contract metaphor seem particularly apt here. Indeed, it might seem that it comes close to leaving the metaphoric for the literal, especially given that the terrain of this ↪ founding was conceptualized as a “wilderness,” “Indian country,” a “state of nature” only redeemed by a civilizing and Christianizing European presence. But if the general metaphor of a social contract comes closest to being non-metaphoric here, so does the competing metaphor of a racial contract because of the explicit and formal dichotomy of Anglo racial exclusion, more clear-cut and uncompromising than racial exclusion in, say, the Iberian colonies of the Americas, where *mestizaje* was the norm. The opposition between white and nonwhite has been foundational to the workings of American social and political institutions. (The United States Congress made whiteness a prerequisite for naturalization in 1790, and social and juridical whiteness has been crucial to moral, civic, and political status.) As Matthew Frye Jacobson points out:

In the colonies the designation “white” appeared in laws governing who could marry whom; who could participate in the militia; who could vote or hold office; and in laws governing contracts, indenture, and enslavement. Although there were some exceptions, most laws of this kind delineated the populace along lines of color, and the word “white” was commonly used in conferring rights, never abridging them... [W]hat a citizen really was, at bottom, was someone who could help put down a slave rebellion or participate in Indian wars.⁴²

Similarly, Shklar writes that citizenship in the United States has depended on “social standing” and that the standing of white males as citizens was defined “very negatively, by distinguishing themselves from their inferiors... [B]lack chattel slavery stood at the opposite social pole from full citizenship and so defined it.”⁴³

p. 42 This historical reality is completely obfuscated in the myth of an all-inclusive contract creating a socio-political order presided over by a neutral state equally responsive to all its colorless citizens. Far from being neutral, the law and the state were part of the racial polity’s apparatus of subordination, codifying whiteness and enforcing racial privilege.⁴⁴ Native peoples were expropriated through what Lindsay Robertson calls “conquest by law,” the “discovery doctrine,” as enshrined in the 1823 Supreme Court decision *Johnson v. M’Intosh*: “Discovery converted the indigenous owners of discovered lands into tenants on those lands... Throughout the United States, the American political descendants of these [European] discovering sovereigns overnight became owners of land that had previously belonged to Native Americans.”⁴⁵ Blacks were enslaved in the South and racially stigmatized in the North, where they had a lesser schedule of rights—indeed, according to the 1857 *Dred Scott* decision, “no rights which the white man was bound to respect.” Despite the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments, post-bellum abolition did not lead to juridical and moral equalization because the withdrawal of federal troops following the Hayes–Tilden compromise of 1877 restored southern blacks to the mercies of their former owners, and formal segregation was given federal sanction through the 1896 *Plessy v. Ferguson* decision, not to be overturned until 1954 with *Brown v. Board of Education*.⁴⁶ Discriminatory legislation codified the inferior legal status of people of color; the state functioned as a racial state, enforcing segregation in federal bureaucracies, prisons, and the army;⁴⁷ and national narratives and dominant white moral psychology took white superiority for granted. As the black trade union leader A. Philip Randolph put it in 1943, “The Negroes are in the position of having to fight their own Government.”⁴⁸ In effect, the United States was “subnationally a divided polity,”⁴⁹ in which blacks were separate and manifestly unequal, a despised and ostracized race.

Nor has the racial progress of the last six decades eliminated the racial nature of the polity. The civil rights victories of the 1950s and 1960s—*Brown* in 1954, the 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1967 *Loving v. Virginia* decision that finally judged anti-miscegenation law (still on the books in sixteen states) unconstitutional, the 1968 Fair Housing Act—raised hopes of a second Reconstruction more successful than the first one, but have not lived up to their promise because de facto discrimination has survived the repeal of de jure discrimination, as whites have devised various new strategies for circumventing anti-discrimination law (where it still exists and is enforced anymore). Thus Eduardo Bonilla-Silva speaks sardonically of “color-blind racism” and “racism without racists.”⁵⁰ The 2014 celebrations of the sixtieth anniversary of the *Brown* decision were rendered somewhat hollow by the reality that many schools today are more segregated than they were at the time of the decision.⁵¹ Nearly half a century after the passage of the Fair Housing Act, residential segregation in big cities with large black populations is virtually unchanged.⁵² The failure of the 1965 Voting Rights Act to prevent widespread disenfranchisement of blacks has not merely local but sometimes national repercussions (e.g., black exclusion in Florida making the 2000 Republican victory possible), and the act has yet to produce black political representation in proportion to African Americans’ numbers in the population. Its crucial weakening by the 2013 Supreme Court *Shelby v. Holder* decision can only exacerbate these problems. Affirmative action is basically dead, most whites regarding it as unfair “reverse discrimination.” The disproportionately black and Latino “underclass” has been written off as an insoluble problem. Only 13 percent of the population nationally, blacks are now 40 percent of those imprisoned.⁵³ The Sentencing Project’s 2013 report to the United Nations says that “if current trends continue, one of every three black American males born today can expect to go to prison in his lifetime, as can one of every six Latino males—compared to one of every seventeen white males.”⁵⁴ Some authors have argued despairingly that racism should be seen as a permanent feature of the United States,⁵⁵ while others have suggested that substantive racial progress in US history has been confined narrowly to three periods, the Revolutionary War, the Civil War, and the Cold War, requiring the triple condition of war mobilization, elite intervention, and an effective mass protest movement, an “unsteady march” always punctuated by periods of backlash and retreat, such as the one we are living in now.⁵⁶ So though progress has obviously been made in comparison to the past, the appropriate benchmark should not be the very low bar of emancipation from slavery and the formal repeal of Jim Crow but the simple ideal of racial equality.

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Unsurprisingly, then, people of color, and black American intellectuals in particular, have historically had little difficulty in recognizing the centrality of race to the American polity and the racial nature of American

liberalism. No material or ideological blinders have prevented blacks and other people of color from seeing that the actual contract is most illuminatingly conceptualized as a racial one that systematically privileges whites at the expense of nonwhites:

Indeed, with the exception of black conservatism, all black ideologies contest the view that democracy in America, while flawed, is fundamentally good.... A central theme within black political thought has been ... to insist that the question of *racial* injustice is a central problematic in *American* political thought and practice, not a minor problem that can be dismissed in parentheses or footnotes.⁵⁷

But such dismissal is (as earlier documented) precisely what occurs descriptively and prescriptively in the racial liberalism of contemporary white contractarians. If the racial subordination of people of color was matter-of-fact and taken for granted by racial liberalism in its original, overtly racist incarnation, it can no longer be admitted by racial liberalism in its present race-evading and calculatedly amnesiac incarnation. The atrocities of the past now being an embarrassment, they must be denied, minimized, or simply conceptually bypassed. A cultivated forgetfulness, a set of constructed deafnesses and blindnesses, characterizes racial liberalism: subjects one cannot raise, issues one cannot broach, topics one cannot explore. The contractarian ideal of social transparency about present and past would, if implemented, make it impossible to continue as before: one would see and know too much. Instead, the European colonizing powers and the white settler states they created are paradigms of what Stanley Cohen calls “states of denial,” where the great crimes of native genocide and African slavery, and their deep imbrication with the everyday life of the polity, are erased from national memory and consciousness: “Whole societies have unmentioned ↵ and unmentionable rules about what should not be openly talked about.”⁵⁸ Rogers Smith’s *Civic Ideals* documents the consistency with which theorists of American political culture, including such leading figures as Alexis de Tocqueville, Gunnar Myrdal, and Louis Hartz, have represented it as essentially egalitarian and inclusive, placing racism and racial oppression in the categories of the anomalous and deviant—a perfect correlate at the more empirical level of political science of the evasions of political philosophy.⁵⁹

The repudiation of racial liberalism will thus require more than a confrontation with the actual historical record. It will also require an acknowledgment at the conceptual and theoretical levels that this record shows that the workings of such a polity are not to be grasped with the orthodox categories of raceless liberal democracy. Rather, the conceptual innovation called for is a recognition of white supremacy as itself a political system—a “white republic” (Saxton), a “white-supremacist state” (Fredrickson), “a racial order” (King and Smith), a “racial polity” (Mills)—and of races themselves as political entities and agents.⁶⁰ Racial liberalism’s facial racelessness is in fact its racedness; deracializing racial liberalism requires us to color in the blanks.

Recognizing the Reality and Centrality of Racial Exploitation

Finally, since contemporary political philosophy is centered on normative issues, we need to look at the implications of deracializing racial liberalism for social justice. The moral appeal of the social contract is supposed to be its fairness, not merely in contrast to pre-modern hierarchies, but, as emphasized at the start, against possible modern utilitarian abuses, the maximizing of well-being for some at the expense of others. As such, the social contract is supposed to prohibit exploitation, since the terms on which people create and enter society impose moral constraints on the realization of personal advantage. That is why the Marxist claim that liberal capitalism is *intrinsically* exploitative (quite apart from questions of low wages and poor working conditions) has always been so deeply threatening to liberal contract pretensions to be establishing a just society and why the labor theory of value (now widely seen as refuted) is so subversive in its implications.

It is noteworthy, then, that in the two texts that originally staked out the boundaries of respectable left- and right-wing liberalism in contemporary American political philosophy, Rawls’s *A Theory of Justice* and Nozick’s *Anarchy, State, and Utopia*, both authors loudly proclaim their fealty to Kantian prohibitions against an exploitative using of people, against treating ↵ others with less than equal Kantian respect.⁶¹ Rawls outlines a left-liberal or social democratic vision of an ideal polity (“justice as fairness”) in which educational resources and transfer payments from the state to the worst-off are supposed to ensure as far as possible that opportunities are expanded and class disadvantage minimized for the poorest, so that they

are not exploited by those better off. Nozick develops a competing libertarian ideal (“entitlement theory”) in which Kantian principles are interpreted through the prism of Lockean self-ownership, and respect for the property rights of others is the overriding principle of justice. In this framework, Rawlsian transfer payments and the idea of a fraternal sharing of natural assets constitute the real exploitation, since the more talented and productive are being sacrificed, used—against Kantian principles—for the benefit of the feckless and irresponsible. Hardworking individuals whose own labor has made them what they are and produced what they have, in fair competition for opportunities open to all, are taken advantage of, exploited, by those who simply do not want to work.

Forty years later the debate continues, but the outcome is clear. Rawls may have won the battle in the left-leaning academy, insofar as *A Theory of Justice* is now canonized as the most important work in twentieth-century political philosophy. But Nozickian–Friedmanist–Hayekian ideas won the war in the larger society, and indeed the world, given the triumph of anti-statism in the West since the Reagan and Thatcher revolutions of the 1980s, the 1989–91 collapse of state-commandist socialism, and the general global shift away from Keynesian state-interventionist policies and toward neo-liberalism.⁶² Yet what needs to be emphasized for our purposes is that, though at opposite ends of the liberal spectrum, Rawls and Nozick both take for granted as constraining norms the equal, rights-bearing personhood of the members of the polity and the imperative of respect for them. This is not at all in dispute. So the debate centers not on these (supposedly) uncontroversial liberal shibboleths but rather on how “respect” and “using” are best thought of in a polity of equal contractors. And at the less rarefied level of public policy debates in the United States and elsewhere, the key opposing positions in part recapitulate these traditional left-right differences in liberal theory and the enduring controversies in this framework over the most defensible account of fairness, rights, entitlement, and justice.

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But neither Rawls nor Nozick deals with *racial* exploitation, which radically upends this egalitarian, individualist picture, can be formulated independently of the labor theory of value, and in its blatant transgression of norms of equal treatment clearly represents (“clearly,” that is, for non-racial liberalism) a massive violation of liberal contractarian ideals in whatever version, left or right.⁶³ To a large extent, as earlier emphasized, ↵ this is because by transplanting without modification onto American soil the European contract apparatus, both theorists in effect take up the perspective of the white settler population. Nozick’s self-confessedly counterfactual account of how a state could have arisen from a state of nature and Rawls’s hypothetical consensual contract both completely exclude the perspective of indigenous peoples. (Even when, in the last decade of his life, Rawls concedes that race and ethnicity raise “new problems,” he only refers to blacks.⁶⁴ Native Americans and their possible claims for justice are eliminated as thoroughly from the idealizing contract apparatus as they were eliminated in reality.) Carole Pateman points out that “much contemporary political theory obliterates any discussion of embarrassing origins; argument proceeds from ‘an abstract starting point ... that had nothing to do with the way these societies were founded.’”⁶⁵ In effect, Rawls and Nozick assume *terra nullius*, ignoring the genocide and expropriation of native peoples.

Yet as Thomas Borstelmann reminds us, “White appropriation of black labor and red land formed two of the fundamental contours of the new nation’s development and its primary sources of wealth.”⁶⁶ Whites as a group have benefited immensely from the taking of native territory. The unpaid labor of African slavery provided another huge contribution to white welfare, not just to the slave owners themselves but as a surplus diffused within the economy. And as numerous commentators have pointed out in recent years, the cumulative result of the century and a half of discriminatory practices following emancipation has been to give whites vastly better access to education, jobs, bank loans, housing, and transfer payments from the state.

Jim Crow was a system that institutionalized categorical inequality between blacks and whites at every level in southern society, with exploitation and opportunity hoarding built into virtually every social, economic, and political interaction between the races... [In the North] it was just as effective ... [but] constructed under private rather than public auspices.⁶⁷

The distribution of resources is heavily racialized, the key differentials increasingly recognized to be manifested more in wealth than income.⁶⁸ And as mentioned in the opening interview, the wealth gaps remain huge: sixteen-to-one for the ratio of median white to median black households and thirteen-to-one for median white to median Latino households—a result of racial disparities in homeownership, college graduation rates, and access to the labor market.⁶⁹

In contrast to the Lockean–Nozickian ideal of a polity of self-owning proprietors respecting one another’s property rights, then, and in contrast to the Kantian–Rawlsian ideal of a polity of reciprocally respecting persons ↪ fraternally linked by their recognition of the moral arbitrariness of their natural assets, the actual polity is one in which the property rights of non-self-owning people of color are systematically violated and rights, liberties, opportunities, income, and wealth are continually being transferred from the nonwhite to the white population without any recognition of the pervasiveness and illegitimacy of these processes. If in Nozick’s and Rawls’s ideal contractarian polities exploitation is nowhere to be found, in the actual racial–contractarian polity in which Nozick and Rawls wrote their books it is everywhere, central, and ongoing. And, to repeat, this is exploitation in a sense that (non-racial) liberals would have to (or should have to) admit, resting on standard (deracialized) Lockean–Kantian norms about equitable treatment, fair wages, respect for property rights, and prohibitions against using people.⁷⁰ Racial exploitation is the background constant against which other debates take place, sometimes mitigated but never eliminated, because racial exploitation is part of the contract itself.

So a racialized moral economy complements a racialized political economy, in which whites do not recognize their privileging as privileging, as differential and unfair treatment. To differing extents, both Rawls and Nozick appeal to our moral intuitions about fairness and what people are entitled to. But neither looks at the way race shapes whites’ sense of what is just. Yet an understanding of the contours of white moral psychology is an indispensable prerequisite for comprehending the typical framing and trajectory of public policy debates. Their “favored status has meant that whites are commonly accepted as the ‘normal’ and norm-setting.”⁷¹ Rawls’s left-liberal ethico-metaphysical notion that we should regard the distribution of our natural assets as pooled found no resonance in the famously individualist United States. But there is a sense, underpinning the “reasonable” expectations of the representative white person, in which whites have traditionally thought of nonwhite assets as a common white resource to be legitimately exploited. Originally, whites saw their systemic advantage as differential but fair, justified by their racial superiority. Now, in a different “color-blind” phase of the contract and of racial liberalism, they do not see it as differential at all, the long history and ongoing reality of exploitative nonwhite-to-white transfer being obfuscated and occluded by individualist categories and by a sense of property rights in which white entitlement is the norm.

In his research on the causes of the deepening racial inequality between whites and blacks, Thomas Shapiro found that “[white] family assets are more than mere money; they also provide a pathway for handing down racial legacies from generation to generation.”⁷² Since we are in the middle of the greatest intergenerational transfer of wealth in United States history, as first the parents of the baby boomers and then the boomers themselves ↪ die and pass on nine *trillion* dollars of assets to their children, these inequalities can only be exacerbated.⁷³ But in Shapiro’s interviews with white families, they consistently deny or downplay this racial head start they get from the legacy of white supremacy:

Many whites continue to reap advantages from the historical, institutional, structural, and personal dynamics of racial inequality, and they are either unaware of these advantages or deny they exist.... [T]heir insistence upon how hard they work and how much they deserve their station in life seems to trump any recognition that unearned successes and benefits come at a price for others.⁷⁴

In Cheryl Harris’s famous analysis, whiteness itself becomes “property,” underwriting a set of baseline entitlements and “reasonable” expectations that are part of one’s legitimate rights as a full citizen.⁷⁵ Unsurprisingly, then, few public policy proposals so unite whites in opposition as the idea of reparations: a 2000 public opinion poll showed that no less than 96 percent of whites were hostile to the idea.⁷⁶ And by the standards and norms of racial liberalism, they are justified in their scorn of such a proposal, which would represent a contractual violation of the founding principles of the polity.

Race and liberalism have been intertwined for hundreds of years, for the same developments of modernity that brought liberalism into existence as a supposedly general set of political norms also brought race into existence as a set of restrictions and entitlements governing the application of those norms. Political theorists, whether in political science or political philosophy, have a potentially valuable role to play in contributing to the dismantling of this pernicious symbiotic normative system. But such a dismantling cannot be achieved through a supposed color-blindness which is really a blindness to the historical and enduring whiteness of liberalism. Racial liberalism, established by the racial contract, must be recognized for what it is before the promise of a non-racial liberalism and a genuinely inclusive social contract can ever be fulfilled.

Notes

1. Of the “big four” contract theorists (Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Immanuel Kant), Locke and Kant are the most important for liberal theory. Hobbes’s *Leviathan* (New York: Cambridge University Press, 1996) conceptualizes morality and justice as conventional and argues for political absolutism, while the radical direct democracy of Rousseau’s *Social Contract*, based on the “general will,” represents more a challenge to than an endorsement of liberalism: Jean-Jacques Rousseau, *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (New York: Cambridge University Press, 1997).
2. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999; orig. ed. 1971).
3. Curtis Stokes and Theresa Meléndez, eds., *Racial Liberalism and the Politics of Urban America* (East Lansing: Michigan State University Press, 2003).
4. Charles W. Mills, *The Racial Contract* (Ithaca, NY: Cornell University Press, 1997).
5. See Jean Hampton, “The Contractarian Explanation of the State,” in Peter A. French, Theodore E. Uehling Jr., and Howard K. Wettstein, eds., *Midwest Studies in Philosophy: The Philosophy of the Human Sciences* (Notre Dame: University of Notre Dame Press, 1990); Jean Hampton, “Feminist Contractarianism,” in Louise M. Antony and Charlotte E. Witt, eds., *A Mind of One’s Own: Feminist Essays on Reason and Objectivity*, rev. 2nd ed. (Boulder, CO: Westview Press, 2001; orig. ed. 1993); Jean Hampton, “Contract and Consent,” in Robert E. Goodin, Philip Pettit, and Thomas Pogge, eds., *A Companion to Contemporary Political Philosophy*, rev. 2nd ed., 2 vols., vol. 2 (Malden, MA: Blackwell, 2007; orig. ed. [1 vol.] 1993).
6. The non-liberal-democratic Hobbesian model is predicated on the approximate physical and mental (rather than moral) equality of self-seeking humans in conflict with one another (the amoral state of nature as a state of war). So Hobbes’s solution of a constitutionally unconstrained state—the absolutist sovereign—is obviously uncongenial to those seeking to use the contract model to critique absolutism.
7. Michael J. Sandel, *Liberalism and the Limits of Justice*, 2nd ed. (New York: Cambridge University Press, 1998; orig. ed. 1982), pp. 184–85.
8. John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999); John Rawls, *Political Liberalism*, exp. ed. (New York: Columbia University Press, 1996; orig. ed. 1993).
9. Carole Pateman, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988); Mills, *Racial Contract*.
10. Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999); Louis Sala-Molins, *Dark Side of the Light: Slavery and the French Enlightenment*, trans. John Conteh-Morgan (Minneapolis: University of Minnesota Press, 2006).
11. Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, NJ: Princeton University Press, 2005).
12. James Tully, *An Approach to Political Philosophy: Locke in Contexts* (New York: Cambridge University Press, 1993); Barbara Arneil, *John Locke and America: The Defence of English Colonialism* (New York: Oxford University Press, 1996); David Armitage, “John Locke, Carolina, and the *Two Treatises of Government*,” *Political Theory* 32, no. 5 (October 2004): 602–27; Robert Bernasconi and Anika Maaza Mann, “The Contradictions of Racism: Locke, Slavery, and the *Two Treatises*,” in Andrew Valls, ed., *Race and Racism in Modern Philosophy* (Ithaca, NY: Cornell University Press, 2005).
13. Emmanuel Chukwudi Eze, “The Color of Reason: The Idea of ‘Race’ in Kant’s Anthropology,” in Eze, ed., *Postcolonial African Philosophy: A Reader* (Cambridge, MA: Blackwell, 1997); Robert Bernasconi, “Who Invented the Concept of Race? Kant’s Role in the Enlightenment Construction of Race,” in Bernasconi, ed., *Race* (Malden, MA: Blackwell, 2001); Robert Bernasconi, “Kant as an Unfamiliar Source of Racism,” in Julie K. Ward and Tommy L. Lott, eds., *Philosophers on Race: Critical Essays* (Malden, MA: Blackwell, 2002); Charles W. Mills, “Kant’s *Untermenschen*,” in Valls, *Race and Racism*, reprinted as ch. 5 of this book.
14. Michael C. Dawson, *Black Visions: The Roots of Contemporary African-American Political Ideologies* (Chicago: University of Chicago Press, 2001), p. 13.
15. For oral accounts of the African American experience in white philosophy, see George Yancy, ed., *African-American Philosophers: 17 Conversations* (New York: Routledge, 1998), and for the experience of black women in particular, George Yancy, ed., “Situated Voices: Black Women in/on the Profession of Philosophy,” *Hypatia: A Journal of Feminist Philosophy* 23, no. 2 (May 2008): 155–89.
16. See, for example, Colin Bird, *An Introduction to Political Philosophy* (New York: Cambridge University Press, 2006); Will

- Kymlicka, *Contemporary Political Philosophy: An Introduction*, 2nd ed. (New York: Oxford University Press, 2001; orig. ed. 1990); A. John Simmons, *Political Philosophy* (New York: Oxford University Press, 2007); Jonathan Wolff, *An Introduction to Political Philosophy*, rev. ed. (New York: Oxford University Press, 2006; orig. ed. 1996).
17. Steven M. Cahn, ed., *Classics of Political and Moral Philosophy*, 2nd ed. (New York: Oxford University Press, 2012; orig. ed. 2002). Augustine is included in Cahn's anthology and, as a Berber, is a person of color by contemporary standards. But since he wrote at a time when nobody was "raced," he does not count.
18. See Anthony Bogues, *Black Heretics, Black Prophets: Radical Political Intellectuals* (New York: Routledge, 2003) for a valuable reclaiming and reconstruction of the work of some of the key figures in the diasporic black political tradition.
19. Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge, MA: Harvard University Press, 2001).
20. Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality* (New York: Cambridge University Press, 2008), ch. 12.
21. Andrea Veltman, ed., *Social and Political Philosophy: Classic and Contemporary Readings* (Don Mills, ON: Oxford University Press Canada, 2008); Diane Jeske and Richard Fumerton, eds., *Readings in Political Philosophy: Theory and Applications* (Peterborough, ON: Broadview, 2012); Matt Zwolinski, ed., *Arguing about Political Philosophy*, 2nd ed. (New York: Routledge, 2014; orig. ed. 2009); Omid Payrow Shabani and Monique Deveaux, eds., *Introduction to Social and Political Philosophy: Texts and Cases* (Don Mills, ON: Oxford University Press Canada, 2014).
22. Steven M. Cahn, ed., *Political Philosophy: The Essential Texts*, 3rd ed. (New York: Oxford University Press, 2015; orig. ed. 2002).
23. Rodney C. Roberts, ed., *Injustice and Rectification* (New York: Peter Lang, 2002).
24. Rawls, *Theory of Justice*; John Rawls, *Political Liberalism*, exp. ed. (New York: Columbia University Press, 1996; orig. ed. 1993); John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999); John Rawls, *The Law of Peoples, with "The Idea of Public Reason Revisited"* (Cambridge, MA: Harvard University Press, 1999); John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001).
25. Rawls, *Theory of Justice*, p. 8.
26. Mills, *Racial Contract*; Carole Pateman and Charles W. Mills, *Contract and Domination* (Malden, MA: Polity, 2007), chs. 3, 4.
27. David Hume, "Of the Original Contract," in Sir Ernest Barker, ed., *Social Contract: Essays by Locke, Hume, and Rousseau* (London: Oxford University Press, 1960; orig. ed. 1947), p. 154.
28. Jean-Jacques Rousseau, *Social Contract*.
29. Jean-Jacques Rousseau, *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (New York: Cambridge University Press, 1997), p. 173.
30. Pateman, *Sexual Contract*.
31. Mills, *Racial Contract*.
32. Onora O'Neill, "Justice, Gender, and International Boundaries," in Martha C. Nussbaum and Amartya Sen, eds., *The Quality of Life* (Oxford: Clarendon Press, 1993); Charles W. Mills, "'Ideal Theory' as Ideology," *Hypatia: A Journal of Feminist Philosophy* 20, no. 3 (August 2005): 165–84, reprinted as ch. 4 of this book.
33. Rawls, *Theory of Justice*, p. 4.
34. Thomas W. Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989), pp. 20, 20n10.
35. Samuel Freeman, *Rawls* (New York: Routledge, 2007), pp. 106, 483.
36. Rawls, *Theory of Justice*, p. 5.
37. Robert Nozick, *Anarchy, State, and Utopia*, with a new foreword (New York: Basic Books, 2013; orig. ed. 1974), chs. 1, 2.
38. Nozick, *Anarchy, State*, pp. 7–9.
39. David Theo Goldberg, *The Racial State* (Malden, MA: Blackwell, 2002), p. 4.
40. Paul Keal, *European Conquest and the Rights of Indigenous Peoples: The Moral Backwardness of International Society* (New York: Cambridge University Press, 2003), pp. 1, 21.
41. George Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981), pp. xi–xii.
42. Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1998), p. 25.
43. Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991), pp. 2, 15–16.
44. Ian F. Haney López, *White by Law: The Legal Construction of Race*, 10th anniversary rev. ed. (New York: New York University Press, 2006; orig. ed. 1996).
45. Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands* (New York: Oxford University Press, 2005), pp. x, 4.
46. Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf, 1998).
47. Desmond King, *Separate and Unequal: African Americans and the U.S. Federal Government*, rev. ed. (New York: Oxford University Press, 2007; orig. ed. 1995).
48. Cited in King, *Separate and Unequal*, p. 4.
49. King, *Separate and Unequal*, p. 6.
50. Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States*, 4th ed. (Lanham, MD: Rowman & Littlefield, 2013; orig. ed. 2003).
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52. Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Masking of the Underclass* (Cambridge, MA: Harvard University Press, 1993); Douglas S. Massey, *Categorically Unequal: The American Stratification System* (New York: Sage, 2007).
53. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).
54. National Criminal Justice Reference Service, NCJ 245032: "Report of the Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System" (August 2013), p. 1. The report is available online as a PDF.
55. Derrick Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (New York: Basic Books, 1992).
56. Philip A. Klinkner and Rogers M. Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America* (Chicago: University of Chicago Press, 1999).
57. Dawson, *Black Visions*, p. 14. The very titles of works by black political philosophers show the centrality of race to their normative thinking: Bernard R. Boxill, *Blacks and Social Justice*, rev. ed. (Lanham, MD: Rowman & Littlefield, 1992; orig. ed. 1984); Howard McGary, *Race and Social Justice* (Malden, MA: Blackwell, 1999); Lucius T. Outlaw Jr., *Critical Social Theory in the Interests of Black Folks* (Lanham, MD: Rowman & Littlefield, 2005); Tommie Shelby, *We Who Are Dark: Philosophical Foundations of Black Solidarity* (Cambridge, MA: Harvard University Press, 2005).
58. Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Malden, MA: Polity, 2001), p. 45.
59. Rogers A. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press, 1997).
60. Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (New York: Verso, 2003; orig. ed. 1990); Fredrickson, *White Supremacy*; Desmond S. King and Rogers M. Smith, "Racial Orders in American Political Development," *American Political Science Review* 99, no. 1 (February 2005): 75–92; Charles W. Mills, "The Racial Polity," in Mills, *Blackness Visible: Essays on Philosophy and Race* (Ithaca, NY: Cornell University Press, 1998). Note, however, that in King and Smith's more recent *Still a House Divided: Race and Politics in Obama's America* (Princeton, NJ: Princeton University Press, 2011), they distance themselves from their previous position, writing "In place of relying on notions of a unitary American 'racial state' or 'racial order,' we employ our novel concept of rival 'racial policy alliances'" (p. 17).
61. Rawls, *Theory*; Nozick, *Anarchy, State*.
62. The book jacket of the new edition of *Anarchy, State* boasts that it has been translated into a hundred languages.
63. Charles W. Mills, "Racial Exploitation and the Wages of Whiteness," in Maria Krysan and Amanda E. Lewis, eds., *The Changing Terrain of Race and Ethnicity* (New York: Russell Sage, 2004), reprinted as ch. 7 of this book.
64. Rawls, *Political Liberalism*, p. liii.
65. Pateman, *Contract and Domination*, p. 77, quoting James Tully.
66. Borstelmann, *Cold War*, p. 10.
67. Massey, *Categorically Unequal*, pp. 56–57. See also Linda Faye Williams, *The Constraint of Race: Legacies of White Skin Privilege in America* (University Park: Pennsylvania State University Press, 2003).
68. Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality*, 10th anniversary ed. (New York: Routledge, 2006; orig. ed. 1995).
69. "The Racial Wealth Gap: Why Policy Matters," PDF uploaded online March 10, 2015 (2011 figures): Laura Sullivan, Tatjana Meschede, Lars Dietrich, Thomas Shapiro (Institute for Assets and Social Policy [IASP], Brandeis University) and Amy Traub, Catherine Ruetschlin, Tamara Draut (DEMOS).
70. Alan Wertheimer, *Exploitation* (Princeton, NJ: Princeton University Press, 1996); Ruth J. Sample, *Exploitation: What It Is and Why It's Wrong* (Lanham, MD: Rowman & Littlefield, 2003).
71. Klinkner and Smith, *Unsteady March*, p. 7.
72. Thomas M. Shapiro, *The Hidden Cost of Being African American: How Wealth Perpetuates Inequality* (New York: Oxford University Press, 2004), p. 26.
73. Shapiro, *Hidden Cost*, p. 5.
74. Shapiro, *Hidden Cost*, p. 13.
75. Cheryl I. Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1709–91.
76. Michael C. Dawson and Rovana Popoff, "Reparations: Justice and Greed in Black and White," *Du Bois Review: Social Science Research on Race* 1, no. 1 (March 2004), pp. 58–59, 62.