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Rousseau, the Master's Tools, and Anti-Contractarian Contractarianism

Charles W. Mills

The project of “creolizing Rousseau” can be undertaken in many different spheres and at many different levels. In this paper, I want to focus less on Rousseau’s actual writings than—at, so to speak, the meta-level—the model he can provide for us in challenging existing Western bodies of thought. I will use as an illustration my 1997 book, *The Racial Contract* (Mills 1997). Though Carole Pateman’s *The Sexual Contract* (1988) was my immediate inspiration in writing the book, Rousseau’s “class contract” from his *Discourse on the Origin of Inequality* (1997a) is for me the original model that could be said to have inaugurated this subversive tradition within social contract theory. Moreover, Rousseau’s deployment of the contract idea is in a key respect more congenial for me than Pateman’s. Both in her original *Sexual Contract* and in our recent joint book, *Contract and Domination* (Pateman and Mills 2007), Pateman dismisses the possibility of any positive use of social contract theory. My goal, by contrast, following Rousseau, is to see how the contract can be turned to emancipatory ends. In other words, Rousseau sets out both to dismantle the master’s house (using the contract as a polemical critical tool) and to reconstruct a new one (using the contract as a transformative sociopolitical device). He rejects the existing contract, but not contractarianism in principle. This is the path I have sought to follow in my own work. I will begin in part I with an attempt at elucidating his strategy and how I have learned from it, and then move on in part II to a more general examination of some of the common arguments against such an approach, drawing here on some criticisms of *The Racial Contract* made by Anthony Bogues.

Rousseau and the Master's Tools

Few lines in the anti-colonial and anti-racist traditions of the last few decades or so have been as often quoted as Audre Lorde’s (1984) celebrated dictum: “The master’s tools can never be used to dismantle the master’s house.” The reason for its popularity is obvious: it sums up so well, in such a neat epigrammatical form, a seemingly radical and uncompromising meta-theoretical position. But with all due respect to my late fellow Caribbean-American, the multiple oppressions she had to suffer in the racist, sexist, and heterosexist United States, and her courage in resisting her subordination, affirming her identity, and making such an invaluable contribution to the distinctive feminism of women of color, this celebrated dictum is just false. It’s not itself pretending to be an argument, of course—it’s just an assertion. But

if one does try to come up with a (good) argument for its truth, one quickly finds oneself floundering.

Lorde is not saying: "The master's tools sometimes can, and sometimes cannot, be used to dismantle the master's house." Such a qualification, while having the happy virtue of making the claim true, would have the unhappy vice of reducing it to banality—not what one wants in a good aphorism or epigram. Moreover, it would be a banality that nullifies its impact, since, of course, it gets its force precisely from its implicit uncompromisingness: "The master's tools can *never* be used to dismantle the master's house." But only a few seconds' thought—more than most of its reciters have apparently ever given to it—should be sufficient to demonstrate the obvious falseness of this claim.

Take it, to begin with, at the most literal level, since if an aphorism is untrue in the concrete it is hardly any more likely to be true at the abstract level meant to be figured and represented by the concrete. Imagine we're a group of escaped slaves who have begun by dismantling the master (presumably using our own tools) and now wish to move on to his house. Hunting around the plantation, we come across a tool-shed of hammers, pickaxes, saws, barrels of gunpowder, and so forth. Cannot we take these tools and—hammering, digging, sawing in half, blowing up—demolish the master's house? Of course we can—you just watch. So the moment one examines the maxim, it falls apart. Only if it could plausibly be demonstrated that there is something intrinsic in the tool itself that prohibits any such emancipatory use of it would the dictum be true. But obviously there will be many tools, like hammers, which can be used for a wide variety of ends, so that even if the master has used them, *inter alia*, to build his plantation mansion (with our forced labor, of course), this does not mean that we cannot use them for different purposes once he is no longer with us. Appropriating the master's tools—after all, we figure he owes us a lot of back pay—we head out West, where we construct freedmen's towns with them. Who will refuse to move into these houses because they were built with the master's tools?

Consider now the abstract level of conceptual tools and theoretical frameworks that the material tools are supposed to represent. I suggest that Lorde's dictum is no truer here. *Some* tools, such as racism, will be intrinsically oppressive, so that one should be dubious about—to cite a famous example—Jean-Paul Sartre's claim in "Black Orpheus" that an "anti-racist racism" is possible. But liberalism and contract theory, I would claim, are different. Admittedly, liberalism and contractarianism have historically been racialized—this was the whole burden of *The Racial Contract*. But the crucial disanalogy as "tools" between racism on the one hand, and liberalism

and contractarianism, on the other hand, is that once you purge racism of its scientific errors and moral viciousness there is nothing left, while for liberalism and contractarianism, this is not the case. Racism as an ideology about the natural differentiation of humanity into discrete, hierarchically-ordered biological groups, or racism as moral disregard for people because of their race, collapses into nothingness once it is realized that not only are the groups historically taken to be races not in a hierarchy, but that in fact they do not even exist as discrete biological entities in the first place, and that racially-based disregard for people is morally unconscionable. But liberalism and contractarianism as descriptive and normative claims about how we should think of the formation of society and the rights that morally equal humans should have within that society can survive the removal of racist conceptions of who should be counted as fully human and fully equal. The latter “tools,” unlike the former, have other dimensions beside the goal of subordination, and so can be reclaimed. An anti-contractarian contractarianism is possible in a way that an anti-racist racism is not.

Within the classical Western tradition, I would contend, Rousseau provides us with a paradigm of how such a reclamation can be achieved. Rousseau is unique among the “big four” contract theorists (Hobbes, Locke, Rousseau, Kant) in that he is the only one of them to describe *two* contracts. In the words of Patrick Riley, he is both “the purest social contract theorist of the eighteenth century (and simultaneously the deepest critic of contractarianism after Hume)” (2001b: 1). This may seem to be a contradiction in his theoretical position, but it is not. His criticism is directed against the *existing* contract—its standard formulation, and the actual nature of the societies based on it—while his endorsement is of an *ideal* contract—radically reconceptualized, and serving as the foundation of a dramatically new kind of social order.

The first (bad) contract, the naturalized contract that has actually shaped the world we live in and know, is described in his *Discourse on Inequality* (Rousseau 1997a). Unlike the Hobbesian or Lockean contract, it is a contract that develops out of an earlier social stage rather than the state of nature, and as such has as its key players socialized human beings rather than the fictive pre-social humans of traditional contract theory. Moreover, it is human beings in groups—the rich and the poor—who are the actors, not atomic individuals. And finally and most importantly, of course, the contract is a scam; the pretense is that everybody will be included in the codification of moral principles and legal rules (“Let us institute rules of Justice and peace to which all are obliged to conform, which favor no one” [173]) but in fact the political order established by the contract systematically privileges the wealthy:

Such was, or must have been, the origin of Society and of Laws, which gave the weak new fetters and the rich new forces . . . irreversibly destroyed natural freedom, forever fixed the Law of property and inequality, transformed a skillful usurpation into an irrevocable right, and for the profit of a few ambitious men henceforth subjugated the whole of Mankind to labor, servitude and misery (173).

Against the orthodox picture of the contract as genuinely consensual and inclusive, then, Rousseau is saying that the contract is really a contract of domination, with the rich manipulating things behind the scenes. Seeming democracy is exposed as plutocracy. Similarly, one way of reading *The Sexual Contract* (though Pateman herself does not make the connection in her book) is as an application of this Rousseauian idea to gender. The real contract is an intra-male agreement, a sexual contract, and what is represented as liberal democracy is really “fraternal” patriarchy. And, as mentioned at the start, in *The Racial Contract* I in turn extended the concept to race, proposing the idea of a racial contract among whites that establishes global white domination.

In each case, then, the goal is to demystify the consensual façade of liberal democracy as concealing domination, whether class society, patriarchy, or white supremacy. The mansion of the polity is not a domicile of equal residents living in a harmonious co-op but pre-eminently the domain of a white male bourgeois master. So though Rousseau himself focused only on class domination, and was unquestionably a sexist and arguably, if more controversially, a racist, this does not mean that his innovative concept of an exclusionary contract cannot be applied more broadly than he himself intended it to be used. The “tool” of representing the creation of the sociopolitical order with the metaphor of an inclusive “contract” has been turned against its creators by the simple expedient of positing a *restrictive* contract as more metaphorically accurate, better capturing the historical reality.

But as emphasized, for Rousseau, unlike Pateman, the appropriate conclusion is not that the contract idea itself is thereby proven to be necessarily oppressive. Rather, what is required is a *different* kind of contract, one that genuinely lives up to the universalist advertising of the first contract. Hence Rousseau’s famous second (good) contract—the idealized contract of *The Social Contract* (1997c), which has never actually existed but which he thinks nonetheless is achievable, “taking men as they are, and the laws as they can be” (41). In the society created by the class contract, “All ran toward their chains in the belief that they were securing their freedom” (Rousseau 1997a, 173). So the history of the world, in the classic quote from *The Social*

Contract, is that “Man is born free, and everywhere he is in chains” (Rousseau 1997c, 41). But Rousseau’s aim is not, as the reader might first think upon encountering this line, to remove these chains, but to relieve them of their burdensome and oppressive character. The “chains” are the moral and legal norms and rules that are unavoidable in any sociopolitical order, whether good or bad. Only by returning to the state of nature could we become “unchained.” But this would be at the cost of reversing the process by which we have moved from being “stupid and bounded animal[s]” to “intelligent being[s]” motivated by “justice” rather than “instinct,” with “[our] faculties . . . exercised and developed, [our] ideas enlarged, [our] sentiments ennobled, [our] entire soul . . . elevated” (53).

So going back to natural primitivism is not a desirable option. Only in the social order can we develop our distinctively human potential. But what is required is a society that does not fall prey to the evils and corruptions of the domination contract. We need, in Rousseau’s opinion (49–51), “To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey[s] only himself and remain[s] as free as before.” And the solution turns out to be a radically new social compact founded on the “general will” that will create a “public person” free of the inequities of the actual polities we have known throughout history.

As can be appreciated, then, the contract serves Rousseau as a tool both destructive and constructive, demystifying and seeking to discredit and destroy the master’s house, while nonetheless (albeit in a radically different version) claiming to provide the basis for a new sociopolitical foundation of freedmen’s houses. In their introduction to their recent co-edited anthology, *Not Only the Master’s Tools*, Lewis R. Gordon and Jane Anna Gordon (2006a, ix) suggest that “dismantling the master’s house is a misguided project” and that “the proper response is . . . transcending rather than dismantling Western ideas through building our own houses of thought. When enough houses are built, the hegemony of the master’s house . . . will cease to maintain its imperial status.” But it seems to me that, praiseworthy though such an ideal is, the reality is that the undermining of hegemony requires more than just establishing alternatives. Hegemony by definition has tradition, prestige, respectability, immense normative power on its side. By now, of course, the term is used so widely that its specific Gramscian (1971) conceptualization may not be what the Gordons had in mind when they cited it. But certainly in the Italian thinker’s original work, the idea was that the establishment of a new socio-political and moral-intellectual order would require the critique

and undermining of the old regime as a necessary part of the attempted construction of a counter-hegemonic alternative. So I do not by any means see these as being necessarily opposed, but rather as complementary enterprises.

One way of “creolizing Rousseau,” then, is through following his example of contractarian critique and contractarian reconstruction: an anti-contractarian demystification of the existing contract, a pro-contractarian account of the construction of an alternative socio-political order. *The Racial Contract* was, of course, my attempt at the first: the critique of the Great House of Western domination and white supremacy. My current work (Pateman and Mills 2007) is my attempt to do the second: to show how contract theory can guide us to a more just social order. Dubious about Rousseau's own solution in terms of a “general will” (so I am not following his example in *that* respect), I am working within a liberal framework and seeking to purge it of its historic racism. From the fact that actual historic liberalism has (largely) developed as racial liberalism, it does not follow, I claim, that we cannot reconstruct a non-racial liberalism, purified of white-supremacist assumptions. In particular, from the fact that actual historic liberalism has largely ignored, or been actively complicit with, racial injustice, it does not follow that we cannot use liberal values and principles to make a case for racial justice, both nationally and globally.

What this requires, of course, is engagement with the most important contractarian work of the twentieth-century, which is focused precisely on normative issues: John Rawls's *A Theory of Justice* (1999b). *The Racial Contract* only mentioned Rawls in passing, since its primary normative aim was to condemn the existing system rather than to articulate remedial measures for transforming it. So it is largely negative in character, with nothing in the way of positive prescriptions at the end. This textual reticence was a conscious decision on my part, since I thought the book worked better as a straight polemic. But it has encouraged some critics to conclude that I was seeking to trash contractarianism in principle, despite my explicit statements, admittedly few and scattered (e.g., Mills 1997, 7, 120-22, 136-7 n. 9), emphasizing that what I was really trying to do was to put it on a more realistic foundation.

Rousseau's solution to the problems of existing contractarianism, and its role in concealing class domination, was a new contract founded on the general will. My solution to a contractarianism concealing white racial domination is a shifting of the overarching descriptive and normative framework from “ideal” to “non-ideal” theory. Rawls (1999b, 8) announces his mission at the start of *A Theory of Justice* to be the mapping of “a perfectly just society,” so that he is unconcerned with such issues as “compensatory justice.” But racial justice, of

course, is *pre-eminently* a matter of compensatory justice (affirmative action, reparations). So Rawls's methodological stipulation means that such topics are simply excluded from the start—as can be seen in the marginalization of race not just in *Theory of Justice*, but in Rawls's other books as well. In a perfectly just society, no race would have been discriminated against in the first place, so no rectificatory measures of racial justice would be needed. But obviously this is of little help to us in trying to adjudicate appropriate public policies to deal with the actual history of racial subordination in societies like the United States, where racial discrimination has been the norm. Moreover, Rawls's idealization extends far beyond his preferred normative framework to include his *factual* assumptions about the shaping of the modern world also, assumptions that (for example, in his book on international relations, *The Law of Peoples* [Rawls 1999a]) make no mention of European imperialism, the genocide of native peoples, and the Atlantic slave trade. The formation of modern societies is represented as a consensual process—Rawls (1999b, 4) actually says, ludicrously, that “a society is a cooperative venture for mutual advantage”—rather than one in which domination and coercion of the nonwhite population has been central.

The “anti-contractarian contractarianism” I am advocating, then, corrects this grossly misleading factual picture of modernity by (following Rousseau) representing the actual “contract” as a domination contract, a racial contract imposed by whites on people of color. Correspondingly, the normative mission becomes the rectification of the resulting “non-ideal” “basic structure”: what public policies, what institutional measures, would we choose behind the “veil of ignorance,” worried that we might turn out to be black in what will be a white-supremacist socio-political order? (See chapters 3 and 4 in Pateman and Mills 2007.) Both in its factual and moral centering of oppression, then, this contract is radically different from Rawls's.

So my claim is that the valuable insights of contractarianism—seeing society and the polity as the creation of morally equal human beings—can be retained in this revisionist contractarianism, while the misleading assumptions of universal informed consent and genuine inclusion (challenged by Rousseau in his pioneering critique) are jettisoned. Through the concept of a domination contract, we can retrieve contractarianism by putting it on a more informed and historically realistic factual foundation. We can—or so I claim—show both how the master's house needs to be dismantled and how a new house needs to be constructed.

Bogues and the Master's Tools

I want to turn now to Tony Bogues's critique of *The Racial Contract*, since I see it as a good example of the argument, or set of arguments, that the master's tools cannot be so used. Bogues's first installment of his critique was his (1998) contribution to a *Small Axe* symposium on the book; his second was in a book review (2001) for *Constellations*. So I am now going to quote him at length.

For Bogues, the basic problem I face is that I am trying to do a critique while remaining within a framework that limits that critique. Fellow *Small Axe* symposia's Clinton Hutton (1998, 186) had characterized me nicely as "technically an agent of the mainstream" operating "within the boundaries of the Western contractarian philosophical tradition" while simultaneously engaged in "a subversive project." But for Bogues (1998) this operation is a contradiction in terms:

On the surface Racial Contract theory would seem to be a fitting replacement for social contract theory as a more accurate representation of history, political theory and society. But can it be? . . . If one agrees with Mills, as I do, that the Racial Contract tells a more historically accurate story [than the social contract] about the emergence of the modern world, then how does one expose the social contract for what it is—a "differential privileging of the whites as a group with respect to the nonwhites as a group"—and then exclaim about whites betraying the ideals of the contract (p. 129)? What did whites betray? Betrayal suggests that there was a prior agreement about equality and liberty for blacks. It suggests that African peoples in the seventeenth century were considered human. On the contrary, the overwhelming evidence suggests (some of this by Mills himself) that in Europe and in the New World, constructions of freedom were built within frameworks that could accommodate slavery and servitude . . . The point is that the social contract story was constructed and implemented in a *conscious* manner to exclude blacks. There was no sleight of hand . . . All this would suggest that the very nature of the social contract needs to be reviewed . . . Mills's critique of contract theory is an external one. His is not an interior criticism that explodes the contract theory at its deepest levels . . . There is a basic tension in *The Racial Contract* between the historical construction of race in a set of exploitative power relations and a programmed that is limited by the acceptance of the interior norms developed within social contract theory—namely, that of liberalism (177–78).

What we need to do, then, is to transcend liberalism:

The problem is: If the fundamental character of social contract theory assumes both racial and civil subordination [Bogues had earlier cited Carole Pateman's discussion of the contract], then can the political system develop policies to facilitate the correction of historical and present wrongs? . . . If the *practices* of liberalism reveal an inadequate emancipatory logic, then can it give social equality and therefore freedom to racially oppressed groups and others who are dominated? If not, then do we require another theory of emancipation? . . . The quest I would suggest for radical black intellectuals is one that Fanon proclaimed years ago: leave Europe behind and create a new humanism (179, 181).

In his later review in *Constellations*, Bogues (2001) elaborates further on this "new humanism":

One of the most profound insights to emerge from these struggles of black people in different sites [in the U.S. and South Africa] is the way in which the struggles for political equality and the rights of citizenry challenged the foundational structure of the society and gave new forms to old questions. This means that political values like the meanings of equality and freedom are themselves transformed. . . . Concretely this means that a missing element of the theory of the racial contract is the entire tradition of black critical writers from [Olaudah] Equiano to [W.E.B.] Du Bois to [Frantz] Fanon. . . . [F]ormer slaves began a distinct tradition in counterpoint to western modernity, liberalism, and western political thought. Their writings critiqued the eighteenth-century notions of the contract, particularly its English version, and exposed its exclusion of Africans (270).

So the interlinked ideas, then, are that contractarian liberalism cannot be the vehicle, the conceptual and normative tool, for advancing a successful emancipatory anti-racist agenda, cannot serve as a translation device for this moral challenge, and we need instead the "new humanism" that can be found in (Bogues's version of) the black radical tradition, whose political ideas and values are radically different. Bogues would later go on, in his important 2003 book, *Black Heretics, Black Prophets*, to make the positive case for seeing such theorists as Quobna Cugoana, Ida B. Wells-Barnett, W.E.B. Du Bois, C.L.R. James, Julius Nyerere, Bob Marley, et al. as exemplifying, whether as "heretics"

or “prophets,” this radically revisionist version of liberatory ideas and values.

But I don't think that Bogue's argument works.¹ In what follows I want to try to tease apart the various strands, or alternative formulations of it, and to show why I find it problematic.

I suggest that three main contenders need to be distinguished as reasons for liberalism's (and, for our purposes, contractarianism's) putative inability to carry out a comprehensive anti-racist program: the bad intentions argument; the weight of history argument; the internal structure argument. I will treat them separately, though in practice they could be said to go together, and they are in fact often conflated with one another. All three of these can be found in Bogue's critique above.

(i) *The bad intentions argument:*

We have encountered the bad intentions argument already. It rests on the assumption that if some tool, *T* (a term meant to be very broad in its scope, from physical things to conceptual systems), has been devised for the sole or primary purpose of doing *X*, then it cannot be used for other purposes, such as the opposite of *X*. (Bogue 1998, 178: “[T]he social contract story was constructed and implemented in a *conscious* manner to exclude blacks.”) As earlier indicated, the argument is multiply vulnerable. To begin with, in the specific examples under consideration of liberalism and contract theory, it cannot plausibly be claimed that they were solely or primarily devised *for the goal* of subordinating non-Europeans. Rather, their primary purpose (except for Hobbes) was the undermining of absolutism and the articulation of norms of good governance for a particular population. That population was, of course, a white (and male) one, because they were thinking of themselves. But it is misleading to characterize this exclusivity in terms of a *setting out* to subordinate blacks, or nonwhites in general, who, certainly in the early medieval phases of the contract's formulation, were (unlike white women) marginal to their thought. In his book on social contract theory, Michael Lessnoff (1986, chapter 2), for instance, cites Manegold of Lautenbach (writing around 1080) and Engelbert of Volkersdorf (writing around 1310) as examples of medieval theorists who are important forerunners of the contractarianism of the modern period. Would white racism and the imperatives of white exclusionary politics have been intellectual motivators in such a period, a time before whiteness and race had even come into existence as established and pervasive social categories? Obviously not.

But even in the modern period, the nature of the “exclusion” is not always comprehensive and not necessarily such as to pre-empt repair. It is noteworthy that Hobbes's negative racial remarks in *Leviathan* are limited to

Native Americans, with nothing said about blacks. And it is famously the case for Locke that (rightly or wrongly) one has to *infer* from his practical role in investment in African slavery and helping to write the Carolina constitution that he did not intend blacks to be covered by the *Second Treatise's* prohibitions against slavery, since it is not actually there in the text itself. So if it is a matter of blacks being seen as sub-persons not included in the rules for full persons, then all we need to do is to deracialize the scope of "man"/"person" and extend it to Africans to produce a "Lockean" proscription against African slavery, as I have argued elsewhere (Mills 2006). Correcting for his anti-black racism (assuming this analysis is correct) does not require any fundamental change in the terms and norms of the theory itself, just their scope. (Admittedly, this is not the case for Native Americans, where his derogatory view of their putative lack of industriousness is more integrally related to his theoretical framework of legitimate property acquisition itself, so that deracializing here would require more radical theoretical changes.)

And that brings us to the second point: that there will be many tools whose very nature is such that, like hammers, they lend themselves to a wide variety of ends, so that the original intention of the maker, whatever it might have been, is largely irrelevant. A hammer can be used to construct a punishment cage for slaves; a hammer can also be used to knock the cage apart. What would have to be demonstrated (which would really be the third argument) is that something in the makeup of *T* itself precludes alternative usages. So even if white social contract theorists self-consciously had this goal in mind when they were constructing their theories, that does not ensure that the apparatus, with suitable modifications, cannot be used for other ends. Even if a schedule of rights has been devised whose main intention is the privileging of bourgeois white males, it does not follow, given the human commonalities between bourgeois white males and, say, working-class black women, that this schedule cannot be extended to others also. Do working-class black women not have persons, not have lives and liberties and property they would like to see protected by natural rights?

(ii) *The weight of history argument:*

The weight of history argument is logically independent of the bad intentions argument, inasmuch as it would have been possible (as, indeed, I just pointed out) for the tool, *T*, to be intended by its makers for one use and yet become historically entrenched instead in another. Here the claim is that because *T* has historically only been used for one kind of purpose it cannot be used for another kind. Thus baldly stated, the argument is obviously quite weak, and indeed readily refutable. A superior pistol is invented in Europe

that then becomes standard issue (the original model and its descendants) on American slave plantations for the prevention of slave uprisings. For hundreds of years, this is its main use, so that it becomes informally and affectionately known as the *nigger-killer*. One day, the slaves revolt, break into the armory, and seize a hundred *nigger-killers*. With the help of this arsenal, they wipe out the plantation guards and a state militia sent to put down the uprising, and then escape triumphantly to Canada. So much for the weight of history.

Clearly, then, this version does not work. Admittedly, though, a more limited, more qualified, and more sympathetically formulated version of the argument is possible, less obviously fallacious, which would focus on “tools” of a different kind such as conceptual and normative systems that do take up the imprint of history more readily and deeply than, say, hammers or guns. For example, it could certainly plausibly be argued that the shaping of the discourse of liberal rights and freedoms by the needs, interests, and concerns of white males has left a mark on how it has developed, as manifested not just in the obvious group exclusions but also in the exploration of some problems rather than others, the elaboration of fine points in particular areas to meet certain kinds of exigencies and the absence of such elaboration elsewhere, the associations and resonances the vocabulary will typically have in people’s minds because of its historically one-sided deployment, and the resulting tendency to follow an argumentative logic—a conceptual “groove,” so to speak—shaped by these contingently entrenched concerns. All these factors will certainly militate against the reconceptualization of this discourse for a population beyond the privileged group. In this respect, then, the weight of history argument might seem to have a certain undeniable force.

But the simple reply is: yes, but how great is this force? From the fact that admitted obstacles exist it does not follow that these obstacles are insuperable. (After all, nowhere did I, or anybody else advocating this reclaiming of liberalism and contractarianism, assert that it was going to be *easy*!) The opponent of the retrievalist project cannot just show that it is going to be difficult; he has to meet the higher standard of establishing that it is impossible (“The master’s tools can never . . .”), or at least so burdensome that the effort is not worthwhile. He also needs to specify, as part of this clarification, where exactly the obstacles lie, or, alternatively phrased, what the nature of the impossibility is. It can’t be a matter of logical impossibility, since there is nothing in the definition of *rights* or *freedoms* that limits them to white males. It can’t be a matter of physical impossibility, since it does not violate any known set of causal laws that these concepts should be so extended. So if we try to pin down the nature of the obstacles presupposed

by these Lordean critics, they really come down, I suggest, to something like the group-based interest (for whites, presumably, not nonwhites) in resisting such an extension, conjoined perhaps with claims about the psychological obstacles (for both?) to redrawing the cartography, conjoined perhaps with claims about the conceptual barriers (for both) to redrawing the cartography (note that the third is distinct from the second).

Now the problem with the first as an anti-contractarian/anti-liberal argument is, obviously, that it is going to be a common problem for *all* normative systems that seek to challenge white hegemony. It is not the case, in other words, that recasting one's normative critique in terms completely alien to whites is suddenly going to remove or reduce white opposition (quite the contrary, I would think). Rather, this is a material, extra-ideational barrier that is opposed to the emancipatory project itself, no matter how it is framed, and so, in a sense, it drops out as a putatively distinct obstacle for the revisionist liberal program. Revisionist liberalism will have to overcome these entrenched white group interests, but so will Bogues's radical alternative *non*-liberal axiology. The third, it will be appreciated, does not actually fit here, but in the next section, the internal structure argument. So all that is really left under this category is the second: the cognitive and psychological hurdles embedded by historical precedent for both whites and nonwhites to reconceptualizing things this way. And from his critical comments about the concept I introduce in *The Racial Contract* of an "epistemology of ignorance," it is obvious that Bogues (2001) believes I either do not recognize at all, or dramatically underestimate, the size of these hurdles for the white population, and that my reliance on this idea is yet another manifestation of my misguided liberalism:

Historically there was no "epistemology of ignorance" in the racial contract between whites, as if somehow whites were not aware of the fact that they were involved in the racial oppression of blacks. . . . An "epistemology of ignorance" would suggest that oppression could be solved when new knowledge is posited. What this argument ignores are the power relationships involved in racial domination and the issue of white privilege. I would suggest that there is a logical need for Mills' use of this notion rooted in his liberal project. Such a notion is grounded in J. S. Mill's work, which suggests that a liberal society grows and develops by accretions of knowledge A better question might perhaps be . . . what is the nature of the banality of evil and how does it occur? What do we need to do to understand it and what therefore is the character of mass complicity . . .? (271)

But Bogues misunderstands the concept, whose very point was to *highlight* these barriers to getting things right and their link with “white privilege” and “power relationships.” While mainstream social contract theory tends to limit cognitive obstacles to problems stemming from individual bias, Rousseau (1997a) makes clear in his radical “domination contract” that with the advent of class society, human cognition is going to be negatively affected not merely by normal individual failings, but by the group interests of the rich: “those most capable of anticipating the abuses were precisely those who counted on profiting from them” (173). And in Marx, of course, and in later work inspired by the Marxist model, this becomes the far more detailed and elaborated theory of ruling-class (or ruling sex/race) ideological domination, with related claims about how people’s consciousness is affected adversely or positively by their class (gender/racial) location and class (gender/racial) interests. So the idea of an “epistemology of ignorance”—calculatedly oxymoronic in coinage—was meant by me as a translation into the vocabulary of social contract theory of these familiar kinds of claims by leftists, feminists, and critical race theorists. Once you’ve reconceived the contract as a domination contract, then it means that appropriate changes in the contractual apparatus have to be made elsewhere also. Oppressive societies are characterized by ideological domination as well as coercive force, and those privileged by these societies will—through a combination of socialization, group interest, and social positioning—be particularly liable to get things wrong.

So when Bogues (2001, 271) writes that the concept implies that “somehow whites were not aware of the fact that they were involved in the racial oppression of blacks,” he is misreading me. Whites in, say, the United States were certainly “aware” that blacks were enslaved and later Jim-Crowed. But for those who accepted these states of affairs (as against those who opposed them) it does not at all follow that they were “aware” of them *as* oppressive, and thus morally wrong. Rather, though some whites had bad consciences about their “mass complicity” in these institutions, most did not, and justified the existing order with reference, say, to the benevolence of American slavery, the idea that blacks would not be able to survive on their own, the later claim that segregation was natural, and so forth. The “ignorance” is both moral and factual, and it is precisely an ignorance that is structurally underpinned by the complex of factors I cited above: white group interests, group experience, social privilege, bad faith, self-deception, evasion, and influence by dominant ideological frameworks. It is not at all that I think that the elimination of oppression is just a matter of coming up with the appropriate “new knowledge.” That wouldn’t be an “inverted epistemology” (Mills 1997, 18), an

“epistemology of ignorance,” at all but just a straightforward “epistemology.” The point of combining the two words in the phrase, as explained above, is to capture within a contractarian framework the various ways in which the “ignorance” of the privileged is able to *maintain* itself, and to *resist* “new knowledge” (or, for that matter, old knowledge). That others have understood the concept perfectly well is shown in the fact that an entire conference was organized in 2004 around it, with selected papers published as *Race and Epistemologies of Ignorance* (Sullivan and Tuana 2007; Proctor and Schiebinger 2008). As the jacket copy states: “Contributors explore how different forms of ignorance linked to race are produced and sustained and what role they play in promoting racism and white privilege. They argue that the ignorance that underpins racism is not a simple gap in knowledge, the accidental result of an epistemological oversight.” My own contribution to this volume, “White Ignorance” (Mills 2007), explains at greater length than my remarks in *The Racial Contract* what I meant, and if Bogues reads it he will see how completely wrong his interpretation is.

So these obstacles are real enough, and, contra Bogues, I am fully aware of them. But we can ask a simple question: what reason do we have for thinking these psychological and cognitive hurdles would be any lower—indeed wouldn’t we have reason for thinking they are likely to be much higher—if potential opponents were asked not merely to undertake the reconceptualization necessary for deracing concepts with which they are already familiar, but, more radically, to adopt a (putatively, anyway) *brand new* normative apparatus, one such as Bogues is advocating? If the burden of history is supposed to weigh so heavily against reshaping an already-existent and deeply entrenched normative apparatus, wouldn’t it weigh even more heavily against its complete abandonment and replacement by an alien one?!

(iii) *The internal structure argument:*

So all that really remains is the internal structure argument, the most interesting and challenging of the three. The idea here is not merely that *T* was created with bad intentions, not merely that *T* has historically been employed for bad ends, but that something in the very constitution of *T* precludes its being employed in ways contrary to those intentions. *T* is not a flexible tool like a hammer but a tool with a built-in constraint on its emancipatory use, so that, retaining the metaphor, it goes dead when attempts are made to employ it differently (imagine an electrical tool whose motor automatically shuts off), or it actually subverts the task at hand (the motor goes into reverse or something).

How would this work non-metaphorically, at the abstract conceptual level

that is our real focus of concern? The claim is that the internal makeup of liberalism and contractarianism as a body of ideas and values—the internal conceptual structure, the relations of ideas, the discursive logic, the theoretical assumptions, the guiding norms—is somehow so constituted that it precludes these ideas and values being retrieved and harnessed to a progressive agenda. (Bogues 1998, 177: “[C]onstructions of [white] freedom were built within frameworks that could accommodate [black] slavery and servitude.”) Liberalism is predicated on a social ontology of atomic individuals whereas in actuality that ontology is one of classes in relations of domination and subordination; or, liberalism is predicated on allegedly gender-inclusive “men” who are indeed really male heads of the household, with subordinated wives in the domestic sphere to serve them; or, liberalism is predicated on nominally colorless self-owning and reciprocally respecting individuals whereas in actuality their personhood really depends on the property of whiteness, without which they are not self-owning and are unworthy of respect; or, liberalism advertises supposedly abstract and universalist rights and freedoms that are in reality class-, gender-, and color-coded, with corollary restrictions on the rights and freedoms of the working class, women, and nonwhites.

But racial retrievalists (and their class and gender counterparts) can readily endorse all these charges as an indictment of the dominant varieties of actual historic white liberalism while still raising the simple challenge: why can this biased and particularistic liberalism not be revised in the light of a self-conscious *awareness* of this social ontology of domination and subordination and its cognitive consequences? Bogues and like-minded critics assert that this cannot be done. But what is their actual argument? Especially considering that the precedent already exists in all three spheres of class, gender, and race theory of work that seeks to utilize liberal values—extended, de-particularized, and purified—as I have described.

No one talks about Marxism any more. But in the heyday of the revival of the American left academy (1970s–80s), there was a vigorous philosophical debate over the nature of Marx’s normative commitments (for those rejecting the amoralist interpretation of historical materialism), and at least some philosophers argued that there were no distinctively “socialist” values. Instead, they suggested, the left were simply relying on standard liberal ideals of freedom and equality juxtaposed to the realities of class society (realities not usually conceded by liberals) so as to condemn capitalism. Similarly, Bogues makes no mention of the thriving strain of feminist liberalism, as exemplified in the work of theorists like Susan Moller Okin (1989), Martha Nussbaum (1999), and others (Baehr 2004), which has demonstrated what radical conclusions

can result from treating women as equal rights-bearers and challenging the drawing of the orthodox public sphere/private sphere distinction.

Nor—the example most pertinent here—does he talk about the *black* liberalism that has historically been so prominent in the opposition to white supremacy in the United States, and not just historically, in the civil rights movement, but currently, in the renewed struggle for reparations. At the time of our original exchange (1998), the subject of reparations was still quite marginal both in the popular arena and in the academy. But in the decade since then, through the 2000 publication of Randall Robinson's *The Debt* and the work of activists in N'COBRA and other organizations, the issue has gained more and more attention, with numerous conferences being held, resolutions being passed in various forums, and monographs and anthologies being published on the subject. And the point is that almost all of these works assume a liberal framework and a technical ethico-juridical conceptual apparatus of rights, unjust enrichment, rectification, compensation, and so forth that is most comprehensively developed in the liberal tradition. (See, for a small sample: Winbush 2003, Salzberger and Turck 2004, Martin and Yaquinto 2007.) These writers are not invoking Karl Marx but John Locke. What many commentators see as the most exciting new civil rights challenge to the racial order since the classic postwar 1950s–1960s heyday of the struggle is utilizing the very liberal apparatus that Bogues claims cannot be so utilized.²

In sum, if you define liberalism so that it's coextensive with only its most reactionary versions, it will be easy to castigate liberalism as necessarily and ineluctably irretrievable. But once it is realized how many liberalisms there have actually been (though admittedly very unequally influential), then a more detailed argument is necessary to show why these other versions will necessarily fail for internal reasons. Bogues (2001, 267) writes: “[T]he historic practices of a political ideology constitute over time its very nature as human beings negotiate the political world. . . . There is therefore no detachment of the elements and ideals of liberalism from its human political practice.” But one needs to distinguish dominant and oppositional strains within liberalism. Recent work such as Sankar Muthu's *Enlightenment against Empire* (2003) and Jennifer Pitts's *A Turn to Empire* (2005) show that while many European liberals, particularly by the mid-nineteenth century, were complicit with imperialism, the record is by no means monolithic, and there were in fact also some liberal theorists who condemned empire. So the fact that some white European Enlightenment theorists opposed racism and imperialism by itself disproves Bogues's implication that no such liberal critique was possible. Moreover, practices can change, in part precisely

through the struggles of the subordinated. That the liberalism of today is not the liberalism of two hundred years ago, that it is significantly more inclusive, is in large measure the result of these struggles. And in any case, this claim of Bogues is itself a concession to the centrality of material rather than intra-ideational factors. As Michael Dawson (2001, 258) emphasizes in his major study of African-American political ideologies: "There 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." Such a contradiction is external, not internal.

So I continue to find elusive the evidential base of Bogues's insistence that contractarianism is necessarily deficient and new values and a new humanism are required. Bogues (2001, 270) asserts: "This means that political values like the meanings of equality and freedom are themselves transformed." I would claim that equality and freedom are not "transformed" in the ways Bogues claims, but rather that they are extended to a population previously excluded from their scope, and supplemented with dimensions necessary to redress this history of exclusion. This will certainly have radical *implications* insofar as white privilege rests in part on the normative interrelation of superior white and inferior black rights, so that deracializing liberalism and affirming full black equality will require the elimination of this normative hierarchy. But the "transformation" arises from this deracialization of the moral economy, relying not on non-liberal values but on non-*racialized*-liberal values.³

My conclusion is, then, that Bogues has yet to make a convincing case that a revisionist contractarianism and correspondingly deraced liberal norms cannot serve as adequate tools and values for conceptualizing and advancing the liberation struggle of blacks and other people of color. The master's tools—at least some of them—can indeed be used both to dismantle the master's Great House and to construct a new Freedom House for us.

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Notes

- 1 For a critique of Bogues's reading of Cugoano that I claim effectively refutes his thesis, see Mills 2006.
- 2 Does this mean that I think reparations are likely? Not in the least. But the question of whether something can be morally justified in an ethical framework and whether it's likely to happen are obviously two separate questions. The crucial point for my argument is that this unlikelihood is not a matter of the impossibility of liberalism's taking up this issue, but rather of the group interests of whites, the continuing racism that makes whites see blacks as unworthy subjects for rectificatory justice, and the absence of any effective mass political movement comparable to the Civil Rights Movements of the 1950s and 1960s. But none of these negative factors are immanent features of *liberalism*; they're external material factors.
- 3 It's also strange for Bogues (2001, 270) to declare that "a missing element of the theory of the racial contract is the entire tradition of black critical writers from Equiano to Du Bois to Fanon," when, as can be simply confirmed by checking the index, I do cite from Du Bois and Fanon at numerous places. Bogues says that I should have "acknowledge[d] that figures like Cugoano and Equiano had raised some of the central issues about the nature of colonialism and equality" (270). Well, it's a short book. I never claimed to be giving an exhaustive list of figures in the black oppositional tradition, but to have provided an alternative paradigm, an illuminating conceptual framework in which these figures' thought—normally marginalized in mainstream white political theory—*can be brought into dialogue* with the contractarian tradition. Moreover, it's particularly odd for Bogues to then go on to cite Cugoano's and Equiano's critique of "the eighteenth-century notions of the contract, particularly its English version" and their exposure of "its exclusion of Africans" as evidence for the "Racial Contract"'s *deficiency* as a conceptual framework

(270). Surely it's the opposite—that this example vindicates my point completely, by confirming the “Racial Contract”’s *utility*. These ex-slaves’ writings, which would find no place in the orthodox framework of a mainstream course on social contract theory, find a natural place once we recognize that the actual contract has been an exclusionary racial one. In effect, Cugoana and Equiano are challenging the non-ideal racial contract in the name of the ideal non-racial contract. So we now have a conceptual *lingua franca* for bringing these normally segregated discourses into relation with one another. Isn't that exactly what I said at the start of the book (Mills 1997, 4) I was trying to provide?