

as Thomas Jefferson expressed their antipathy to Negroid features.⁴⁶ (Benjamin Franklin, interestingly, opposed the slave trade on grounds that were at least partially aesthetic, as a kind of beautification program for America. Voicing his concern that importation of slaves had “blacken’d half America,” he asked: “Why increase the Sons of Africa, by Planting them in America, where we have so fair an Opportunity, by excluding all Blacks and Tawneys, of increasing the lovely White and Red?”)⁴⁷

To the extent that these norms are accepted, blacks will be the race most alienated from their own bodies—a fate particularly painful for black women, who, like all women, will (by the terms, here, of the *Sexual Contract*) be valued chiefly by their physical appearance, which will generally be deemed to fall short of the Caucasoid or light-skinned ideal.⁴⁸ Moreover, apart from their obvious consequences for intra- and interracial sexual relationships, these norms will affect opportunities and employment prospects also, for studies have confirmed that a “pleasing” physical appearance gives one an edge in job competition. It is no accident that blacks of mixed race are those who are differentially represented in employment in the “white” world. They will, because of their background, often tend to be better educated also, but an additional factor is that whites are less physically uncomfortable with them. “If we have to hire any of them,” it may be thought, “at least this one looks a bit like us.”

The Racial Contract underwrites the modern social contract and is continually being rewritten.

Radical feminists argue that the oppression of women is the oldest oppression. Racial oppression is much more recent.

Whereas relations between the sexes necessarily go back to the origin of the species, an intimate and central relationship between Europe as a collective entity and non-Europe, “white” and “nonwhite” races, is a phenomenon of the *modern* epoch. There is ongoing scholarly controversy over the existence and extent of racism in antiquity (“racism” as a complex of ideas, that is, as against a developed politicoeconomic system), with some writers, such as Frank Snowden, finding a period “before color prejudice,” in which blacks are obviously seen as equals, and others claiming that Greek and Roman bigotry against blacks was there from the beginning.⁴⁹ But obviously, whatever the disagreement on this point, it would have to be agreed that the ideology of modern racism is far more theoretically developed than ancient or medieval prejudices and is linked (whatever one’s view, idealist or materialist, of causal priority) to a system of European domination.

Nevertheless, this divergence does imply that different accounts of the Racial Contract are possible. The account I favor conceives the Racial Contract as creating not merely racial exploitation, *but race itself* as a group identity. In a contemporary vocabulary, the Racial Contract “constructs” race. (For other accounts, for example, more essentialist ones, racial self-identification would *precede* the drawing up of the Racial Contract.) “White” people do not preexist but are brought into existence *as “whites”* by the Racial Contract—hence the peculiar transformation of the human population that accompanies this contract. The white race is *invented*, and one becomes “white by law.”⁵⁰

In this framework, then, the golden age of contract theory (1650 to 1800) overlapped with the growth of a European capitalism whose development was stimulated by the voyages of exploration that increasingly gave the contract a *racial* subtext. The evolution of the modern version of the contract, charac-

terized by an antipatriarchalist Enlightenment liberalism, with its proclamations of the equal rights, autonomy, and freedom of all men, thus took place simultaneously with the massacre, expropriation, and subjection to hereditary slavery of men at least apparently human. This contradiction needs to be reconciled; it is reconciled through the Racial Contract, which essentially denies their personhood and restricts the terms of the social contract to whites. "To invade and dispossess the people of an unoffending civilized country would violate morality and transgress the principles of international law," writes Jennings, "but savages were exceptional. Being uncivilized by definition, they were outside the sanctions of both morality and law."⁵¹ The *Racial Contract* is thus the truth of the *social contract*.

There is some direct evidence that it is in the writings of the classic contract theorists themselves. That is, it is not merely a matter of hypothetical intellectual reconstruction on my part, arguing from silence that "men" must really have meant "white men." Already Hugo Grotius, whose early seventeenth-century work on natural law provided the crucial theoretical background for later contractarians, gives, as Robert Williams has pointed out, the ominous judgment that for "barbarians," "wild beasts rather than men, one may rightly say . . . that the most just war is against savage beasts, the next against men who are like beasts."⁵² But let us just focus on the four most important contract theorists: Hobbes, Locke, Rousseau, and Kant.⁵³

Consider, to begin with, Hobbes's notoriously bestial state of nature, a state of war where life is "nasty, brutish, and short." On a superficial reading, it might seem that it is non-racial, equally applicable to everybody, but note what he says when considering the objection that "there was never such a time, nor condition of warre as this." He replies, "I believe it

was never generally so, over all the world: but there are many places, where they live so now," his example being "the savage people in many places of *America*."⁵⁴ So a nonwhite people, indeed the very nonwhite people upon whose land his fellow Europeans were then encroaching, is his only real-life example of people in a state of nature. (And in fact, it has been pointed out that the phrasing and terminology of Hobbes's characterization may well have been derived directly from the writings of contemporaries about settlement in the Americas. The "explorer" Walter Raleigh described a civil war as "a state of War, which is the meer state of Nature of Men out of community, where all have an equal right to all things." And two other authors of the time characterized the inhabitants of the Americas as "people [who] lived like wild beasts, without religion, nor government, nor town, nor houses, without cultivating the land, nor clothing their bodies" and "people living yet as the first men, without letters, without lawes, without Kings, without common wealthes, without arts . . . not civil by nature.")⁵⁵

In the next paragraph, Hobbes goes on to argue that "though there had never been any time, wherein particular men were in a condition of warre one against another," there is "in all times" a state of "continuall jealousies" between kings and persons of sovereign authority. He presumably emphasizes this contention in order for the reader to imagine what would happen in the absence of a "common Power to feare."⁵⁶ But the text is confusing. How could it simultaneously be the case that "there had never been" any such literal state-of-nature war, when in the previous paragraph he had just said that some *were* living like that now? As a result of this ambiguity, Hobbes has been characterized as a literal contractarian by some commentators and as a hypothetical contractarian by others. But I think this minor mystery can be cleared up once we recognize

that there is a tacit racial logic in the text: the *literal* state of nature is reserved for nonwhites; for whites the state of nature is *hypothetical*. The conflict between whites is the conflict between those with *sovereigns*, that is, those who are already (and have always been) in society. From this conflict, one can extrapolate (gesturing at the racial abyss, so to speak) to what might happen in the absence of a ruling sovereign. But really we know that whites are too rational to allow this to happen to *them*. So the most notorious state of nature in the contractarian literature—the bestial war of all against all—is really a *nonwhite* figure, a racial object lesson for the more rational whites, whose superior grasp of natural law (here in its prudential rather than altruistic version) will enable them to take the necessary steps to avoid it and not to behave as “savages.”

Hobbes has standardly been seen as an awkwardly transitional writer, caught between feudal absolutism and the rise of parliamentarianism, who uses the contract now classically associated with the emergence of liberalism to defend absolutism. But it might be argued that he is transitional in another way, in that in mid-seventeenth century Britain the imperial project was not yet so fully developed that the intellectual apparatus of racial subordination had been completely elaborated. Hobbes remains enough of a racial egalitarian that, while singling out Native Americans for his real-life example, he suggests that without a sovereign *even Europeans* could descend to their state, and that the absolutist government appropriate for nonwhites could also be appropriate for whites.⁵⁷ The uproar that greeted his work can be seen as attributable at least in part to this moral/political suggestion. The spread of colonialism would consolidate an intellectual world in which this bestial state of nature would be reserved for non-white savages, to be despotically governed, while civil Europe-

ans would enjoy the benefits of liberal parliamentaryism. *The Racial Contract began to rewrite the social contract.*

One can see this transition more clearly by the time of Locke, whose state of nature is normatively regulated by traditional (altruistic, nonprudential) natural law. It is a moralized state of nature in which private property and money exist, indeed a state of nature that is virtually civil. Whites can thus be literally in this state of nature (for a brief period, anyway) without its calling into question their innate qualities. Locke famously argues that God gave the world “to the use of the Industrious and Rational,” which qualities were indicated by labor. So while industrious and rational Englishmen were toiling away at home, in America, by contrast, one found “wild woods and uncultivated wast[e] . . . left to Nature” by the idle Indians.⁵⁸ Though they share the state of nature for a time with nonwhites, then, their residence is necessarily briefer, since whites, by appropriating and adding value to this natural world, exhibit their superior rationality. So the mode of appropriation of Native Americans is no real mode of appropriation at all, yielding property rights that can be readily overridden (if they exist at all), and thereby rendering their territories normatively open for seizure once those who have long since *left* the state of nature (Europeans) encounter them. Locke’s thesis was in fact to be the central pillar of the expropriation contract—“the principal philosophical delineation of the normative arguments supporting white civilization’s conquest of America,” writes Williams⁵⁹—and not merely in the United States but later in the other white settler states in Africa and the Pacific. Aboriginal economies did not improve the land and thus could be regarded as nonexistent.

The practice, and arguably also the theory, of Locke played a role in the slavery contract also. In the *Second Treatise*, Locke defends slavery resulting from a just war, for example,

a defensive war against aggression. This would hardly be an accurate characterization of European raiding parties seeking African slaves, and in any case, in the same chapter Locke explicitly opposes hereditary slavery and the enslavement of wives and children.⁶⁰ Yet Locke had investments in the slave-trading Royal Africa Company and earlier assisted in writing the slave constitution of Carolina. So one could argue that the Racial Contract manifests itself here in an astonishing inconsistency, which could be resolved by the supposition that Locke saw blacks as not fully human and thus as subject to a different set of normative rules. Or perhaps the same Lockean moral logic that covered Native Americans can be extended to blacks also. They weren't appropriating their home continent of Africa; they're not rational; they can be enslaved.⁶¹

Rousseau's writings might seem to be something of an exception. After all, it is with his work that the notion of the "noble savage" is associated (though the phrase is not actually his own). And in the *Discourse on Inequality's* reconstruction of the origins of society, everybody is envisaged as having been in the state of nature (and thus to have been "savage") at one time or another. But a careful reading of the text reveals, once again, crucial racial distinctions. The only natural savages cited are *nonwhite* savages, examples of European savages being restricted to reports of feral children raised by wolves and bears, child-rearing practices (we are told) comparable to those of Hottentots and Caribs.⁶² (Europeans are so intrinsically civilized that it takes upbringing by animals to turn *them* into savages.) For Europe, savagery is in the dim distant past, since metallurgy and agriculture are the inventions leading to civilization, and it turns out that "one of the best reasons why Europe, if not the earliest to be civilized, has been at least more continuously and better civilized than other parts of the world, is perhaps that it is at once the richest in iron and the

most fertile in wheat." But Rousseau was writing more than two hundred years after the European encounter with the great Aztec and Inca empires; wasn't there at least a little metallurgy and agriculture in evidence there? Apparently not: "Both metallurgy and agriculture were unknown to the savages of America, who have always therefore remained savages."⁶³ So even what might initially seem to be a more open environmental determinism, which would open the door to racial egalitarianism rather than racial hierarchy, degenerates into massive historical amnesia and factual misrepresentation, driven by the presuppositions of the Racial Contract.

Moreover, to make the obvious point, even if some of Rousseau's nonwhite savages are "noble," physically and psychologically healthier than the Europeans of the degraded and corrupt society produced by the real-life bogus contract, they are still *savages*. So they are primitive beings who are not actually part of civil society, barely raised above animals, without language. Leaving the state of nature, as Rousseau argues in *The Social Contract*, his later account of an ideal polity, is necessary for us to become fully human moral agents, beings capable of justice.⁶⁴ So the praise for nonwhite savages is a limited paternalistic praise, tantamount to admiration for healthy animals, in no way to be taken to imply their equality, let alone superiority, to the civilized Europeans of the ideal polity. The underlying racial dichotomization and hierarchy of civilized and savage remains quite clear.

Finally, Kant's version of the social contract is in a sense the best illustration of the grip of the Racial Contract on Europeans, since by this time the actual contract and the historical dimension of contractarianism had apparently vanished altogether. So here if anywhere, one would think—in this world of abstract persons, demarcated as such only by their rationality—race would have become irrelevant. But as

Emmanuel Eze has recently demonstrated in great detail, this orthodox picture is radically misleading, and the nature of Kantian “persons” and the Kantian “contract” must really be rethought.⁶⁵ For it turns out that Kant, widely regarded as the most important moral theorist of the modern period, in a sense the father of modern moral theory, and—through the work of John Rawls and Jürgen Habermas—increasingly central to modern political philosophy as well, is *also* the father of the modern concept of race.⁶⁶ His 1775 essay “The Different Races of Mankind” (“Von den Verschiedenen Rassen der Menschen”) is a classic pro-hereditarian, antienvironmentalist statement of “the immutability and permanence of race.” For him, comments George Mosse, “racial make-up becomes an unchanging substance and the foundation of all physical appearance and human development, including intelligence.”⁶⁷ The famous theorist of personhood is also the theorist of subpersonhood, though this distinction is, in what the suspicious might almost think a conspiracy to conceal embarrassing truths, far less well known.

As Eze points out, Kant taught anthropology and physical geography for forty years, and his philosophical work really has to be read *in conjunction with these lectures* to understand how racialized his views on moral character were. His notorious comment in *Observations on the Feeling of the Beautiful and Sublime* is well known to, and often cited by, black intellectuals: “So fundamental is the difference between [the black and white] races of man . . . it appears to be as great in regard to mental capacities as in color” so that “a clear proof that what [a Negro] said was stupid” was that “this fellow was quite black from head to foot.”⁶⁸ The point of Eze’s essay is that this remark is by no means isolated or a casual throwaway line that, though of course regrettable, has no broader implications. Rather, it comes out of a developed theory of race and

corresponding intellectual ability and limitation. It only *seems* casual, unembedded in a larger theory, because white academic philosophy as an institution has had no interest in researching, pursuing the implications of, and making known to the world this dimension of Kant's work.

In fact, Kant demarcates and theorizes a color-coded racial hierarchy of Europeans, Asians, Africans, and Native Americans, differentiated by their degree of innate *talent*. Eze explains: "'Talent' is that which, by 'nature,' guarantees for the 'white,' in Kant's racial rational and moral order, the highest position above all creatures, followed by the 'yellow,' the 'black,' and then the 'red.' Skin color for Kant is evidence of superior, inferior, or no 'gift' of 'talent,' or the capacity to realize reason and rational-moral perfectibility through education. . . . It cannot, therefore, be argued that skin color for Kant was merely a physical characteristic. It is, rather, evidence of an unchanging and unchangeable moral quality." Europeans, to no one's surprise I presume, have all the necessary talents to be morally self-educating; there is some hope for Asians, though they lack the ability to develop abstract concepts; the innately idle Africans can at least be educated as servants and slaves through the instruction of a split-bamboo cane (Kant gives some useful advice on how to beat Negroes efficiently); and the wretched Native Americans are just hopeless, and cannot be educated at all. So, in complete opposition to the image of his work that has come down to us and is standardly taught in introductory ethics courses, full personhood for Kant is actually dependent upon race. In Eze's summary, "The black person, for example, can accordingly be denied full humanity since full and 'true' humanity accrues only to the white European."⁶⁹

The recent furor about Paul de Man⁷⁰ and, decades earlier, Martin Heidegger, for their complicity with the Nazis, thus

needs to be put into perspective. These are essentially bit players, minor leaguers. One needs to distinguish theory from actual practice, of course, and I'm not saying that Kant would have endorsed genocide. *But the embarrassing fact for the white West (which doubtless explains its concealment) is that their most important moral theorist of the past three hundred years is also the foundational theorist in the modern period of the division between Herrenvolk and Untermenschen, persons and subpersons, upon which Nazi theory would later draw.* Modern moral theory and modern racial theory have the same father.

The Racial Contract, therefore, underwrites the social contract, is a visible or hidden operator that restricts and modifies the scope of its prescriptions. But since there is both synchronic and diachronic variation, there are many different versions or local instantiations of the Racial Contract, and they evolve over time, so that the effective force of the social contract itself changes, and the kind of cognitive dissonance between the two alters. (This change has implications for the moral psychology of the white signatories and their characteristic patterns of insight and blindness.) The social contract is (in its original historical version) a specific discrete event that founds society, even if (through, e.g., Lockean theories of tacit consent) subsequent generations continue to ratify it on an ongoing basis. By contrast the Racial Contract is *continually being rewritten* to create different forms of the racial polity.

A global periodization, a timeline overview of the evolution of the Racial Contract, would highlight first of all the crucial division between the time before and the time after the institutionalization of global white supremacy. (Thus Janet Abu-Lughod's book about the thirteenth-century/fourteenth-century medieval world system is titled *Before European Hegemony*.)⁷¹ The time after would then be further subdivided into

the period of formal, juridical white supremacy (the epoch of the European conquest, African slavery, and European colonialism, overt white racial self-identification, and the largely undisputed hegemony of racist theories) and the present period of de facto white supremacy, when whites' dominance is, for the most part, no longer constitutionally and juridically enshrined but rather a matter of social, political, cultural, and economic privilege based on the legacy of the conquest.

In the first period, the period of de jure white supremacy, the Racial Contract was explicit, the characteristic instantiations—the expropriation contract, the slave contract, the colonial contract—making it clear that whites were the privileged race and the egalitarian social contract applied only to them. (Cognitively, then, this period had the great virtue of social transparency: white supremacy was *openly* proclaimed. One didn't have to look for a *subtext*, because it was there in the text itself.) In the second period, on the other hand, the Racial Contract *has written itself out of formal existence*. The scope of the terms in the social contract has been formally extended to apply to everyone, so that “persons” is no longer coextensive with “whites.” What characterizes *this* period (which is, of course, the present) is tension between continuing de facto white privilege and this *formal* extension of rights. The Racial Contract continues to manifest itself, of course, in unofficial local agreements of various kinds (restrictive covenants, employment discrimination contracts, political decisions about resource allocation, etc.). But even apart from these, a crucial manifestation is simply *the failure to ask certain questions*, taking for granted as a status quo and baseline the existing color-coded configurations of wealth, poverty, property, and opportunities, the pretence that formal, juridical equality is sufficient to remedy inequities created on a foundation of several hundred years of racial privilege, and that chal-

lenging that foundation is a transgression of the terms of the social contract. (Though actually—in a sense—it *is*, insofar as the Racial Contract is the real meaning of the social contract.)

Globally, the Racial Contract effects a final paradoxical norming and racing of space, a *writing out* of the polity of certain spaces as conceptually and historically irrelevant to European and Euro-world development, so that these raced spaces are categorized as disjoined from the path of civilization (i.e., the European project). Fredric Jameson writes: "Colonialism means that a significant structural segment of the economic system as a whole is now located elsewhere, beyond the metropolis, outside of the daily life and existential experience of the home country. . . . Such spatial disjunction has as its immediate consequence the inability to grasp the way the system functions as a whole."⁷² By the social contract's decision to remain in the space of the European nation-state, the connection between the development of this space's industry, culture, civilization, and the material and cultural contributions of Afro-Asia and the Americas is denied, so it seems as if this space and its denizens are peculiarly rational and industrious, differentially endowed with qualities that have enabled them to dominate the world. One then speaks of the "European miracle" in a way that conceives this once marginal region as *sui generis*, conceptually severing it from the web of spatial connections that made its development possible. *This* space actually comes to have the character it does because of the pumping exploitative causality established between it and those *other* conceptually invisible spaces. But by remaining within the boundaries of the European space of the abstract contract, it is valorized as unique, inimitable, autonomous. Other parts of the world then disappear from the white contractarian history, subsumed under the general category of risible non-European space, the "Third World," where for

reasons of local folly and geographical blight the inspiring model of the self-sufficient white social contract cannot be followed.

Nationally, within these racial polities, the Racial Contract manifests itself in white resistance to anything more than the *formal* extension of the terms of the abstract social contract (and often to that also). Whereas before it was denied that nonwhites *were* equal persons, it is now pretended that nonwhites *are* equal abstract persons who can be fully included in the polity merely by extending the scope of the moral operator, without any fundamental change in the arrangements that have resulted from the previous system of explicit de jure racial privilege. Sometimes the new forms taken by the Racial Contract are transparently exploitative, for example, the “jim crow” contract, whose claim of “separate but equal” was patently ludicrous. But others—the job discrimination contract, the restrictive covenant—are harder to prove. Employment agencies use subterfuges of various kinds: “In 1990, for example, two former employees of one of New York City’s largest employment agencies divulged that discrimination was routinely practiced against black applicants, though concealed behind a number of code words. Clients who did not want to hire blacks would indicate their preference for applicants who were ‘All American.’ For its part the agency would signal that an applicant was black by reversing the initials of the placement counselor.”⁷³ Similarly, a study of how “American apartheid” is maintained points out that whereas in the past realtors would have simply refused to sell to blacks, now blacks “are met by a realtor with a smiling face who, through a series of ruses, lies, and deceptions, makes it hard for them to learn about, inspect, rent, or purchase homes in white neighborhoods. . . . Because the discrimination is latent, however, it is usually unobservable, even to the person experiencing it. One

never knows for sure."⁷⁴ Nonwhites then find that race is, paradoxically, both everywhere and nowhere, structuring their lives but not formally recognized in political/moral theory. But in a racially structured polity, the only people who can find it psychologically possible to deny the centrality of race are those who are racially privileged, for whom race is invisible precisely because the world is structured around them, whiteness as the ground against which the figures of other races—those who, unlike us, are raced—appear. The fish does not see the water, and whites do not see the racial nature of a white polity because it is natural to them, the element in which they move. As Toni Morrison points out, there are contexts in which claiming racelessness is itself a racial act.⁷⁵

Contemporary debates between nonwhites and whites about the centrality or peripherality of race can thus be seen as attempts respectively to point out, and deny, the existence of the Racial Contract that underpins the social contract. The frustrating problem nonwhites have always had, and continue to have, with mainstream political theory is not with abstraction *itself* (after all, the "Racial Contract" is itself an abstraction) but with an *idealizing* abstraction that abstracts *away* from the crucial realities of the racial polity.⁷⁶ The shift to the hypothetical, ideal contract encourages and facilitates this abstraction, since the eminently *nonideal* features of the real world are not part of the apparatus. There is then, in a sense, no conceptual point-of-entry to start talking about the fundamental way in which (as all nonwhites know) race structures one's life and affects one's life chances.

The black law professor Patricia Williams complains about an ostensible neutrality that is really "racism in drag," a system of "racism as status quo" which is "deep, angry, eradicated from view" but continues to make people "avoid the phantom as they did the substance," "defer[ring] to the unseen shape

of things.”⁷⁷ The black philosophy professor Bill Lawson comments on the deficiencies of the conceptual apparatus of traditional liberalism, which has no room for the peculiar post-Emancipation status of blacks, simultaneously citizens and noncitizens.⁷⁸ The black philosopher of law Anita Allen remarks on the irony of standard American philosophy of law texts, which describe a universe in which “all humans are paradigm rightsholders” and see no need to point out that the actual U.S. record is somewhat different.⁷⁹ The retreat of mainstream normative moral and political theory into an “ideal” theory that ignores race merely rescripts the Racial Contract as the invisible writing between the lines. So John Rawls, an American working in the late twentieth century, writes a book on justice widely credited with reviving postwar political philosophy in which not a single reference to American slavery and its legacy can be found, and Robert Nozick creates a theory of justice in holdings predicated on legitimate acquisition and transfer without more than two or three sentences acknowledging the utter divergence of U.S. history from this ideal.⁸⁰

The silence of mainstream moral and political philosophy on issues of race is a sign of the continuing power of the Contract over its signatories, an illusory color blindness that actually entrenches white privilege. A genuine transcendence of its terms would require, as a preliminary, the acknowledgment of its past and present existence and the social, political, economic, psychological, and moral implications it has had both for its contractors and its victims. By treating the present as a somehow neutral baseline, with its given configuration of wealth, property, social standing, and psychological willingness to sacrifice, the idealized social contract renders permanent the legacy of the Racial Contract. The ever-deepening abyss between the First World and the Third World, where

millions—largely nonwhite—die of starvation each year and many more hundreds of millions—also largely nonwhite—live in wretched poverty, is seen as unfortunate (calling, certainly, for the occasional charitable contribution) but unrelated to the history of transcontinental and intracontinental racial exploitation.

Finally, the Racial Contract evolves not merely by altering the relations between whites and nonwhites but by shifting the criteria for who *counts* as white and nonwhite. (So it is not merely that relations between the respective populations change but that the population boundaries themselves change also.) Thus—at least in my preferred account of the Racial Contract (again, other accounts are possible)—race is *debio-logized*, making explicit its political foundation. *In a sense, the Racial Contract constructs its signatories as much as they construct it.* The overall trend is toward a limited expansion of the privileged human population through the “whitening” of the previously excluded group in question, though there may be local reversals.

The Nazi project can then be seen in part as the attempt to turn the clock back by rewriting a more exclusivist version of the Racial Contract than was globally acceptable at the time. (One writer suggests ironically that this was “the attempt of the Germans to make themselves masters of the master race.”)⁸¹ And this backtracking leads to a problem. My categorization (white/nonwhite, person/subperson) has the virtues of elegance and simplicity and seems to me to map the essential features of the racial polity accurately, to carve the social reality at its ontological joints. But since, as a pair of contradictions, this categorization is jointly exhaustive of the possibilities, it raises the question of where to locate what could be called “borderline” Europeans, white people with a question mark—the Irish, Slavs, Mediterraneans, and above all, of

course, Jews. In the colonial wars with Ireland, the English routinely used derogatory imagery—"savages," "cannibals," "bestial appearance"—that it would now seem incredible to apply to whites.⁸² The wave of mid-nineteenth-century Irish immigration into the United States stimulated one wit to observe that "it would be a good thing if every Irishman were to kill a nigger and then be hung for it," and caricatures in the newspapers often represented the Irish as simian. European racism against nonwhites has been my focus, but there were also *intra*-European varieties of "racism"—Teutonism, Anglo-Saxonism, Nordicism—which are today of largely antiquarian interest but which were sufficiently influential in the 1920s that U.S. immigration law favored "Nordics" over "Mediterraneans." (There is some recognition of this distinction in popular culture. *Cheers* fans will remember that the "Italian" waitress Carla [Rhea Perlman], curly haired and swarthy, sometimes calls the blond, "alabaster-skinned" WASP Diane [Shelley Long] "Whitey," and in the 1992 movie *Zebrahead*, two black teenagers discuss the question of whether Italians are *really* white.) Finally, Jews, of course, have been the victims of Christian Europe's anti-Semitic discrimination and pogroms since medieval times, this record of persecution reaching its horrific climax under the Third Reich.

How, then, should these Europeans be categorized, given the white/nonwhite dichotomization? One solution would be to reject it for a three- or four-way division. But I am reluctant to do so, since I think the dyadic partition really does capture the essential structure of the global racial polity. My solution therefore is to retain but "fuzzify" the categories, introducing internal distinctions within them. I have already pointed out that some nonwhites ("barbarians" as against "savages") ranked higher than others; for example, the Chinese and (Asian) Indians would have been placed above Africans and Australian

Aborigines. So it would seem that one could also rank whites, and in fact Winthrop Jordan notes that “if Europeans were white, some were whiter than others.”⁸³ All whites are equal, then, but some are whiter, and so more equal, than others, and all nonwhites are unequal, but some are blacker, and so more unequal, than others. The fundamental conceptual cut, the primary division, then remains that between whites and nonwhites, and the fuzzy status of inferior whites is accommodated by the category of “off-white” rather than nonwhite. Commenting on the failure of the “valiant efforts of the English to turn their ethnocentric feelings of superiority over the ‘black’ Irish into racism,” Richard Drinnon concludes that “the Celts remained at most ‘white niggers’ in their eyes.”⁸⁴ And with the exception of Nazi Germany, to be discussed later, this seems to me a judgment that could be generalized for all these cases of borderline Europeans—that they were not subpersons in the full technical sense and would all have been ranked ontologically above genuine nonwhites. The ease with which they have now been assimilated into postwar Europe and accepted as full whites in the United States is some evidence for the correctness of this way of drawing the distinction.

Nevertheless, these problem cases are useful in illustrating—against essentialists—the social rather than biological basis of the Racial Contract. Phenotypical whiteness and European origin were not always sufficient for *full* Whiteness, acceptance into the inner sanctum of the racial club, and the rules had to be rewritten to permit inclusion. (One recent book, for example, bears the title *How the Irish Became White*.)⁸⁵ On the other hand, there are groups “clearly” not white who have conjuncturally come to be seen as such. The Japanese were classified as “honorary whites” for the purpose of the Axis alliance, the restrictive, local Racial Contract (as

they were in South Africa under apartheid), while being classified as verminous nonwhites with respect to the Western Allies, inheritors of the global Racial Contract.⁸⁶ A century ago, at the time of the European domination of China and the Boxer rebellion, the Chinese were a degraded race, signs were posted saying “No dogs or Chinese allowed,” and they faced heavy immigration restrictions and discrimination in the United States. “Yellow Peril” depictions of Chinese in the American popular media in the early twentieth century included the sinister Orientals of Sax Rohmer’s *Fu Manchu* novels and the Ming the Merciless nemesis of *Flash Gordon*. But today in the United States, Asians are seen as a “model minority,” even (according to Andrew Hacker) “probationary whites,” who might make it if they hang in there long enough. “Is Yellow Black or White?” asks one Asian American historian; the answer varies.⁸⁷ The point, then, is that the membership requirements for Whiteness are rewritten over time, with shifting criteria prescribed by the evolving Racial Contract.

The Racial Contract has to be enforced through violence and ideological conditioning.

The social contract is, by definition, classically voluntaristic, modeling the polity on a basis of individualized consent. What justifies the authority of the state over us is that “we the people” *agreed* to give it that authority. (On the older, “feudal” patriarchal model, by contrast—the model of Sir Robert Filmer, Locke’s target in the *Second Treatise*—people were represented as being *born into* subordination.)⁸⁸ The legitimacy of the state derives from the freely given consent of the signatories to transfer or delegate their rights to it, and its role in the mainstream moralized/constitutionalist version of the

contract (Lockean/Kantian) is, correspondingly, to protect those rights and safeguard the welfare of its citizens. The liberal-democratic state is then an ethical state, whether in the minimalist, night-watchman Lockean version of enforcing noninterference with citizens' rights or in the more expansive redistributivist version of actively promoting citizens' welfare. In both cases the liberal state is neutral in the sense of not privileging some citizens over others. Correspondingly, the laws that are passed have as their rationale this juridical regulation of the polity for generally acceptable moral ends.

This idealized model of the liberal-democratic state has, of course, been challenged from various political directions over the past century or so: the recently revived Hegelian moral critique from the perspective of a competing, allegedly superior ideal, a *communitarian* state seeking actively to promote a common conception of the good; the degraded version of this in the fascist *corporatist* state; the anarchist challenge to *all* states as usurping bodies of legitimized violence; and what has been the most influential radical critique up till recently, the Marxist analysis of the state as an instrument of class power, so that the liberal-democratic state is supposedly unmasked as the *bourgeois* state, the state of the ruling class.

My claim is that the model of the Racial Contract shows us that we need another alternative, another way of theorizing about and critiquing the state: the *racial*, or white-supremacist, state, whose function inter alia is to safeguard the polity as a white or white-dominated polity, enforcing the terms of the Racial Contract by the appropriate means and, when necessary, facilitating its rewriting from one form to another.

The liberal-democratic state of classic contractarianism abides by the terms of the social contract by using force only to protect its citizens, who delegated this moralized force to

it so that it could guarantee the safety not to be found in the state of nature. (This was, after all, part of the whole point of *leaving* the state of nature in the first place.) By contrast, the state established by the Racial Contract is by definition *not* neutral, since its purpose is to bring about conformity to the terms of the Racial Contract among the subperson population, which will obviously have no reason to accept these terms voluntarily, since the contract is an exploitation contract. (An alternative, perhaps even superior, formulation might be: it *is* neutral for its full citizens, who are white, but as a corollary, it is nonneutral toward the nonwhites, whose intrinsic savagery constantly threatens reversion to the state of nature, bubbles of wilderness within the polity, as I suggested.)

Of necessity, then, this state treats whites and nonwhites, persons and subpersons, differently, though in later variants of the Racial Contract it is necessary to conceal this difference. In seeking first to establish and later to reproduce itself, the racial state employs the two traditional weapons of coercion: physical violence and ideological conditioning.

In the early phase of establishing global white supremacy, overt physical violence was, of course, the dominant face of this political project: the genocide of Native Americans in the conquest of the two continents and of Aborigines in Australia; the punitive colonial wars in Africa, Asia, and the Pacific; the incredible body counts of slaving expeditions, the Middle Passage, "seasoning," and slavery itself; the state-supported seizure of lands and imposition of regimes of forced labor. In the expropriation contract, the subpersons are either killed or placed on reservations, so that extensive daily intercourse with them is not necessary; they are not part of the white polity proper. In the slavery and colonial contracts, on the other hand, persons and subpersons necessarily interact regularly, so that constant watchfulness for signs of subperson

resistance to the terms of the Racial Contract is required. If the social contract is predicated on voluntarized compliance, the Racial Contract clearly requires compulsion for the reproduction of the political system. In the slavery contract, in particular, the terms of the contract require of the slave an *ongoing* self-negation of personhood, an acceptance of chattel status, psychologically harder to achieve and so potentially more explosive than the varieties of subpersonhood imposed either by the expropriation contract (where one will either be dead or sequestered in a space far away from white persons) or the colonial contract (where the status of “minor” leaves some hope that one may be permitted to achieve adulthood some day). Thus, in the Caribbean and on the mainland of the Americas, there were sites where newly arrived Africans were sometimes taken to be “seasoned” before being transported to the plantations. And this was basically the metaphysical operation, carried out through the physical, of *breaking* them, transforming them from persons into subpersons of the chattel variety. But since people could always fake acceptance of subpersonhood, it was, of course, necessary to keep an eternally vigilant eye on them for possible signs of dissembling, in keeping with the sentiment that eternal vigilance is the price of freedom.

The coercive arms of the state, then—the police, the penal system, the army—need to be seen as in part the enforcers of the Racial Contract, working both to keep the peace and prevent crime among the white citizens, and to maintain the racial order and detect and destroy challenges to it, so that across the white settler states nonwhites are incarcerated at differential rates and for longer terms. To understand the long, bloody history of police brutality against blacks in the United States, for example, one has to recognize it not as excesses by individual racists but as an organic part of this political

enterprise. There is a well-known perception in the black community that the police—particularly in the jim crow days of segregation and largely white police forces—were basically an “army of occupation.”

Correspondingly, in all these white and white-ruled polities, attacking or killing whites has always been morally and juridically singled out as the crime of crimes, a horrific break with the natural order, not merely because of the greater value of white (i.e., a person’s) life but because of its larger symbolic significance as a challenge to the racial polity. The death penalty is differentially applied to nonwhites both in the scope of crimes covered (i.e., racially differentiated penalties for the same crimes)⁸⁹ and in its actual carrying out. (In the history of U.S. capital punishment, for example, over one thousand people have been executed, but only very rarely has a white been executed for killing a black.)⁹⁰ Individual acts of subperson violence against whites and, even more serious, slave rebellions and colonial uprisings are standardly punished in an exemplary way, *pour encourager les autres*, with torture and retaliatory mass killings far exceeding the number of white victims. Such acts have to be seen not as arbitrary, not as the product of individual sadism (though they encourage and provide an outlet for it), but as the appropriate moral and political response—prescribed by the Racial Contract—to a threat to a system predicated on nonwhite subpersonhood. There is an outrage that is practically metaphysical because one’s self-conception, one’s white identity as a superior being entitled to rule, is under attack.

Thus in the North and South American reactions to Native American resistance and slave uprisings, in the European responses to the Saint Domingue (Haitian) revolution, the Sepoy uprising (“Indian Mutiny”), the Jamaican Morant Bay insurrection, the Boxer rebellion in China, the struggle of the Hereros

in German Africa, in the twentieth century colonial and neo-colonial wars (Ethiopia, Madagascar, Vietnam, Algeria, Malaya, Kenya, Angola, Mozambique, Guinea-Bissau, Namibia), in the white settlers' battles to maintain a white Rhodesia and an apartheid South Africa, one repeatedly sees the same pattern of systematic massacre. It is a pattern that confirms that an *ontological shudder* has been sent through the system of the white polity, calling forth what could be called *the white terror* to make sure that the foundations of the moral and political universe stay in place. Describing the "shock to white America" of the Sioux defeat of Custer's Seventh Cavalry, one author writes: "It was the kind of humiliating defeat that simply could not be handed to a modern nation of 40 million people by a few scarecrow savages."⁹¹ V. G. Kiernan comments on Haiti: "No savagery that has been recorded of Africans anywhere could outdo some of the acts of the French in their efforts to regain control of the island." Of the Indian Mutiny, he writes, "After victory there were savage reprisals. For the first time on such a scale, but not the last, the West was trying to quell the East by frightfulness. . . . Some of the facts that have come down to us almost stagger belief, even after the horrors of Europe's own twentieth-century history."⁹² In general, then, watchfulness for nonwhite resistance and a corresponding readiness to employ massively disproportionate retaliatory violence are intrinsic to the fabric of the racial polity in a way different from the response to the typical crimes of white citizens.

But official state violence is not the only sanction of the Racial Contract. In the Lockean state of nature, in the absence of a constituted juridical and penal authority, natural law permits individuals themselves to punish wrongdoers. Those who show by their actions that they lack or have "renounced" the reason of natural law and are like "wild Savage Beasts, with

whom Men can have no Society nor Security," may licitly be destroyed.⁹³ But if in the racial polity nonwhites may be regarded as *inherently* bestial and savage (quite independently of what they happen to be doing at any particular moment), then by extension they can be conceptualized in part as *carrying the state of nature around with them*, incarnating wildness and wilderness in their person. In effect, they can be regarded even in civil society as being potentially at the center of a mobile free-fire zone in which citizen-to-citizen/white-on-white moral and juridical constraints do not obtain. Particularly in frontier situations, where official White authority is distant or unreliable, individual whites may be regarded as endowed with the authority to enforce the Racial Contract themselves. Thus in the United States paradigmatically (but also in the European settlement in Australia, in the colonial outpost in the "bush" or "jungle" of Asia and Africa) there is a long history of vigilantism and lynching at which white officialdom basically connived, inasmuch as hardly anybody was ever punished, though the perpetrators were well known and on occasion photographs were even available. (Some lynchings were advertised days in advance, and hundreds or thousands of people gathered from surrounding districts.)⁹⁴ In the Northern Territory of Australia, one government medical officer wrote in 1901, "It was notorious that the blackfellows were shot down like crows and that no notice was taken."⁹⁵

The other dimension of this coercion is ideological. If the Racial Contract creates its signatories, those party to the Contract, by constructing them as "white persons," it also tries to make its victims, the objects of the Contract, *into* the "nonwhite subpersons" it specifies. This project requires labor at *both* ends, involving the development of a depersonizing conceptual apparatus through which whites must learn to see nonwhites and also, crucially, through which nonwhites must

learn to see themselves. For the nonwhites, then, this is something like the intellectual equivalent of the physical process of “seasoning,” “slave breaking,” the aim being to produce an entity who accepts subpersonhood. Frederick Douglass, in his famous first autobiography, describes the need to “darken [the] moral and mental vision, and, as far as possible, to annihilate the power of reason” of the slave: “He must be able to detect no inconsistencies in slavery; he must be made to feel that slavery is right; and he can be brought to that only when he ceases to be a man.”⁹⁶ Originally denied education, blacks were later, in the postbellum period, given an education appropriate to postchattel status—the denial of a past, of history, of achievement—so that as far as possible they would accept their prescribed roles of servant and menial laborer, comic coons and Sambos, grateful Uncle Toms and Aunt Jemimas. Thus in one of the most famous books from the black American experience, Carter Woodson indicts “the mis-education of the Negro.”⁹⁷ And as late as the 1950s, James Baldwin could declare that the “separate but equal” system of segregation “has worked brilliantly,” for “it has allowed white people, with scarcely any pangs of conscience whatever, to *create*, in every generation, only the Negro they wished to see.”⁹⁸

In the case of Native Americans, whose resistance was largely over by the 1870s, a policy of cultural assimilation was introduced under the slogan “Kill the Indian, but save the man,” aimed at the suppression and eradication of native religious beliefs and ceremonies, such as the Sioux Sun Dance.⁹⁹ Similarly, a hundred years later, Daniel Cabixi, a Brazilian Pareci Indian, complains that “the missions kill us from within. . . . They impose upon us another religion, belittling the values we hold. This decharacterises us to the point where we are ashamed to be Indians.”¹⁰⁰ The Mohawk scholar Jerry Gambill lists “Twenty-one ways to ‘scalp’ an Indian,” the first

being "Make him a non-person. Human rights are for people. Convince Indians their ancestors were savages, that they were pagan."¹⁰¹ Likewise, in the colonial enterprise, children in the Caribbean, Africa, and Asia were taught out of British or French or Dutch schoolbooks to see themselves as aspirant (but, of course, never full) colored Europeans, saved from the barbarities of their own cultures by colonial intervention, duly reciting "our ancestors, the Gauls," and growing up into adults with "black skin, white masks."¹⁰² Australian Aborigine students write: "**Black** is, wronged at white schools but righted by experience. . . . **Black** is, going to white school and coming home again no wiser."¹⁰³ Ngũgĩ wa Thiong'o describes, from his experience in his native Kenya, the "cultural bomb" of British imperialism, which prohibited learning in the oral tradition of Gikuyu and trained him and his schoolfellows to see themselves and their country through the alien eyes of H. Rider Haggard and John Buchan: "The effect of a cultural bomb is to annihilate a people's belief in their names, in their languages, in their environment, in their heritage of struggle, in their unity, in their capacities and ultimately in themselves. It makes them see their past as one wasteland of non-achievement and it makes them want to distance themselves from that wasteland."¹⁰⁴ Racism as an ideology needs to be understood as aiming at the minds of nonwhites as well as whites, inculcating subjugation. If the social contract requires that all citizens and persons learn to respect themselves and each other, the Racial Contract prescribes nonwhite self-loathing and racial deference to white citizens. The ultimate triumph of this education is that it eventually becomes possible to characterize the Racial Contract as "consensual" and "voluntaristic" even for nonwhites.