

Revisiting *The Racial Contract*: Agency and Reason in Mills' Critique of Social Contract Theory

Dr Frank M Kirkland

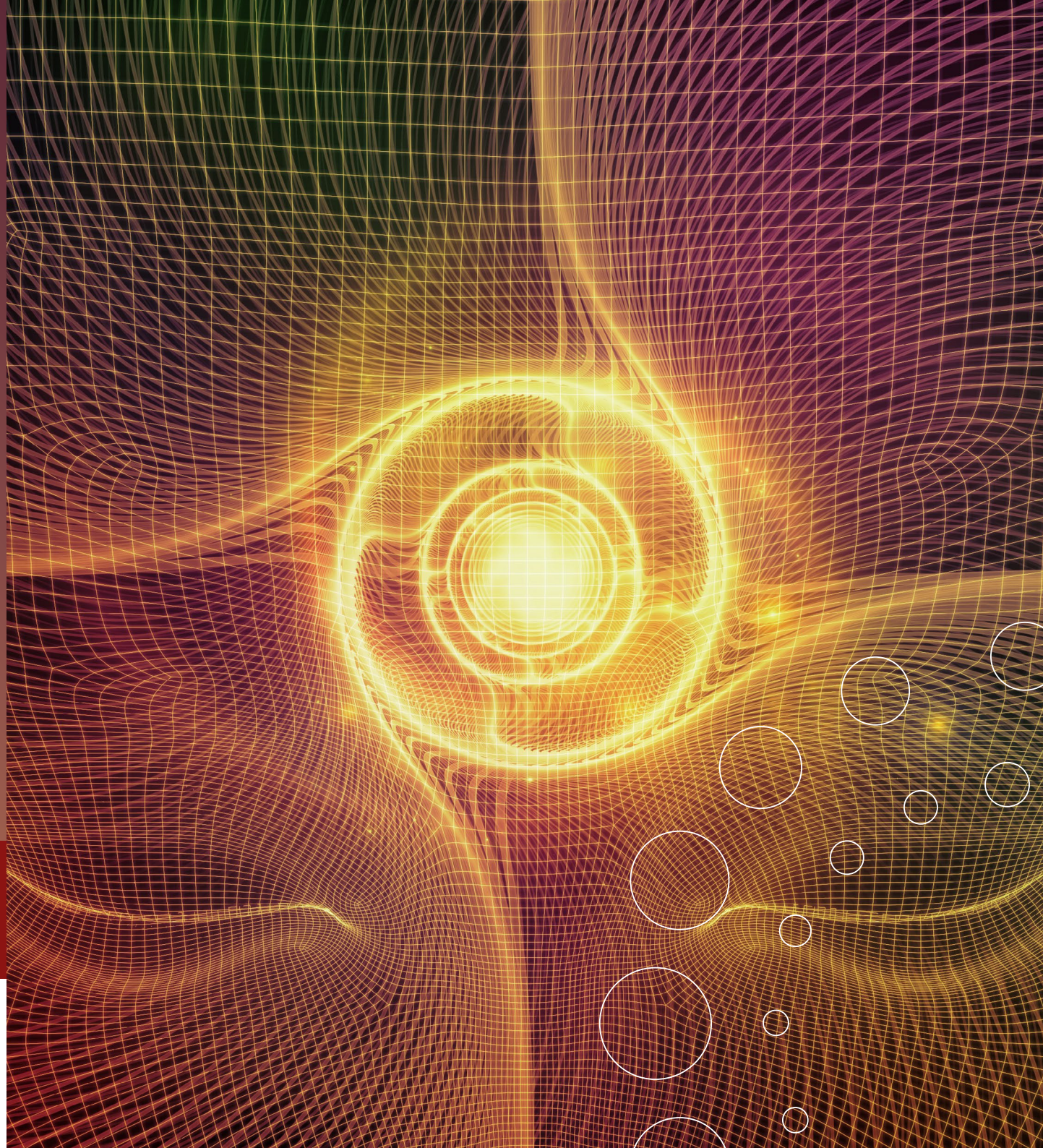
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In his groundbreaking 1997 work, *The Racial Contract*, philosopher Charles Mills argued that we must critically reexamine social contract theory to account for the pervasive role of race in structuring society. Over 25 years later, Professor Frank Kirkland, Associate Professor of Philosophy at Hunter College and the Graduate Center of the City University of New York, offers a thought-provoking analysis of Mills' work, exploring its implications for agency, reason, and political philosophy.

The Racial Contract: A Brief Overview

Before exploring Professor Frank Kirkland's analysis, it's essential to understand the core arguments of Mills' *The Racial Contract*. The social contract has long been a foundational concept in political philosophy, theorising how individuals consent to form societies and governments. However, this idealised notion often ignores the reality of racial oppression and white supremacy that has shaped actual political systems. Mills contended that traditional social contract theory, as developed by thinkers like Hobbes, Locke, Rousseau, Kant, and even Rawls, fails to account for the realities of racial domination that have shaped actual political systems.

Mills proposed the concept of a 'Racial Contract' underlying and shaping real political systems. This Racial Contract is not a formal agreement but rather an unacknowledged system of white supremacy that grants privileges to whites while oppressing and exploiting non-whites. Mills argued that this Racial Contract is not merely incidental to political systems but is, in fact, foundational, shaping the very nature of the social contract and political order.

Professor Kirkland engages deeply with Mills' work in his paper, exploring several key themes and tensions. His analysis focuses particularly on issues of agency, reason, and the nature of explanation in Mills' framework.

Agency and the Racial Contract

One of Professor Kirkland's central concerns is how Mills' theory deals with questions of agency, particularly for non-white individuals living under the Racial Contract. Professor Kirkland points out that while Mills emphasises the importance of non-whites challenging the Racial Contract, there's a tension in how this agency is conceptualised.

Professor Kirkland notes that in Mills' framework, the actions of non-whites are seen as intentional only when they are challenging the Racial Contract. However, this intentionality doesn't necessarily reflect free agency, as these actions are still seen as prescribed by the terms of the Racial Contract itself. This raises complex questions about the nature of agency under conditions of oppression.

Professor Kirkland suggests that Mills does not appear to have a clear resolution to this problem. He questions whether Mills' theory allows for genuine free agency, either for whites or non-whites, if all actions are seen as determined by the Racial Contract.

Reason and Explanation in the Racial Contract

A key focus of Professor Kirkland's analysis is how Mills conceptualises reason and explanation in his theory. He examines the distinction Mills makes between the Racial Contract itself (i.e., the object of explanation) and the concept of the 'Racial Contract' (i.e., Mills' explanatory framework).

Professor Kirkland argues that Mills' approach prioritises explaining the beliefs and actions of white and non-white people in terms of the concept of the Racial Contract rather than considering people's own reasons for their actions. This raises questions about the role of individual reasoning and motivation in Mills' framework.

Professor Kirkland contends that the reasons supporting the concept of the Racial Contract are primarily reasons supporting Mills' explanatory metanarrative rather than reasons supportive of actions aimed at undoing the Racial Contract itself.



Ideal vs. Non-Ideal Theory

Professor Kirkland also engages with Mills' critique of 'ideal theory' in political philosophy and his advocacy for 'non-ideal theory'. While Mills argued for the importance of non-ideal theory in grappling with real-world injustices, Professor Kirkland suggests that there may be more nuance to this distinction than Mills acknowledged.

Professor Kirkland points out that both ideal and non-ideal theory involve forms of abstraction. The difference, he argues, lies in how they abstract and what they abstract from. This nuanced view complicates yet bolsters Mills' critique of ideal theory and raises questions about the nature of theorising about justice.

The Nudum Pactum and the Social Contract

An intriguing aspect of Professor Kirkland's analysis is his introduction of the concept of nudum pactum in relation to Mills' work. A nudum pactum is an unenforceable contract made without the logical negation of the social contract. Professor Kirkland argues that Mills effectively treats the racial contract as a nudum pactum endemic to the social contract, irrelevantly harmless to whites but relevantly harmful to non-whites. Instead of seeing the racial contract as endemic of the social contract, Professor Kirkland suggests that Mills later views it as illicitly operating within the social contract.

Challenges and Unresolved Questions

While Professor Kirkland clearly values Mills' contributions, his analysis also highlights several challenges and unresolved questions in *The Racial Contract*. These include the tension between determinism and agency in Mills' framework, the relationship between individual reasons for action and the explanatory power of the 'Racial Contract', the role of non-white

agency in potentially abolishing the Racial Contract, and the nature of abstraction in political theory and the ideal/non-ideal theory distinction.

Professor Kirkland argues that these issues require further exploration and development. He suggests that addressing them could strengthen and extend Mills' important insights about race and political philosophy.

Frederick Douglass: A Contrasting Perspective

In exploring these tensions, Professor Kirkland introduces an interesting comparison with Frederick Douglass, the 19th-century abolitionist and philosopher. He argues that Douglass' approach to challenging racial oppression differed from what Mills' theory would suggest.

Professor Kirkland contends that Douglass' actions stemmed from his own reasoning and commitment rather than being prescribed by the terms of a Racial Contract. This example raises questions about the role of individual agency and reasoning in challenging systems of oppression.

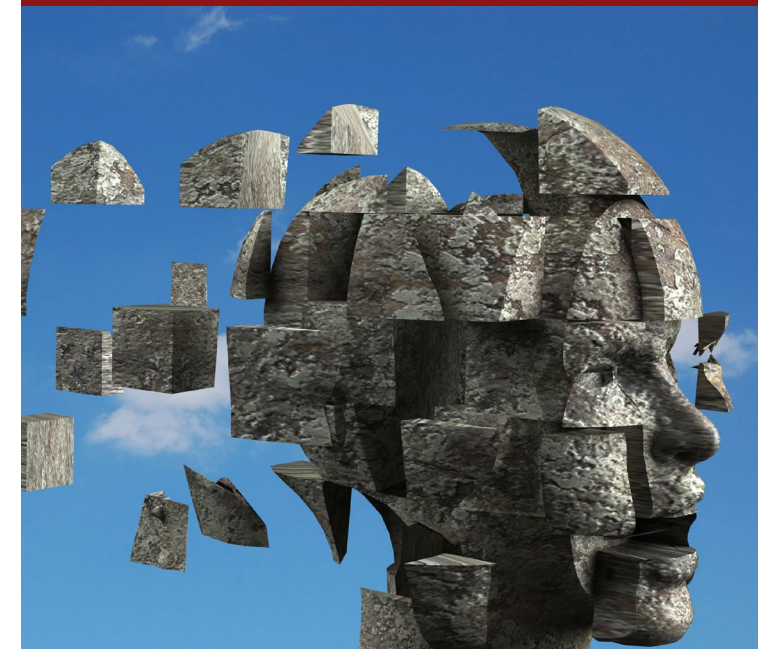
Professor Kirkland suggests that Douglass' challenges would be fundamentally different from those prescribed by Mills' theory, as they would not be seen as determinants explained by the 'Racial Contract' but as actions stemming from Douglass' own agency and reasoning.

Implications for Political Philosophy

Professor Kirkland's analysis has significant implications for how we think about race, agency, and political philosophy. By highlighting tensions and unresolved questions in Mills' work, he opens up new avenues for research and debate.



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One key implication is the need for more nuanced theories of agency under conditions of oppression. How can we understand individual action and resistance within systems of racial domination without reducing everything to the terms of those systems?

Another important point is the relationship between explanation and prescription in political theory. How can theories explain existing injustices while also providing resources for challenging those injustices?

Professor Kirkland's work also raises questions about the nature of abstraction in political philosophy. His nuanced view of the ideal/non-ideal theory distinction suggests the need for a more sophisticated understanding of how political theories relate to real-world conditions.

Ongoing Relevance and Future Directions

While *The Racial Contract* was published over 25 years ago, Professor Kirkland's analysis demonstrates its ongoing relevance to contemporary debates in political philosophy. The questions Mills raised about race and justice continue to be pressing in today's world.

Professor Kirkland's work suggests several potential directions for future research. These include further exploration of agency and reason in the context of racial oppression, more nuanced understandings of the relationship between ideal and non-ideal theory, investigation of how explanatory frameworks in political philosophy relate to prescriptive claims, and examination of how different philosophical approaches can inform contemporary anti-racist theory and practice.

MEET THE RESEARCHER

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Dr Frank Kirkland is an Associate Professor of Philosophy at Hunter College and the CUNY Graduate Center. He obtained his PhD in Philosophy from the New School for Social Research in 1982. Throughout his career, Dr Kirkland has specialised in German Idealism, African American philosophy, and critical race theory. His work explores the intersections of modernity, race, and philosophical traditions. Dr Kirkland has published extensively, including co-editing *Frederick Douglass: A Critical Reader* and editing *Phenomenology East and West: Essays in Honor of J.N. Mohanty*. He has been a key figure in promoting African American philosophical thought, serving as President of the Society for the Study of Africana Philosophy and Chairperson of the APA Committee on the Status of Blacks in Philosophy. Dr Kirkland's research continues to shape discussions on race, modernity, and the African American intellectual tradition.

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FURTHER READING

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