Justice, Intersectionality, and the Racial Contract

**Part 1.**

*Explain Mills’s account of the Racial Contract, and the role it plays in his view of justice. Please refer to specific passages from the Mills excerpts assigned in class and list accurate page numbers. Please be concise, precise, and accurate to Mills’s text.*

Charles W. Mills first describes the Racial Contract by revisiting the definition of the social contract. While the social contract (Hobbes, Locke, Rousseau, Kant) is supposed to be that we give up some of our freedoms to a public authority in return for various benefits and protections “[it] is not a contract between everybody ("we the people"), but between just the people who count, the people who really are people ("we the white people"). So it is a Racial Contract” (Mills 3). He argues that it is political, moral, and epistemological in that it puts almost exclusively whites in power, it writes the moral norms in such a way that poor treatment against non-whites is swept under the rug, and at the epistemological level it instructs both whites and non-whites to ignore the fact that it exists (Mills 9-14). The racial contract creates this set of norms which culminate in a self-sustaining system in which Mills argues that social justice only applies to white people (even opening with the phrase “When white people say "Justice," they mean "Just us.") (Mills xiv, 4).

**Part 2.**

*Create a good argument in defense of the claim: “Mills’s account of the Racial Contract is not a good tool for understanding justice.” That claim is your thesis. You may use premise-conclusion form, but it is not required. Otherwise, use a carefully written paragraph.*

Premise 1: A normative conception of justice should be all-encompassing; it should account for all major, intersecting forms of social oppression.

Premise 2: To be all-encompassing, it should not only include race; it should include gender, sexuality, disability status, religion, and other intersectional social categories.

Premise 3: Mills’ Racial Contract explicitly brackets these other identities and classifications away from race.

Premise 4: Any social theory that ranks some forms of oppression as secondary is not all-encompassing.

Premise 5: Any conception of justice that is not all-encompassing with respect to categorical oppression is not a good tool for understanding justice.

C: Mills’s account of the Racial Contract is not a good tool for understanding justice.

**Part 3.**

*Justify each of the main claims and steps in your Part 2 argument. Support may include examples, definitions, plausible assumptions, thought experiments, etc.*

Imagine this group of people.

1. Darryl, a black able-bodied cisman in his 30s
2. Dalia, a black able-bodied ciswoman in her 40s
3. Kevin, an east Asian able-bodied cisman in his 60s
4. Dave, a white, able-bodied cisman at the stature of 4’2” in his 30s
5. Mari, a white, andro-presenting, nonbinary person, wheelchair-user, in their 20s

Now, look at this group of people standing together and try to claim that there is an explicitly more important division in justice and oppression for the first three compared to the following two people: that would be preposterous. Suppose we treat race as the main category, as Mills does. In that case, it ignores the ways that sexism, ableism, transphobia, and other forms of discrimination co-produce discrimination and oppression in each of these people’s lives. Take Mari, they would experience oppression of physical exclusion distinct from the rest of our group; they would be excluded from spaces that are not handicap accessible and spaces where openly trans people are not safe. As a man of such short stature, Dave, similarly to Mari, may also be unable to access spaces that the others enter without issue, where Darryl, Dalia, and Kevin all could without a question.

Each of these different people would experience unique discrimination and injustices wherever they went. Mari and Dalia would also be excluded from many spaces as the non-men in our group. To comment on Premise 3, the topic of sexism remains nearly unmentioned in the text: the word “sexism” is written only once as far as I could find, in the introduction, where Mills dismisses it as less of a problem than racism (Mills 3). While Mills does recognize that Pateman’s *The Sexual Contract* inspired him for the text (Mills 6), women are only mentioned in passing throughout the text— briefly about black women having a harder position than black men (experiencing the racial and social contracts) (Mills 62)— and in another brief aside that white women, protected by whiteness, often benefit from the hierarchy that subordinates Black men and women (Mills 52).

While seemingly impossible because Mills at least briefly mentions many classes, there is no reference to sexuality in the entire text. As this text was written in the late 1990s, well after the Stonewall rebellion and amid the push towards legal gay marriage, this should have been a pertinent form of oppression to focus on. Historically, the LGBTQIA+ community has received extreme and violent discrimination for as long as history has been recorded, reinforcing the conclusion that *The Racial Contract* falls short as a tool for understanding justice.

Because Mills treats sexism, homophobia, transphobia, ableism, and other forms of bias as less important than race, his framework cannot show how those harms intersect and reinforce each other in real life—a point central to intersectionality. A justice theory that ignores those injustices and forms of oppression, overlapping or not, is not complete. Therefore, Mills’s Racial Contract is not a useful guide to understanding justice.

**Part 4.**

*Identify and explain what you think are the two best possible objections to the reasoning in your Part 2 argument. Don’t just say “one might claim that the conclusion is false.” Identify the specific part of your reasoning that each objection challenges.*

A defender of Mills could claim, in response to Premise 2, that while gender, sexuality, etc., are important to consider, the historical angle that race was the first major structuring force of the modern social order means that it should have more of a focus than the other oppressions. For example, slavery was clearly race based— I would argue that while in concept systemic slavery could have been based on a different distinction (socioeconomic class, religion, sexuality, etc.), this could never happen due to the instant, from a distance, ability to identify who “looks like a slave” and who does not. Because race determined who could be owned, colonized, or counted as fully human, it became the template around which modern legal, economic, and political systems were first built. The oppressions that followed (whether gendered, sexual, ableist, etc.) were added to the preexisting structure of the racial contract. So, with the loaded historical significance and lasting effects of slavery, the racial contract arguably would supersede the discrimination of other social classifications.

 Another defender of Mills could claim, in response to Premises 1 and 4, that the Racial Contract does not need to be the sole tool used to understand justice. As he initially mentions, and I referenced before, Pateman’s text inspired him, *The Sexual Contract.* He states that “[it] is a good example of [the social contract] approach (and the inspiration for my own book, though my use is somewhat different), which demonstrates how much descriptive/explanatory life there still is in the contract,” (Mills 6). Further, he writes that he “advocate[s] the supplementation of standard social contract discussions with an account of the ‘Racial Contract,’” (Mills 6). In this, Mills clearly states that *The Racial Contract* should be one of many tools used, along with Pateman’s text, to understand justice and oppression. So, on this view, it’s unfair to criticize the Racial Contract for gaps it never claimed to fill.

**Part 5.**

*Reply to the two objections you presented as clearly and effectively as you can. Please maintain your commitment to your argument while adding nuance (don’t only say you disagree).*

To the first Mills defender, I respond that historical context is not nearly as important to understand justice in the modern era as intersectionality. The rapid rise of globalization and technology in the past 30 years has completely changed our social dynamics and the discrimination we face. Racism and all the other forms of oppression we have been discussing have shifted with the ability to instantly post discriminatory rhetoric to thousands, or even millions, of people. Internet profiles reveal identity markers that a quick physical glance might miss. As the issues change, the focus should as well. A framework that keeps race at the center while pushing aside gender, disability, and sexuality can’t grasp these digital-age harms; only an intersectional lens can allow us to understand what justice looks like in 2025.

To the second defender, I respond that while modular tools could help with understanding justice, the lack of the other corresponding tools renders *The Racial Contract* of little use— having one piece of a puzzle does not make a picture. For *The Racial Contract* to be useful, the other modules must be located. For a text to allow us to understand justice in this way, modularly, it would need to be a greater umbrella text that cites or incorporates ideas from texts like *The Racial Contract* and *The Sexual Contract*. Without those companion tools, relying on *The Racial Contract* alone can shrink, rather than broaden, our view of justice.

Works Cited

Mills, Charles W. *The Racial Contract*. 25th anniversary ed., Cornell University Press, 2022.