

# 3

## CORRESPONDING CONTRACTS

### The Intersectional Mills

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#### The Framing of the Framework

At the beginning of a dialogue between Charles W. Mills and Carole Pateman in *Contract & Domination*, Mills responds to Pateman with the following statement:

The complexities of race, class, and sex, yes. It's so difficult to think them all together—like the many-body problem in mechanics—because they're all interacting with one another. My own case is interesting (to move to the personal level), since it's not just class, gender, and race, but nationality and ethnicity also, and how they affect the translation of these three across national boundaries.

(2007, 10)

Mills, throughout his corpus, is concerned with, and attempts to build his frameworks alongside, intersectionality. However, three questions are apparent from his work: (1) To what extent is his work successful at being intersectional? (2) Are his critics correct in finding limitations to his work regarding certain oppressions? and (3) Can Mills's addendums to the traditions of contract theory and liberalism work with intersectional interests?

To answer these questions, and to get a broad understanding of how his work engages various forms of oppression beyond race, I organize this chapter in the following way. First, a distinction must be made regarding intersectionality's definition, as I will argue that one approach will describe Mills's work as less successful for intersectional objectives than another. Second, Mills's critics, especially those of the *racia-sexual* contract, illuminate some of the weaknesses of his theories for intersectional projects. By addressing those worries, the utility of Mills's work for intersectional concerns becomes more apparent. Third, a cross-analysis between his utilization of contract theory and liberalism will show both the strengths and weaknesses of using Mills's work for intersectional concerns.

Before I engage in these outlined points, I first want to explain three terms: sub-person, the domination contract, and contractualism. Mills defines sub-persons in *The Racial*

*Contract* as “humanoid entities who, because of racial phenotype/genealogy/culture, are not fully human and therefore have a different and inferior schedule of rights and liberties applying to them” (1997, 56). In *Contract & Domination*, not only does Mills explicate that a sub-person can qualify for both women and racialized people in the social contract, but he then describes the social contract as a *domination contract* and states that “under cover of egalitarianism, the domination contract generates norms, and stipulations about how to apply these norms, that will themselves reinforce domination, and so which need to be interrogated by those seeking to end their subordination by the contract” (2007, 90). For Mills, there are various kinds of interlocking contracts—racial, sexual, class, colonial, and the like. In all instances, the *domination contract* is one of exclusion.

To understand Mills’s approach to intersectional issues, we must capture what he means by *contractualism*. Following Stephen Darwell’s distinction between *contractarianism* and *contractualism* (where *contractarianism* derives from the social ideal of Thomas Hobbes, and the contract is about bargaining), Mills argues in favor of *contractualism*, via Immanuel Kant, whereby “morality is an object set of other-regulating rules, and the ‘contract’ is really (in [John] Rawls’ phrase) a ‘device of representation’ for getting at what those rules are” (2007, 15). This is a critical starting point because despite his analysis of the social contract being political, moral, epistemological, etc., his reasoning behind utilizing this tradition for contemporary theorization, even with its vast critiques, derives from its moral value. The social contract is the theoretical vehicle that demonstrates what the rules should be for everyone in a social landscape. As he states in *The Racial Contract*, the contract illustrates “a schedule of rights, duties, and liberties that shapes a citizens’ moral psychology, conceptions of the right, notions of self-respect, etc.” (1997, 10). For Mills, the moral evaluation of a society is a complex relation between rights (positive and negative), duties, and how the psychology of the agents therein is shaped by the two former notions. With these definitions out of the way, let us turn to the question of how successful he is regarding intersectionality.

### Crenshaw, Collins, and Mills: Intersectionality and the Racial Contract

Kimberlé Crenshaw introduces intersectionality in her 1989 law article, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics” (1989). Using three case examples, Crenshaw articulates that in the law’s scope, at that time, there were interventions to conceptualize racism (the absence of Black employees, for example) and sexism (the absence of women), but there was not a framework to conceptualize the absence of Black women. Intersectionality, then, became a model to understand how forms of oppression can *intersect*. In a latter article, she defines intersectionality as a *location* of women of color, a coordinate by which people are situated by various axes of oppression. She states,

In the previous sections, I have used intersectionality to describe or frame various relationships between race and gender. I have used intersectionality as a way to articulate the interaction of racism and patriarchy generally. I have also used intersectionality to describe the location of women of color both within overlapping systems of subordination and at the margins of feminism and antiracism.

(1991, 1265)

Crenshaw's *original* definition, or at least the original application, for intersectionality was primarily concerned with the social location of the agent between varying parts of their identity and how systems lacked nuance to describe and rectify ways in which injustices connected and overlapped with other injustices. My intention here is not to limit Crenshaw's original approach or isolate it from Patricia Hill Collins' later uptake of the term. The goal here is to see how a certain interpretation of intersectionality can be better suited to Mills's work. Collins, in both her inaugural text with Sirma Bilge, *Intersectionality*, and in her more recent text *Intersectionality as Critical Social Theory*, takes a much more robust approach, describing intersectionality as "a paradigm, concept, framework, heuristic device, and theory" (2019, 3). Collins' approach captures many more dimensions of individual experiences and the nuances of one's life because of various aspects of her being. Intersectionality, in its more recent developments, is not about "oppression A plus oppression B equals oppression AB," it is about the unique experiences of the agent and how, when oppressions intersect, they become something unique, namely X. A key example is Moya Bailey's concept of *misogynoir*, which is not just "racism plus sexism," but a descriptive term for the negative treatment of Black women because of their Black womanhood (2021, 1). Put differently, *misogynoir*, a portmanteau of misogyny and *noir* [Black], refers to the inimitable interlocking oppression that Black women face for distinctively being Black women. Those two features—racism and sexism—cannot be understood properly if treated separately.

I argue that Mills's approach to intersecting or interlocking issues caters more to the original interpretations of intersectionality than some of the more recent perspectives. First, it is important to note that Mills's *domination contract* is meant to engage misconceptions of social contract interpretations and address the issues of non-ideal theory (2007, 80). In describing the Western contract tradition as an "exclusionary manipulative contract deployed by the powerful to subordinate others in a society under the pretext of including them as equals," Mills, by extension, gives language to the paradox of egalitarian ideals and various oppressions' coexistence broadly (82). He then makes a clear path for an intersectional component to the domination contract in the following quote:

Class society, patriarchy, and white supremacy come into being not 'naturally' but as the result of collective human causality—in which, however, some humans have a far greater causal role than others, and institutions thereby established. The social contract in its guise as the domination contract captures these crucial 'descriptive' realities while simultaneously, by emphasizing their 'artificial' genesis, bringing them across the conceptual border from the realm of the natural into the realm of the political.

(87)

Not only does Mills capture how these oppressive systems are socially created and facilitated phenomena, but he also articulates how they are hidden in a framework that claims to offer equality and justice. As he states, "this egalitarianism has been denied to women and non-whites both in theory and in practice" (88). The problem with Mills's framework is that he also argues for a normative *racia-sexual* contract, where "pre-existing patriarchal structures are modified by the emergent new structure of racial domination" (172). In this framework, "Whites as a group dominate non-whites as a group, while within these racial groups men generally dominate women" (173). Using a tilted diamond model, white men are at the top, as full contractors and persons, white women sit slightly above non-white

men as sub-contractors and sub-persons, and non-white women are considered non-contractors and non-persons.

This works well only in reference to what Crenshaw was observing in her early law articles, especially in the *DeGraffenreid v. General Motors* case from 1976, a case that discusses whether a Black woman can be discriminated against for being Black and a woman. In other words, rather than appealing only to race or only to gender, the court needed to determine if Black womanhood should be considered a unique identity—one that is intersectional. The court determined that a plaintiff could not combine statutory remedies; that is, one must seek a remedy that ignored intersectional identity. This kind of *locality* that can be neatly mapped at an intersection is what intersectionality, as a tradition, has moved beyond. Although his framework has clear conceptual difficulties when it comes to multiple dimensions of being (like being a poor or queer white man and still full persons in the domination contract, or the environment and context being crucial to the power dynamic of a non-white man or white woman as sub-persons and sub-contractors capable of being dominated and dominating), it has benefits. Mills outlines four targets of this framework: first, it addresses “color blindness and gender blindness as simple blindness” (2007, 175). Second, it conceptualizes a *certain kind* of white man as full person and contractor to conceptualize the social (domination) contract as one that centers a certain agent, makes them the human, and all others are evaluated in this metric regarding proximity to this central agent (178). The third and fourth points conceptualize white women and non-white men as sub-contractors and sub-persons, underscoring racism in feminist movements and sexism in marginalized communities.

All four of these objective points, to different degrees, represent intersectionality’s aims. Mills would conceptualize both kinds of blindness as products of an epistemology of ignorance (1997, 18), and color blindness in particular as a kind of “white ignorance,” which includes “false belief[s] and absence of true belief” (2007, 16). Nina Lykke describes critiquing gender blindness, for example, as an objective not just to women’s studies broadly, but to intersectionality (2010, 16). An objective of intersectionality is to decenter white men (whiteness and maleness) as the exemplar of experience (see Hardy2022). Intersectionality, as Crenshaw noted, took on the burden to address the failures of feminist and Black movements in giving Black women proper uptake. Mills’s work concurs and takes the lack of agency and autonomy in the domination contract as something that needs to be articulated in his framework. However, as Mills’s critics note, there are some failures in this framework. In the next section, I focus on a few rebuttals most in line with intersectional concerns.

### Mills and His Critics on Contract Theory, Liberalism, and Intersectionality

Mills, in the “Intersecting Contracts” chapter of *Contract & Domination*, acknowledges and continues Black feminists’ discussions of phrases like “racial patriarchy, racist patriarchy, white supremacist patriarchy, and so forth” (2007, 169). His general position is that

the interlocking nature of the systems means that one cannot speak of the ‘contracts’ in isolation, since they rewrite each other. Or perhaps better (since patriarchy pre-dates white supremacy, and the sexual contract—assuming a premodern incarnation—precedes the racial contract), the racial contract is written on patriarchal terms, and the sexual contract is rewritten on racial terms.

(172)

There are two important conditions of Mills's thought exemplified here. First, Mills takes these contracts to shape one another, but if the racial contract is written on patriarchal terms, then the racial contract is quintessentially and foundationally patriarchal, whereas the sexual contract *becomes* racial. Second, he suggests that these contracts are dynamic and change significantly when they are rewritten. He describes a *racia-sexual contract* which, following the preceding conditions, asserts that although patriarchy predates white supremacy, "racial subordination [...] generally trumps gender" (172). He argues against the symmetry of racial/gender oppressions and instead asserts a series of asymmetries. Mills gives the example of non-white men's lack of normatively dominating white women as a rationale behind defining "the white supremacist patriarchal polity," or a framework for us to see the interconnections between the sexual and racial contracts without doing a 1:1 calculus (173).

Mills's "critics" are wide-ranging, especially on his approach to intersectionality. Keisha Lindsey, in her text "The Racial Contract: A Feminist Analysis," praises Mills's analysis of how race intertwines with other forms of oppression (2015, 531). However, her observation is that Mills's most complete thought about intersectionality is limited to a footnote in *The Racial Contract*, where he writes that "we all have multiple identities, and, to this extent, most of us are both privileged and disadvantaged by different systems of domination" (1997, 138). Although one might defend Mills for noting throughout his seminal work that Black women are often affected the most by the *racial contract*, it would be fair to say that Mills does not do much intersectional work until his text with Pateman, that is, *Contract & Domination*, which necessitates the answers he gives in the later work.

Mills's non-ideal theory is utilized in intersectional feminist theory regarding Asian women in the work of Youjin Kong, with the addendum that a "strong" non-ideal theory is needed to achieve the aims of intersectional feminist theory (2022, 872). The usefulness of Mills's work for intersectional aims is clear in these two authors; however, Mills's work evoked stronger criticisms from Shannon Sullivan and Kathryn Belle (formerly known as Kathryn T. Gines).

Kathryn Belle, in my reading, has two general concerns: 1) the reiterated note that race generally trumps gender that Mills states multiple times in the "Intersecting Contracts" (2007, 184–87), and 2) that Mills does not give deep enough of an account of non-white men's privileges, powers, and patriarchal domination of non-white women (Gines 2017, 27). The first concern I take to be Mills's way of rectifying his first claim that gender precedes race chronologically. Mills is in conversation with Carole Pateman's historical account of marriage and the restriction of women in *The Sexual Contract*, which precedes his book *The Racial Contract*. It was necessary for him to address how race *transforms*, or as he puts it, *rewrites* gender relations; however, the problem that Belle is addressing is the term *trumps*. This is the problem that Crenshaw's early work on intersectionality addressed: that race and gender needed to be thought about in tandem because of gaps that exist when they are thought of separately. Mills, however, does not capture the more recent thoughts about intersectionality, that race and gender create new phenomena and unique experiences that would make it impossible to judge the oppressions separately. Race cannot trump gender or vice versa because for Black women, for example, these two phenomena are bound up in each other.

Belle's second concern is a broader concern for all of us who are Black men working on feminist issues. A detailed account of our own positionality is often looked for because

it requires us to address, to the fullest extent, our own privilege in what we write. Belle finds his analysis of non-white men insufficient, and it was doomed to be so, because of the broad stroke it is written in. Black men, Asian men, Latinx men, Indigenous men, etc., all fall within that umbrella of non-white men, and it is easier to isolate them as general sub-contractors and sub-persons: holding privilege and domination simultaneously. I find this largely insufficient, especially if we are thinking beyond the original intervention of intersectionality. Although Belle's concern is that "non-white men can be patriarchal, too" (2017, 17), my question is more "how can big umbrella terms like *non-white men*, and a neat paradigm like the *racia-sexual* contract, capture the intersectional complexities of multidimensional lives"? (26). Belle's concerns are warranted, but neither she nor I take them as dismissive of what this framework offers: a description of the asymmetries between race and gender (22), nuance to the "white problem" (24), and an account about how non-white men and white women have often used race or gender to strive toward personhood at the expense of others (25).

Mills describes Belle's two major critiques of *Contract & Domination*: "(1) that my 'racia-sexual contract' 'does not register [...] other multiplicities,' and (2) that in claiming that 'race generally trumps gender' I end up stop[ping] short of describing non-white men as dominating non-white women, and thereby 'understating the interplay of oppression and privilege for non-white men'" (2017b, 37). To this, Mills agrees but is worried by the growing number of agent-types that come about when we expand past race and gender:

A hypothetical racia-sexual-straight contract would require the demarcation of eight positions: straight white men, gay white men, straight white women, white lesbians, straight non-white men, gay non-white men, straight non-white women, non-white lesbians. Imagine trying to represent diagrammatically the inter-relations of all those positions in two-dimensional space. Add a fourth variable and you get sixteen positions, and so on. [...] Critics might conclude (like [Shannon] Sullivan), that this problem demonstrates the intrinsic limitations of a "domination contract" model for representing intersectionalist oppression, and we need to develop some other approach.

(38–39)

His worry, however, is at the heart of intersectional objectives and it is a complication that intersectionality embraces. I take Mills's "infinite intersections problem" to be the result of wanting a practical, accessible, and applicable theoretical model. Difficult pluralities, however, are the inevitable outcomes of the *domination contract* if we accept that 1) multiple oppressions are written into the domination contract and race/gender are not exhaustive in capturing said contract, and 2) agents have multiple aspects of their identities that correspond with various forms of oppression. I think Mills should be read as attempting to be pragmatic in his sketch of the *racia-sexual* contract, knowing (and hoping) that his work would be continued and expounded with this same contractualistic-intersectional framework.

Her second concern focuses on the privilege and patriarchal power of non-white men. Her concluding thought in her critique was, "I am struck by the fact that Mills can cite all of these women of color, their critiques of white women, their critiques of non-white men, and their articulations of intersectional oppressions and identities, and yet he can still insist that race generally trumps gender" (2017, 27). As stated before, Belle's concern is a general concern for intersectionality, regarding the treatment of race and gender as phenomena that additively adjoin instead of merge. I do not take Belle's critique to insinuate the antithesis

that gender trumps race; instead, I take her critique as a rejection of models that treat the two as distinct, mutually exclusive, and isolated phenomena. Mills took Belle to be misreading him, but I would argue that both Mills's "Intersecting Contracts" and its critiques yield an important conclusion: intersectionality is, by definition and objective, nuanced, multidimensional, and untidy. I do not mean *untidy* as non-systematic or anti-theoretical; I am claiming that in a framework like Mills's, intersectionality does not illustrate neatly into the diamond shape he formulates in the "Intersecting Contracts" chapter. I take Mills to be aware, even before his critique by Belle, that this proposition of connecting the racial and the sexual contracts is just a starting point. As he suggests in the "Domination Contract" chapter of *Contract & Domination*, the social contract is inherently flawed in multiple ways, and intersectionality is a response to these conditions of domination.

I turn now to Shannon Sullivan's critique of Mills regarding the class and economic dimensions of intersectionality. Sullivan argues that there is a shift in Mills's thought in the 1990s, where Mills takes on the issue of race more than his original passion for Marxist critiques of class. There are a few important notes to take from Sullivan's analysis. First, Sullivan points out Mills' rejection of the Oppression Symmetry Thesis (OST) and asserts what she labels as an Oppression Asymmetry Thesis (OAT) in the text "From Class to Race" (2017, 6–7). The OAT, as she notes, is more in line with an intersectional approach. She claims,

Intersectionality is far richer than this streamline definition [OST] can capture, but the point is that intersectionality's claim about co-constitution is not a claim that different forms of oppression are morally or casually equal. From the perspective of intersectionality, the main problem with symmetry claims of OST is that to make those claims, OST implicitly considers race, gender, class, sexuality, and other axes of existence to be fundamentally distinct and separable from each other—and is precisely the position that intersectionality challenges. The same problem plagues OAT, which from the viewpoint of intersectionality turns out to be the flip side of the same coin as OST. Whether symmetrical or asymmetrical, the comparisons made by OST and OAT implicitly work with an additive model of oppression that intersectionality refuses.

(7)

Here, again, we find Mills doing a quasi-intersectional project. As Sullivan highlights, Mills is correct to reject this symmetrical model that treats all injustices as morally and causally the same. However, his attempt to create a neat model of asymmetry falls into the inverse issue that intersectional concerns cannot be boxed into "additive" models. Perhaps it is a misreading of early Crenshaw that leads to this reoccurring theme of treating oppressions as additive, or at least interlocking, while maintaining distinct features? However, what Mills is successful at, in my view, is understanding how contracts (using his language via the social contract tradition) *correspond* with one another. They are dynamic phenomena, and Mills understands that race informs gender, and vice versa (even though he takes gender to *precede* race more than it is *rewriting* race). How well Mills's work achieves intersectional goals depends on what texts we are referring to and what kind of reading we take to intersectionality's earlier texts.

Sullivan argues that Mills's work was not always this stringently additive in his earlier analysis of class, Marx, and the Caribbean. She notes, via Mills's 1987 text "Race and Class" (reprinted in 2010), "The relationship instead is one of fusion: ideational patterns

of class position and race/color become fused together, rendering them inseparable” (2017, 9). What happened that made Mills’s work change? Sullivan’s hypothesis is that a shift in his work occurred after *The Racial Contract*, where his last explicitly Marxist text is “European Specters” in 1999 (reprinted in 2003) and everything afterward focuses largely on Mills’s criticism, defense, and radicalization of liberalism (10). Sullivan offers ending comments to Mills, and the last I take to be the most critical for this project:

I am skeptical that the insights of intersectionality can be “translated” into contract theory (as Mills says in *Contract & Domination*) without dismantling contract theory’s additive analyses. While I applaud Mills’ reference to intersectionality in his work with Carole Pateman, I think that translation is the wrong relationship to establish between intersectionality and contract theory. Something important about intersectionality is lost when it is translated into the pop-bed logic of contract theory even if that process helps expand asymmetrically the number of contractual status positions from two (white and black) to four (white men, white women, black men, and black women).

(13–14)

Sullivan’s conclusion implores Mills to *remake* contract theory instead of *translating* intersectionality into contract theory (14). This challenge is critical in understanding why frameworks like contract theory and liberalism may fall short in achieving intersectional aims. From Sullivan’s perspective, Mills reads as doing “additive” analyses of oppression because the grounding framework, *contractualism*, is additive. There are a few rationales behind Mills’s move to preserve contract theory and liberalism. It may have been an issue of social and political philosophy at the time (requiring the use of these traditions in order to be understood as “doing philosophy” on race). In that case, Mills is analyzing through his philosophical training and writes both *The Racial Contract* (1997) and *Contract & Domination* (2007) before Patricia Hill Collins expands intersectionality (2019).

Sullivan, following Vivian May’s *Pursuing Intersectionality, Unsettling Dominant Imaginaries*, argues that “intersectionality does not concern only black women, nor is it restricted to race and gender. Instead, it grapples with the various and entangled relationships of power, privilege, and oppression that help constitute all of us, whatever our gender or race” (2017, 1). This is where class becomes relevant as a potentially understated aspect of intersectionality.

Mike Cole, in his analysis of Mills’s work, takes Mills to lack significant depth regarding capitalism and socialism in his assessment of race. He asserts that “given the massive advantages to capitalism of racialized capitalism, capitalism without racism (or sexism) [...] is almost inconceivable” (2009, 257). Although I disagree with Cole’s dismissal of Critical Race Theory and his faith that “an anti-racist/anti-imperialist Marxism” (263) captures all issues regarding antiblack racism, for example, I take Cole’s assertion that the later Mills shies away from a Marxist format for a liberalistic (neo-Rawlsian) approach. However, Mills claims to have left open the possibility that a critique of racial capitalism vis-à-vis Marxism could be fruitful. Mills writes, “I do think that a *modified* historical materialism might be able to carry out an adequate conceptualization of the significance of race” (2003, xvi–xvii). In *Racism: A Critical Analysis*, Cole suggests that Mills’ reliance on the term “white supremacy” tends to “the homogenization of all white people,” and that it fails to acknowledge that many whites are economically harmed by capitalism (2016, 16). Mills does, however, identify the concern that exploitation under racial capitalism can also harm



some whites. The distinction that Mills thinks is salient is that even poor whites have racialized benefits within a white supremacist polity even if they do not share in economic benefits of that polity's economic machine.

In response to Sullivan and the general critique of Mills lacking a proper class account, Mills reiterates the importance of chronology in his work. He argues,

Once the historicity of these variables is conceded, the possibility is at least opened up (if not proven) that some may have been central to the causal creation of, and this explanation for, some of the others. [...] Gender would seem to go back to the origin of the species, but class and class societies arise only in the last few thousand years, while the dominant postwar position on race (though it has recently been subjected to increasing challenges) is that race and racism are very new, products of modernity.

(2017b, 43)

He gives a similar analysis of homosexuality. For him, "race generally trumped class as well as gender [and sexuality]" (42). The key difference of opinion between Mills and Sullivan is asymmetry vs. symmetry-lessness, or in other words, Sullivan's position would be that various oppressions do not just rewrite each other, but there are critical transformations that occur to the positionality of the agent because of various parts of their identity. As Audre Lorde would put it, "there is no hierarchy of oppressions" (1983).

Even in asserting that certain oppressions may have deeper, historical contexts than others, or more social relevance, it would be wrong to diminish how various oppressions create unique life-worlds for those that exist between them. As stated before, Mills helps us engage how various contracts correspond to one another, rewrite one another, and format our social and political landscapes, but his work is insufficient in describing how certain intersections, like Blackness, poverty, and womanhood in an antiblack, capitalistic, and patriarchal society, require nuance that an analysis via contracts cannot provide. It can be simultaneously true that *contracualism* helps us understand the historical and contemporary formations of our society, but falls insufficient in capturing the phenomenological experiences of the agent inside the world the contract(s) attempt(s) to organize.

### Can Contract Theory and Liberalism Do Anything Meaningful for Intersectionality?

At this stage, Mills's commitment to revitalized versions of contract theory and liberalism, and rectifying various forms of domination, is evident. It is also clear, by his wide-ranging critics, that there are limitations of contract theory and liberalism when aiming to incorporate gender, class, and other axes of oppression. What does Mills take to be the benefit of these traditions to combat interlocking oppressions like misogynoir, Black queerphobia, racial poverty, and other complex phenomena? He claims that the issue that *Contract & Domination* highlights is that,

Constituencies that we hoped to bring into dialogue showed that they were not interested in talking to each other. Mainstream contractarians aren't interested in race and gender; race and gender theorists are generally dismissive of contract theory[...] Male theorists who work on race don't follow feminist theory; white feminists don't (beyond the

gestural) pay much attention to race; and people interested in intersectionality [...] are severely underrepresented in philosophy and generally not interested in contract theory. (2017b, 36)

His hope is that this work brings together these different schools of thought. Mills tests these traditions to see if they are compatible or not. Let us start with revisiting Mills' rationale behind the *racial contract*.

Mills states that "the account I favor conceives the Racial Contract as creating not merely racial exploitation *but race itself* as a group identity. In contemporary vocabulary, the Racial Contract 'constructs' race" (1997, 63). He emphasizes that race is invented and facilitated through explicit contracts like the law and implicit contracts like social taboos and cultural norms. This is not only a *histo-empirical social constructivist* approach to the metaphysics of race/gender, but it also conceptualizes how oppressions are facilitated explicitly and implicitly. The target of Mills's response is Sally Haslanger, who, in her rebuttal to Mills and other critics of her metaphysics of race, lists Mills's criticism as "race/gender should be studied historically/empirically and *a priori* stipulations cannot do justice to the phenomena" (2013, 2). For Mills, contract theory is a critical model for how racism and other forms of oppression continue to rewrite themselves, rewrite and correspond with other *contracts*, and persist over time through a literal or implied agreement between persons. This approach captures partial agreements via sub-persons and sub-contractors, and also demonstrates who lacks agency altogether. The sub-contracting component, alongside the beneficiaries/signatories dichotomy, does a good job in capturing how people can benefit from or *partially* subscribe to oppressive structures (Mills 1997, 11). In other words, Whites as a group receive differential treatment vis-à-vis the *racial contract* even if only some are signatories to the contract. The same holds true, Mills claims, with regard to gender, class, or other kinds of social identity.

This is where I take Mills's contract theories to be beneficial for intersectional aims. Effective analysis often gets lost in trying to think about oppression in absolute terms; however, there are many nuances to oppressive systems and the agents that help facilitate them, consciously or unconsciously. This framework allows us to think in some *middle* terms. However, my criticism is that contract theory is limited because it thinks in *agreement* terms with agents that could not (historically) be signatories and are very complex beneficiaries. For example, Black men can benefit from a patriarchal system, but their position in that system is extremely complex because of the effects of antiblack racism historically and contemporarily. Kathryn Belle's criticism of Mills's lack of addressing Black men as participants in sexism is valid but requires deep analysis, as they, too, can lack the ability to be signatories, and their benefit can be counterproductive or negated by antiblack racism. I find problems in Carole Pateman's analysis of "patriarchy as fraternity" in *The Sexual Contract* (1988, 3) when applied to marginalized men. Although they participate in and benefit from patriarchal structures, to claim that they have fraternal bonds with white men (*persons* in the contract) is largely inconsistent. For example, the "I Am a Man" campaign in Memphis, Tennessee, demonstrated that when it came to pay and treatment, white men would not stand with Black men collectively for fair treatment. To argue that they share a fraternal protection of one another is largely false, with examples both historical and contemporary. That coalition often breaks because of how race *rewrites* gender privilege.

Now, let us turn to his dedication to liberalism. Liberalism, as a theory, offers commitments to consistency in the application of the law and procedural norms, transparency, and the assurance of equal justice. Among citizens, rights and responsibilities are distributed equally, and there is parity of participation. Now, liberalism in practice is not so clean. There have always been practices of exclusion, whether they be ones of race, gender, class, or ability. For Mills, this does not mean that liberalism must be abandoned altogether. Although he critiques racial liberalism, he argues for a “Black Radical Liberalism,” whereby “Black radical liberalism both (a) recognizes white supremacy as central to the making of the United States and (more sweepingly) the modern world, and (b) seeks to rethink categories, critical assumptions and descriptive and normative frameworks of liberalism in light of that recognition” (2017a, 203). Mills mentions that “orthodox Marxism, varieties of radical feminism and black nationalism, dominant strains of post-structuralist and post-colonial theory, exemplify the path of a principled rejection of liberalism” (xiv); however, he still believes that a revision of this framework is useful. One may ask, is Mills’s account of liberalism necessary to his approach to intersectionality? For him, yes. Just as his contract theory account is predicated upon us shifting from Kantian/Rawlsian ideal theory to non-ideal theory, his concept of freedom is also bound up in individual agency, autonomy, and rights (37). His entire political ideology is informed by non-ideal theory: a conception of society as ill-ordered, a domination based social ontology, a view of epistemology as a domain of domination, a radically liberal and revised Rawlsian version of corrective justice, and a Black Radical Kantian approach (BRK) (206). Together, contract theory and liberalism make the polity that shapes intersectional experiences.

The tangible world in which we find ourselves is one constituted by the influence of a liberalism that obscures its tendencies toward race-hierarchies while simultaneously presenting itself as race-neutral. For example, Mills says, “Consider social contract theory, classically seen (Hobbes aside) as the main vehicle by which European liberalism challenged absolutism. Contractarianism grounds the polity on the consent of free and equal human beings” (1998, 128). To remedy the misleading presentation of liberalism, Mills’s work addresses how classical liberalism does not capture those who are sub-persons or non-persons in the social contract as equal, and how the social contract assumes itself to be egalitarian and fails in that respect. His uptake of liberalism brought about various critiques, with one in particular worth noting by Lewis Gordon. Gordon argues the following:

An objection that Mills does not consider, for instance, stems from his own admission of the artificiality of the constructions presumed by many contractarians, namely, the absoluteness of the material and economic framework and context of their reflection. Capitalism and its correlative liberal rationalizations, for instance, historically understood, is able to claim its end of history narratives not from any internal or systematic triumph but from de facto history of its proponent countries’ conflicts with their alternatives.

(2009, 241)

In other words, the systems of the West, like capitalism, contractualism, and liberalism, are considered dominant paradigms, not because of what they accomplish but because of the failures of their alternatives. Thus, we need to examine Mills’s support of these traditional frameworks with colonization and other global factors that contribute to the failures of alternatives in mind. Yet, for Mills, that is a key ingredient if we examine oppressions

*through* history. His reply to Sullivan states that “imperial expansionist capitalism, and the differential power of the privileged class, brings this new ‘world-historical’ identity into existence” (2017b, 43–44). Mills traces history differently than Gordon is suggesting. For Mills, history shows us how oppressions develop into one another over time, which is why chronology is so important. For Gordon, global history needs to be considered when employing these theoretical frameworks that have colonial remnants in them.

There is also a critique raised by Dilek Huseyinzadegan regarding Mills’s “Black Radical Kantianism,” which is connected to his account of “Black Radical Liberalism.” In support of Mills’s BRK, she states,

Kant’s ideal theory, via his non-ideal theory, is ultimately grounded and justified by a historical narrative of European civil and political progress, a cultural narrative of commerce and industry as chief achievements of humanity, and a racialized-gendered hierarchy of human beings. In other words, I believe that it is time that we Kant scholars and anyone working with Kantian ideas finally recognize, as Jennifer Mensch [2021] puts it, that we cannot “plausibly defend the hard boundaries between ideal and non-ideal positions in Kant, while ensuring that no cross-contamination from the so-called ‘tainted’ parts has taken place.”

(2022, 261)

Huseyinzadegan seems to find Mills’s approach a satisfactory alternative to other approaches to Kantian theories; however, I am unsure of how well Mills’s BRK escapes this same issue as it pertains to intersectionality. Could it be the case that, due to the limits of the Kantian liberalism that Huseyinzadegan outlines, any use of Kant would find issues with intersectionality? Mills focuses on non-ideal theory, but if non-ideal theory is also unsafe from “taint,” then it is possible that even Mills’s BRK is not radical enough to do what intersectionality proposes. However, I share Huseyinzadegan’s praise that Mills’s intervention is radical for Kantian studies, liberalism’s traditions, and contract theory’s traditions. He offers what may be the best way through contract theory and liberalism as it pertains to freedom from a variety of oppressions, so the critiques of Mills may be critiques for his utilized methodologies more than his philosophical thought.

He revises these two paradigms (contract theory and liberalism), but are those revisions sufficient for intersectional aims? Perhaps not in the applied sense of social justice. Although Mills’s framework is a good starting place for conceptualizing how oppressions *intersect* or *interlock*, it may be insufficient for social justice projects that pertain to multiple axes of oppression (that create states of being outside of the additive model). Due to its additive nature, Mills’s framework could improperly conceptualize situations like Audre Lorde’s, where, as a poor, queer, Black mother, her identity requires an approach that captures all of that into a singular complexity (1984, 112). An additive model may prove improper when put into action in grassroots work of social justice. As Collins notes, “Uncoupling intersectionality from its commitment to social justice might gander academic legitimation for intersectionality, but it also might undermine the integrity of intersectionality’s *critical* inquiry” (2019, 275), and Mills’s work becomes complicated when applied as an ethic for social justice. Mills’s framework would place Lorde as a non-person, which may capture her political position with regards to the domination contract, but it does not rectify that these marginalized agents are full persons *ascribed* non-personhood.

## Conclusion

Like much of philosophy, especially philosophy that challenges its own traditions, the questions that constantly arise are “what project is being taken on, and is it attempting to modify, reconcile, dismantle, or destroy that which precedes it?” Mills’s work is radical because of what it contributes to domains that have been employed in exclusionary ways (i.e., contract theory and liberalism). However, it is also not completely radical for the same reason: he utilizes rigid tools expecting a smooth product. I do not share Audre Lorde’s full position that “the master’s tools will never dismantle the master’s house” (1984), but I do claim that they will not dismantle unless employed to. There is much that can be achieved with the master’s tools, and anyone who takes that stance will likely find useful tools in Mills’s work for intersectional objectives. Some tools, however, cannot achieve outside their design, like a saw aiming to do the work of a hammer. I take Mills to be radicalizing inside of two major traditions in social and political philosophy. That does not mean his efforts achieved everything they needed outside of those traditions, but he moved classical traditions to confront multiple oppressions and injustices within themselves. That includes bringing intersectional thoughts into European theoretical models. It may not hit every note for the intersectional projects outside of the traditions, but it certainly shook the foundation of those traditions, and for that reason, I find his work critical, vital even, for philosophy.

I end by examining a quote by Mills in *Blackness Visible* (1998). He states, in reference to “racialized reason”:

Like gender, then, this reconceptualization provides a framework for illuminating and explaining the silences, evasions, misrepresentations, and double standards of (most of) the important figures of modern Western political theory. These phenomena can appropriately be seen not as marginal deviations uninterested to a later and (supposedly) more sophisticated audience but as a part of the general project of justifying the global white racial polity and the exploitation of the rest of the planet for the benefit of Europeans home and abroad. (128)

For some, how important Mills’s intervention is to philosophy is insufficient, due to the nature of intersectionality being focused on social activism beyond the armchair. However, I assert that his intervention is critical, even with the issues of contract theory and liberalism to this feminist theory. He is largely successful at giving language for Critical Race Theory (CRT) and addressing the range of influence regarding white supremacy, as Cole suggests (even though he finds CRT ineffective compared to Marxism). He diagrams issues that many would not, or could not, diagram. He is critically aware of how race, gender, class, etc. correspond to one another, even if we take his method to be insufficient, and he gives uptake to Black feminism regarding the injustices of the world in ways many social and political scholars do not. Although there is warranted caution in utilizing Mills’s “intersecting contracts” framework, it does great work in helping us understand how systems of oppression influence one another, historically and contemporarily.

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