

**What can social contracts do and what can radical democrats do without them?
Revisiting the Carole Pateman and Charles Mills debate**

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Abstract. This essay takes Carole Pateman and Charles Mills' disagreement over the emancipatory potential of the social contract as an occasion to consider what of the liberal-democratic tradition is worth preserving in times and places of identitarian neoliberalism. I argue that Mills and Pateman disagree due to their different understandings of (1) what kind of powers social—including racial and sexual—contracts institute, (2) what kind of divisions racial and sexual contracts generate, and (3) who “signs” such contracts and to what effect. Furthermore, I argue that Pateman's and Mills' different conceptions of contract bottom on divergent orientations to the radical democratic tradition within which both thinkers can be loosely situated. To use Chantal Mouffe's terms, Pateman proposes a “withdrawal from,” whereas Mills proposes an “engagement with” the contractual terrain. I conclude that the radical democratic position on the liberal-democratic social contract should include both Millsian and Patemanian orientations.

The structure of *Contract & Domination* [2008] is suggestive of the political theoretical distances between Carole Pateman and Charles Mills: a co-authored introduction leads into a debate on social contract theory; this debate is followed by seven single-authored chapters, each of which bears Mills' and Pateman's distinctive theoretical imprints. The debate explains why Pateman holds that contract as a model of voluntary agreement is not worth all the accompanying “baggage,” and why Mills holds that contract as a metaphor for socio-political convention is worth “salvaging.”¹ At issue is Mills' proposal that the Rawlsian contractual apparatus can be reformulated to address racial and sexual justice, and Pateman's counter-proposal that Rawlsian theory is a sanitized update on the social contract tradition of sexual and racial subordination. Here Mills takes a position unpopular

¹ Carole Pateman and Charles Mills, “Contract and Social Change,” in Carole Pateman and Charles Mills, *Contract & Domination* (Cambridge, U.K.: Polity, 2008), 14-15.

among critical theorists proud of their anti-liberal *bona fides*, while Pateman makes a progressive critique of Rawls without too much worry over “liberal” or “socialist” labels.²

What, exactly, are Pateman and Mills thinking? Pateman, to begin with, holds that the social contract exists in order to achieve hierarchical order under conditions of liberal modernity. If, to take the paradigm case of *The Sexual Contract* [1988], “contract” designates the act through which a woman “freely” subordinates her person to a man, the political tendency and conventionalized usage of contract result in unfreedom. Early-modern contract theorists established these parameters of self-incurred subjection, within which later liberals made claims about the citizen’s duties to the state. Yet the social contract story is vulnerable to a number of insoluble problems, not least of which is that everyday promising is dis-analogous to state obligation.³ We have no need of the (fictional) Original Contract, Pateman thinks, but we do need alternatives to marriage, employment, and other (actual) contractual mechanisms. The best chance for co-articulating free agreement and egalitarian relations will be outside the contractual form.⁴

Mills, for his part, holds that the social contract consists in relatively-distinct dominative and emancipatory tendencies. If “contract” simply marks a consensus underlying any conventional arrangement of power, then the term is flexible enough to cover the extreme cases of *The Racial Contract* [1997]: both the problem of whites norming humanity as white *and* the solution of humanity cultivating non-racist humanisms. European humanism has typically meant “only Europeans were [fully] human,” just as U.S. “justice” has long meant “just us” whites,⁵ but these constitutive norms of the racial contract can be exposed and eliminated in a Rawlsian reconstitution of the social contract.⁶ To argue that “contract” refers *only* to perverse norms, though, is to argue against the

² Pateman and Mills, “Contract and Social Change,” 32-33.

³ Carole Pateman, *The Problem of Political Obligation*, new ed. (Berkeley: University of California, 1985), chap. 5.

⁴ Carole Pateman, *The Sexual Contract* (Cambridge, U.K.: Polity, 1994), 233.

⁵ Charles Mills, *The Racial Contract* (Ithaca: Cornell University, 1997), 27, 110.

⁶ Carole Pateman and Charles Mills, “Contract and Social Change,” 21-22.

semantics more than the substance of liberal-democracy, whose normative content is representable in contractual terms. According to Mills, “the racial contract” refers to literal injustices that only partially constitute “the social contract.”

Mills’ question of what the social contract can do for social justice efforts is already framed by his commitment to reconstructing Rawlsian philosophy—a project which Pateman lacks the requisite Rawlsian sympathies to accept as her own.⁷ Compressed into Pateman and Mills’ disagreement over Rawls, I argue, are a longstanding set of disagreements over what the social contract *in general* does. This essay will explore Pateman’s and Mills’ understandings of contractually-signified consent, contractually-established hierarchy, and contractually-modelled societies at the site of their respectively best-known works, *The Sexual Contract* and *The Racial Contract*. It will not, as a corollary, deal specifically with Pateman’s newer concepts of settler and indifference contracts or Mills’ newer accounts of domination and intersectional contracts from their co-authored *Contract & Domination*. If I were to do so, I would argue that Pateman’s rethinks “contract” somewhat to engage race, while Mills largely extends “contract” to cover gender—but such comparisons are better left to more comprehensive accounts of Mills and Pateman’s careers.⁸

What first strikes this reader of *The Racial Contract* and *The Sexual Contract* is that their authors disagree about what kind of hierarchies social contracts create: the racial contract sets up the norm of white over nonwhite, while the sexual contract sets up the authority of male over female. The racial contract generates and norms white supremacist de-humanizations of nonwhites; for Mills, the paradox is how an “epistemology of ignorance” renders normative actions that would be considered abhorrent if perpetrated against whites. The sexual contract establishes the power of men to demand sexual and other services from women; for Pateman, the paradox is how acts of sexual subjection appear to be acts of individual freedom from “the standpoint of contract,” in Hegel’s phrase. Mills

⁷ An extended critique of John Rawls is Pateman, *The Problem of Political Obligation*, chap. 6.

⁸ Pateman and Mills, *Contract & Domination*, chap. 2-3, 5-6.

concern with normativity is firmly situated in 19th-20th c. traditions of moral philosophy; Pateman's concern with authority, by contrast, is closer to 17th-18th c. Original Contract narratives.

Secondly, Pateman and Mills disagree over what kind of divisions social contracts establish: the sexual contract re-creates patriarchy, but the racial contract creates race itself. In the vein of Anglo-American feminist theory, Pateman argues that the sexual contract, as the "other half" of the social contract, divides the public from the private for modern patriarchy.⁹ The private sphere of women's subordination is, yet is not (fully) part of the civil society that does, yet does not (fully) acknowledge women's "individuality." In the vein of Africana postcolonial theory, Mills argues that the racial contract, as an "underside" of the social contract, divides white from nonwhite for the modern world system. The normative constructions of white personhood and nonwhite sub-personhood are, in fact, structural locations in a globalized political economy. For Mills, the racial contract models the modern invention of race, whereas for Pateman, the sexual contract models the modern reinvention of patriarchy.

Thirdly, Pateman and Mills diverge most sharply over the question of how subalterns relate to contractual orders: the sexual contract ambivalently "includes" women in, while the racial contract straightforwardly "excludes" nonwhites from the social contract. Mills claims that white supremacy is normatively indifferent to whether or not nonwhites consent to their position, defined as that of non-contracting sub-persons. The racial contract, as it were, is written and signed from the position of contracting persons, who are designated "white" by its stipulations. Pateman, however, claims that modern patriarchy demands that women consent to their subordination in order to articulate contractual orders as universally free. Civil subordination, as a semiotic and patriarchal system, puts into doubt the existence of female consent, its necessary supplement. Where the racial

⁹ It should be noted that intersectionality has displaced patriarchy as the dominant feminist analytic. Vrushali Patil, "From Patriarchy to Intersectionality," *Signs* 38, no. 4 (2013): 847-867.

contract establishes white domination through non-white exclusion from humanity, the sexual contract establishes male domination through female inclusion into civil society.

I will, in sum, compare Pateman's and Mills' positions on (1) what kind of power relations social—including racial and sexual—contracts establish, (2) what kind of social divisions these contracts create, (3) who “signs” these contracts and to what effect. Having done that, I will resituate their debate over the redemption of contract theory not within the mainstream discourse of social contract theory, but within the alternative parameters of radical political theory. From the standpoint of democracy rather than the standpoint of contract, it will be apparent that Mills aligns with progressive liberalism, whereas Pateman aligns with participatory democracy: Mills' critique of non-white dehumanization as a constitutive limit to Enlightenment emancipation follows from his commitment to morally-inflected autonomy; Pateman's critique of the fiction of self-owning contractors as constitutive of female subordination follows from her commitment to economically-inflected self-governance. I read Mills and Pateman's positions, then, in light of a contradiction internal to radical democracy, which—on my preferred account—both seeks to fulfill and surpass of the emancipatory promise of liberalism.

It is perhaps an opportune time to revisit Pateman's and Mills' critiques of the social contract tradition, which anticipate and contribute to major turns in contemporary critical thought. For instance, “neoliberalism” is currently in wide circulation among critical theorists, who have generally tied the concept to totalizing market rationalities.¹⁰ What Pateman has to contribute here is not, say, a genealogy of neoliberal discourse, but rather a conceptualization of the contractual mechanisms and perspectives basic to neoliberal racial and sexual formations. To take another example, the term “settler colonialism” is widely circulated among postcolonial scholars, who have broadly connected

¹⁰ E.g. Wendy Brown, *Undoing the Demos* (New York: Zone, 2015); an overview of the term's usages is Terry Flew, “Six Theories of Neoliberalism,” *Thesis Eleven* 122, no. 1 (2014): 49-71.

it to racist land appropriations.¹¹ What Mills contributes here is an account of how contractually-articulated “New World” polities have sought to domesticate “wildernesses,” represented by indigenous people and enslaved Africans, both without and within. Both authors’ sustained engagements with social contract theory penetrate into contractual logics of liberalism and colonialism in ways unparalleled by more fashionable foucaultian or neo-marxist accounts.

Hence the critical contributions of Mills’ *The Racial Contract* and Pateman’s *The Sexual Contract* far exceed the terms of analytic philosophical disputes over “contractarianism,” “contractualism,” and the like.¹² Broadly-speaking, Pateman and Mills are interpreters of “contract,” “choice,” and “consent” as keywords in the modern political economy of normativity, authority, and—crucially for this essay—domination. Recent events like Brexit and rising movements like Trumpism, both Mills and Pateman might argue, reveal that the social contracts of the Anglo-American North Atlantic have always included constitutive racial and sexual sub-clauses. In settler colonial and post-imperial nation-states alike, the social contract of classical liberalism may be “hollowing out,” but neoliberal sexual and racial formations are quickly “filling in.” Here Pateman and Mills would rightly insist that certain racial and gendered dominations require contracts not only to appear just or to disappear into the background, but also to acquire efficacy or to appear phenomenologically at all.

I. Contractually Established Political Power

While I share Pateman’s concern that Rawlsians reduce political philosophy to moral philosophy,¹³ I think Mills’ non-Rawlsian claim is that pathological moralities reduce to political powers. What Friedrich Nietzsche’s *The Genealogy of Morals* does to Christian values, Mills’ *The Racial Contract* does

¹¹ E.g. Glen Coulthard, *Red Skins, White Masks* (Minneapolis: University of Minnesota, 2014); Robert Nichols, “Indigeneity and the Settler Contract today,” *Philosophy and Social Criticism* 39, no. 2 (2013): 165-186.

¹² Ann Cudd, “Contractarianism,” *The Stanford Encyclopedia of Philosophy*, last modified winter 2013, <http://plato.stanford.edu/entries/contractarianism/#5>

¹³ Carole Pateman and Charles Mills, “Contract and Social Change,” 20. E.g. Mills, *The Racial Contract*, 91.

to racist values—it exposes, historicizes, and denaturalizes them as effects of power.¹⁴ This is not to say that Mills accepts “post-modern” critiques of modernist foundations and meta-narratives, as Mills’ genealogy of white supremacy aspires to conventionally-understood moral validity and historical accuracy. Morally, Mills argues that contractual devices can help us clarify rationally-grounded moralities (what philosophers call “contractualism”); his is opposed to the position that contractual devices can only represent strategically-adopted “moralities” (what philosophers call “contractarianism”). Epistemically, Mills undertakes a racially-inflected *Ideologiekritik* that presupposes a reality and truth against which an ideology can be identified as illusory.¹⁵ It is a matter of fact for Mills that racist ideology denied the truth of equal personhood.

The Racial Contract theory is meant to meta-narrate how this perverse morality came to be institutionalized as a power structure. Its existential claim is that the racial contract creates white supremacy as a global “political system” or “a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and privileges.”¹⁶ This system is localized in “racial polities,” that is, settler and colonial states that structurally distinguish the political and civil condition of whites against the pre-civil or non-political “nature” of non-whites. The racial contract is “political” in the sense of systematic material and ideological power, with the term “contract” simply marking that racism and race itself are, in Jean Hampton’s phrase, “conventionally generated” rather than naturally given.¹⁷ The subtext of Mills’ contractual formulation, however, is that power and morality both saturate and structure one another.

¹⁴ Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, trans. Walter Kaufmann (New York: Vintage, 1989).

¹⁵ Mills, *The Racial Contract*, 129.

¹⁶ Mills, *The Racial Contract*, 3; cf. 131.

¹⁷ Hampton’s phrase cited in Mills, *The Racial Contract*, 136. Cf. Charles Mills, “Reply to Critics,” in Pateman and Mills, *Contract & Domination*, 232.

By this, I mean that all dimensions of racial politics (e.g. economic, aesthetic, epistemic) express the valorization of white humans over nonwhite sub-humans, and establish a set of norms for whites over and against a different set of norms for nonwhites. Formally defined, the racial contract is a meta-agreement between “one subset of humans,” designated by shifting markers as “white,” and coextensive with “the class of full persons, to categorize the remaining subset as ‘nonwhite’ and of a different and inferior moral status, subpersons.”¹⁸ White supremacy is “the truth” of European humanistic values—meaning the truth is the racial contract underwrites the social contract so that the scope of full personhood is co-extensive with the valuation of the white subset.¹⁹ I will return to the conventionality of white/non-white division in the next section; for now, the point is that Mills’ conceives of politics as the power to institute normativity (e.g. whiteness as the very standard of intellectual-moral and sociopolitical standing).

What Mills is out to dispel is the “anomaly” view of white racism, according to which raced practices of domination, exclusion, and indifference contradict race-less norms of freedom, equality, and respect. This mistaken view, Mills suggests, is symptomatic of a white supremacy that has only recently become embarrassed of itself. An “epistemology of ignorance” internal to the global polity allows whites to disavow its central feature, white supremacy, and even deny the existence of any racial system; relatedly, the moral psychology of that system motivates whites to treat nonwhites as inferiors in conformity with the two-tiered structure of “*Herrenvolk* ethics.”²⁰ At this juncture of power and knowledge, Mills concludes that whites agree not-to-understand the unjust world they have created—a world in which conquest, enslavement, and other wrongdoings appear to their doers in the guise of normative behavior.

¹⁸ Mills, *The Racial Contract*, 11.

¹⁹ Mills, *The Racial Contract*, 64.

²⁰ Mills, *The Racial Contract*, 19, 96-97. Italics original.

While I have explored the affinities of Mills' *The Racial Contract* with Nietzsche's *Genealogy of Morals*, Mills prefers to line his value-critique up with Pateman's *The Sexual Contract* and Jean-Jacques Rousseau's *Discourse on Inequality*.²¹ For Mills, Rousseau's "class contract" explains the genesis of "an unjust, *exploitative* society, ruled by an *oppressive* government and regulated by an *immoral* code."²² A comparison with Pateman on Rousseau is instructive, at least on intellectual historical terms: her concerns with authority are far closer than Mills' concerns with normativity to the Original Contract tradition. Pateman identifies Rousseau as a critic of political obligation to the nation-state²³ and, moreover, compares Rousseau's "fraudulent contract" with Rousseau's "slavery contract," neither of which generates any obligation for the subordinate to obey.²⁴ Rousseau for Pateman is the sole early-modern contract theorist who does not imagine the individual as a self-owner to exercise freedom in the contractual act. Then again, Pateman notes, Rousseau is just as enthusiastic an endorser of the sexual contract as his fellow contract theorists.

Pateman would only loosely accept Mills' claim that Rousseau's various contractual orders are "political" in the sense of "conventionally generated." Contractual relations are more strictly political in the way that the conjugal right of a husband over a wife is political right or in the way that the obedience of an employee to an employer is political obligation. For Pateman, political power is what produces, authorizes, and naturalizes sexual and other social relations. An inspiration for Mills' white supremacist polity, Pateman's fraternal patriarchal civil society is where men as citizen-brothers contract for physical, emotional, and other services from women.²⁵ Sexual contracts as constituents of the social contract, then, grant men regular, orderly access to embodied, "willing" wives and prostitutes. Whereas Mills' racial contract generates an order of normative status,

²¹ Jean-Jacques Rousseau, *The Social Contract and The Discourses*, trans. G.D.H. Cole (London: Everyman, 1993).

²² Mills, *The Racial Contract*, 5. Italics original. Cf. Charles Mills, "The Domination Contract," in Pateman and Mills, *Contract & Domination*, 81-82.

²³ Carole Pateman, *The Problem of Political Obligation*, 145-150.

²⁴ Carole Pateman, *The Sexual Contract*, 75-76.

²⁵ Pateman, *The Sexual Contract*, 199.

Pateman's sexual contract generates an order of authorized command. In other words, the racial contract is racial in virtue of *white* supremacy and political in virtue of white *supremacy*, while the sexual contract is sexual in virtue of *sex* right and political in virtue of *sex right*.

Original contract stories, Pateman thinks, have been particularly well received in the United Kingdom, the United States, and Australia—Anglophone contexts in which people speak as if civil society began in and bottoms on consensus.²⁶ Pateman's account of fraternal patriarchy is more localized than Mills' account of white supremacy,²⁷ just as it is more situated in the logical gaps in the Original Contract tradition itself. The sexual contract story, as a latent story, is indispensable to the intelligibility of what the social contract, as a manifest story, assumes about women (e.g. the original pact excludes women, yet the marriage contract includes them).²⁸ Furthermore, the sexual contract theory undermines the triumphal narrative of how social contract theorists took premises of natural equality to their radical conclusion of overthrowing patriarchy.

What "modern" patriarchalists overturned was the "classic" patriarchal grounding of political power in sex-right. The social contract denies that God authorizes the Father-King to rule over his subjects, but accepts that the sexual contract authorizes Brother-Citizens to rule over women. Sex-right is then deemed non-political because it is deemed private. For instance, Locke strictly delineated political power from paternal power, the latter of which presupposed conjugal societies based on marriage contracts.²⁹ Pateman laments that Lockean understandings to the effect that contract expresses freedom are so firmly embedded in social practices that even some socialists and feminists have come to accept them. For Mills, the dominant ratify an epistemological contract to not-know and even will to be ignorant of the wrongness of their actions. Yet for Pateman, the

²⁶ Pateman, *The Sexual Contract*, 4.

²⁷ Carole Pateman, "Race, Sex, and Indifference," in Pateman and Mills, *Contract and Domination*, 135.

²⁸ Pateman likens the sexual contract to the repressed "primal scene" of Freudian psychoanalysis. Pateman, *The Sexual Contract*, 103-109; cf. Mills, *The Racial Contract*, 108.

²⁹ Pateman, *The Sexual Contract*, 90-92.

subordinated can mistake their domination as freedom due to how their contractual practices spontaneously appear to themselves.

II. Contractually Established Social Division

The stakes of the sexual contract are freedom and domination, two terms hardly thematized in the 1990s “the category of woman” debates that cast Pateman as a “biological essentialist.”³⁰

Admittedly, Pateman *is* ambiguous on questions of whether sex admits of what philosophers would call an “essence.”³¹ This ambiguity is partly due to Pateman’s adherence to an Anglo-American tradition of feminist theory—think of Mary Astell, Mary Wollstonecraft, and Virginia Woolf—that treats synonymously three terms only recently separated: sex, gender, and sexuality.³² Her usages of “sex” and “sexuality,” alongside her association of “gender” with “gender neutrality,” made Pateman a convenient target for post-structuralist critiques. Pateman, on her part, holds that her point is more easily deconstructed than simply denied—namely, that only women have the requisite “capacity integral to (natural to) her sex” to contract into surrogate motherhood and similar arrangements.³³ The claim is that, both structurally and symbolically speaking, men pay for “natural” female services through surrogacy contracts and, for that matter, prostitution contracts.

The metaphysics of sexual difference is not a pressing question for Pateman. The real question is how the sexual contract itself articulates the binaries of nature versus contract, female versus male, private versus public. Contract theorists assume that sexual difference is political difference, especially in locating “natural” (read: patriarchal) masculinity over and against “natural” femininity in civil society. The existence of civil patriarchy is plausibly deniable, Pateman argues,

³⁰ Carole Pateman, “On Critics and Contract,” in Pateman and Mills, *Contract & Domination*, 228.

³¹ See Carole Pateman, “Race, Sex, and Indifference,” 140. On sexual metaphysics, see Linda Martín Alcoff, *Visible Identities* (New York: Oxford University, 2006), chap. 6.

³² Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America* (Bloomington: Indiana University, 2009), 266.

³³ Pateman, *The Sexual Contract*, 224-225.

because the public/private division privatizes and depoliticizes sexual power. From the standpoint of contract, it looks like *only* husbands hold sex-right *only* in households; when they inquire into “private” sex-right, contractarians suppose that the marriage contract—a mere trace of the sexual contract—suffices for a justification.³⁴ The public, by contrast, becomes the realm of “gender neutral” individuals, officials who wield government power over citizens and employers who exercise economic power over workers irrespective of sex.

For Pateman, the private sheds more light on the public than vice-versa. For instance, the marriage contract subjects two “individuals” to a given structure of authority rather than allows them to negotiate a unique arrangement. This move of subjection, obscured by optics of individual “choice,” is also at the core of the employment contract and the social contract, where the contractual act is also the freedom to subordinate oneself to a superior. A subordinate who voluntarily alienates their power in exchange for a superior’s protection or support only remains free upon the assumption of “property in the person” (C.B. McPherson), according to which the self as a “proprietor” disposes of their body, a physical “property” external to the self, howsoever they like.³⁵ However, Pateman reasons, abstract labor cannot show up to a worksite any more than disembodied sex can show up to a wedding. If no separations of services from persons are possible, the embodied self is directly and entirely subjected to an other’s power.

This is why Pateman is sympathetic to radical socialist and feminist critiques of wage and sexual “slavery,”³⁶ even as she asserts that the subject of the employment contract is male, while the subject of the marriage contract is female. The employment contract presupposes the marriage contract insofar as the worker’s demand for a “family wage” assumes that *he* supports a dependent

³⁴ Pateman, *The Sexual Contract*, 112-113. For the ways race complicates Pateman’s dichotomy, see Charles Mills, “Intersecting Contracts,” in Pateman and Mills, *Contract & Domination*, 181, 186.

³⁵ Pateman’s most explicit socialist influence is C.B. McPherson, especially his concept of “possessive individualism.” E.g. Pateman, *The Problem of Political Obligation*, 50-51; Pateman, *The Disorder of Women*, 9-10.

³⁶ Pateman, *The Sexual Contract*, 142-143, 149-151, 206-207.

wife.³⁷ Lest we mistake our age of two-income households as having rendered this analysis obsolete, let us remember that “workers” are still men under U.S. regimes of gender neutrality in the way that “citizens” are still white under U.S. regimes of colorblindness, as statistical disparities of many kinds indicate.³⁸ Granted, the sexual contract of post-industrial neoliberalism may depend as much upon women’s integration into public workforces as the sexual contract of (emergent) industrial liberalism depended upon women’s integration into private households.³⁹ What stands, however, is Pateman’s point that women are contractually incorporated *as* women in either case—including the cases of high-status women or same-sex marriage.

Women’s incorporation for Pateman puts civil society, once starkly opposed to the state of nature (civil/natural binary), into an attenuated opposition to the natural-contractual family (public/private binary). Women who contract must be “individual” enough to contract, yet not “individual” enough to be equals. There is no comparable incorporation of or ambiguity surrounding non-whites for Mills, who writes that the racial contract turns non-white “nature” into the polar opposite of white “civility,” after which the “nonwhite body is a moving bubble of wilderness in white political space,” as critiques of anti-black police brutality or anti-indigenous land struggles would accentuate.⁴⁰ There is, ironically, nothing pre-political or natural about this somatic and spatial “norming.” Whiteness, on Mills’ well-known formulation, is a power relation and power relations, on his social ontology, are by definition unnatural. Mills states that “race is *debiologized*” because the racial contract “*constructs its signatories as much as they construct it.*” If Mill admits of any

³⁷ Pateman, *The Sexual Contract*, 136-138.

³⁸ Joel Olson, *The Abolition of White Democracy* (Minneapolis: University of Minnesota, 2004), chap. 2.

³⁹ On the relation of feminist politics to neoliberal capitalism, see Nancy Fraser, *Fortunes of Feminism* (London: Verso, 2013), chap. 9.

⁴⁰ Mills, *The Racial Contract*, 53.

biological essentialism, it would be with respect to his claim that sex, as distinct from “gender” and as opposed to “race,” “[goes] back to the origin of the species.”⁴¹

Mills’ position that race is exhaustively constructed is not just an ontological proposition, but also steeped in critical traditions of refuting biological racism. Early constructionists like W.E.B. Du Bois and Franz Boas proposed that no theory of natural inferiority can explain the subordinate status of black folk in the United States. Post-war constructionists like Charles Mills and Frantz Fanon, shifting our attention from subordinates to dominants, proposed that no theory of cultural superiority can explain the superordinate status of white folk globally. For such de-colonial thinkers, a “world-system” in which Europe marginalizes and exploits non-Europeans explains far more about “the rise of Europe” than a “civilization” supposed to be endogenous to Europe.⁴² So Mills’ ontological claim that race is socially objective is also the political claim that European colonialism and imperialism formalized a variety of geographical, religious, and genealogical differences as white/non-white hierarchy.⁴³ Where Pateman’s masculine/feminine corresponds to the public/private divide of a civil society, Mills’ white/non-white divide corresponds to the West/the Rest divide of a world system.

While in part world-systems analysis, Mills’ political-economy is primarily articulated as a liberal project of redistribution or, more precisely, a social-democratic project to eliminate specifically-racial injustice rather than to achieve complete justice.⁴⁴ Mills argues that the *de facto* phase of white supremacy takes as a neutral “base-line” distributions generated in the *de jure* phase of white supremacy; this moral and cognitive distortion tends to reproduce socioeconomic inequalities

⁴¹ Mills, *The Racial Contract*, 78, 63.

⁴² Mills, *The Racial Contract*, 33-35; cf. Enrique Dussel, “World-System and ‘Trans’-Modernity,” *Nepantla* 3, no. 2 (2002): 221-244.

⁴³ Charles Mills, *Blackness Visible* (Ithaca: Cornell University, 1998), chap. 3.

⁴⁴ On the distributive paradigm of justice, Iris Young, *Justice and the Politics of Difference*, rev. ed. (Princeton: Princeton University, 2011), chap. 1.

in the absence of explicit racism.⁴⁵ If, to use another of Mills' line metaphors, "the bottom line" of the racial contract is socioeconomic dominance, appropriations, and exploitation, then all signatories have made a "material" investment in their whiteness.⁴⁶ In *The Sexual Contract*, Lockean property-in-the-person falsely promises to assimilate women into the status of self-owning "individuals" (males). In *The Racial Contract*, *Herrenvolk* Lockeanism presupposes that self-owning "individuals" (males) have the property of whiteness (Cheryl Harris).

The two-tiered structure of (sub)personhood made Africans and indigenous Americans into enslave-able "property" for Europeans who assumed the position of self-owners. This "slavery contract," alongside the "expropriation contract" to appropriate indigenous lands and the "colonial contract" to rule over Afro-Asian locales, constitutes the racial contract as a meta-contract and a global contract. As for the "bottom line" of the U.S. racial polity, Mills only alludes to the "'jim crow' contract," "the job discrimination contract," and "the restrictive covenant."⁴⁷ We have seen in this section that Mill extends the racial contract to cover everything from restrictive covenants (legal contracts) to epistemologies of ignorance (epistemic convention) to somatic perception (aesthetic norming). His overall usages of "contract" are more metaphorical than Pateman's usages of "contract" to cover marriage, employment, and surrogacy, even if Mills conjectures that the racial contract is more clearly locatable than the sexual contract in extant historical archives.⁴⁸ Mill's claim of actual, literal existence is best understood to orient the racial contract toward "base-line" material interests of power, prestige, and wealth.

III. Subaltern Agency in Relation to Contract

⁴⁵ Mills, *The Racial Contract*, 73, 77.

⁴⁶ Mills, *The Racial Contract*, 33.

⁴⁷ Mills, *The Racial Contract*, 24-25, 75. On the utility of Mills for theorizing U.S. racial conditions, see Desmond Jagmohan, "Race and the social contract," *Politics, Groups, and Identities* 3, no. 3 (2015): 488-503.

⁴⁸ Mills, *The Racial Contract*, 20.

In *nuce*, Mills uses “contract” to mark social practices based on social conventions. It is precisely because the racial contract takes on so many non-judicial forms that Mills need not argue that the subordinate party *must* sign, which—as we will see—is exactly what Pateman affirms about the sexual contract in all of its variations. In this context, Mills might reason that contractual devices are needed to square away (white) women’s subordination with formal-liberal egalitarianism, since civil societies treat (white) women as at least partial members. However, Mills might add, white agreements suffice to severely attenuate or outright deny the membership of blacks and indigenous peoples—his paradigm cases of non-whiteness—in *Herrenvolke* liberal-democracies.⁴⁹ The racial polity consists of groups whose different degrees of privilege corresponds to different degrees of consent to prevailing norms of domination: the racial contract is written and signed by primary beneficiaries (elite whites), tacitly ratified by fortuitous beneficiaries (non-elite whites, perhaps elite nonwhites), and forced upon non-beneficiaries (non-elite nonwhites).⁵⁰

Even violent white supremacy is irreducibly ideological in its epistemic inversion (“injustice is justice”), social reification (“whiteness is natural”), and institutional justification (“whiteness is normative”). Racist ideology, as Mills puts it, demands “labor at *both* ends,” that is, it calls for dominant and subordinate subjects alike to “accept [nonwhite] subpersonhood.”⁵¹ No easy “sell,” ideological conditioning for nonwhites takes the forms of slave-breakings, denials that “natives” have “cultures,” and impositions of cultural assimilation. Nonwhite signatories experience distortive effects upon their moral psychology, especially since nonwhite “buy in” is even less strategically and economically rational than nonelite white “buy in.” The key point is that, because only whites count and therefore get to count, white supremacy is *normative* regardless of nonwhite consent.

⁴⁹ However, the U.S. federal government used literal contracts to appropriate Amerindian land until the late 19th century. Fred Lee, “The Racial Constitution of the Public” (Ph.D. dissertation, UCLA, 2010), chap. 3.

⁵⁰ Mills, *The Racial Contract*, 11-12.

⁵¹ Mills, *The Racial Contract*, 87-88, 83.

Nevertheless, nonwhite consent can smooth the daily operations of racial rule and can sustain *de facto* white supremacy for decades after its *de jure* abolition.⁵²

What Mills understands as the violent and ideological modes of the racial polity resemble what Antonio Gramsci termed dominative (coercion-based) and hegemonic (consent-based) moments of the state (the social whole). Indeed, as many of its critics have pointed out, the notion of “hegemony” is hegemonic in some critical theory circles, so it is no surprise to find Mills engaged with Gramscian concepts of this kind.⁵³ After all, Mills, who formulated his critical race theory on an extended analogy to marxist theory, presents his racial contract as a racially-inflected variant of Frankfurt school *Ideologiekritik*.⁵⁴ Ideology for Gramscian theorists and the Frankfurt school alike is not just the by-product of capitalism as a mode of production, but rather constitutive of capitalism as an overall social formation. The parallel point for Mills is that the norming of full personhood as white is a “base” structure rather than a “superstructure” of the racial polity.

That said, Mills has little use for the western marxist idea that the common sense of western societies is so strong that even subaltern groups work against their own interests and consent to the existing order. The case is rather that most whites irrespective of class consent to the existing racial order, which they have interest-based difficulties recognizing as such. Focused on the epistemological blockage of dominant groups, Mills adheres more closely than western marxists to Marx and Engel’s original formulation of “ideology.” Mills’ 20th c. faith in nonwhites, who clearly see and reject the racial contract as “the real determinate of (most) white moral/political practice,” is reminiscent of Engels and Marx’s 19th c. faith in the proletarian stance toward capitalism.⁵⁵ Like most critical race theorists, Mills asserts that nonwhite ethical “consent” pales in comparison to

⁵² Mills, *The Racial Contract*, 89.

⁵³ E.g. Richard Day, *Gramsci is Dead* (London: Pluto, 2005), chap. 2.

⁵⁴ Mills, *The Racial Contract*, 129. For Mills’ linkage of marxist theory to critical race theory, see Charles Mills, *From Class to Race* (Lanham: Rowman & Littlefield, 2003), chap. 5-6.

⁵⁵ Mills, *The Racial Contract*, 109. An alternative contextualization of Mills’ epistemic point is Rebecca Mason, “Two Kings of Unknowing,” *Hypatia* 26, no. 3 (2011): 300-303.

nonwhite prudential “submission” to the racial contract.⁵⁶ His standpoint epistemology, moreover, claims that black folks’ inclusion in/exclusion from New World polities grants the Africana intellectual tradition “epistemic privilege” on the truth and reality of racial politics.⁵⁷

Likewise, Pateman is interested in women’s liminal position vis-à-vis civil society, but for semiotic more than epistemological reasons. Her account of consent accordingly addresses what the figure of women “signify” for the social contract story more directly than the question of whether of actual women “believe” in the social contract. Why is it, Pateman asks, that social contract theorists who started from premises of natural freedom and equality ended with affirmations of contractually-based rule of men over women? Women who want to contract into civil society must partake somewhat of (masculine) reason, but women’s natural passions—unless restrained by men’s rationality—will continue to threaten the civil state from within.⁵⁸ Therefore a woman’s “choice” to marry is immediately and simultaneously her “natural” subjection to a husband. The natural as distinguished from the contractual status of marriage is undecidable to the extent that the reasonable as opposed to the passionate status of women’s faculties is uncertain.

Women for the original contract tradition are the problem of natural-civil disorder for which the marriage contract is the solution of natural-civil order. In another respect, though, the tradition emphasizes women’s capacities to consent so that women can serve as the solution to the problem of universalizing freedom. Howsoever partial their rationality, women *must* “contract in” to fraternal patriarchy if civil society is to be convincingly portrayed as an order of civil freedom.⁵⁹ In *The Problem of Political Obligation*, Pateman criticizes “consent” as the device for engendering citizens’ obligations to the liberal state. In *The Sexual Contract*, she extends this argument into institutions of marriage and

⁵⁶ Ian Haney López, *White By Law*, rev. ed. (New York: New York University, 2006), 108.

⁵⁷ Mills, *The Racial Contract*, 131-132.

⁵⁸ Pateman, *The Sexual Contract*, 39-40; cf. Carole Pateman, *The Disorder of Women* (Palo Alto: Stanford University, 1989), chap. 4.

⁵⁹ Pateman, *The Sexual Contract*, 227, 180-181. Mills misreads the sexual contract as straightforwardly “exclusionary.” E.g. Charles Mills, “Intersecting Contracts,” 174.

employment, both of which are constitutive of civil subordination. A self-consistent contractarianism (“libertarianism,” as Anglo-Americans call it) must conclude that an “extended [lifelong] employment contract” can generate a “civil” master/slave relationship—a telling admission, Pateman thinks, of what contractual freedom is.⁶⁰ As a critic of libertarian ideology, Mills might note that *actual* racial slaves, even those who “bought into” the institution of slavery, were racially disqualified from counting as contractors. Remember that Mills’ “slavery contract” is a normative system of black enslavement founded on the inter-subjective agreement of white masters (not all of whom owned slaves), whereas Pateman’s “slavery contract” is the hypothetical incorporation of legally-equal individuals as master and slave into a civil order.

For her part, Pateman puts little stock in the term “ideology,” with its connotations of ideation, perhaps due to her structural interpretation of the term “contract.” It is Pateman’s notion of the original contract more than Pateman’s notion of actual contracts that fits Mill’s description of an ideology. Male contract theorists for Pateman do not notice how their arguments against natural subjection contradict their arguments for women’s subjection, just as white contract theorists for Mills do not see how their arguments against natural inequality contradict their arguments for nonwhite sub-humanity. Conversely, Pateman observes that feminist theorists have traditionally exposed contradictions in male contract theorists’ notions of individuality, much like Mill observes that black folk have long exposed contradictions in white contract theorists’ notions of personhood.⁶¹ To be clear, Pateman argues that the original contract story is constitutive of modern patriarchy, but the system of modern patriarchy does not “originate” in an original contract.⁶² To think it does is to fall for all sorts of conjuring and misdirecting tricks that only appear convincing from the standpoint of contract.

⁶⁰ Pateman, *The Sexual Contract*, 60-70. On Pateman, feminism, and slavery, see Jane Gordon, “On the Indispensability of Consent to Politics,” *differences* 24, no. 1 (2013): 30-54.

⁶¹ Pateman, *The Sexual Contract*, 90; cf. Mills, *The Racial Contract*, 131-132.

⁶² Pateman, *The Sexual Contract*, 220, 18; cf. Mills, *The Racial Contract*, 20.

Contract for Mills operates through ideological hegemony—what Gramsci called “common sense”—but contract for Pateman operates through institutional hegemony—the kind Gramsci found in workplaces, parties, and other sites of subaltern “consent” to conditions of rule.⁶³ Actual sexual contracts are not ideological in the sense of an idealist ontology and, as a consequence, an idealist ethics. Ideological moments in sexual contracts, if these exist, are presupposed in popular practices more than promoted by traditional intellectuals.⁶⁴ Pateman is quite close at this point to marxist theorists who conceive of choice, ideology, and subjectivity in terms radically externalized.⁶⁵ Elsewhere, though, Pateman criticizes marxism for missing the material specificity of women’s persons, labors, and services at the core of surrogate motherhood, prostitution, and marriage contracts. Labor power is always sexually differentiated and never abstract.⁶⁶ The sexual contract in its political economic aspect discloses that contractual subordination conditions the possibility of what Marx termed labor “exploitation,” sexual or otherwise.

IV. Contract as Radical Democratic Critique

I have thus far established that Mills’ racial contract is an agreement among dominants (who count and do the counting) to normatively establish white personhood over nonwhite sub-personhood, while Pateman’s sexual contract is an institution including both dominants and subordinates that authorizes male access to female services (whether in “public” or “private” life). The aforementioned disagreements over contractual power, division, and incorporation explain why *Contract & Domination* took the form of Pateman’s and Mills’ parallel attempts to bring sexual and racial contracts together, despite substantial agreements over the inability of “the Rawlsian approach,

⁶³ See Antonio Gramsci, *Selections from the Prison Notebooks*, trans. Quintin Hoare and Geoffrey Nowell Smith (New York: International, 1971), 59-60, 303-304. See also Charles Mills, *Radical Theory, Caribbean Reality* (Kingston: University of West Indies, 2010), chap. 3.

⁶⁴ Pateman, *The Problem of Political Obligation*, 32-33.

⁶⁵ E.g. Slavoj Žižek, *The Sublime Object of Ideology*, rev. ed. (London: Verso, 2008).

⁶⁶ Pateman, *The Sexual Contract*, 134, 149.

as it stands” to address “racial and sexual power.”⁶⁷ Pateman could bring race and empire into her conceptual apparatus, while Mills could bring gender and intersectionality into his conceptual apparatus, more easily than either could reconcile their distinctive theory of contract with the other’s. It is doubtful, then, that I could achieve the harmonious synthesis that Pateman and Mills would not. My interpretive strategy of clarifying each author’s ideas against the backdrop of the other’s, in this respect, is in the spirit of the Pateman-Mills debate.

While I have paid attention to how Pateman and Mills use the term, I argue that Mills’ and Pateman’s disagreements do not bottom on what “contract” signifies. My claim is rather that both authors use “contract” to mark and make political commitments that, following Chantal Mouffe and Ernesto Laclau, I will call “radical democratic.” I realize this category is not conventionally applied to Mills’ or Pateman’s work, but I believe that both the general classification and the specific remainders it generates will clarify the stakes of their debate.⁶⁸ In *Hegemony and Socialist Strategy* [1985], Laclau and Mouffe argue that radical democratic struggles inaugurated a modern style of challenging subordinations of all kinds.⁶⁹ As radical democrats, Pateman and Mills account for sexual and racial dominations as contingent products of human activity as opposed to necessary consequences of natural forces;⁷⁰ neither Mills nor Pateman thinks most successors to John Rawls raise, much less address this problem of how to denaturalize hierarchies between “naturally” delineated groups in various locales and on various scales. Mills and Pateman are also exemplary radical democrats insofar as they valorize subaltern perspectives that dominant epistemic practices position as “below” and as “other” than political philosophy.

⁶⁷ Pateman and Mills, “Contract and Social Change,” 4.

⁶⁸ Vick, for instance, distinguishes participatory democrats like Pateman from radical democrats like Jacques Rancière. Jason Vick, “Participatory Versus Radical Democracy in the 21st Century,” *New Political Science* 37, no. 2 (2015): 204-223.

⁶⁹ Laclau and Mouffe, *Hegemony and Socialist Strategy*, rev. ed. (London: Verso, 2001), 155. They claim the French Revolution started this process, but the Haitian Revolution is equally, if not more relevant here.

⁷⁰ On the modernity of this tendency, see Vanita Seth, *Europe’s Indians* (Durham: Duke University, 2010), chap. 4.

That said, Pateman leans towards the democratic side and Mills leans toward the liberal side of radical democracy, which Mouffe—in works written without Laclau—explicitly associates with liberal democracy.⁷¹ For Mouffe, the tension of liberal freedom and democratic equality is constitutive of modern democratic regimes, the institutionalization of radical democratic struggles; radical democratic struggles, in turn, will never be finally resolved, but can be continually negotiated within liberal democratic institutions.⁷² From Pateman’s participatory perspective, Mouffe’s radical democracy is too “liberal” in the sense of liberal constitutionalism. For Pateman, democracy needs to be reinstated for the sake of participatory freedoms and group-differentiated equalities or, as Laclau and Mouffe put it, for the sake of deepening and extending “the democratic revolution.” For example, Pateman holds that liberal individuals choosing governors (alienation of political power) is incompatible with democratic associates governing themselves (political participation proper). While not all patriarchy is liberal, and not all liberalism is patriarchal, liberalism is an impediment to individual participation in collective self-governance—Pateman’s concerns since her earliest work on democratic workplaces and other sites of everyday democracy.⁷³

Mills, like Pateman, would hesitate to take on some of Mouffe’s radical democratic project, but for what Mouffe would call liberal rather than democratic reasons. Mills more than Mouffe conceives of modern democracy as “political liberalism,” most notably in construing white supremacy as a problem of unjust political power and social distributions.⁷⁴ From Mills’ liberal perspective, Mouffe’s radical democracy is excessively “democratic” in the sense of permanent contestation, whereas Pateman’s participatory democracy is too “democratic” in the sense of ongoing self-governance. For Mills, practical struggles are undertaken against particular injustices,

⁷¹ Laclau, on his part, prefers to align radical democracy with populist democracy. E.g. Ernesto Laclau, *On Populist Reason* (London: Verso, 2005).

⁷² Chantal Mouffe, *The Democratic Paradox* (London: Verso, 2000), chap. 2; Chantal Mouffe, *The Return of the Political* (London: Verso, 2005), chap. 9.

⁷³ Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University, 1970), chap. 4-5.

⁷⁴ John Rawls, *Political Liberalism*, exp. ed. (New York: Columbia University, 2005).

the rectification or intractability of which removes the reason-for-participating. Mills' skepticism toward class struggle, for instance, arises from the assessment that non-liberal socialisms from the Caribbean to Eastern Europe have proven unviable; therefore our choice of regime is effectively limited to white supremacist liberalism or liberalism without white supremacy.⁷⁵ The clear winner in this contest, a post-racist liberalism, will strike out the *Herrenvolk* subclause of the social contract and mandate non-racial lines of socioeconomic distributions.

Pateman and Mills' disagreement over the emancipatory potential of liberalism bottoms more on their distinctive commitments to democracy than their distinctive conceptions of contract. Contrasting liberalism with democracy, Pateman aims for economically-inflected self-governance; conceiving democracy as liberalism, Mills aims for normative contractualist order. In essence, Mills extends the norm of equal personhood into racial and gender relations against which liberalism originally defined it. In the vein of radical—say, feminist and black—liberalism,⁷⁶ Mill holds liberal-democracy accountable to its professed—non-gendered and non-racialized—standards. Pateman might counter that a contractualist revision of contractarianism would leave intact dominants' control over subordinates' services, labor, and persons because the entire point of contract is to authorize this kind of subordination under modern liberal conditions. For Mills, liberalism hides white-supremacist ideals (the racial contract) under the veneer of non-white supremacist ideals (the social contract). Yet for Pateman, liberalism hides gender subordination (the sexual contract) in plain sight, where it appears in the guise of voluntary practices (actual sexual contracts).⁷⁷ Where Mills is attuned to the untapped potential of normative liberalism, Pateman is attuned to the actualized hierarchies of economic liberalism.

⁷⁵ I.e. Mills thinks class-based injustice is intractable. Mills, *Radical Theory, Caribbean Reality*, 243-244, 162-163.

⁷⁶ Jane Mansbridge, "Carole Pateman: Radical Liberal?" in Daniel O'Neill et al, eds. *Illusion of Consent* (University Park: Pennsylvania State University, 2008), 17-29; Michael Dawson, *Black Visions* (Chicago: University of Chicago, 2001), chap. 6.

⁷⁷ Cf. Brown, *Undoing the Demos*, 99-107.

Pateman and Mills can be read as offering complementary orientations to contractual formations to the Mouffian project of radical democracy, which already takes the tack of pushing liberalism to its emancipatory limit without conceding that democracy is an adjunct or reducible to liberalism. To use Mouffe's terms, radical democrats can pursue, either simultaneously or sequentially, Mills' strategy of "engagement with" and Pateman's strategy "withdrawal from" the contractual terrain, be it the ideational terrain of the social contract or the institutional terrain of legal contracts.⁷⁸ Radical democrats can articulate voluntary agreement as something other than "contract" whenever possible (e.g. practicing intimacies outside of married relationships), yet re-articulate "contract" in the most egalitarian ways possible when necessary (e.g. demanding that the United States respect federal-Indian treaties). Put otherwise, radical democrats must push the Millsian strategy of engagement with liberalism contractualism past its breaking point, where it will transform into the Patemanian strategy of withdrawal from the contractual terrain. This position accepts both the Millsian need to work *within* a hegemonic liberalism and the Patemanian need to *go beyond* liberal hegemony altogether. I would in concluding briefly explore this dual-orientation at the sites of settler-colonial and neoliberal politics.

Mills wagers that democrats of all stripes—participatory, radical, and even deliberative⁷⁹—can sign up for liberal projects of moral recognition and economic redistribution. The Millsian strategy is to both conceive and achieve racial justice on the least controversial grounds possible on the assumption that non-racist liberalisms, *ceteris paribus*, are better than racist liberalisms. His argument in favor of African American reparations, for example, is a race-conscious application of the Rawlsian veil of ignorance,⁸⁰ and Mills could make a parallel case in favor of Amerindian land rights within the paradigm of Rawlsian distributive justice. Charitably read, Mills tempers racialized

⁷⁸ Chantal Mouffe, *Agonistics* (London: Verso, 2013), 70-74.

⁷⁹ I say this despite Mouffe's long-running polemic against deliberative democracy. Mouffe, *The Return of the Political*, chap. 6-7.

⁸⁰ Charles Mills, "Repairing the Racial Contract," in Pateman and Mills, *Contract & Domination*, 124.

critiques of economic exploitation and land expropriation in order to capture the attention of analytic political philosophers. This moderation, Mills implies, is the price of translating indigenous, Africana, and Third World demands into concerns intelligible to North Atlantic contractualist theorists.⁸¹ Ironically, the virtue of the racial contract theory *as* Rawlsian political philosophy is also its vice. Designed to address questions of wealth distribution and moral worth, Rawlsian theory contains few resources for the critique of political-economy or territorialized sovereignties. As Pateman might observe, Mills forecloses questions about the legitimacy of the settler-colonial state, neo-colonial capitalism, and other unmentionables for liberals.⁸²

To be fair, Pateman might continue, democratic struggles sympathetic to liberal individualism *have* undermined certain ascriptive dominations such as female and black disenfranchisement. The rub, as Pateman foresees amidst the 1980s Reaganite and Thatcherite rebranding of “democracy” as “individual initiative,”⁸³ is that neoliberalism is more likely to consummate than challenge dominations premised on choices, consent, and the like. The racial contract now operates more and more like the sexual contract in neoliberal societies: “consensual” incorporation is replacing violent exclusion in, for examples, nonwhite middle-class complicity with U.S. mass incarceration and the creation of high-skill and high-tech, multinational and multicultural workforces.⁸⁴ The Patemanian worry is that the Millsian project of racial and gender justice will culminate not in liberalisms shorn of difference-based dominance, but in consummations of specifically-liberal formations of racial, sexual, gender, and class domination. This is why, in the end, I accept Pateman’s proposal that, in the long run, we on the left must create non-contractual models, experiences, and stories of voluntary agreement. Conceptual turns away from hypothetical acts of

⁸¹ Mills, *The Racial Contract*, 4.

⁸² Carole Pateman, “The Settler Contract,” in Pateman and Mills, *Contract and Domination*, 73-78.

⁸³ Pateman, *The Sexual Contract*, ix-x.

⁸⁴ On complicity with mass incarceration, see Michelle Alexander, *The New Jim Crow*, rev. ed. (New York: New, 2012), chap. 6.

contract that obligate subjects to powers-that-be may anticipate practical turns toward everyday acts of promising that institute participatory structures for peers and equals.⁸⁵

⁸⁵ Cf. Hannah Arendt, *On Revolution* (New York: Penguin, 1965), 169-173.