

CHARLES W. MILLS' "RACIAL CONTRACT" THEORY AND RESISTANCE TO
SYSTEMIC RACISM

by

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(Under the Direction of Christine J. Cuomo)

ABSTRACT

This dissertation shows that Charles W. Mills' theory of the "Racial Contract" provides a conceptual foundation for resisting systemic racism. Several objections to the usefulness of Mills' theory are considered and ultimately rejected. My arguments demonstrate how Mills' theory elucidates connections between actions at the local/personal level and policies on the socio-structural level, as well as between cognitive and emotional norms and systemic social and institutional practices. Mills' account of racism illustrates how resistance can be effectively directed against oppression within these connections. My project contributes to political philosophy and the philosophy of race and racism by showing how Mills' notion of dissent can ground strategies aimed at structural change.

INDEX WORDS: social contract theory; political; epistemic; oppression; injustice; power;
 ideology; agency; emotions; segregation; intersectionality; colorism;
 education; solidarity

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INTRODUCTION

“Freedom is a constant struggle.”
-Saying from the 1965 Civil Rights Movement

“So why must we always concentrate on color?” asks Paul Weiss, a white philosopher. He poses this rhetorical question to the black author and social critic James Baldwin on a 1968 episode of *The Dick Cavett Show*. In the context of the discussion, it is clear that Weiss is denying the relevance of race to an analysis of the social issues of the time. Following in Weiss’ vein, in the 2010s white folks often similarly assert that people of color who mention or discuss race and racism are “playing the race card”¹ – that is, disingenuously affirming the existence of racism, not in order to make factual claims, but to leverage their (ostensibly) misperceived victimhood for personal gain. Indeed, 21st century America has been characterized within prevailing assessments as the era of “colorblindness”, a time in US history where race no longer matters and “racism is dead” (Feagin, 2010, p. 91). White folks thus often claim that, not whites, nor society and its institutions, but “blacks are racist”,² and other nonwhites are racist, because people of color insist, disingenuously and cynically (so the story goes), on concentrating on race and racism.

In hindsight Weiss’ rhetorical question appears woefully misguided. 1968 was the year that the Fair Housing Act was passed in response to the historical and continuing white-driven discrimination against people of color in housing. Even so, the Act failed to substantially remedy

¹ As an example, see Hems, D. (2017, March 31). Re: MSNBC Panel Explodes Into “Racism” Shouting Match [article comments]. Retrieved from <http://conservativetribune.com/msnbc-panel-falls-pieces-live/>

² As an example, see Remmert, J. A. (2017, April 2). Re: MSNBC Panel Explodes Into “Racism” Shouting Match [article comments]. Retrieved from <http://conservativetribune.com/msnbc-panel-falls-pieces-live/>

housing discrimination in practice (Massey, 2015). 1968 was also the year Martin Luther King, Jr. was assassinated. Race riots have also occurred and continue to occur in the US in response to systemic racism and violence against people of color. There were over 75 riots in 1967 alone.³ In 1969 President Johnson issued formal suggestions for how to rectify the historical and continuing discrimination in employment and in contracts in the construction trades.⁴ In 1971 busing was ruled as a legitimate means of addressing continuing segregation and anti-nonwhite racism within schools.⁵ These are just a few examples of how race and racism profoundly shaped the time-period in which Weiss insisted that race and racism no longer mattered. When similar claims are made today that race no longer matters, such claims are afforded legitimacy (as they were in Weiss' time period) due to mainstream colorblind ideology. Indeed, at each point in US history, mainstream – that is, publicly-circulated and authority-backed – discourse affirms that racism does not, or no longer, exist, and (at least since the abolition of slavery) that race no longer matters. According to such rhetoric, racism never occurs in the present in the United States; it is always only something that occurred in some distant and disconnected past.

Given that race *has* mattered a great deal within the United States (US) and that racial oppression has structured US society throughout its history, the fact that at each point in time prevailing discourse denies the salience of race and the reality of racism elucidates the role that such rhetoric plays. Claims, made for example during the era of Jim Crow, that race does not matter and that racism does not exist, are not claims aiming at fact and truth, but assertions made to deny certain realities. Given the existence of *de facto* systemic racism today (which I discuss

³ Schmidt, C. (2017, June 20). To commemorate the 1967 race riots, Timeline is embarking on a two-month-long series in real time. *NiemanLab*. Retrieved from <http://www.niemanlab.org/2017/06/to-commemorate-the-1967-race-riots-across-the-u-s-timeline-is-embarking-on-a-two-month-long-series-in-real-time/>

⁴ International Civil Rights Center and Museum. (n.d.). America's Civil Rights Timeline. *International Civil Rights Center and Museum*. <https://www.sitnmovement.org/history/america-civil-rights-timeline.asp>

⁵ *Ibid*.

in Chapter One), the continued persistence within mainstream discourse to ignore, deny, and/or downplay racism reveals itself to be the continuation of a pattern. Indeed, if any phenomenon stands out as a mainstay of US society it is not only systemic racism itself, but mainstream society's, and especially whites people's, use of a repertoire of emotional, cognitive, and rhetorical tropes to deny basic racial realities and downplay their moral reprehensibility.

Alain Locke (1992) for example conveys that, in 1915 (!), the prevailing tendency among whites of the time was to do away with, not racist social and institutional practices, but the thinking and talking about race and racial issues due (it was claimed) to these issues' mootness (pp. 84-85). Even prior to this, in the 1870s (!), Susan B. Anthony proclaimed, "the humblest citizen, black or white, has equal chances with the son of the richest in the land," dismissing outright the legitimacy of focusing on problems of race and racism (Harper, 1898, p. 998; see also Anderson, 2016, pp. 22, 24). While Anthony's claim seems absurd given how significantly race and racism shaped her social environment, her line of reasoning follows from the conclusion one is prompted to draw from Weiss' question, and indeed from publicly-acceptable rhetoric in the US generally – namely, that (in whatever time period one is talking about) race does not matter, and racism does not exist.⁶

What ends and interests do such acts of denial serve? Why is such an immense effort made, in all eras of US history, to prevent open and honest acknowledgment and discussion of how society is structured and what sorts of policies and practices society engages in with respect to race? A central topic of this thesis is that such reality-evasive rhetorical maneuvers perpetuate the ideal abstract view of US society predominant within mainstream ideology. The upshot of this evasion is its usefulness in sustaining the very system whose existence is being denied, given

⁶ Except perhaps, according to prevailing discourse, for "reverse discrimination" (which does not generally, nor on a systemic level, exist) against whites (Bonilla-Silva, 2010, pp. 61, 83-87, 211; Pincus, 2003)

that failure to acknowledge a problem enables and validates a lack of effort in remedying it. This lack of effort in turn generally benefits whites, who, in general, are the most prominent deniers of the existence of racial oppression.

Certainly, the forms systemic racism takes have changed over time, and at times there has been progress, at other times regression (Klinkner, and Smith, 1999/2002). On top of this, the public's awareness of or adherence to racism appears to ebb and flow quite drastically – for instance, with respect to outspoken racism during Jim Crow on one hand, to claims today among many that they “no longer see race” on the other hand; or with respect to the election in 2008 of the first black president on one hand, and the election eight years later of a publicly white-supremacist-supported president on the other hand; or with respect to the public's increased awareness of systemically racist policing and judicial practices due to the dissemination of video recordings, reports, and documentaries (Southern Poverty Law Center, 2017; Tribune wire reports, 2016). Yet despite these and other, often superficial, changes, the fact of systemic racism, and the standard toolkit of emotional, cognitive, and rhetorical acrobatics whites use to downplay or evade acknowledging this fact, preserving the status quo to their benefit, are a consistent theme throughout US history (Alderman, Butler, and Hanna, 2016; Anderson, 2016; Applebaum, 2010; Baldwin, 1965; Bimper, 2015; Bonilla-Silva, 2010; DiAngelo, 2010, 2011, 2012; Du Bois, 1903/1994, 1935/2013; Feagin, 2010; Frankenberg, 1993, pp. 71-101; Freidus and Noguera, 2015; Frye, 1983; Goldstone, 2011, e.g. pp. 173-176; Heer, 2016; Hughey, 2013; Hytten and Warren, 2003; Joseph, Viesca, and Bianco, 2016; Knowles, Lowery, Chow, and Unzueta, 2014; Kristof, 2016; Mills, 1997, 2007; Modica, 2015; Morris, 2007; Nelson, Adams, and Salter, 2012; Rich, 2016; Tatum, 1992; and Yu, 2006).

This dissertation elucidates some of the ways in which epistemic evasion – the downplaying and ignoring of, and unwillingness to acknowledge, systemic racism – is an important factor sustaining racism. In developing this thesis I analyze and defend Charles W. Mills’ (1997) theory of the “Racial Contract”. Mills argues that, generally-speaking, whites consent to a system of social and institutional practices that work to their benefit by disadvantaging nonwhites. Crucially, Mills argues that central to whites’ agreeing to this system is their concomitant denial, ignoring, and downplaying of the reality of this system and its effects on people of color. By elucidating the connections that Mills’ theory draws between racism-evasive emotions, cognitive habits, and rhetorical tropes; whites’ actions and policies; and predominant social and institutional practices, my analysis will clarify how whites can engage in resistance. Most significantly, my thesis shows how prevailing cognitive, emotional, and rhetorical habits, as expressed within and validated by dominant modes of portraying the social environment, can be disrupted in ways that help facilitate changes in social and institutional policies and practices.

To advance my analysis I argue that Mills’ notion of *consent* to the Racial Contract⁷ is fruitful for developing an understanding of resistance to systemic racism. Mills argues that the US is founded on a Racial Contract in which those designated “white”, either deliberately or effectively, through their actions and policies, consent to support institutions that work to their benefit by disadvantaging those deemed “nonwhite”. Mills juxtaposes the Racial Contract with the idea of a social contract in which raceless (as well as classless; genderless; ageless; etc.) individuals agree to support institutions that structure society in ways that ensure equality of opportunity and a just distribution of society’s burdens and benefits. As I argue, Mills

⁷ Following Mills’ convention, quotes are used to refer to the theory of the “Racial Contract”; a lack of quotes designates the Racial Contract itself

appropriates the contractarian theoretical framework to make explicit how abstract ideal conceptions of society obscure the ways in which society is actually structured. Mills illustrates how this obscurantism works in favor of maintaining existing power structures, whose ignoring within ideal political theory, and within mainstream society at large, is precisely what allows oppressive status quo systems of power to perpetuate.

Mills' analysis is a contribution to the "long, honorable tradition of oppositional black theory" (Mills, 1997, p. 131). Since slavery, and also since indigenous people's genocide and displacement (among various other racially repressive social, political, and economic practices), people of color have spoken and written plainly about racist US foreign and domestic policies, and of mainstream society's ignoring, downplaying, and denying of these policies' effects on people's lives (see for example Ani, 1994; Baldwin, 1965; Douglass, 1857; Du Bois, 1903/1994, 1935/2013; Fanon, 1952/2008; LaDuke, 2002; Locke, 1992; Smith, 2005; Turner, 2004; Wub-E-Ke-Niew, 1995; and Zinn, 1980/2005). Mills' contribution to this vast body of work is his use of the prominent mainstream political framework of social contract theory. Indeed, it is a framework whose depiction of US society as based on consent, cooperation, and individual liberty and opportunity has popular resonance (Mills, 1997, p. 122). As I will show, by taking up this framework Mills exposes the explanatory weakness of common portrayals of US society as a meritocratic land of opportunity where things like race do not matter (Bonilla-Silva, 2003; DiAngelo, 2010; Tatum, 1992; Wallace and Allen, 2016; and Yu, 2006).

However, Mills was not the first theorist to appropriate contract theory as a method of critiquing its mystified and mystifying vision of society. Carole Pateman (1988) shows how, despite political theorists' discussions surrounding the theoretical legitimacy and/or actuality of various systems of political power (aristocracy; democracy; plutocracy; and so forth) and

economic power (meritocracy; capitalism; socialism; and so on), there is very little discussion within mainstream political theory of the fact of men's social, political, and economic domination and women's subordination. Throughout social contract theory's history (that is, since the 17th-century), this ignoring of gendered systems of power that disenfranchise women and advantage men has occurred despite the material realities and social and institutional backing of men's domination. This system of power – often called “patriarchy,” and also referred to by Pateman as “fraternity” – has been comprised of women's inability to vote; own property; own a credit card; serve on juries; and so forth, as well as various forms of women's social subordination, including stigmatization, repression, and control of their sexuality and reproductive capacities; tacit or effective condoning of their domestic abuse by men; and impediments to various educational opportunities, careers, and public offices. Pateman thereby exposes as false the common, mainstream portrayals of US society as the bastion of freedom and individual liberty founded on a fair and neutral social contract. She exposes mainstream political theory's ignoring of patriarchal systems of power as in actuality a means of validating and perpetuating the taken-for-granted assumption that men – designated as “the individual” – are, descriptively and normatively, society's primary units, creators, and beneficiaries.

As Mills himself notes, he takes the theory of the “Racial Contract” to be inspired by Pateman's critical dismembering of the moral and explanatory legitimacy of the social contract framework (Mills, 1997, p. 6). However, while Pateman focuses on gendered systems of power, Mills' concern is with systems of racial power. By taking up the contractarian framework, Mills presents his theory as a kind of “nonideal contract” in which the “inner logic” of racial domination is exposed (p. 6). There are thus two crucial aspects to Mills' theory. The first is that the “Racial Contract” envisions (actual) systemic racism as a continually reinscribed, and

variously manifested, agreement (overt or tacit; deliberate or effective) among whites to maintain social and institutional policies and practices that benefit themselves (politically; socially; psychologically; economically) by disadvantaging people of color. The “Racial Contract” thereby firmly and explicitly centers the creation and perpetuation of racism, not on some vague and agent-less “system,” but on actual concrete actions and policies taken and supported by actual people, who in turn support and validate one another (tacitly or overtly; and in implicitly, explicitly, or effectively racial terms) in these actions and policies.

Second, Mills’ appropriation of the contractarian theoretical framework makes explicit how mainstream political theory’s idealizations and abstractions exemplify, and are in significant part a product of, predominating worldviews within wider society. Within US society, idealized, power-evasive depictions of US social and institutional policies and practices are both normal and normative. By developing a contract theory grounded, not in ideal abstractions, but in the facts of the historical record, Mills exposes how mainstream political theory, and prevailing ideology, work in the service of maintaining whites’ racial power. These forms of power structure US society in ways that generally work to the advantage of whites and the disadvantage – at times overtly brutal and violent, at other times insidious but no less psychologically and materially traumatic – of nonwhites.

My ultimate aim in analyzing and defending Mills’ theory is to show how his notion of consent to the Racial Contract provides a useful basis for understanding how whites can resist systemic racism. By conceptualizing the perpetuation and undermining of racism in terms of consent and dissent, respectively, Mills underscores how concrete actions, and people’s ability to be conscientious in their acting, are fundamental to dismantling systems of oppression. My hope is that, by the end of the dissertation, I will have shown how helpful Mills’ theory is to an

understanding of resistance, and how whites not only can engage in meaningful resistance, but that they too have a stake in re-shaping society in ways that are racially equitable and unoppressive.

To develop my arguments, in Chapter One I evaluate and defend Mills' theory by addressing criticisms from various philosophers. Does Mills' use of the contractarian framework add anything useful to his account of systemic racism? Is Mills correct in thinking that the failure of mainstream political theory to address issues of racism is something that perpetuates racism? Is Mills right to argue that mainstream political theories, such as John Rawls' *A Theory of Justice*, are inadequate to addressing racism? In Chapter One I address these questions and argue that Mills is not only correct in his assessment of how mainstream political theory sustains systemic racism, but also in his claim that the theory of the "Racial Contract" is a radical oppositional conceptual framework. I argue in turn that this framework is capable of grounding an understanding of resistance to racism (i.e. dissent from the Racial Contract).

Before defending these claims, in Chapter Two I address the position of the socially-located, embodied, anti-racist white theorist. I consider how one who occupies particular positions and histories within the social environment, and whose perceptions and understandings are both informed and limited by being this particular sort of embodied being, can make useful normative claims about how she and others can act in resistance to injustice. How does one theorize in company with others, in ways that avoid arrogantly and paternalistically legislating to them about what they ought to be doing? Even more importantly with respect to my project, how does a white theorist in particular – that is, a member of the group advantaged by systemic racism – do well in accurately and helpfully assessing what the problems of racism are and how they might be rectified? I thus consider how whites endeavoring to dissent from the Racial

Contract can simultaneously, and as a component of their resistance, tackle their own epistemic evasion and (mis)understandings with respect to racism and resistance. Whites tend to develop ways of perceiving the social environment that obscure how racial power operates and how people of color experience and navigate a racist society. It is therefore crucial that anti-racist whites endeavor to remedy these misperceptions as part of their resistance and in an effort to facilitate robust and authentic cross-racial coalitions.

After addressing these issues I turn in Chapter Three to a defense of Mills' theory. In particular, I defend his view against the assertion that the "Racial Contract" commits the same errors which Mills argues are committed by social contract theory. I show how a defense of Mills' theory against this criticism elucidates just how useful the notion of consent to the Racial Contract is for understanding resistance. Mills suggests that if the Racial Contract is perpetuated by acts of consent to its terms, then tearing up the Contract requires acts of dissent. But just what are these "acts of dissent"? In particular, and as one critical philosopher inquires, if the central problem with social contract theory is (as Mills argues) its caricature of people as atomized abstract individuals consenting to an ideal social structure, then does not Mills commit these same errors in claiming that whites need merely dissent from the Racial Contract in order to abolish racism? I argue he does not. Indeed, the primary reason why Mills' theory is so successful is its preoccupation with historical facts and lived realities. Mills is concerned with elucidating the material structures and effects of racism. As I argue, his conception of dissent from the Racial Contract is therefore firmly grounded in a concrete understanding of how actual people within particular social and institutional contexts can act in ways that directly counter practices and policies that sustain racism. By deferring to Marilyn Frye's and Alison Bailey's respective conceptions of using power as a resource; Alison Jaggar's notion of outlaw emotions;

and Diana Meyers' theory of dissident speech, I show how Mills' understanding of dissent is a fruitful basis for understanding anti-racist resistance.

However, prior to developing an understanding of dissent in the ways that (I argue) Mills intends, I must first consider how to avoid proposing a facile and abstract, and therefore unhelpful, conception of what precisely dissent entails. Because Mills is concerned to counter practices that sustain systemic racism within concrete contexts, just what these contexts are, and how they are complicated by the various positions that particular people occupy within systems of power, must be addressed. Therefore, in Chapter Four I focus on how intersecting oppressions, as well as various forms of racial segregation, structure and sustain systems of racial power. Because racial oppression is manifested in combination with various other forms of oppression (sexism; heterosexism; socioeconomic oppression; and so on), it is not enough to consider how racism itself ought to be challenged; one must instead consider how racism, as manifested in combination with other forms of oppression, can be resisted. At the same time, addressing racism is in significant part a matter of addressing *de facto* racial segregation within all major facets of society. As I discuss, segregation is fundamental to sustaining racism; thus, to challenge the latter, one must work to rectify the former.

At this point in the dissertation I will be prepared to explore ways in which whites can dissent from the Racial Contract. To do so I focus in Chapter Five on the institution of education. This will allow me to illustrate how actual people within particular social and institutional locations can disrupt normal and normative everyday practices of re-signing the Contract. What my analysis demonstrates is how concrete actions can be the bases of social and institutional change, in which wider systems of racial oppression can be dismantled and replaced with non-oppressive institutions and social practices. I am not offering a vision that is grandiose or

utopian; rather, my analysis is based in the logical truism that the degree to which oppressive practices are countered and disrupted is the degree to which society is moved in a more progressive direction. Resistance may not always, or ever, bring about the dramatic changes we view as right and just; yet without resistance there is no progress, and very likely regression. As Frederick Douglass noted, power does not concede anything without a fight, and one of power's strategies to maintain itself is its propagandizing against resisters:

“If there is no struggle there is no progress. Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground; they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.” (Douglass, 1857, n.p.)

Following Douglass, while the focus of my thesis is on systemic racism and how whites can resist racial oppression, more generally this dissertation is about power. As I argue below, power structures – i.e. the social and institutional arrangements of society – are fundamental to the structure of the social landscape. Power is also relational: one has or does not have a certain amount of power because of the positions one occupies within the many relationships – categorized broadly: personal; social; and institutional – of which society is composed. Because epistemic evasion – with respect to both race and systems of power more generally – is so pervasive, resistance is not a struggle merely because of the lesser amount of social and institutional power one can wield relative to more powerful others. This would make the struggle tough enough; on top of this there is also the struggle to resist oppressive social and institutional practices in the face of what is very often mainstream society's unwillingness to even acknowledge the reality of systems of inequitably- and unjustly-distributed power. One's effort to resist oppression is thus fought uphill, not just politically with respect to the material arrangements that produce oppression and injustice, but epistemically with respect to the way in

which the existence of oppression and injustice is ignored, rationalized, downplayed, and denied throughout society.

As Douglass argues, one's effort is therefore also a moral one. Failure to acknowledge oppression and injustice entails a failure to correctly recognize the moral rights and wrongs of various social and institutional arrangements, policies, and practices. Resisting oppression requires resisting the tendency within mainstream society – validated, crucially, by power-evasive ideas and assumptions within dominant rhetoric – to ignore, rationalize, downplay, and deny the fact that any type of injustice or oppression is occurring.

Because oppression and resistance occur at the political, moral, and epistemic levels, Mills' theory of the "Racial Contract" is a useful foundation on which to develop an understanding of systemic racism and how whites can resist it. As I show in Chapter One, Mills conceptualizes the Racial Contract as being comprised, respectively, of a political, moral, and epistemic component. I argue Mills demonstrates how dissent from the Contract can be helpfully conceptualized as resisting not just oppression's material manifestations, but how these manifestations are aided and abetted by power- and racism-evasive forms of (mis)understandings and (im)moral appraisals. Ultimately, I hope this dissertation shows that Mills' notion of dissent is a useful way to conceptualize how whites can resist systemic racism.

CHAPTER ONE

CHARLES W. MILLS' "RACIAL CONTRACT" THEORY

"The purported blindness to color hurts; it harms; it kills. We cannot begin to detangle this problem if we won't recognize it."

-Kimberly Jade Norwood (2015, p. 607)

"...people are always evading, sticking their heads in the sand like ostriches, or trying to find...another account of what's going on." -Eddie Glaude, *Democracy Now!*, 7/28/16

"Being a gay American, I know what it means to look at the flag and not have it protect all of your liberties. ...It's important to have white people stand in support of people of color on this. We don't need to be the leading voice, of course, but standing in support of them is something that's really powerful."
-Megan Rapinoe, of the National Women's Soccer League, who kneeled, in solidarity with football player Colin Kaepernick, during playings of the national anthem in 2016 (Zirin, 2016)

Introduction

Charles Mills' (1997) "Racial Contract" theorizes systemic racism as a continuously reinscribed agreement among whites to secure advantages for themselves by disadvantaging and exploiting nonwhites. Conceptualizing systemic racism as such an agreement – which according to Mills is, in various times and contexts, deliberate or unintentional, formal or informal – subverts the race-evasiveness of social contract theory that characterizes society as racially neutral and democratic (p. 89). Mills' theory is important to a critical analysis of mainstream discourse, moral and political thought (respectively), and US social and institutional practices.

Nevertheless, critics of the "Racial Contract" question the usefulness of the conceptual framework of social contract theory for a theory of systemic racism that argues against classical contractarian concepts like consent. They also question Mills' critical focus on mainstream political philosophy and are skeptical of whether Mills' theory provides normative guidance for addressing injustice. In defending Mills' arguments against these criticisms, I show how Mills'

use of the contractarian framework elucidates crucial connections between knowledge, power, moral appraisal, and racist social and institutional structures. I then argue his theory forms a basis for understanding how whites can resist systemic racism. This discussion provides a foundation for Chapter Three in which I assess Mills' notion of consent, and its relation to resistance, in more detail.

Evading recognition of systemic racism is a crucial mechanism for keeping systemic racism in place. While people of color can be prejudiced against people of various races, they do not have and have never had the institutional backing in the US to implement the kind of systemic racism that has been and continues to be enacted against them by whites (DiAngelo, 2012, p. 88). In general, and following other scholars of race, I use "racism" as shorthand for "systemic racism". The term "systemic racism" refers to societal-wide norms and institutional policies that generally benefit whites (especially white men of relatively high socio-economic status) by exploiting and disadvantaging people of color (Brown et al., 2003; Davis, 1981/1983; DiAngelo, 2012, pp. 87-105; Du Bois, 1903/1994; Feagin, 2006; Feagin, 2010; Batur, Vera, and Feagin, 2001, p. 10; Griffith et al., 2007, p. 289; Latham, 2014; Mills, 1997; and Zack, 2011, p. xv). Systemic racism has been documented since the founding of US society and continues to be evidenced across all major US institutions, including housing and loan (Massey, 2015; Massey and Denton, 1993); the judicial system, law enforcement, and surveillance (Alexander, 2012; Churchill and Wall, 2002; U.S. Department of Justice, 2016); education and academia (Cook-Lynn, 2012; Tatum, 2007; Tatum 2010; Yancy, 2012, pp. 51-82); employment (Doede, 2015; Morris, 2007; Pager and Shephard, 2008); health care (Battacharya, 2013; Doede, 2015; Green et al., 2003; Griffith, Childs, Eng, and Jeffries, 2007; Smedley, Stith, and Nelson, 2003); income and wealth (Conley, 1999; Oliver and Shapiro, 2006); environmental policies (Reibling, Macey,

Her, and Ericson, 2001); marriage (Frakenberg, 1993); the consumer market (Pager and Shephard, 2008); media, sports, and entertainment (Bimper, Jr., 2015; Wiggins, 2014; Yancy, 2012, pp. 107-129); public assistance (Abramovitz, 2013; Limbert and Bullock, 2005); voting and governance (Middlemass, 2006); and *de facto* regulation of public spaces (Mills, 1997, pp. 41-53; Yartey, 2016, p. 52).

Racism against people of color is therefore a form of oppression. Following Dwight Boyd (2004), oppression occurs “when groups are seen to be defined *in relation to each other* [emphasis in the original] and this relation is systemically manifested through structures of unequal power” (p. 13). Boyd draws on the work of Iris Marion Young, who develops a notion of oppression as “structural, rather than the result of a few people’s choices or policies” (p. 13). Young characterizes oppression as “embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules” (p. 13). In this sense, oppression is the result of a society’s normal social and institutional policies and practices to which a sufficient number of people adhere and find acceptable.

Importantly, Young’s view highlights how oppression is not the result of blatant “coercion of a tyrannical power” against citizens’ will (Boyd, 2004, p. 13) (see also Geuss, 1981). One of the ways in which dominant ideology ignores, downplays, and denies the existence of racial oppression is by characterizing an oppressive society as one ruled by an overtly authoritarian figure who, in explicit and publicly-acknowledged ways, creates policies and institutions aimed at repressing the population.⁸ If this is what oppression consists of, then it follows that the US is not an oppressive society, and (so this line of reasoning goes) claims to the contrary are gross exaggerations or outright fictions. What Young and Boyd show is that such

⁸ YourDictionary (1996-2017). Examples of Oppression. *examples.yourdictionary.com*. Retrieved from <http://examples.yourdictionary.com/examples-of-oppression.html>

mainstream notions of the meaning of “oppression” miss how groups of people can be subject to unjust violence, and constraints on their person and opportunities, through the normal workings of social and institutional policies and practices, and in the absence of any dictator or any overtly authoritarian ruling class. Young and Boyd make clear how racial oppression is normalized in the US and therefore its manifestations do not seem odd or unusual within prevailing views of the social environment. This notion of systemic racism as oppression, coupled with its normalization within mainstream society, is crucial to my analysis of Mills’ theory.

Norms of evading recognition of systemic racism (from here on, “evasion”) underlie the ideology of colorblindness pervasive in interpretations of the US social environment (Alderman, Butler, and Hanna, 2016; Anderson, 2016; Applebaum, 2010; Baldwin, 1965; Bimper, 2015; Bonilla-Silva, 2010; Cuomo and Hall, 1999; DiAngelo, 2010, 2011, 2012; Du Bois, 1903/1994, 1935/2013; Feagin, 2010; Frankenberg, 1993, pp. 71-101; Freidus and Noguera, 2015; Frye, 1983; Goldstone, 2011, e.g. pp. 173-176; Heer, 2016; Hughey, 2013; Hytten and Warren, 2003; Joseph, Viesca, and Bianco, 2016; Knowles, Lowery, Chow, and Unzueta, 2014; Kristof, 2016; Mills, 1997, 2007; Modica, 2015; Morris, 2007; Nelson, Adams, and Salter, 2012; Rich, 2016; Tatum, 1992; and Yu, 2006). Eduardo Bonilla-Silva (2010) identifies four characteristics of colorblind ideology: it abstracts away from actual racial hierarchies into idealizations of liberal individualism (“everyone is equal and has equal opportunities”); it explains racial disparities as natural processes rather than as the product of (deliberately or effectively) racial policies implemented by various people; it explains these disparities as cultural differences between, for example, whites who value hard work and education and blacks, indigenous peoples, or Latinos who do not; and it employs concepts and understandings that both minimize the experiences of people of color and discount the systemic, institutional-wide workings of society (pp. 28-29).

Bonilla-Silva considers colorblindness an ideology because, like ideologies generally, colorblind conceptual frameworks function to misinterpret the world in ways that hide the facts of oppression – in this case, white racial domination (p. 26).⁹ Mills’ theory supports the claim that evasion of the reality of white racial domination is a critical component of the Racial Contract because such evasion enables and perpetuates systemic racism (see e.g. Mills, 1997, p. 97). In what follows I critically assess this claim, showing how Mills elucidates connections between epistemic norms, emotional norms, norms of moral appraisal, and the structure of US society.

The “Racial Contract”

In *The Racial Contract* Charles Mills (1997) develops a conceptual framework for understanding the systemic racism that continues to shape the domestic and foreign policies of modern Western societies (pp. 2-4, 7, 20). Mills bases this framework in a radical reworking of social contract theory. Mainstream social contract theories furnish rationales for why individuals would establish a civil society and agree to obey society’s laws. According to contract theorists like Thomas Hobbes, John Locke, and John Rawls, the social contract is ideally an agreement of cooperation among citizens and the state that guarantees people protection and redress against violations of individual rights and liberties (Cahn, 2012, pp. 533-537, 567, 574; Magill, 1990, pp. 232, 268, 311; Mills, 1997, pp. 15-16; Rawls, 2001, pp. 1-2, 5-8). Individuals consent to the terms of the contract because these protections allow them to pursue their interests better than they could in a lawless state of nature (Mills, 1997, p. 3). Along with explaining the reasons for why people establish a society, mainstream contract theories are normative in that they explicate notions such as justice, fairness, and expediency and argue for why and how these notions ought

⁹ For other critical analyses of colorblind ideology, see Anderson, 2010, pp. 155-179; Bimper, 2015; DiAngelo, 2012; McWhorter, 2005; Mills, 2007; and Wiggins, 2014

to govern society's institutions (Mills, 1997, pp. 4, 14-15). Mills' theory, however, diverges from mainstream contract theory, taking inspiration from the radical critiques of the social contract developed by Jean-Jacques Rousseau and Carole Pateman (pp. 3, 5-6; see also Mills, 2008, 1386). Rousseau and (as discussed in the introduction to this dissertation) Pateman develop contract theories that describe, respectively, the class- and gender-based contracts that actually structure modern Western societies' practices and policies (Mills 1997, pp. 5-6; Pateman, 1988).

Contract theory has had a significant impact within society and the public imagination, as well as within the field of political philosophy (Mills, 1997, p. 122; Mills 2008, p. 1380). As Mills argues, "No one actually believes nowadays...that people formally came out of the wilderness and signed a contract". Nevertheless, "there is [emphasis in the original] the impression that...societies such as the United States were founded on noble moral principles meant to include everyone". This is thought to be so despite some unfortunate "deviations" or, as Lucius T. Outlaw (ironically) puts it, some supposedly "historically necessary" endeavors in brutality (Mills, 1997, p. 122; Outlaw, 2007, p. 205). Thus, while contract theories are no longer considered historical accounts of society's origins, nevertheless dominant rhetoric and mainstream political philosophy take contract theory's notion of individuals agreeing to live by fair and just laws so as to share equitably in society's benefits to basically characterize US society, even if not ideally. This logic within contract theory in turn validates the status quo by obscuring the reality of actual injustice, lending credence to the idea that the US nation-state more or less was and continues to be founded "on the popular consent of individuals taken as equals" (Mills, 1997, p. 3).

Yet if this idea were so, asks Mills, what could explain Europeans' invasion against and colonization of indigenous peoples, cultures, and lands from 1492 to the present day (Alfred,

1999/2009; Cook-Lynn, 2012; Cross, 2014; Koning, 1976/1991; LaDuke, 2002; Loewen, 1995, pp. 29-129; Mills, 1997, pp. 3-4, 20-24; Smith, 2005; Williams, Jr., 2005; Wub-E-Ke-Niew, 1995)? Or whites’ explicitly-legalized institutionalization of chattel slavery from 1640 to 1865 (Donoghue, 2010; Kolchin, 2003, pp. 3-4)? Or whites’ implementation of explicitly racist social policies beginning after Emancipation with the “black codes” and continuing through the Jim Crow era – with its institutionally-backed white-perpetrated terrorism against communities of color – from the mid-1870s to the mid-1960s (Davis, 1981/1983; Du Bois, 1903/1994; Du Bois, 1935/2013; Goldstone, 2011; Latham, 2014; Locke, 1992)? Or *de facto* systemic racism across all major US institutions advantaging whites and harming and disadvantaging people of color which continues to the present day (Alexander, 2012; Battacharya, 2013; Batur et al., 2001; Benjamin, 2009; Bimper, Jr., 2015; Bonilla-Silva, 2010; Brown et al., 2003; Churchill and Wall, 2002; Conley, 1999; DiAngelo, 2012; Doede, 2015; Feagin, 2006; Smedley et al., 2003; Kang et al., 2016; King and Smith, 2005; Kivel, 2011, pp. 210-278; Latham, 2014; Lebron, 2013; Limbert and Bullock, 2005; Litwack, 2009; Massey and Denton, 1993; Middlemass, 2006; Mills, 1997; Morris, 2007; Oliver and Shapiro, 2006; Pager and Shephard, 2008; Reibling et al., 2001; Shapiro, 2004; Staggers, 2015; Tatum, 2007; Tatum, 2010; Wiggins, 2014; Williams, 2015)?

Mills, following Pateman, reframes the basic questions of moral and political philosophy by highlighting how within these mainstream philosophical disciplines, manifestations of systemic racism are misguidedly and deceptively presented, if they are addressed at all, as mere deviations from essentially race-blind and just Western ideals and institutional foundations (Mills, 1997, pp. 14, 26-27, 56). He argues that this deviation-based explanation is grossly misleading given how central, normal, and normative systemically racist practices and policies

have been to the structure of US society (p. 56). Mills thus asserts that the theory of the “Racial Contract,”¹⁰ unlike mainstream contract theories,

“puts race where it belongs – at center stage – and demonstrates how the polity was in fact a racial one, a white-supremacist state, for which differential white racial entitlement and nonwhite racial subordination were defining, thus inevitably molding white moral psychology and moral theorizing” (p. 57).

Mills highlights how the racism-evasiveness of mainstream moral and political philosophy reflects dominant ideology. “Dominant ideology” refers to the body of ideas, terms, silences, symbols, feelings, assumptions, and evaluations that “are central in the production and reinforcement of the status quo” (Bonilla-Silva, 2010, pp. 25-26).¹¹ Mills argues that prevailing racism-evasive rhetoric is in turn legitimized by mainstream theory: “By a weird philosophical route, the ‘color blindness’ already endorsed by the white majority gains a perverse philosophical sanction” within dominant academic fields and subfields such as Rawlsian political theory (discussed below) and its immense secondary literature (Mills, 2008, p. 1385). What Mills’ argument underlines is that deviation-based assumptions regarding systemic racism in moral and political theory legitimize these disciplines’ hegemonic focus on ideal abstractions, and that this idealism is validated by and in turn normalizes the prevailing race-blind picture of US society.

Yet I argue Mills’ ultimate aim is not merely to critique mainstream moral and political philosophy or dominant ideology in and of themselves, but to illustrate how each of these functions together to sustain social and institutional structures that advantage whites by disadvantaging people of color. This is evidenced in his reiteration that the “bottom line” of the Racial Contract is the “economic exploitation” of, and whites’ “differential privileging” relative

¹⁰ Following Mills, quotes refer to the theory of the “Racial Contract”; a lack of quotes refers to the Racial Contract itself

¹¹ I use “dominant understandings” interchangeably with “dominant ideology”, and I use “dominant rhetoric” and “mainstream discourse” to refer, respectively, to the rhetorical and discursive aspects of dominant ideology

to, nonwhites for whites' own "material advantage" (Mills, 1997, pp. 11, 32-33). Additionally, Mills prefaces his critique of political liberalism by claiming, "Insofar as moral debate in contemporary political theory ignores this history [of white-driven systemic racism against people of color], it will only serve to perpetuate it" (Mills, 2008, p. 1381).¹² I take it Mills utilizes (as I discuss below) the conceptual framework of contractarianism in order to elucidate how hegemonic epistemic norms are interconnected with social and institutional practices. Mills illustrates these epistemic-material connections through a radical subversion of mainstream social contract theory. By utilizing the contractarian framework, Mills exposes how whites' "taking the status quo of differential racial entitlement as normatively legitimate, and not to be questioned further" is a crucial mechanism for normalizing and thereby perpetuating systemic racism (Mills, 1997, p. 40). The "Racial Contract" elucidates the mutually-enforcing relationship between anti-nonwhite institutional practices that shape material reality; race-blind and racism-denying dominant ideology normalizing these practices; and racism-evasive theories, literature, and curricula within academia (see also Alcoff, 1993/2008, p. 710 and Barth, 1976, p. 8).

The "Racial Contract" and mainstream social contract theory

One way to destabilize this relationship is to counter racism-evasive fields like moral and political philosophy (respectively) by developing theories outside of mainstream conceptual frameworks, as Marimba Ani (1994) and Taiaiake Alfred (2005; 1999/2009) do, among many others (typically people of color) (Mills, 1997, pp. 4, 34, 131-132). Another form of destabilization is to reform established conceptual frameworks by using and applying traditional concepts like "rights," "liberty," and "equality" that are ostensibly race-neutral, but which have

¹² For further critique of liberalism, see McGary (2009)

often been historically applied in the service of racism (see for example Zack, 2011 and Gilroy, 2014). While such endeavors have been and can be antidotes to racism-complacent discursive cultures, they can also have drawbacks. Theories outside of mainstream conceptual frameworks can be relegated to the margins of a discipline, validating the normalcy, seriousness, and legitimacy of the discipline's established frameworks. On the other hand, reforming conceptual frameworks may instead reinscribe hegemonic, race-evasive understandings. This would be due to what Barbara Applebaum (2010), drawing on Linda Alcoff and Judith Butler, argues is a concept's "historicity".

A concept's history, Applebaum argues, informs the term's reception in the present moment. Drawing on Joyce Trebilcot, and important to my arguments regarding evasion, Applebaum claims part of this history will be composed of normative silences. I take it that with respect to racism such silences include, for example, the ones around institutionalized race-based differential treatment when terms like "liberty," "freedom," and "equality" are invoked within mainstream discourse to refer to US society. As Applebaum argues,

"language as well as the absence of language [emphasis in the original] must always be understood as embedded in social space that is not devoid of historicity. Even if one retreats to the position where one only speaks for oneself, one's speech is still not neutral and still reinforces the continuance of dominant discourses by omission" (p. 97).

Concepts within mainstream discourse are and have historically been formed by constitutive silences around the history and present realities of racism. Individual theories employing these terms may effectively and inadvertently invoke dominant understandings due to concepts' historicity, even if the theories stipulate that such terms ought to be read as remedying oppression-facilitating usages.

For these reasons I argue Mills' theory can be a useful addition to efforts aimed at disrupting systemic racism's normalization within political theory and mainstream discourse

more generally. This is because the “Racial Contract” is both counterhegemonic and reconstructive. By working subversively *within* the conceptual space of contract theory, the “Racial Contract” *exposes* how contract theory’s concepts have “functioned to rationalize oppression”, and have done so despite contract theory’s stated goal of establishing the theoretical foundations for a society that is just and unoppressive (Mills, 1997, p. 6). The “Racial Contract” therefore cannot be dismissed as foreign to established political theory nor, by demonstrating the need for radical conceptual reconstruction, can it be easily assimilated into mainstream understandings. As I argue in what follows, by developing a contractarian framework that excavates contract theory’s own normalization of racial oppression, Mills’ theory illustrates how dominant ideology sustains systemic racism and works to impede resistance. As I argue later in the chapter, due to the intimate connection between hegemonic ways of knowing and society’s material processes, the “Racial Contract” can be useful for grounding resistance to systemic racism. To make these arguments I first introduce the relationship between the “Racial Contract” and mainstream social contract theory. I then consider and critically assess Mills’ thesis that the Racial Contract is “political, moral, and epistemological” (Mills, 1997, pp. 9-19).

Mills argues that, like all social contract theories, the “Racial Contract” is both descriptive and prescriptive in that it both describes how society came about and prescribes notions of what a just polity should look like. However, there are two crucial differences between the “Racial Contract” and mainstream social contract theories. As noted above, contract theory’s descriptive component is now understood not to be a literal account of history but a way to understand the rationale for society’s establishment. In contrast, the “Racial Contract” does describe how US society was founded based on the historical record. The other difference is that, while contract theory prescribes an ideal notion of justice, the “Racial Contract” prescribes

against the (in)justice that actually characterizes society. Mills argues that the “Racial Contract” is therefore “explanatorily superior to the raceless social contract” and is a better “guide to normative theory” (Mills, 1997, p. 120).

This is because, as Mills argues, even though contract theory is understood to provide an idealized picture of why society was established and how it ought to ideally function, such a conceptual framework conveys “a *substantive* and deeply wrong vision of the polity as *consensual* and *nonoppressive* [emphases in the original]” (Mills, 2009, p. 182). Such a framework, abstracted from society’s nonideal structure, will, Mills argues, struggle to provide a normative guide to remedying the injustices it ignores in its descriptive component, as I discuss below (Mills, 2009). This begins to show how the “Racial Contract” is in part reconstructive of contract theory: by attending to the fact that systemic racism founded and continues to fundamentally shape US society, the “Racial Contract” *takes contract theory’s notions of “justice,” “cooperation,” and “consent” seriously* through its revelations of how these ideas are applied in practice rather than merely in the abstract (Mills, 1997, p. 4). Mills thus underlines the fact that understanding how oppression is part of the actual social structure is *necessary* to a consideration of how just and unoppressive social and institutional practices might actually come to more fully structure US society.

However, as critic of the “Racial Contract” Andrew Valls (1998) wonders, if Mills’ aim is to expose how contract theory has functioned to rationalize oppression, then “what is added to the account by the contractarian framework?” (p. 692) Valls suggests Mills could have developed a theory of racial oppression, and could have critiqued mainstream political theory, without utilizing the contractarian framework and could have thereby avoided raising theoretical issues, which Valls argues Mills does not adequately address, about who consents to the Racial

Contract (p. 692). Valls also argues it is unclear what the content of the Contract is “since it is not really one contract but several, and according to Mills it is constantly being rewritten” (p. 692). He concludes by saying, “All this seems to obscure rather than clarify the important normative issues raised by the racist history of our society,” providing “little guidance as to what is to be done” (p. 692).

Mills’ theory addresses these concerns and shows how systemic racism is indeed a contract. Systemic racism is a continually reinscribed, and variously manifested, *agreement* (overt or tacit; deliberate or effective; conscious or unconscious) among whites, who explicitly or implicitly validate one another in their actions to maintain social and institutional policies and practices that benefit themselves (politically; socially; psychologically; economically) by disadvantaging people of color. Mills demonstrates the insidious and interdependent relationship between the Racial Contract and social contract theory by focusing in particular on the work of John Rawls. The “Racial Contract” thereby elucidates the connections between knowledge and power, and how the Racial Contract itself perpetuates and impedes resistance to racial oppression. By developing a contract theory grounded, not in ideal abstractions, but in the facts of the historical record, Mills exposes how mainstream political theory, and prevailing ideology on the whole, work in the service of maintaining systemic racism.

I argue that through my analysis of Mill’s use of the contractarian framework – particularly the notion of consent – epistemic norms, emotional norms, and norms of moral appraisal are shown to be interrelated and fundamental to the perpetuation of systemic racism. To substantiate this argument I first draw on the work of Rasheena Latham, which exposes the relationship between dominant norms of moral appraisal on one hand and concrete social and

institutional practices on the other hand. To this end, Latham theorizes the causal connections between the killing of Trayvon Martin and the US criminal justice system.

Trayvon Martin was a 17-year-old black teenager who, while walking in a Florida neighborhood with skittles and a can of iced tea, was approached and shot by George Zimmerman, a 29-year-old armed neighborhood watch volunteer. In 2013 Zimmerman was acquitted of second-degree murder. Latham argues, “Trayvon's case symbolizes the result of the institution of racism” whose policies show “a [generations-long] *systematic disregard and oppression* [emphasis added] of African Americans” (Latham, 2014, pp. 82, 84, 98). This general disregard and oppression, she says, is manifested in systemic judicial processes and state laws that found an armed individual acquitted of murdering a young unarmed black man walking through his own aunt’s neighborhood. Latham illustrates how race is a systemic determinant within the judicial process at every juncture, with the net effect disproportionately disadvantaging people of color (see also Alexander, 2012; American Sociological Association, 2007; Nellis, 2016; and Political Research Associates, 2005). She connects Zimmerman’s actions and subsequent acquittal to the systemic racism of the US judicial system and to the prejudice against blacks in the public imagination: they “must be engaging in criminal activity” (p. 85).¹³ She concludes that “the real culprit in Trayvon's death” is the systemic devaluing of nonwhites exposed in “the inherent bias, particularly against African American males, in the criminal justice system,” a system which, as a manifestation of the Racial Contract, has from its inception “been amended and restructured to ensure its stability and maintenance” as a means “of control” over people of color (pp. 91, 98).¹⁴

¹³ As Mills (1997) argues, adherence to the Racial Contract recurs when, “In America, South Africa, and elsewhere, the white space is patrolled for dark intruders, whose very presence, independently of what they may or may not do, is a blot on the reassuring civilized whiteness of the home space” (p. 48).

¹⁴ For an analysis of systemic racial prejudice within the judicial system against indigenous peoples, see Perry, 2009

Latham's work illustrates how systemic racism is sustained through concrete actions that conform to dominant norms of moral appraisal. She exposes the relationship between systemically racist institutional practices, the prevailing prejudice against blacks that they are violent and criminally-prone, and the consequent devaluing of black people's lives. Actions that conform to this devaluing in turn legitimize institutional practices of racial oppression. This exemplifies Mills' claims about a prevailing racialized moral psychology (discussed below) in which whites will "act in racist ways *while* thinking of themselves as acting morally" because "they will experience genuine cognitive difficulties in recognizing certain behavior patterns *as* racist" (p. 93). White institutional actors within the criminal justice system need not (though certainly may) set out with racist motivations of treating nonwhites unfairly in order to perpetuate systemic racism. Rather, the publicly-circulated bias against nonwhites that they are more violent and criminally-minded validates assumptions about who deserves what sorts of treatment. Relying on this bias to understand the social environment is effectively a strategy of rationalizing the claim that those who kill nonwhites likely had reasonable cause to do so, further entrenching racially-disparate assumptions of value within US society. Dominant ways of morally appraising people and situations are therefore based on fundamental assumptions that morally differentiate people on the basis race, and these appraisals guide actions which together function to recreate systemically racist institutions. These institutions in turn validate and support the localized actions (such as Zimmerman's killing of Martin) that manifest the Racial Contract. Local actors thus have "the assurance" that their "mistaken perceptions", and the actions based on them, "will be validated" by institutional power and authority (Mills, 1997, p. 18). This in turn is why Mills argues that by "unquestioningly 'going along with things'" – that is, by acting as Zimmerman did or (more commonly) by rationalizing Zimmerman's behavior – whites

effectively consent to the Contract. Together, Latham's and Mills' work show that deliberately agreeing to be racist is not typically what is at issue, but rather unchallenged complicity with a set of institutions and their practices, and the racialized moral psychology with which they are in league, that systemically devalue and disadvantage people of color (Mills, 1997, p. 107). I return to Latham's analysis at the end of the chapter in order to introduce my argument that the "Racial Contract" can be an effective guide for understanding how whites can engage in resistance. To lay the necessary groundwork for this claim, I first turn to Mills' thesis that the Racial Contract is political, moral, and epistemological.

First component of Mills' thesis: The Racial Contract is political

Within the US context, Mills' claim that the Racial Contract is political refers to the historical occurrence beginning in the mid-1600s whereby European colonists created and institutionalized a racialized hierarchical system of differential treatment between those with European ancestry and those with African or indigenous ancestry (Donoghue, 2010; Latham, 2014, pp. 87-88; Loewen, 1995, p. 136; Zinn, 1980/2005, pp. 23-38). By the late 1700s, "white" had become a common racial designation codified in laws and norms of citizenry to the benefit of European colonists over their racial "inferiors" (Harris, 1993; Mills, 2008, p. 1389). Mills thus argues that *the political component of the Racial Contract begins with "the preliminary conceptual partitioning and corresponding transformation of human populations into 'white' and 'nonwhite' [emphasis added]"* (Mills, 1997, p. 13). This racial partitioning and transformation implemented by European colonists continues to fundamentally shape US society and its institutional practices: "the Racial Contract establishes a racial polity, a racial state, and a racial juridical system, where the status of whites and nonwhites is clearly demarcated, whether

by law or custom” (Mills, 1997, pp. 13-14; Mills, 2008, p. 1390). When looking at the political structure of US society – the racially-differentiated form of its citizenry; the particular designations it has (and has had) for people within its borders, from full citizen to $\frac{3}{4}$ of a person to illegal alien, and how these designations are based in or correlate with racialized notions of whites and nonwhites; and the particular forms and roles of society’s governmental apparatuses (for example, juridical bodies explicitly or effectively upholding racist social and institutional practices) – it is evident that this political structure was created by and for the benefit of (especially elite male) whites and imposed on nonwhites for whom the racial polity and its racism-sustaining juridical institutions are systems of oppression.

Yet mainstream contract theory does not name this racializing political structure, nor does it concern itself much with issues of race and racism. Mills understands this to mean that for mainstream political philosophy, “the most important political system of recent global history – the system of domination by which white people have historically ruled over and, in certain important ways, continue to rule over nonwhite people – is not seen as a political system at all” but instead “is just taken for granted” as the normal way US society functions (Mills, 1997, pp. 1-2). Mills criticizes John Rawls’ work as being illustrative of systemic obfuscations within mainstream political theory of “the centrality of white racial domination” to US society due to the “marginalization of race” in both Rawls’ descriptive and normative projects (Mills, 2009, p. 170).

Mills on Rawls

John Rawls’ (1971/1999) book *A Theory of Justice* is, as Mills notes, “widely credited” with “the revival of social contract theory, and indeed postwar political philosophy in general”

(Mills, 1997, pp. 77, 136n5; see also Mills, 2008, pp. 1382, 1392 and Mills, 2009, p. 161).

Rawls' work as a whole, and his *Theory of Justice* in particular, are so central to the mainstream political theory of the past five decades that Rawlsian liberal contractarianism is the hegemonic, taken-for-granted theoretical framework within the field (Mills, 2008, p. 1380). The significance of this is that, because Rawls' work is focused entirely on ideal abstract notions of justice, the majority of mainstream political philosophy, following Rawls, has little to nothing to say about the facts of actual, nonideal society, including issues of race and racism and the legacies of colonization and slavery, respectively (Mills, 2008, pp. 1384, 1392). The field of mainstream political philosophy is thus generally characterized by its elision of actual injustice and, consequently, its failure to address issues of remediation (Mills, 2008, pp. 1385-1386). For these reasons, Rawls' work is a crucial target of critique for Mills, and indeed for any work in political philosophy that aims to seriously address how actual US society is structured in ways that are oppressive and unjust, and how the status quo is validated and sustained by reality- and power-evasive disciplines within academia.

First, does Rawls have *anything* to say about racism? Mills (2009) investigates this question by looking to the most prominent texts of Rawls that are centered around the notion of justice: *A Theory of Justice*; *Political Liberalism*; *Collected Papers* (a complete collection of Rawls' essays); *The Law of Peoples*; and *Justice as Fairness: A Restatement*. Mills notes there are a small number of references to race and racism in these texts. For example, "repression or degradation of certain groups on, say, racial or ethnic ... grounds" are based upon "unjust conceptions of the good" (Mills, 2009, p. 166). This quote is typical for its general, abstract presentation of injustice and its failure to explicitly name certain types of actual, historical forms of oppression (which are mentioned even more rarely in Rawls' work). Rawls' concrete example

of racism is typically chattel slavery, although in *Political Liberalism*, in an aside, he uses the phrase, “however much the aftermath of slavery may persist” (p. 165).

Thus, besides this aside, as Mills makes clear, Rawls’ discussions of actual racial injustice, the few times they occur, convey the impression of racism as temporally distant as well as general and abstract. Rawls tends to reference “minorities” rather than black Americans, native peoples, Asian Americans, or Latinos specifically, and he tends to mention their “repression” rather than discussing the particular forms of racism that have structured and continue to structure society to their disadvantage. Mills notes that terms which can orient discussion of actual injustices as they occur in the US, such as “segregation”, “Jim Crow”, “white supremacy”, and “colonialism”, appear nowhere in these texts. Neither, according to my own research, do “systemic racism”, “institutional racism”, or “structural injustice”.

Mills thus argues that what is most characteristic of Rawls’ work with respect to racism is *that there is so little attention directed to it*. Mills calls this the “evasion” of what, contradictively in Rawls’ own words, are the “pressing and urgent matters” of real-life injustice (Mills, 2009, p. 177; Rawls, 1971/1999, p. 8; Rawls, 2001, p. 66). At best, Rawls seems to consider his efforts as providing a necessary conceptual foundation on which *others* may develop a theory of how to deal with actual injustice (Rawls, 2001, p. 66). Rawls thus states explicitly that he does not deal with actual injustice because he is “mainly concerned with ideal theory” (Rawls, 2001, p. 65). In his view, purely abstract ideal theory is necessary to grounding the sorts of nonideal theories that aim to remedy actual injustice. To this end, Rawls is concerned with issues of what he terms “social justice” and “the basic structure” of an ideal society.

Rawls deems the basic structure of society to be comprised of society’s major institutions. These institutions function together to structure society through the divvying up of

rights, duties, burdens, and advantages. Rawls uses the term “social justice” to refer to the principles that govern the basic structure. This conception of social justice should be contrasted with the meaning of “social justice” (which Rawls does not utilize) as challenging injustice where it exists in actual society.¹⁵ Rawls is concerned with ideal theory, in particular with how a just basic structure will function in a practically-possible ideal society. He suggests two principles of justice which would, he argues, ideally structure society, and which members of society would voluntarily agree to institute and uphold.

The first principle states,

“Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all” (Rawls, 2001, p. 42; see also Rawls, 1971/1999, p. 266).

The basic liberties are “given by a list of such liberties” (Rawls, 1971/1999, p. 53).¹⁶ Rawls argues that this list includes (not necessarily exhaustively) the right to vote and hold public office; freedom of speech and assembly; liberty of conscience and freedom of thought; freedom from psychological oppression and physical assault; the right to hold personal property; and freedom from arbitrary arrest and seizure as defined by the rule of law (p. 53). It is interesting to note that, essentially, Rawls is effectively recapitulating the rights and liberties outlined in the US Constitution, which, as the historical record makes clear, certainly did not preclude dominant groups from interpreting and applying these rights and liberties in practice in discriminatory, oppressive, and unjust ways (I return to this thought momentarily).

Rawls (2001) states his second principle of justice as follows:

“Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the

¹⁵ For an argument (similar to Shelby’s, presented in what follows) that Rawls’ theory can be unproblematically used to engage in this type of social justice, see Robinson, M. (n.d.) “What is Social Justice?” *Appalachian State University*. Retrieved from <http://gjs.appstate.edu/social-justice-and-human-rights/what-social-justice>

¹⁶ For a discussion of the theoretical underpinnings of Rawls’ list, see Rawls, 2001, p. 45

greatest benefit of the least-advantaged members of society (the difference principle).” (pp. 42-43; see also Rawls, 1971/1999, p. 266)

Rawls’ second principle of justice has two parts. The first part states that, whatever social and economic inequalities exist in the ideal society under discussion, these inequalities must, as a matter of justice, have resulted from the fact that everyone in society had a fair and equal opportunity to attain the political and economic offices and positions available within that society. Basically, Rawls is affirming the popular notion of equality of opportunity, in which everyone regardless of socioeconomic background should (and does) have the opportunity to attain society’s offices and positions. Within dominant ideology, equality of opportunity is an ideal firmly held, and, along with meritocratic ideals, (falsely) believed operative by popular opinion throughout all eras of US history (a thought to which I return momentarily) (Aragon, Brantmeier, Kees, Peila-Shuster, and Anderson, 2011; DiAngelo, 2010; Harper, 1898, p. 998; Limbert and Bullock, 2005, p. 261; McNamee and Miller, 2009; Oakes, Lipton, Anderson, and Stillman, 2013, pp. 46-57; Roper Center, 2017; Trustees of Boston University, 1928; Vaccaro, 2011; Wallace and Allen, 2016).

The second part of Rawls’ second principle asserts that society’s social and economic inequalities should, as a matter of justice, benefit most those members of society who are the least advantaged socioeconomically (Rawls, 2001, pp. 59-60). Rawls argues that this so-called “difference principle” is “essentially a principle of reciprocity” (p. 64). The basic idea is that, whatever economic growth (or diminution) and increases (or decreases) in economic well-being society incurs on average, those in, say, the lowest-fifth socioeconomic bracket must, as a matter of justice, be the ones to economically benefit most (relatively-speaking). This is because, as Rawls envisions it, ideal society is essentially a system of cooperation for mutual benefit in which each person’s social and economic contributions, and their shares in society’s burdens,

merits reciprocal shares in society's benefits (otherwise it follows that some people are being exploited for the benefit of others). I return to this second part of the second principle momentarily. In what immediately follows, I briefly discuss the view that Rawls' work can be helpful for understanding how to rectify actual institutional injustice in the way Rawls himself suggests.

Mills (2013) argues that "one of the most sustained attempts" to apply Rawls in this way is carried out by Tommie Shelby (2004). Shelby's central claim is that Rawlsian theory can, without modification, be a basis for theorizing rectification of racial injustice. Rawls relies on the notion of the moral equality of all persons and on a particular conception of formal justice – that is, that institutional practices should be impartial and nonarbitrary (according to Rawls things like one's race are arbitrary from a moral point of view). It thus seems reasonable for Shelby to conclude that Rawls' theory "rules out significant forms of injustice; not just *de jure* but *de facto*" (p. 1705).

As an example of *de facto* racial injustice Shelby discusses the systemic racism within the US judicial system. Such racism, Shelby argues, violates Rawls' ideal of moral equality and his requirements of nonarbitrariness and impartiality because practices within the judicial system systemically harm and disadvantage people of color. Shelby maintains that "when the distorting effects of racial prejudice and bias pervade the operation of an institution, the institution as realized is itself unjust [on Rawls' view], notwithstanding the justice of its rules and procedures when viewed abstractly [i.e. *de jure* racial impartiality]" (p. 1706). Shelby argues that Rawls' theory can thus adjudicate the justness and unjustness of actual institutional practices according to how far from Rawlsian ideals such practices fall.

Furthermore, Shelby, responding to Mills' argument that mainstream contract theory is shot through with white theorists' evasion of racism, and that this undermines contract theory's appropriateness as a means of understanding racism and how to remedy it, argues,

"Rawls does not enjoin us to interpret our public culture from the standpoint of its founders, as if the object of our inquiry were to discern *their* conception of justice. Rather, he argues that, in our ambition to arrive at a shared political conception of justice, *we* – those of us currently seeking clarification about what justice requires for a democratic society – should interpret the fundamental ideas and principles latent in our public political culture from *our own* standpoint, i.e., 'here and now.'" (p. 1704).

Indeed, Rawls (2001) insists that parties in the original position¹⁷ utilize only "general beliefs and forms of reasoning found in common sense and the methods of science, when not controversial" in order to achieve unanimity on principles of justice (pp. 89-90). Mills argues that Rawls' "common sense" is what Shelby means by "the fundamental ideas and principles latent in our public political culture", including the abstract principle of the moral equality of all persons (Mills, 2013, pp. 17-19; Shelby, 2004, pp. 1701-1704). Common sense is therefore not substantively different from prevailing colorblind ideology.

The fact that Rawls' two principles of justice are constrained by the parameters of common sense/dominant ideology/prevaling thought and opinion undermines Shelby's argument that Rawls' theory is useful for understanding how to rectify systemic racism. As Mills' *Racial Contract* shows,¹⁸ and as I convey throughout this chapter, dominant ideology ignores, downplays, and denies the existence and moral reprehensibility of systemic racism. Recall how Mills' principles essentially recapitulate the race-neutral rights and liberties in the constitution and the popular notion of equality of opportunity. Rawls' principles of justice are indeed highly dependent on – in fact follow from and validate – racism-, injustice-, and power-evasive dominant ideology. Due to its recapitulation of common sense and prevailing abstract

¹⁷ For more on Rawls' conception of what he calls "the original position", see his 2001, pp. 14-18

¹⁸ See also Mills (2007), (2008), and (2009)

ideals, what Rawls' theory effectively conveys, like dominant ideology, is that systemic racism does not exist, or at the very least is not an important focus of concern for political philosophy and discussions of justice, and that the racially discrepant outcomes of institutional practices are normal and "justified".

There are two reasons why this is problematic for Shelby's defense of Rawls. In constraining the two principles of justice within the bounds of common sense/prevaling thought and opinion, Rawls effectively enjoins parties in the original position to, on due reflection,¹⁹ consider as just the kinds of institutional practices or "basic structure" that actually and already exist in US society. Yet, as shown in this chapter, such institutions are fundamentally *unjust*. Second, even if Rawls had not made this stipulation, nevertheless common sense/dominant ideology will inevitably pervade one's considerations of justice *to the extent that one is not critical of society's common-sense assumptions* (which Rawls effectively says one need not be). As Mills (2008) argues, Rawls "appeal[s] to our moral intuitions about fairness and what people are entitled to" while ignoring "the way race shapes whites' sense of what is just" (p. 1393). Mills underlines that what "we" (or at least many of us), "here and now", as Shelby puts it, will be prone to deem as just will be just the sorts of systemically racist institutional practices that structure actual society.

Yet what about Rawls' difference principle – that is, the second part of the second principle of justice? This principle, which argues for the necessity of society to be especially concerned with advancing the economic interests of the least advantaged, does seem to the left of, and to therefore radically critique rather than validate, dominant ideology and its enjoining rational, self-interested individualism. Even so, the difference principle is based in an ideal

¹⁹ For Rawls' understanding of due reflection, see his (1971/1999) pp. 120, 514

abstract notion of justice that envisions an ideal abstract society which does not exist. Without explicitly discussing who really is systemically disadvantaged by actual social and institutional practices, and by limiting an understanding of disadvantage to socioeconomic status alone, Rawls' difference principle, just like Rawls' work in general, encourages and validates the kind of racism-sustaining acts of ignoring, downplaying, and denying of racial oppression predominant in US society. It is thus difficult to imagine how useful such an ideal abstract conception of justice is for addressing actual injustice, given that failure to acknowledge, let alone discuss and explicitly understand, a problem is typically a significant impediment to that problem's remediation.

For this reason Michael Apple (2004) argues that while Rawls' principles "take on an increasing importance" in the continuing endeavor to undermine oppressive systems, "this is not enough" (p. 114). Apple reasons that without an endeavor to "relearn our history" and engage in "a restructuring of institutions and a fundamental reshaping of the social contract that supposedly bound us together," Rawlsian theory fails to adequately rectify the deep-seeded and historically-rooted systems of oppression structuring US society (pp. 10, 114). A "theory of social justice...needs to be generated out of more than personal ideology" by having a "basis in a number of empirical claims as well" (pp. 10-11). That is, it is not enough to develop a comprehensive and systematic theory regarding justice in the abstract. To truly and seriously address and help remedy oppression, political philosophy and theories of justice must focus on actual society and its injustices, and on how these injustices are validated and sustained by precisely those bodies of thought and cognitive norms that, whether deliberately or effectively, ignore, downplay, and deny oppression's existence and moral and theoretical significance.

Thus, rather than motivating a critical analysis of actual society, which a theory must do if it is to be a basis for conceptualizing how far from the ideal actual institutions fall, Rawls' theory instead facilitates a racism-evasive understanding of the social environment. This makes it a poor conceptual vehicle for investigating how to rectify actual injustice. This in turn, I take it, is why Mills argues in *The Racial Contract* that "the idealized social contract renders permanent the legacy of the Racial Contract" (Mills, 1997, p. 77). In fleshing out Mills' claim, in what follows I argue that the primary upshot of Mills' criticisms of mainstream moral and political philosophy, and Rawls in particular,²⁰ is to illustrate how obfuscating and marginalizing injustice normalizes and renders mystifying actual racial oppression in the US, and how this in turn is a crucial mechanism through which systemic racism is perpetuated.

Consider Yolanda Wilson's (2009) critical questioning of Mills' focus on Rawls. Wilson says she is unconvinced "about whether it matters that Rawls and many other mainstream political theorists do not tackle race" (p. 185). She says her ambivalence stems from wondering whether there is reason to be "hopeful about the role of Rawlsian theory in solving actual world problems, particularly problems that involve race" (p. 185). In defending Mills, I argue it is less concerning whether Mills' theory can provide this hope and more pertinent that Wilson frames Mills' arguments as ultimately addressing the "failings of Rawls's work" (p. 186). She says that, "Whereas Mills is concerned with the historical realities omitted in the Rawlsian account, my question is a kind of metaquestion" regarding "whether Rawls's exclusion of this history of racial domination is not itself an example of the kind of white racial privilege that Mills notes Rawls fails to address" (p. 186). I argue Mills is indeed concerned with a particular

²⁰ Mills focuses on Rawls because Mills considers Rawls to be illustrative of political philosophy more generally: "the ignoring of race in Rawls's work is structural and symptomatic of white political philosophy in general" (Mills, 2009, p. 169)

metaquestion, but that this question is not primarily bound up with exposing Rawlsian theory's failures around racism or even in more generally elucidating the privileged conceptual realm of mainstream white political theory, as Wilson suggests. Instead, I argue Mills focuses on this conceptual realm, and on Rawls in particular, *as a means* of illuminating how the discursive effects of norms of evasion are both manifestations and perpetuators of the system of white advantage and nonwhite disadvantage structuring US society. As Mills (1997) argues,

"The fact that this racial structure, clearly political in character, and the struggle against it, equally so, have *not* [emphasis in original] for the most part been deemed appropriate subject matter for mainstream Anglo-American political philosophy and the fact that the very concepts hegemonic in the discipline are refractory to an understanding of these realities, reveal at best, a disturbing provincialism and an ahistoricity profoundly at odds with the radically foundational question on which philosophy prides itself and, at worst, a complicity with the terms of the Racial Contract itself" (p. 31).

Here Mills is not primarily highlighting the fact, revealed through the contractarian framework of the "Racial Contract," that mainstream political philosophy is itself a manifestation of whites' privileged conceptual space under the Racial Contract, though this is certainly the case. Rather, by claiming that mainstream theory is complicit with the Contract, and recalling his assertion that the Contract's bottom line is white material advantage via nonwhite material disadvantage, Mills is arguing that ahistoric, racism-evasive academic discourse, framed within ideal abstract conceptual frameworks, is a legitimating force sustaining racial oppression.

Second component of Mills' thesis: The Racial Contract is moral

To further support this argument I continue to assess Mills' first thesis in light of Valls' question about the usefulness of the social contract framework. I have discussed the political component of the Racial Contract; I therefore turn to Mills' claim that the Contract is a moral one. The moral component, Mills argues, refers to the way in which US society is normatively structured around a racialized social ontology in which whites are valued and nonwhites

devalued (Mills, 1997, pp. 16, 101).²¹ The ways in which people *ought* to be treated, the treatment people *deserve*, differs according to the color of one's skin, manifesting a moral hierarchy in which the darker one is, the less humanity one has, and the less respect and concern one receives.²² This racialized social ontology and consequent moral landscape is evidenced in social and institutional practices' poor treatment of people of color relative to whites' treatment, and in the "differential outrage over white and nonwhite death, white and nonwhite suffering" (p. 101). Mills argues these practices are manifestations of a race-based "partitioned moral concern" that is so basic to society's structure it is taken for granted within mainstream contract theory (p. 96). According to Mills, one can see this taken-for-grantedness by noting the wide and repeated divergences between mainstream political theory's and dominant rhetoric's assertions of "the moral equality of all men" on one hand, and actual white-perpetrated violence, aggression, and discrimination against people of color on the other hand (pp. 16-17, 77, 101-102). For example, besides the threat of white civilians' acts of terrorism and violence, blacks, Latina/os, those of Middle Eastern descent, and indigenous peoples face significantly more police harassment and harsher treatment by actors at all levels within the criminal (in)justice system than do whites (Alexander, 2012; Bialik, 2016; Burton and Lynn, 2017; Federal Bureau of Investigation, n.d.; Haglage, 2014; Makarechi, 2016; Mock, 2007; Perry, 2009; Pitter, 2017; Stevenson, 2014; Taliman, 2011). Mills concludes that mainstream contract theory is therefore indeed a manifestation of the Racial Contract, in which norms of moral worth and treatment are unquestioningly assumed to differentially apply to whites and nonwhites, respectively. I argue that for Mills this is not so much an indictment of contract theory as it is a way of illustrating

²¹ For more on the moral devaluing of people of color, see Glaude (2016) and Lebron (2013)

²² Besides the evidence, presented throughout this thesis, of systemic racism and how people of color are thus treated as less valuable than whites, I discuss the issue of colorism in particular in Chapters Four and Five.

how norms of ignoring, denying, and downplaying the existence of racism function to legitimize and normalize the differential moral status of whites and nonwhites as manifested in concrete social and institutional practices, and how such evasion in turn helps sustain these practices by failing to acknowledge or challenge them.

Consider Mills' use of the contractarian framework which, I argue, does more than simply expose the divergence between society's systemically-racist structure and the egalitarian and race-neutral rhetoric of contract theory. As Valls suggests, such an undertaking need not itself have been made within a contractarian framework. Furthermore, by excavating the kinds of contracts that actually ground the social structure – the one, for example, in which institutional practices are characterized by raced-based moral hierarchies rather than by race-neutral moral egalitarianism – the “Racial Contract” also does more than expose the racism-evasive conceptual realm of white political theory. By taking a reading of Mills' arguments a step further, one can show how subversive they are and how useful they can be for conceptualizing resistance.

To see this, consider Linda Martín Alcoff's claim that “all discourse has political involvements” (Alcoff, 1993/2008, p. 710). Alcoff argues that when “politics” is taken to mean “anything having to do with relationships of power and privilege between persons, and the way in which these relationships are maintained and reproduced or contested and transformed,” all discourse²³ can be understood as “discursive interventions” that shape political spaces (pp. 706, 710). Now consider that Mills is concerned in particular with Rawls' evasion of racism, arguing that this is a constitutive feature of Rawls' work rather than a mere omission (Mills, 2009, 163). Unlike omissions, which lack political import, evasions are not politically innocuous. W.E.B. Du Bois (1935/2013) argues this when he says, “the men who wrote the Constitution sought by

²³ Alcoff's argument goes on to focus in particular on the field of epistemology

every evasion, and almost by subterfuge, to keep *the recognition* of slavery out of *the basic form* [emphases added] of the new government” (p. 2). Du Bois argues this evasion was strategic because frank references to slavery would demand the institution be dismantled due to its affront to the nation’s ostensibly race-neutral ideals. Following Mills, Alcoff, and Du Bois, I argue that Rawls’ silence around racism is itself a discursive intervention into the political environments of mainstream moral and political theory as well as US society at large.

Recent work in psychology around the phenomenon of silence in social and academic discourse supports this claim. In a study on the relationship between silence in historical narratives about indigenous genocide in the Americas and expressions of US nationalism and glorification, Tuğçe Kurtis, Glenn Adams, and Michael Yellow Bird (2010) found that subjects reading historical accounts depicting genocide expressed less nationalism and glorification of country than those who read accounts which were silent on genocide. Kurtis et al. show that when silences reflect those things which are ignored within dominant ideology – for example, how indigenous peoples and lands are affected by settler practices – what results is dominant groups’ continuing contentment with status quo power differentials and thus plausibly (they conclude) a lack of concern with resisting injustice (p. 222).

Power is therefore both *backed by* and *manifested as* prevailing knowledge, where knowledge is here construed as including shared assumptions about what it is appropriate to ignore. Robyn Fivush (2010) makes a similar argument with respect to interpersonal discourse, saying that “voice and silence are socially constructed” because they are mutually “negotiated, imposed, [and] contested” (p. 89). As Linda Alcoff argues, drawing on feminist philosophers²⁴ and post-Marxists, it is an illusion of dominant ideology that prevailing forms of knowledge and

²⁴ See for example Harding (1992/1993)

their legitimations are objective, non-ideological, and disconnected from power structures (Alcoff, 1993/2008, pp. 710-711). Fivush similarly concludes that voice and silence “must always be conceptualised [*sic*] within evolving power structures” (p. 90). Being silent is, as Fivush puts it, “the freedom not to speak...that comes from a position of power” (p. 94). Political and moral philosophy’s silence on white-perpetrated racial injustice appears to stand in no need of justification precisely and only because of the prevalence of racism-evasive forms of knowledge in the US more broadly. These hegemonic forms of knowing are in turn validated and indeed partly constituted by this silence, evidencing the socially- and institutionally-backed power that those who engage in epistemic evasion have to not be challenged in their silence and denials around issues of racism.

As Fivush goes on to argue, “The need to speak, to give voice to experience, comes from a need to explain, justify, rationalize, convince, both others and oneself” (p. 94). While Fivush focuses on interpersonal dialogue, I take her claim to inform an understanding of relationships between power and knowledge more generally – in particular that resistant knowledge will appear to stand in need of justification in ways that prevailing, taken-for-granted forms of knowledge do not. From this one can understand mainstream political philosophy’s evasion – a form of silencing – of actual injustice in favor of ideal theory as an implied demand on nonideal theory to justify itself (on ideal theory’s own terms) in order to be granted what, in Mills’ words, is the status of “serious philosophy” (Mills, 1997, p. 4). This implied demand relegitimizes the contingent, power-infused status of ideal theory as the seemingly obvious, normal focus of real philosophical inquiry and nonideal theory (which I discuss in the next chapter) as beside the point.

Mills thus shows how mainstream moral and political philosophy's evasion of systemic racism is a substantive discursive reinforcement of the political spaces of these academic disciplines as well as US society at large. Taking a cue from Fivush, this discursive reinforcement functions to relegitimize the prevailing racism-evasive white viewpoint embodied, as Mills argues, in mainstream moral and political theory's "*idealizing* abstraction that abstracts away [emphases in the original] from the crucial realities of the racial polity" (Mills, 1997, p. 76). Through their evasiveness, the basic character and prevailing practices of mainstream theory and discourse invalidate (or demand assimilable justification from) racism-conscientious standpoints of people of color and thus delegitimize the moral significance of nonwhites' experiences under a system of racial oppression.²⁵ The political effects of Rawlsian-type silences are therefore effectively constituted by a reinscription of the relationship between white moral valued-ness and nonwhite moral devalued-ness. The discursive maneuver of evasion is a crucial avenue through which systemic racism continues to structure US society, and this, I argue, is what Mills' arguments ultimately elucidate in their criticism of Rawls and mainstream moral and political theory.

It follows on this reading of Mills that the claim – made for instance by Rawls – that ideal theory is suitable for theorizing the rectification of injustice is suspect (Rawls, 2001, p. 66). Mills makes two arguments against Rawls' claim: that ideal theory mystifies and therefore impedes an understanding of actual injustice, necessarily stifling the potential to understand how to remedy this injustice; and that the remedies ideal theory does suggest can actually be regressive since, for example, if systemic racism is not acknowledged then solutions that do take race into account will themselves appear to be racist (Mills, 2009, pp. 177-181). I argue in turn that, given the

²⁵ Dale Turner (2004) makes a similar argument with respect to what he calls the "asymmetry of justification"

understanding outlined above of evasions as discursive maneuvers, there is another reason why ideal, racism-evasive theory is inadequate for considering means of rectification. As discussed above, evading systemic racism effectively invalidates the moral significance of its harms, and this in turn entails a moral devaluation of those experiencing and resisting these injustices. In this way the evasive abstractness of ideal theory renders it a poor vehicle for conveying the seriousness of systemic racism and for providing the kinds of affective bases necessary and appropriate to efforts aimed at rectifying injustice. This is important because the connection between epistemic norms, emotional norms, and moral appraisal which I flesh out in what follows can be a target for destabilization efforts. Understanding how power is related not just to knowledge but to moral assessments and affective states offers a basis for conceiving resistance within systems of racial oppression. Conceiving resistance is therefore aided by a theory like the “Racial Contract” that subverts dominant ideology by making the dynamics of race central, and which undermines power’s connection to hegemonic forms of knowledge, emotions, and moral appraisals.

Third component of Mills’ thesis: The Racial Contract is epistemological

Having considered the political and moral aspects of the Racial Contract I now turn to what Mills calls the epistemological component of the Contract. According to Mills, the epistemic norms of the Racial Contract are characterized by misrepresentation, evasion, and self-deception (Mills, 1997, 19). I argue Mills’ use of the contractarian framework elucidates connections between racism-evasive discourse and systems of racial domination and subordination in the US.

Mills argues that while mainstream contract theories do not explicitly develop a theory about the epistemic norms to which citizens under the contract do or ought to adhere, such theories nevertheless tacitly presuppose such an epistemological contract (Mills, 1997, p. 9). This contract, he argues, is “an idealized consensus about cognitive norms,” a consensus which assumes that “through our natural faculties we come to know reality in both its factual and valuational aspects” (p. 17). Mills notes that in mainstream contract theory these cognitive norms are those that accord with natural law, which among other things affirms the “freedom and equality of all men in the state of nature” (pp. 15, 17).

However, when looking frankly at actual US society through the contractarian framework, Mills argues that what one actually sees is a restriction on “the possession of this natural freedom and equality to *white* [emphasis in the original] men”²⁶ such that one can infer the actual contract to be an agreement among and for the benefit of whites to impose a system of exploitation and disenfranchisement on nonconsenting, resistant people of color (Mills, 1997, pp. 11-12, 16). For whites to accommodate this discrepancy between their professed ideals and their actual practices, Mills argues that “misunderstanding, misrepresentation, evasion, and self-deception” come to characterize whites’ cognitive norms, effectively manifesting “an agreement to *misinterpret* [emphasis in the original] the world” based on “the assurance that this set of mistaken perceptions will be validated by white [i.e. dominant] epistemic authority” (Mills, 1997, 18-19, 97). In the US, white epistemic authority is manifested as normative, colorblind ideology – evidenced within media; institutional rhetoric; public discourse; and so forth – which benefits and validates whites and their illusions of a race-neutral society while marginalizing nonwhites and their experiences of racism. According to Mills, racism-evasive dominant

²⁶ And, as Pateman (1988) shows, “men” really does mean men and not women

ideology “marginalizes domination and its consequences,” thereby sustaining structural racial injustice (Mills, 2007, p. 17).

This illustrates how Mills’ use of the contractarian framework is what allows him to make explicit the relationship between dominant ways of perceiving the social environment and the maintenance of racist social structures. Mills’ arguments show this through a series of steps which can be broken down as follows. First, the “Racial Contract” belies the purportedly egalitarian, race-neutral social contract as in actuality racialized and racist and therefore conceptually misleading. The “Racial Contract” thus exposes the pitfalls of contract theory in which the marginality of race “is reinforced by the mainstream conceptualizations of the polity themselves, which portray it as essentially raceless” (Mills, 1997, p. 121). By utilizing a conceptual framework that is hegemonic in the US (the idea of the social contract) Mills exemplifies how the misleading character of contract theory is at the same time the view of society that is conceptually normative.

This in turn exposes how the idea of the purported contract is itself not simply inaccurate or mystifying but a vital and dynamic ideological enforcer of the ignoring, downplaying, and denying of racial oppression and its moral reprehensibility. Mills’ theory is then well-placed to substantiate its claim that the epistemological contract, by being a component of the Racial Contract, has as its bottom line the “differential privileging of whites as a group with respect to the nonwhites as a group” as based in concrete social and institutional practices (Mills, 1997, p. 11). That is, prevailing epistemic norms validate the racism-evasion in which whites generally-speaking have an interest in engaging. This is due, as Du Bois notes, to the practical effect this

has of hiding and therefore maintaining structural racial oppression from which, generally-speaking, whites materially benefit.²⁷

Mills' theory as a politically subversive conceptual framework

In sum, each of the political, moral, and epistemological components of the Racial Contract are theorized within the contractarian framework Mills develops in ways that are subversive of mainstream moral and political theory and their connections to systems of racial oppression. At this point it is important to note that Mills considers each of these components to be mutually-supportive rather than stand-alone (sub)contracts. I argue further that this mutual support is a feature of systemic racism that can be the focus of resistance efforts.

To see how these three components are interconnected, consider how dominant understandings perpetuate systemic racism's reinscription of what Mills calls a "moral epistemology" that arises from a "racialized moral psychology" (Mills, 1997, pp. 93, 108). According to Mills, "moral epistemology" refers to the fact that epistemic norms include norms of evaluation. This means that predominant ways of perceiving the social environment entail particular, hegemonic understandings about what is right and wrong, good and bad. As relayed above, in the US, dominant norms of cognition are characterized by misunderstanding, misrepresentation, evasion, and self-deception around systemic racism, and moral evaluations within mainstream discourse are a product of these norms. This leads to Mills' conception of a "racialized moral psychology," which refers to the ways in which the political contract – the generation and regeneration of the racial polity – shapes predominating moral norms in ways that devalue nonwhite lives, bodies, experiences, and knowledge. Because they are hegemonic,

²⁷ For a critique of the term "white privilege", which I avoid using, see Zack (1999)

predominating moral norms in turn structure social practices and institutional policies and are therefore a crucial mechanism for perpetuating systemic racism.

This in turn means, I argue, that racialized moral psychologies impede resistance, but therefore the relationship between the moral and epistemological contracts can itself be a site of destabilization efforts aimed at dismantling the Racial Contract. Before making this argument, however, recall that Valls is concerned that the “Racial Contract” obscures rather than clarifies normative issues of systemic racism and therefore provides “little guidance as to what is to be done”. As relayed above, Valls argues Mills’ theory does not adequately address certain theoretical issues including who consents to the Contract and what the content of the Contract is “since it is not really one contract but several, and according to Mills it is constantly being rewritten”. In contrast to Valls, Mills claims that the “Racial Contract” is a “guide to normative theory” with respect to resisting racial oppression (Mills, 1997, p. 120).

Mills argues there are two reasons for why this is so. First, the “Racial Contract” is explanatorily superior to mainstream, raceless contract theory and therefore puts one in a better position to understand what justice might require with respect to actual society. Second, the “Racial Contract” is reflexive and is thus better-placed to allow an understanding of how “our theorizing and moralizing *about* the sociopolitical facts are affected in characteristic ways by social structure” (p. 122). The epistemological component of the Racial Contract shows how discourse and theories of justice that abstract away from racial oppression are themselves a manifestation of the Racial Contract. Mills’ theory thus in turn prompts self-consciousness and criticality about how one’s own assumptions are shaped by, and can be reshaped to counter, the epistemological contract. In this way, Mills’ theory provides normative guidance, not by

explicating a positive account of rectificatory justice, but by being a conceptual foundation for such an endeavor.

Nevertheless, this conceptual foundation would be unstable if Mills could not answer concerns about the content of the Contract and who consents to it. I argue that not only can Mills address these issues, but that in developing my argument the relationship backing systemic racism between epistemic norms, emotional norms, and moral appraisal becomes evident. As I discuss further in subsequent chapters, elucidating this relationship is important for exposing sites within which resistance can take place.

First, consider Mills' claim that "since there is both synchronic and diachronic variation, there are many different versions or local instantiations of the Racial Contract, and they evolve over time" so that "the Racial Contract is *continually being rewritten* [emphasis in the original] to create different forms of the racial polity" (Mills, 1997, p. 72). Before addressing the issue of content, consider that different forms of the racial polity are created in response to efforts to dismantle the racial status quo. While people of color challenge the Racial Contract, "the Racial Contract," Mills argues, "manifests itself in white resistance to anything more than the *formal* extension of the terms of the abstract social contract (and often that too)" (pp. 75, 109). In the current *de facto* era of systemic racism, whites are generally eager to affirm the ideals of equality before the law, equal institutional treatment, and equality of opportunity regardless of race. However, substantive changes in social and institutional policies and practices that aim to accord with these ideals are often met with vehement white resistance, belying the true function of race-blind ideals in providing ideological cover for maintaining the racial status quo (Alozie, 1995; Anderson, 2016; Anderson, 2010, pp. 1, 51, 145; Hughey, 2014; Kinder, 1986; K'Meyer, 2009; Kuran, 1993; Seamster and Henricks, 2015; Stevenson, 2014, pp. 192-194; White, 2016).

Mills thus underlines the fact that, given a tendency (not necessarily conscientious) of dominant groups to work to maintain their dominance, the Racial Contract *must* be rewritten in order to – in Michael Omi and Howard Winants’ (1994) terms – “absorb” and “insulate” against racially-democratizing threats. Omi and Winants’ concepts convey how those with institutional backing have the power to assimilate (“absorb”) demands in a sanitized form suitable to maintaining the status quo, and they can marginalize (“insulate” against) demands that if recognized and addressed would threaten to destabilize current power structures (recall Du Bois’ elucidation of evasion within US founding documents) (pp. 86-87). At the same time, efforts of absorption and insulation are not always entirely effective, allowing room for resistance efforts to reshape social structures (pp. 79-81). This back-and-forth between resistance and status quo maintenance illustrate why the Racial Contract is continually being rewritten.

But what are these different variations of the racial polity? What underlies them such that Mills deems them all to be a manifestation of a single Racial Contract? Again, for Mills the bottom line of the Racial Contract, the underlying theme unifying each of its manifestations, is whites’ procurement of their own material advantage via the disadvantaging of people of color. Manifestations of the Contract will therefore be evidenced in various concrete, systemic social and institutional practices in the US, all of which generally-speaking function to achieve this bottom line. Nevertheless, Mills clarifies that in the current period of *de facto* systemic racism characterized by formal race-neutral egalitarian rhetoric, whites do not necessarily – though they may, as evidenced for example in publicly-avowed white nationalism²⁸ – engage in practices to secure their material advantage while being aware of or deliberately intending to disadvantage nonwhites (Mills, 1997, p. 73). This will be important for the issue of consent in that for Mills,

²⁸ Southern Poverty Law Center, 2017

culpability in agreeing to abide by the terms of the Contract need not be a culpability of conscious intent (let alone of original responsibility). Rather, culpability in consenting to the Contract can, and is often, bound up in refusals to recognize or resist the Contract and its various manifestations.

With respect to the various forms that the Contract takes, Mills provides several examples. The most basic and general form is the global ascendancy of European – later “white” – hegemony over the peoples of other continents beginning around the 15th-century (Mills, 1997, p. 72). As conveyed above, this begins a centuries-long period of “formal, juridical white supremacy” as manifested in European conquest, colonization of the Americas and African slavery, and Jim Crow laws, practices which, again, were codified in white-dominated formal rhetoric and discourse as morally acceptable due to the inferiority of people with darker skin color (or else the moral abhorrence of “race mixing” that damages white genetic and cultural heritages) (p. 73). Another basic form of the Racial Contract, and an example of how it evolves over time, is the transition from *de jure* white supremacy to *de facto* systemic racism. As Mills argues,

“Whereas before it was denied that nonwhites *were* equal persons, it is now pretended that nonwhites *are* equal abstract persons who can be fully included in the polity merely by extending the scope of the moral operator [“full person”], without any fundamental change in the arrangements that have resulted from the previous system of explicitly *de jure* racial privilege” (p. 75).

This *de facto* form of the Racial Contract is evidenced in its local manifestations. Mills gives several examples: “restrictive covenants, employment discrimination contracts, political decisions about resource allocation,” and, in general, the various forms of systemic racial discrimination across every major US institution up to and including the present day, as outlined above (Mills, 1997, p. 73). Other forms of the Contract, Mills says, include the numerous examples of “white resistance to anything more than the *formal* extension of the terms of the

abstract social contract” (Mills, 1997, p. 75). Again, the bottom line of the Contract is maintaining and/or increasing whites’ material advantage. Accordingly, substantive efforts to reshape social and institutional practices in race-equitable ways are treated as a threat to whites’ material standing and opportunities (Mills, 2007, p. 35). In sum, the content of the Contract manifests in societal- and institutional-wide practices achieving the Contract’s bottom line, practices which, due to the continuous efforts to resist and dismantle systemic racism by people of color and their allies, necessitate evolving counter-strategies by those aiming to keep the racial status quo in place. This explains what Mills means when he says the Contract is constantly being rewritten. This also goes some way in addressing Valls’ second concern which regards the notion of “consent”.

I take it that the question of consent to the Racial Contract is comprised of at least two concerns – namely, who consents, and how they consent. A third question, in line with Valls’ criticism of Mills’ use of the contractarian framework, asks why the notion of consent is important or helpful for understanding systemic racism. Addressing these questions will allow me to expand on Mills’ notion of whites’ “racialized moral psychology”. This in turn will help build a conceptual foundation for conceptualizing resistance within what (I will argue) are important linkages between epistemic norms, emotional norms, and moral appraisal. First, Mills makes clear that nonwhites do not – indeed cannot – consent to the Contract because they are not parties of the agreement to establish a system working for their own disenfranchisement but rather a group on whom the Contract is imposed: “it is a contract between those categorized as white *over* [emphasis in the original] the nonwhites, who are thus the objects rather than the subjects of the agreement” (Mills, 1997, p. 12). It is therefore (only) whites who consent; but who are “the whites”? After all, are not some “nonwhites” materially advantaged by US

institutions, and are not some “whites” materially disadvantaged? Further, the term may seem nebulous given Mills’ claim that “Whiteness is not really a color at all, but a set of power relations” (p. 127).²⁹ What does this claim mean, and how would addressing this question help flesh out how “whites” consent to the Contract?

Recall Mills’ explication of the political component of the Contract: there is an historical occurrence beginning in the mid-1600s in which European colonists establish formally-recognized social and institutional practices racially demarcating and disadvantaging non-Europeans from and relative to themselves. This racialized system comes to be mediated through color terminology – for example, those of African descent, who have relatively darker skin pigmentation, are color-coded as “Negro”, while those of European descent, who have relatively lighter skin pigmentation, are color-coded as “white”. These color-coded demarcations come to refer to different so-called “races”. As Mills notes, and as the historical record and work in genetics make clear, races are socially-constructed rather than biologically-real entities: “‘White’ people do not preexist but are brought into existence *as* ‘whites’ by the Racial Contract...The white race is *invented*, and one becomes ‘white by law’” (Mills, 1997, p. 63; see also pp. 125-127 and Fullerton, 2007).

Furthermore, Mills notes that “white” group membership is negotiated and evolves over time. Members of groups once considered not to be white – Mills mentions the Irish, Slavs, Mediterraneans, and Jews, for example – come to be included (within mainstream society) through “a limited expansion of the privileged human population” (p. 78). For those who are not easily assimilable into the white group on the basis of phenotype, there have been designations of what Mills calls “honorary” whites for those darker-skinned folks who support the racial status

²⁹ Mills’ claim draws on philosophical and sociological literature that uses “whiteness” to refer to “the specific dimensions of racism that serve to elevate white people over people of color” (DiAngelo, 2011, p. 56)

quo (Mills, 1997, pp. 80-81). He also notes hierarchical divisions among whites – “some are whiter, and so more equal, than others” – and nonwhites – “some are blacker, and so more unequal, than others” (Mills, 1997, p. 80). He concludes that at the basis of evolving, dynamic, and sometimes messy racial categories and their meanings is thus the white-nonwhite organizational axis and its attendant power differentials comprised of concrete racialized social and institutional practices (Mills, 1997, p. 80). Furthermore, scholars have documented that because of their position of power within the racial status quo, it is disproportionately whites who have been in control of accepting or rejecting various people’s membership into the white camp and of defining and imposing the various racial categories one encounters in the US (Feagin, 2010). For these reasons, whiteness is a set of power relations generally advantaging those considered “white” and disadvantaging those considered “nonwhite,” where racial groups and racial meanings are politically (in Alcoff’s sense) constructed (largely by whites) and negotiated and challenged (largely by nonwhites), as well as mediated through phenotypical, historical markers of “race” such as skin pigmentation (see also Feagin and Elias, 2013).

So how do whites consent to, and, conversely, dissent from, the Racial Contract? On the basis that whiteness is essentially a set of power relations, Mills argues that “the ‘Racial Contract’ *voluntarizes* [emphasis in the original] race” (Mills, 1997, p. 126). Mills does not mean whites can renounce their white-group membership in the sense of controlling or avoiding how social and institutional practices will generally continue to work to their advantage: “Inasmuch as mere skin color will automatically continue to privilege them,” whites’ “identification with the oppressed can usually be only partial” (p. 107). Instead, Mills argues, “The rejection of the Racial Contract and the normed inequities of the white polity” means whites ought to “speak out and struggle against the terms of the Contract” (p. 107). He goes on to say, “By unquestioningly

‘going along with things,’ by accepting all the privileges of Whiteness with concomitant complicity in the system of white supremacy, one can be said to have consented to Whiteness” (p. 107). Here Mills underlines the centrality of the epistemic contract to the maintenance of systemic racism. By exemplifying “unquestioningly going along with things” as whites’ “effectively having become a signatory to the ‘contract’” Mills is arguing that the default status of whites in the US is that of a consenting party to systemic racism due to their *ceteris paribus* absorption of society’s prevailing epistemic norms (p. 107). Consent does not (necessarily) stem from a conscious choice to use these epistemic norms but rather from failures to challenge them.

Similarly, Mills’ claim that “complicity in the system of white supremacy” is also a form of effective consent points to his emphasis that the bottom line of the Racial Contract is whites’ material advantage via nonwhites’ material disadvantage, which systems of social and institutional practices work to facilitate. Here Mills is arguing that establishing the racial polity and its concomitant systems of violence and dehumanization requires whites develop “a cognitive and moral economy psychically required for conquest, colonization, and enslavement” (Mills, 1997, p. 19). That is, burgeoning dominant ideology during the creation and subsequent continuation of the US nation-state seeds moral norms of race-based valuational hierarchies which continue to serve the material interests of whites as the dominant racial group. Because of the relationship between epistemic norms of evasion and norms of evaluation, Mills argues whites “will then act in racist ways *while* thinking of themselves as acting morally” because “they will experience genuine cognitive difficulties in recognizing certain behavior patterns as racist [emphases in the original]” (p. 93). In other words, the racial polity normalizes harmful and violent differential social and institutional treatment of people of color, including nonwhite immigrants who appear to whites to pose a threat both to white domination and to their image of

the US as an essentially white country (Campbell, 2015; Gallagher, 2007, p. 12; Jaret, 1999; King and Smith, 2005, p. 81; Mills, 1997, pp. 58-59). This moral hierarchy helps inoculate against the threat to the racial polity that whites' nonracist ideals might be recognized within mainstream society as incompatible with the double standards of practices within systemic racism, again evidencing the crucial connection between epistemic norms and norms of moral appraisal. Mills' argument thus shows that whites consent to the Contract by accepting the legitimacy of its "accompanying moral epistemology" that normalizes social and institutional practices which devalue nonwhite lives (p. 108).

Importantly, Mills, following Alvin Goldman, discusses the role of empathy in racial group-based interactions, arguing that because "the Racial Contract requires the exploitation of nonwhites, it requires in whites the cultivation of patterns of affect and empathy that are only weakly, if at all, influenced" by the experiences of people of color under racial oppression (Mills, 1997, p. 95). Mills shows how prevailing norms of moral evaluation are mediated by norms of racially-disparate emotional responses like empathy and "differential outrage over white and nonwhite death, white and nonwhite suffering" as well as outrage and violence against nonwhites who challenge the racial status quo (pp. 84-86, 101). Mills thus illustrates how whites consent to the Contract not only by engaging in actions or practices that harm people of color but by "failing to denounce" or express outrage at nonwhite death, suffering, and hardship under racial injustice (p. 94). As Mills argues, and as an example of the manifestation of the Racial Contract, "silence constitutes good prima facie evidence" that harms to and injustice against people of color are "not of particular interest" within prevailing ideology (p. 94).

In this way, Mills underscores why the notion of "consent" is important for understanding systemic racism. For Mills, consent to the Racial Contract is intimately bound up with evasion of

how systemic racism structures US society and how epistemic and emotional norms inform moral appraisals in ways that normalize and sustain this system. This means that one of consent's essential manifestations is whites' failure to challenge the racism-evasive white viewpoint while delegitimizing the racism-conscientious standpoint of people of color. As I argued above, this validation and delegitimization is a substantive discursive reinforcement whose political effects are to normalize and thereby perpetuate systems of racial oppression. Furthermore, because "consent" to the US's social order is an idealization basic to ideas of the social contract in both political philosophy and the public imagination, Mills' use of the term radically reconceives its assumptions – for example, that consent is an essentially race-neutral concept and that the power to consent is held equally among individuals. As Mills argues, nonwhites are the objects, not subjects, of the Racial Contract. It is whites who have had the power to institute and sustain social and institutional policies and practices that benefit themselves by disadvantaging people of color, while nonwhites are the ones who contend with the Contract and have had this system imposed on – not chosen by – them. Mills thus shows that "coercion" and "imposition" of the social order onto people of color is actually fundamental to, but hidden within, mainstream contract theory's notion of "consent". By taking up this contractarian notion Mills not only exposes its racially-disparate assumptions but elucidates what "consent" actually means in practice, including the perpetuation of a race-neutral reading of "consent" that functions, within mainstream theory, discourse, and rhetoric, to normalize and sustain systemic racism.

The connections between dominant cognitive norms, mainstream theory and discourse, and moral appraisals are thus central to the legitimization and perpetuation of racism. Recall that Latham (2014) discusses the issue of prejudice as based on stereotypes circulated within dominant images, discourse, and rhetoric. This in turn evidences the link between the moral and

epistemic components of the Racial Contract. Norms of moral appraisal result from particular, prevailing ways of understanding the social environment, and these understandings, as I have alluded to throughout the chapter, are comprised of *both* an epistemic component *and* an emotional component. Emotions, then, are another crucial element in validating and sustaining racial oppression. I discuss emotions in more depth in Chapter Three. To introduce their importance, consider the work of Joe Feagin (2010) and his theory of the “white racial frame”. Feagin’s theory helps show how the “Racial Contract” exposes ties between moral appraisal and epistemic and emotional norms.

The “white racial frame” conceptualizes what in Mills’ terms are the Racial Contract’s epistemic norms as constituting “an overarching worldview” encompassing “racial ideas, terms, images, emotions, and interpretations” (p. 3). “For centuries now,” Feagin argues, this worldview “has been a basic and foundational frame from which a substantial majority of white Americans – as well as others seeking to conform to white norms – view our highly racialized society” (p. 3). Fundamental to this frame are unreflective negative emotions with which whites perceive people of color, including arrogance, anxiety, and fear (pp. 102, 109-110). Feagin argues these negative emotions contribute to whites’ “massive breakdown of positive emotions such as empathy” with respect to nonwhites (p. 110). Because of its societal-wide dimensions, Feagin deems this breakdown “social alexithymia” – a socially systemic rather than individual failure of empathy (p. 204). Socially dominant negative emotions and the concomitant obstruction of positive emotions towards nonwhites, Feagin argues, facilitate institutional practices that disadvantage and oppress people of color (p. 110).

Negative emotions and whites’ lack of empathy with nonwhites exist in a mutually-informing relationship with epistemic norms. With respect to the epistemic component of the

Racial Contract, Feagin's theory helps to explain why, based on survey results, a "majority of whites are willfully ignorant or very misinformed when it comes to understanding the difficult life conditions that African Americans and other Americans of color face today" within *de facto* systemic racism (Feagin, 2010, p. 3). Relaying that most whites express the view that US society is basically equitable and race-blind, Feagin notes that "whites exhibit serious collective denial in believing what is demonstrably untrue" (Feagin, 2010, p. 3). The collective aspect of this denial is the characteristic which effectively renders it an agreement among whites to adhere to epistemic norms of evasion and validate one another's doing so. Mills emphasizes the importance of this epistemological contract to understanding why it is that, despite its being "quite obvious" that we "live in a world built on the Racial Contract", it is also "nonobvious, since most whites *don't* [emphasis in the original] think about it or don't think about it as the outcome of a history of political oppression but rather as just 'the way things are'" (Mills, 1997, pp. 9, 30). Evasion of and silence around white-advantaging systemic racism is, generally-speaking, epistemically normative to the way in which whites frame their perceptions of society. Feagin links this racial conceptual framing to the system of institutional racism structuring US society: "What the dominant racial framing ignores or suppresses is critical to the continuation of oppression" (Feagin, 2010, p. 17). What Feagin's theory shows is that the harm to nonwhites of systemic racism,³⁰ and the moral appraisals validating and normalizing that harm, are mediated by predominating negative emotional norms and epistemic norms of evasion (or what Feagin calls "denial"). Because these norms comprise a worldview basic to the way in which, generally-speaking, whites (mis)perceive the social environment, these norms inform socially-dominant moral appraisals which, as discussed above, in turn sustains systemic racism.

³⁰ For ways in which systemic racism in the US has and continues to harm whites, see Berry (1970/2010)

Finally, the epistemic and emotional norms of the Racial Contract are invoked by whites as a means of resisting efforts to dismantle the racial status quo. Showing how whites prevent dissent from the Contract will elucidate sites of resistance within systemic racism, particularly as directed at relationships between norms of moral appraisal and epistemic and emotional norms. Mills therefore concludes his arguments in *The Racial Contract* by arguing that as long as epistemic norms of evasion around systemic racism persist, “the Racial Contract will only be rewritten, rather than being torn up altogether” (Mills, 1997, p. 133). As I have been arguing, Mills underlines the important mediating role the epistemological contract and its norms of evasion have for the Racial Contract. I have also shown that for Mills, consent to the Contract is manifested in the use of dominant epistemic norms which, together with emotional norms and norms of moral appraisal, “rewrite” the racial polity through the ways in which these norms mutually sustain structural racial injustice. To dissent from the Contract is therefore to resist these norms. Substantiating these claims, Jessica C. Nelson, Glenn Adams, and Phia S. Salter (2012) and Robin DiAngelo (2011) show, respectively, how prevailing epistemic and emotional norms are obstacles to resistance because they impede dissent from the Contract.

Nelson et al.’s field research corroborates the “Marley hypothesis” which suggests that those from dominant racial groups perceive less racism in society than those of subordinate racial groups due, at least in part, to dominant groups’ ignorance and/or denial of past racism (p. 214). Nelson et al. relate their work to studies of group-based ignorance, where “ignorance” is understood “not as mere absence of knowledge [i.e. omission], but instead as the product of knowledge technologies...that obscure awareness of facts that might otherwise be obvious [i.e. evasion]” (p. 217). They argue that research substantiating the Marley hypothesis reveals the group-based identity interests of dominant racial groups, interests that are taken for granted and

thus unarticulated prevailing discourse. Similarly to Fivush's and Kurtis et al.'s work, respectively, connecting knowledge and power, Nelson et al. underline the fact that whites, as the dominant racial group, rely on the unquestioned validity of prevailing epistemic norms in "portraying [nonwhites'] perception of racism as the deviant phenomenon that requires explanation" (p. 213). Drawing on previous research they note,

"the typical determinant of relevance in mainstream representations of history *is not correspondence to truth, but the exercise of authority* [emphasis added]. People who dominate cultural production impose beliefs and desires about relevance onto material reality, typically choosing to preserve knowledge about [their own] collective triumphs while silencing knowledge about [their own] collective misdeeds" (Nelson et al. 217).

Whites' denials of racism – especially, as Nelson et al. show, racism at the systemic rather than individual level – thereby ostensibly constitutes "an unremarkable standard that does not require explanation because it faithfully reflects objective reality" (pp. 213, 214). According to Nelson et al., whites' reliance on dominant epistemic norms which are at odds with the reality of racial oppression suggests that whites' "minimization of racism is not an unbiased reflection of objective reality, but instead reflects identity-defensive motivations" (p. 213). What Nelson et al.'s research illuminates is how racism-evasive epistemic norms are not only manifestations of, and do not merely perpetuate, the Racial Contract, but are also effectively strategies whites use to resist challenges to the system of racial oppression from which they benefit.

This assessment is supported by the work of Robin DiAngelo (2011). DiAngelo focuses on emotional responses to the kinds of discourse that challenges the mainstream racism-evasive conceptual framework. She relays that these emotional responses are typically expressions of anger, fear, defensiveness, guilt, and righteous indignation³¹ (pp. 57, 64; see also Knowls, Lowery, Chow, and Unzueta, 2014). DiAngelo says that while these responses typify challenges

³¹ Anger's contrast with righteous indignation will become especially important in Chapter Three

to an internalized, normalized position of dominance (as she notes others have argued), they can also be conceptualized as indicating a lack of emotional and interpersonal stamina regarding the prospect of confronting issues of racism (pp. 55-58). She argues this lack of stamina and its emotional expressions position whites as victims of people of color, reversing the “actual direction of danger” between whites and nonwhites: “The use of this discourse [of being under attack] illustrates how fragile and ill-equipped most white people are to confront racial tensions, and their subsequent projection of this tension onto people of color” (pp. 65-66). Referring to the work of David Theo Goldberg, and again echoing those drawing the connection between knowledge and power, DiAngelo says her theory speaks to the maintenance of systemic racism, where this system is in part based on whites’ “ability to determine which narratives are authorized and which are suppressed” which, she argues, “is the foundation of cultural domination” (pp. 65-66). She expounds by saying, “questions surrounding racial discourse should not focus so much on how true stereotypes are, but how the truth claims they offer are a part of a larger worldview that authorizes and normalizes forms of domination and control.” (p. 66). DiAngelo highlights how discursive maneuvers, especially in the form of evasion buttressed by normative emotional responses, legitimizes and sustains systems of racial oppression.

At the same time, DiAngelo underlines how emotional norms, together with epistemic norms of evasion, “function to reinstate white racial equilibrium” – that is, a sense of ease that was disrupted by racism-conscientious discourse (DiAngelo, 2011, p. 54). This effectively comprises a strategy of insulation against efforts challenging the racial status quo. As DiAngelo argues, whites’ prevailing emotional responses to the prospect of confronting issues of racism “guarantees that the racial misinformation that circulates in the culture and frames their perspectives will be left unexamined” (p. 66). Whites’ reliance on this guarantee, furnished by

the validating power of prevailing discourse and its constitutive silences, amounts to an imposition against dissent from the Racial Contract. Nelson et al.'s and DiAngelo's work point to entrenched white epistemic and emotional responses to challenges to the racial status quo. I suggest this conveys the need for whites to mount consistent resistance to these norms as an inroad into dismantling systemic racism. DiAngelo concludes by arguing, "The continual retreat from the discomfort of authentic racial engagement in a culture infused with racial disparity limits the ability to form authentic connections across racial lines, and results in a perpetual cycle that works to hold racism in place" (p. 66). In arguing for the importance to resistance of the relationship between epistemic and emotional norms and norms of moral appraisal, I suggest the obstruction to "authentic connections across racial lines" entailed by these norms is one way in which destabilizing this relationship is an important form of dissent from the Racial Contract. Such destabilization efforts facilitate whites' ability to act in solidarity with people of color and resist injustice.

Conclusion: The "Racial Contract" as a guide for understanding resistance

Diana Meyers (1994) considers solidarity to be a political form of love. Love in a political context, she argues, is a "steady, compassionate response to other people that is correlated with a disposition to act in support of their interests" (p. 103).³² Solidarity on Meyers' account therefore entails both epistemic and emotional engagement: one has an understanding of what others' interests are and is affectively moved by this understanding to mutually support others in resisting injustice and oppression (what might be called a "political form of disdain"). I argue that the "Racial Contract", when coupled with the notion of solidarity, can guide an

³² See also Bartky (2002) 79-80 and Plumwood (2002) 202

understanding of how whites can resist racism. In elucidating the connections between epistemic and emotional norms, moral appraisal, and racist structures, as well as how these connections are supported through whites' acts of consent, the "Racial Contract" points to relationships at which destabilization efforts can be directed.

One of the concepts I turn in to Chapter Three is outlaw emotions, as described by Alison Jaggar (1989/2008). According to Jaggar, outlaw emotions are at odds with normative emotional responses, and they can both elicit and be elicited by understandings that challenge the epistemic norms of dominant ideology. Mills' elucidation of the relationship between emotional and epistemic norms in supporting systemic racism suggests incorporating outlaw emotions into a conception of resistance. I also suggest outlaw emotions are conducive to whites' being in solidarity with people of color and to moral understandings that better track the rights and wrongs of racial oppression.

A key question will thus be, in light of the social hegemony and institutional backing of epistemic norms of evasion, how can outlaw emotions facilitate understandings that counter prevailing epistemic norms and moral appraisals? What kinds of things elicit outlaw emotions in the first place? Furthermore, because of whites' position of dominance within the racial status quo, how do whites resist racial injustice in ways that do not merely reinscribe the power and authority of whiteness? And, given "consent's" imbrication with notions of liberal individualism that abstract away from how agents are constituted within systems of power, does Mills' use of "consent" work at cross-purposes to resisting racial oppression? Finally, how does addressing these questions inform a conception of resistance?

However, before turning to these questions I must first address the issue of theorizing about resisting racism as both white and as located at particular sites within the social structure.

How does one who is advantaged by a system of oppression adequately ascertain what it means to resist such oppression? How does one, whose experience and understanding is necessarily limited by her own embodiment and social locality, argue for particular forms of resistance she supposes others ought to follow?

CHAPTER TWO

BEING WHITE AND THEORIZING ABOUT RACISM

“There are words like *Freedom*
Sweet and wonderful to say.
On my heart-strings freedom sings
All day everyday.

There are words like *Liberty*
That almost make me cry.
If you had known what I knew
You would know why.”

-Langston Hughes

Introduction

The issue of being white and anti-racist – or at least considering oneself anti-racist – has been discussed a fair amount within the philosophical literature on race and racism (Applebaum, 2010; Clark and O'Donnell, 1999; Cuomo and Hall, 1999; DiAngelo, 2012; Lugones, 2003, pp. 65-75; Sullivan, 2006; Sullivan and Tuana, 2007; Yancy, 2015). In the present chapter I consider the issue of being white and theorizing about racism in light of my project of developing an understanding of resistance to racism as dissent from the Racial Contract. In particular I address two central concerns related to my project. First, how do individuals located within particular social and institutional sites, whose knowledge and experience is thus limited, best go about developing an understanding of how people (at other social and institutional locations) can engage in resistance? Second, how does someone who is advantaged by a system of oppression theorize about how she and others so advantaged can resist such oppression? In other words, how does such a person challenge the tendency to (mis)construe issues of (in this case) race and racism, and of what people of color say about these issues, in ways that fail to accurately and

adequately convey the reality and egregiousness of racial injustice and how she herself is complicit in it?

Abstract universal legislation

In *Grounding for the Metaphysics of Morals* Immanuel Kant (1785/1993) introduces the notion of a universal moral legislator. A universal moral legislator can determine categorical imperatives to which all people in all situations must adhere. Famously (or infamously), Kant argues one categorical imperative is that no one should ever lie. To arrive at this conclusion Kant asks himself whether the act of lying can be made into a universal law such that lying is acceptable for anyone whenever it suits their purposes. Upon thinking through the logical consequences of such a law, he concludes that were it to be put in place, no one would or could trust anyone, and, hence, no one would believe anyone's lies. Yet, in such a scenario, this defeats the purpose of lying, which is to deceive others into believing what one says. Thus, a universal law that allowed lying would be self-defeating: lying would become inefficacious. Kant concludes that a prohibition on lying must be a categorical moral imperative. For example, if a murderer is at someone's door asking where her roommate is because he (the murderer) is going to kill her roommate, she cannot lie about the whereabouts of her roommate, because this would violate the categorical imperative. On this view, lying to the SS about hiding Jews during the Holocaust, or to slaveholders about people escaping slavery via the Underground Railroad, are immoral acts.

Due to Kantian judgments such as these, Norbert Campagna (2001) argues, "That the unqualified concrete individual will cannot be taken as a universal legislator is a point that hardly needs to be made clear today" (p. 285). Human beings are embodied creatures with a set of

particular experiences; an even wider set of a lack of experiences; a social, familial, and personal history; and a particular set of social and political locations within systems of power. As such, any one individual cannot adequately legislate what everyone in any scenario ought to do no matter what. What is morally appropriate in a given context will in significant part depend on what the context itself calls for and who the people in that context are. These are the insights of standpoint theory,³³ to which I return momentarily.

Acts of universal legislation backed by power and enforced against others can therefore lead to oppression. By “universal legislation” I mean any act of deciding for others what, from a moral standpoint, they ought and ought not do. For example, deciding that it is immoral for slaves to learn how to read was a (purportedly) moral prescription backed, crucially, by the social and political institutions of the time. Take as another example the decision by white settlers to deem indigenous children’s “education” in white- and Christian-run boarding houses to be a moral imperative. Because this decision was backed by social and institutional power, this “moral” imperative was capable of being enforced, thereby instituting a system of oppression.

Campagna is thus concerned to arrive at an understanding of moral legislation that explicitly delegitimizes moral decisions that are backed by social and institutional power and which oppress and harm others. If moral legislation cannot be based in the individual will, which often gets things wrong, morally-speaking, when it comes to other people’s lives, then in what can it be based?

Campagna endeavors to salvage Kant’s notion that people can generate categorical imperatives to which others must adhere. However, he does so by tying categorical imperatives

³³ Care ethics also makes these claims (see for example Jaggar, 1995 and Walker, 1989/1995)

not simply to acts that, when universalized, are logically self-defeating, but which would be undesired by the individual herself. Kant himself argued that such imperatives do exist (even if they are not the only ones). For example, one cannot will that failing to help people in need be a universal law, since, supposing such a law *were* universalized, she herself would receive no help from others when in need, though she would want help in such times. Campagna thus argues, “If the will wills to have its rights recognized, *it is bound* [emphasis added] to create the conditions necessary for their recognition as peremptory rights” (p. 302). On Campagna’s view, because one wants her own rights (which, for Campagna, are largely tied to and stem from the desire for bodily integrity) respected by others, she herself (if she is reasoning rationally) will want and should act so as to create a society in which people’s rights are respected. Otherwise, she would will for a society that did not respect her own rights.

However, Campagna’s argument does not account for the fact that what is considered a moral good by some individual in a given context may not actually be a moral good, especially for another individual in a different context. For example, an 18th-century slaveowner might consider respect for one’s individual liberty to be fulfilled by maintaining those forms of social and institutional interference that sustain his own advantages while limiting other forms of interference into people’s lives (which he may construe as simply a principle of “non-interference”). An 18th-century black woman, on the other hand, might consider respect for one’s individual liberty to be fulfilled when institutions interfere in and disrupt status quo social and institutional policies that are repressive of her and others. She may therefore advocate for governments’ actively reshaping policies in a more just direction (which the white man may construe as “interference” and thus counter to “individual liberty” – i.e. his liberty to do as he pleases regardless of who else is harmed or oppressed). It is precisely because people are

differentially situated with respect to their social, personal, and familial histories; their social and institutional power; and their perceptions (or misperceptions) of the world, that makes even Campagna's amended Kantianism untenable from a moral point of view.

Given this, how is it possible for someone like myself to assert anything whatsoever regarding what, morally-speaking, people ought and ought not do? The question is more basic than Campagna's inquiry "as to what or who, if not that unqualified will, has to be taken as legitimately imposing binding norms or legal decisions on the will of the many individuals composing society" (p. 285). Rather, my concern is, how does one even *know* what is appropriate to assert with respect to what people ought and ought not do when resisting oppression, given one's own experiential and epistemic limitations?

Theorizing as located

To answer this question I turn to Charles Mills' (2008) understanding of nonideal theory, which he fleshes out through a comparison with ideal theory:

"Ideal theory is not supposed to contrast with nonideal theory as a moral outlook contrasts with an amoral, realpolitik outlook. Both ideal and nonideal theory are concerned with justice, and so with the appeal to moral ideals. The contrast is that ideal theory asks what justice demands in a perfectly just society while nonideal theory asks what justice demands in a society with a history of injustice. So nonideal theory is concerned with corrective measures, with remedial or rectificatory justice" (p. 1384).

By "nonideal theory" Mills does not mean a theory advocating for a less-than-desirable society or cynical, realpolitik values. Instead, Mills advocates for basing moral and political theory in an assessment of how society is actually structured in ways that are oppressive and unjust. This assessment can then much more adequately ground an understanding of what justice in our world actually requires than would a theory that was devoid of any such assessment. Because society *is* structured, not in ways that are oppressive through-and-through, but in certain ways that are indeed unjust, a theory of justice that is to be applicable to the real world must be a theory that

assesses what sorts of rectificatory measures need to be implemented in order to dismantle actual oppressive systems.

Mills argues that racial justice in particular “is preeminently a matter of nonideal theory, of what corrective measures are called for to rectify a history of discrimination” (p. 1385). This is precisely because racial *injustice* has been and is carried out in actual US society in particular ways. By ignoring this reality in order to focus on purely abstract ideal considerations of the concept of justice, it is difficult to imagine what practical solutions, implemented by real people within the particular social and institutional realities characterizing present society, could be suggested by ideal theory. Indeed, as conveyed in Chapter One’s discussion of Mills on Rawls, it is worse than the fact that a theory which ignores, and thereby fails to understand, actual oppression struggles to provide concrete methods of remediation. On top of this, ideal abstract theorizing, by ignoring actual injustice, effectively provides cover for such injustice to continue, and validates epistemic norms of denying and downplaying the existence and import of (in this case) racial oppression:

“By the apparently innocuous methodological decision to focus on ideal theory, white political philosophers are immediately exempted from dealing with the legacy of white supremacy in our actual society.” (p. 1385)

Declaring at the outset of a moral or political theory that one’s focus shall be on abstract ideal conceptions of justice in turn makes, via a circular form of reasoning, one’s focus on abstract ideal conceptions of justice ostensibly perfectly sensible and justified! At the same time, the material value to members of dominant groups of such a methodological decision becomes evident once one realizes that exemption from dealing with the legacy of oppression is precisely what facilitates (in this case) whites’ ability to continue benefitting from their advantaged position within the racial hierarchy.

This helps address the question of how someone, who is located at particular sites within the social landscape, can best theorize about what she and others ought to do to rectify unjust social and institutional practices. Mills' conception of nonideal theory suggests an understanding of resistance as localized, concrete engagements in challenging and disrupting racism-sustaining practices within one's particular social and institutional locations. At the same time, and as I flesh out throughout the rest of the dissertation, resistance involves an eye towards how individual actions and ways of perceiving the social environment mutually compose and impact prevailing cognitive and emotional norms and dominant social and institutional practices. In other words, assessing what justice requires means gaining an understanding, not merely, or even primarily, of ideal notions of justice but of how real people, given their social and institutional constraints and abilities to exercise power, can challenge the ways in which oppression is facilitated through particular social and institutional practices. This in turn suggests that theorizing about how people can engage in resistance entails theorizing *with* others about how oppression structures society; what rectificatory measures might be useful; how people have engaged and do engage in resistance; and what lessons can be learned for future engagements in resistance. Thus, and contrasted with a Kantian notion (as developed for instance by Campagna) that preventing or remedying injustice means legislating *to* and *for* others, a Millsian conception of how to theorize about rectification and resistance involves theorizing, and applying theories in practice, in interaction and in company *with* others.³⁴

For these reasons, in what follows, and in the rest of the dissertation, I aim to develop a Millsian, nonideal theory of racial justice. I thus draw substantially on how others conceive of resistance within existent systems of oppression, and how this informs an understanding of how

³⁴ These contrasting notions of “doing to” vs. “doing with” are taken from Shannon Sullivan (2006). I return to these notions at several points in subsequent chapters.

whites can dissent from the Racial Contract. Nevertheless, this in turn leads to the question of how someone who is white (as am I) can do well in understanding what dissent from the Racial Contract means. I suggest that an initial response to this question can be had by turning to standpoint theory.

Standpoint theory

According to Sandra Harding (1992/1993), traditional epistemologies play the “God trick”: they maintain that objective knowledge of the world can only be acquired by subjects who strip themselves of their particular and embodied social and personal histories and legislate to others from on high. By shucking such corporeal and historical “baggage”, traditional notions of objectivity assert that one can arrive at knowledge that is universally true. One can be like God, rising above and looking down on the world, comprehending it unsullied by material phenomena (like emotions or political biases) that get in the way of objective knowledge.

Standpoint theory in turn argues that such a God-like position is impossible to attain, and that if one believes she has attained such a position, she is fooling herself. Harding argues that “for standpoint theories, the grounds for knowledge are fully saturated with history and social life rather than abstracted from them” (p. 445). How one understands the world, the values one comes to hold, and the assumptions she makes (consciously and unconsciously), are all a product of the particular ways in which she is embodied, her social and personal history, and the relationship between these. Such grounds for knowledge are not a methodological choice but a reality of what it means to be an embodied being enmeshed in human social life. Standpoint theory simply acknowledges, rather than denies or ignores, this reality.

For this reason, Harding argues for a notion of what she calls “strong objectivity”. Strong objectivity makes four improvements on traditional notions of objectivity. First, because one is an embodied being with a social history, strong objectivity takes the knower herself as an object of knowledge (what Harding calls “strong reflexivity”³⁵) (pp. 452-453, 458). Strong reflexivity is the critical and continuous awareness that “culture-wide (or near culture wide) beliefs function as evidence at every stage in scientific inquiry” (p. 458). Strong reflexivity attempts to mitigate the fact that the assumptions one holds due to unconsciously absorbing dominant ideology will tend to constitute, in some way, the very conclusions at which one thinks she has objectively arrived. Such assumptions will also tend to determine, at the outset of inquiry, which problems she considers important and which sources she views as appropriately aiding her investigation.

Joseph Rouse (2009) argues that part of what it means to engage in standpoint theory is to critically examine the fact that investigators

“assess which claims are true or false, and justified or unjustified. Scientists, activists, and other knowers also consider which claims are significant or interesting; which inquiries are important or relevant; which concepts are sufficiently clear, perspicuous, and mutually coherent; which possible objections are plausible and worth taking seriously; where the burden of proof lies; and which tools are informative, elegant, or robust.” (p. 203)

The assessments investigators make at every step of the inquiry are, as Patricia Hill Collins (2015) puts it, “not politically neutral” (p. 14). Because traditional notions of objectivity do not take the knower as an object of knowledge, such notions are unable to examine and account for the ways in which one’s own standpoint impacts one’s knowledge project. Thus, to arrive at a less prejudicial, less parochial conception of dissent, one ought, within one’s knowledge project, to critically inquire into one’s own standpoint.

³⁵ Recall Mills’ enjoining white theorists to theorizing reflexively about how their own thinking is and has been shaped by their social environment (p. 50 of this thesis)

The second improvement strong objectivity makes on traditional objectivity is in its attention to power structures. Rouse argues,

“The concept of power is indispensable to understanding knowledge as worldly. Standpoint theorists began by recognizing how power relations help shape both the world we seek to understand and our efforts to understand it. The exercise of power and the maintenance of relatively stable alignments of power relations affects which aspects of the world are visible, to whom, and under what circumstances” (pp. 202-203).

Power structures are essential to an understanding of knowledge because of the ways in which relations of power determine which knowledge claims are true or justified; what sorts of evidence ought to be deferred to with respect to which lines of inquiry; and which knowers are deemed trustworthy. Collins concludes that the “complex social inequalities fostered by intersecting systems of power are fundamentally unjust, shaping knowledge projects and/or political engagements that uphold or contest the status quo” (p. 14). What one comes to know; whom one takes to be epistemically authoritative or trustworthy; and how one thinks accurate information is acquired is in part shaped by the power structures within which, at particular locations, one’s life is lived. Those within dominant locations will in turn tend to develop unreflective epistemic and cognitive orientations that uphold current power structures.

For these reasons Rouse enjoins an understanding of knowledge as part of the material causal world rather than as abstract and separated from worldly affairs. He notes that,

“Knowledge claims and their justification are part of the world we seek to understand. They arise in specific circumstances and have real consequences. They are not merely representations in an idealized logical space, but events within a causal nexus. It matters politically as well as epistemically which concepts are intelligible, which claims are heard and understood by whom, which features of the world are perceptually salient, and which reasons are understood to be relevant and forceful, as well as which conclusions credible.” (Rouse, p. 201)

The policies, actions, and behaviors that institutions, groups, and individuals enact are in significant measure a product of the beliefs, knowledge practices, and epistemic orientations with which they engage. Knowledge is thus a product and shaper of social and institutional structure.

Because of the relationship between knowledge and power, dominantly-positioned individuals are able to ignore aspects of the social landscape that negatively impact those in more subordinate positions. With respect to their relatively-advantaged status, the status quo leaves few obstacles in the way of the aims, actions, and self-actualization of members of dominant groups. The way is paved for them. This, coupled with the fact that this paved way is the normal state of things, leaves little to no impetus or incentive for dominant individuals to acknowledge let alone challenge the system that leaves them relatively advantaged. It is often only when social structures get in the way of one's aims, actions, and self-actualization that one is confronted with the fact of society as comprised of systems of oppression.

This leads to the third improvement strong objectivity makes on traditional objectivity, which is the recognition that those on the receiving end of oppression tend to perceive oppression (and thus how society is actually structured) more readily than those who are not on the receiving end. Kristina Rolin (2009) argues that for Harding, "unprivileged social positions are likely to generate perspectives that are 'less partial and less distorted' than perspectives generated by other social positions" (p. 218). The reasons for this include not only the fact that obstacles in one's way are more readily-perceived than the lack of obstacles. It is also the case that oppressed groups tend to need a more realistic understanding of the social environment if they are to navigate and survive within it. Further, those on the receiving end of oppression will be more motivated to change the status quo (which requires acknowledging and understanding the status quo) than will advantaged individuals. Thus, less-socially-advantaged members of society have a *prima facie*, defeasible claim to being epistemically advantaged while more-socially-advantaged members have a *prima facie*, defeasible status as epistemically disadvantaged. As Harding argues, "Starting off thought from [disadvantaged] lives provides

fresh and more critical questions about how the social order works than does starting off thought from the unexamined lives of members of dominant groups.” (p. 451). It is difficult to recognize, let alone be critical of, social structures that have not given oneself much trouble.

This leads to the fourth way in which strong objectivity improves on traditional objectivity. Because multiple intersecting oppressions structure society, knowledge projects are well-informed to the extent they incorporate the understandings of those within various social positions. According to Harding, “We could say that standpoint theories not only acknowledge the social situatedness that is the inescapable lot of all knowledge-seeking projects but also, more importantly, transform it into a systematically available scientific resource” (p. 446). Because different aspects of the social environment will tend to be more or less recognizable depending on one’s social locations, incorporating knowledge from a wide variety of locations is one methodological way to help ensure that fewer social or political biases are adversely impacting one’s epistemic inquiry.

Drawing on Amy Allen, Rolin argues further that,

“Implicit in Harding’s suggestion [of strong objectivity] is the argument that relations of power pose a special challenge for the methodology of the social sciences because they include ‘hidden aspects.’ I argue that relations of power are not just like any other object of inquiry in the social sciences because they can suppress or distort relevant evidence. By relations of power I refer to a particular conception of power, namely, the ability of an individual or a group to constrain the choices available to another individual or group.” (p. 219)

The “hidden aspects” of power relations, according to Rolin, are aspects that are not recognized or acknowledged by those – especially dominant group members – who exist within, embody, and perpetuate these relations. Thus, science, and knowledge projects more generally, are epistemically advantaged, and their claim to objectivity increases, the more perspectives their endeavors include from across power spectrums. Harding draws on Patricia Hill Collins, who stresses “the importance to the development of Black feminist thought of genuine dialogue

across differences and of the importance of making coalitions with other groups if that dialogue is to happen”:

“While Black feminist thought may originate with Black feminist intellectuals, it cannot flourish isolated from the experiences and ideas of other groups. The dilemma is that Black women intellectuals must place our own experiences and consciousness at the center of any serious efforts to develop Black feminist thought yet not have that thought become separatist and exclusionary. By advocating, refining, and disseminating Black feminist thought, other groups – such as Black men, white women, white men, and other people of color – further its development” (Collins in Harding, p. 457).

Given the power-laden, intersecting nature of oppressions, and given that people occupy various dominant and subordinate positions, respectively, knowledge projects concerning social and institutional practices are epistemically impoverished to the extent they are separatist and exclusionary.

In sum, part of what Harding’s suggestions elucidate is that one can be epistemically disadvantaged to the extent that one is socially dominant. One will tend to misperceive the world in ways that downplay or ignore those systems of oppression from which one gains advantages. To remedy this, Harding suggests being strongly reflexive; being critical of power structures; starting inquiry from marginalized standpoints; and incorporating knowledge from a diversity of standpoints. However, where one *is* epistemically disadvantaged due to being socially dominant, it seems one will be impervious to appreciating and utilizing Harding’s suggestions. Part of what it means to be epistemically disadvantaged due to being socially dominant is to fail to appreciate that one is disadvantaged in this way and in need of epistemic improvement. To address this issue I turn to Linda Martín Alcoff’s (1993/2008) critical examination of epistemology and how it is insidiously influenced by politics. I then consider Gaile Pohlhaus’ conception of willful hermeneutical ignorance and, subsequently, Kristi Dotson’s understanding of epistemic oppression.

Incorrigible hermeneutical ignorance and epistemic oppression

Recall that by “politics” Alcoff means “anything having to do with relationships of power and privilege between persons” (p. 710). Alcoff argues that one way in which politics influences epistemology is via the identity of the epistemologist. What is taken by epistemologists to be an objective methodology is itself a product of the particular biases and assumptions that the theorist has developed over time with respect to her particular standpoints (see also Pohlhaus, 2012, p. 717). As Alcoff explains,

“The models of justification that are considered plausible and thus are up for debate and consideration, the goals of epistemology itself, its unexamined assumptions about the locus and contours of knowing that set up the problematic of epistemological research – all these elements are significantly influenced by contextual values that are themselves a function in part of who the epistemologist is.” (p. 709)

Alcoff conveys how if one occupies advantaged positions within society, one’s own knowledge project will tend to reflect and validate these positions through the project’s assumptions, questions, and methodology.

This helps address the question of what it means to be epistemically disadvantaged due to being socially dominant. Harding suggests starting inquiry from marginalized standpoints precisely because socially dominant individuals will tend to be less aware of and willing to acknowledge the legitimacy of knowledge held by less dominant individuals. This stems from the fact that the dominant individual’s material (and perhaps psychological) interests are served by ignoring and (mis)understanding the worlds of the subordinated. Alcoff thus conveys that the way in which one goes about engaging in knowledge projects, including what knowledge itself is, will tend to be impartially framed at the outset, especially if one is a member of a socially dominant group. This impartial framing will be a result of the various beliefs and values the theorist takes for granted and is thus less aware of. Because one’s implicit assumptions can be deep-seeded, this impartiality can continue to influence one’s inquiry even as she attempts to be

conscientious of her assumptions (Pohlhaus, 2012, p. 731-2). To be epistemically disadvantaged due to being socially dominant is thus to be subject to being incorrigibly unaware of one's partiality even while one makes an effort to be conscientious of – i.e. strongly reflexive about – the beliefs and values one takes for granted.

That this incorrigible unawareness should affect one's inquiry seems clear, but just in what ways might it do so? Addressing this question may provide some insight as to how it might be possible to ameliorate tendencies to deny and downplay racism due to epistemic disadvantage. To this end, Gaile Pohlhaus (2012) advances a conception of what she calls “willful hermeneutical ignorance” which, she argues,

“describes instances where marginally situated knowers actively resist epistemic domination through interaction with other resistant knowers, while dominantly situated knowers nonetheless continue to misunderstand and misinterpret the world.” (p. 715).

In occurrences of willful hermeneutical ignorance, those backed by social and institutional power have an interest in and the ability to deny legitimacy to the knowledge of nondominant individuals. While Pohlhaus is interested in conveying why socially dominant individuals are morally responsible for ignorance they do not take pains to remedy, my concern is with ignorance that continues in spite of efforts at remediation. I am concerned with how my own theorizing is affected by beliefs and values I take for granted and of which I am not aware, despite my efforts. Thus, whether one is willfully or unwilfully hermeneutically ignorant, such ignorance can have a significant impact on one's (mis)understanding of the world.

For this reason I take Pohlhaus' arguments regarding how willful hermeneutical ignorance affects one's understanding to be helpful in my own endeavor. She argues that one way in which such ignorance affects one's understanding is that

“in moral and political discourse it blocks the transmission of knowledge that ought to make a normative claim on those for whom the knowledge is intended, presenting instead a distorted picture resulting from faulty epistemic resources” (p. 731).

Here Pohlhaus reflects Mills' connection between epistemic evasion and racialized moral psychologies. By rejecting, consciously or unreflectively, the legitimacy of the knowledge and ways of understanding the social environment of people of color, white people fail to understand the moral aspects and implications of situations shaped by racism. Thus, to the extent willful hermeneutical ignorance impacts one's knowledge project, one's project will not only be epistemically impoverished and wrong, but also morally blighted whenever it makes or evades normative claims related to racism.

Because I am concerned with the epistemic and moral integrity of my own knowledge project, I take hermeneutical ignorance to be a failure, whether willful (as Pohlhaus argues) or unsuccessfully challenged (as may perhaps be the case in my own work), to adequately and accurately incorporate the knowledge of those situated marginally. To flesh this out, consider that the kind of hermeneutical ignorance with which Pohlhaus is concerned is a group-level phenomenon in which dominant groups will tend to be hermeneutically ignorant:

“[Willful hermeneutical ignorance] allows for a coordinated experiencing of the world that is determined by knowers themselves without their realizing it, because epistemic resources can become second nature once one has developed a facility in using them, and because epistemic resources work to coordinate knowers in relation to the world and one another. Consequently, in cases of willful hermeneutical ignorance we are confronted with knowers who are simultaneously and without consultation captivated by a distorted picture of the world.” (pp. 731-2)

This foreshadows Du Bois' claim (discussed in Chapter Three) that white domination can be theorized as a set of habits. According to Pohlhaus, while ignorance is willful once one is confronted with countervailing knowledge claims, its initial development often occurs without one's realizing it, much like a habit.³⁶ This is due to the ways in which people, according in part to the groups with whom they associate and the society in which they are imbricated, come to

³⁶ For more on how being white can be understood as a set of habits, see Sullivan (2006)

absorb (or resist) dominant ideology. For example, it will seem natural to whites, in part due to their segregation (discussed in Chapter Four) from people of color, to uncritically accept dominant ideology's characterization of nonwhites as inherently criminal, troublesome, unruly, or "up to no good" (Chaney and Robertson, 2015; Dichter, 2016; Farmer, 2010; Mancini, Mears, Stewart, Beaver, and Pickett, 2015; Kleider-Offutt, Bond, and Hegerty, 2017; and Mears, Pickett, Golden, Chiricos, and Gertz, 2013). The problem with what seems "natural" to one's own understanding is that part of what it means to be "natural" is to not be recognized. What is "natural" is precisely one's uninterrogated assumptions. How does one come to recognize such assumptions if one feels no need to question or become aware of them?

Hermeneutical ignorance (whether willful or unsuccessfully challenged) thus leads to what Kristie Dotson (2014) calls "epistemic oppression". Drawing on Irene Omolola and Cynthia Townley, Dotson describes epistemic oppression as infringements on "one's ability to utilize [shared epistemic] resources for effective and accurate communication; to being able to use a given set of shared resources to make sense of one's experiences; to the ability to rely upon the existence of fair and accurate standards within shared epistemic resources" (p. 116).

Hermeneutical ignorance entails that members of subordinate groups are unable to accurately and effectively communicate knowledge of their experience to dominant group members; that they are unable to make sense of their experiences using dominant ideological frameworks (and thus must construct resistant frameworks if they are to make sense of their experiences); and that they cannot rely on knowledge frameworks shared with the dominant group to fairly and accurately assess either their own knowledge-claims or their own epistemic credibility. People face epistemic oppression when ideological frameworks that deny or downplay their subordinated status predominate within a given group or society. Such oppression persists when dominant group-members fail, willfully or not, to successfully challenge their epistemic frameworks. One is thus unable to adequately incorporate Harding's suggestions to be strongly

reflexive, critically assess power structures, defer to marginalized standpoints, and incorporate a diversity of standpoints whenever one is unaware that she has unsuccessfully challenged her hermeneutical ignorance.

How is it possible for dominant group-members to successfully challenge their epistemic frameworks? How do dominant group-members learn to accurately and effectively perceive what subordinate individuals communicate? How do dominant-group members critically evaluate the ability of their conceptual frameworks to fairly and accurately assess the knowledge-claims and epistemic credibility of subordinate individuals? How do they successfully put Harding's suggestions into practice? Pohlhaus argues it is both possible and a moral requirement to successfully challenge one's own hermeneutical ignorance. She argues that "the solution is for dominantly situated knowers to catch up and learn to use epistemic resources they lack by forging truly cooperative interdependent relations with marginally situated knowers" (733). However, just exactly how one goes about doing this is left unaddressed by Pohlhaus.

Indeed, Dotson is less than optimistic that dominantly-situated individuals can willfully, let alone successfully, challenge hermeneutical ignorance in most cases, if at all. While she argues it "is imperative that those perpetrating...epistemic oppression take a step back and become aware of their overall epistemological systems that are preserving and legitimating inadequate epistemic resources," she also claims such recognition "is extraordinarily difficult" (p. 131). This difficulty is due to the fact that, as Dotson argues, an epistemic framework "can absorb extraordinarily large disturbances [i.e. challenges to its assumptions, beliefs, and values] without redefining its structure" (p. 121). Conceptual frameworks are thus "stable domains of epistemic habits and instituted social imaginaries that can be difficult to change" (p. 121). Further, "one cannot simply forego epistemological resilience simply because it can lead to bad

epistemic habits and make one prone to profound ignorance” (p. 122). Merely wanting to improve one’s epistemic framework is not enough for being able to do so. Utilizing the very framework under interrogation to interrogate one’s epistemic framework will tend to ensure resistance to change and improvement, because the metric being used to determine whether one needs to change or improve is based within the very framework one seeks to interrogate (Bartunek and Moch, 1994, p. 25).

Dotson goes on to emphasize just how difficult becoming aware of, let alone critically assessing, the structure of one’s epistemic framework is:

“The magnitude of the change required to recognize the limits of one’s epistemological systems can be immense. The testimony of [subordinate individuals] does not and cannot provide such a catalyst for many. It is not absolutely clear what does provoke such changes.” (pp. 131-2)

Despite Pohlhaus’ enjoining dominant group members to listen to and learn from members of subordinated groups, Dotson conveys how even this is often not enough to catalyze a needed improvement in one’s cognitive framework. One’s framework will be resistant to change, especially when this is the same framework one utilizes as a foundation for critical analysis of that framework! Dotson concludes that recognizing the limits of one’s epistemic framework is thus “like experiencing the impossible as possible” because it entails “viewing the limits of one’s epistemological systems that designate the possible as impossible” (p. 132).

Dotson continues,

“Being able to make this step is difficult enough. Being able to change those limitations may be impossible for many. ...the primary difficulty...is the work required to ever acknowledge [the] existence [of an epistemic frameworks’ limitations], which is made difficult due to epistemological resilience itself. ...[This] very resilience of the system may thwart one’s ability to make significant headway in becoming aware of the limitations of one’s epistemological system by only revealing what the system is prone to reveal, thereby reinforcing the idea that one’s system is adequate to the task, when one is actually stuck in a vicious loop” (p. 132).

One may think she has recognized all of the salient limitations of her conceptual framework even when this is not the case. According to Dotson, the primary obstacle to remedying hermeneutical

ignorance is not social and political power disparities themselves (though these are factors facilitating epistemic oppression). Rather, the main obstacle is “in prompting recognition of [the role of one’s epistemic framework in perpetrating] epistemic oppression at all” (pp. 132-3). Whites cannot engage in dissent from the Racial Contract if, in the first place, they are unable to recognize how their cognitive frameworks deny epistemic legitimacy to the very claims that must be understood in order to acknowledge and resist racism. As Dotson explains, overcoming this obstacle is not merely difficult; it is also unclear what sorts of things prompt or facilitate such an overcoming in the first place.

Challenging hermeneutical ignorance

To further explore the issue of overcoming one’s ignorance-due-to-social-dominance, I turn to Karen Jones’ (2012) work on self-trust. Jones discusses the relationship between self-trust on one hand and cognitive change due to what she calls “meta-reflection” on the other hand. She considers self-trust to be a judgment of one’s epistemic abilities that is not so much intellectual as it is affective. One *feels* one is intellectually trustworthy (or not) with respect to a given situation more or less automatically and without much reflection. This feeling, she argues, is a product of how one has been treated by those around oneself and by society at large. Self-trust can therefore be unjustly marred if one is a member of a group whose epistemic unreliability is taken for granted within dominant ideology (e.g. a person of color, a poor person, a woman, a young woman, and so on). On the other hand, “affirmation” of one’s epistemic capabilities can come “too readily on account of social privilege rather than competence”, and this “excess” of self-trust “in turn makes the [epistemically] privileged more likely to perpetuate” epistemic oppression (pp. 237-238). If one has an overblown confidence in one’s epistemic capabilities

with respect to a given topic (e.g. racism), then to that extent she is prone to ignore, downplay, and deny information transmitted by others, especially the epistemically advantaged, with respect to that topic.

Like Dotson, Jones argues that “meta-reflection, or reflection on our cognitive strengths and limitations, is unlikely to be able to resolve the problem” of overblown self-trust (p. 238). She argues as follows: suppose one were to realize that one has too much confidence in one’s epistemic capabilities with respect to a given issue (a feat Dotson argues is difficult and unusual, and whose cause is not entirely known). Still, one’s habit of feeling too epistemically confident will tend to continue shaping one’s epistemic behavior within actual situations: “Beliefs about the reliability of our cognitive capacities can be updated, and yet cognitive practice does not change, as we continue in the worn tracks of past cognitive habit” (p. 241). Even consciously recognizing a limitation within our epistemic framework is not enough to remedy the limitation. Epistemic practices to which one is habituated will tend to determine one’s epistemic behavior in actual circumstances as consciousness of limitations ebbs and flows. Jones thus argues that,

“We might have thought that the hope for remedy—if not easy, then not so very difficult—lies in meta-reflection: that by reflecting on our first-order methods and seeing which pass scrutiny and which do not, we will be able to map our cognitive competence and develop strategies for improving our reliability in a given domain or for coming to lose unwarranted self-doubt. But the account of self-trust I have presented is of a piece with a growing body of empirical work that suggests skepticism about the capacity of meta-reflection, at least when conducted solo, to catch us in our error. If we are self-trusting, we remember success and where we cannot ignore failure, attribute it to situational factors. ...Meta-reflection is even less likely to catch extensive overestimations or underestimations of our cognitive capacities.” (pp. 247-248)

By noting that meta-reflection, or what Harding might call “strong reflexivity”, is not something likely to occur especially “when conducted solo”, Jones suggests the possibility that one increases the odds of becoming aware of one’s excessive epistemic self-trust if she is exposed to the knowledge of others. Indeed, this is what Harding, in her fourth improvement on traditional notions of objectivity, argues makes a knowledge project (such as science) more rigorous and

objective. Still, as Jones points out, one's becoming aware of excessive self-trust is less likely to occur the more overblown one's self-trust is. Overblown self-trust is like a shield between one's own knowledge and the knowledge of others – the more excessive it is, the more impenetrable the shield.

Nevertheless, *if* one rectifies her excessive self-trust, Jones argues it is likely to occur through several stages (again, whether and how one initially comes to endeavor in these stages is unclear). The first step is “to bring to our attention that, here and now, we are in a zone of incompetence,” at which point “we can self-consciously apply strategies to help us do better” (p. 248). Amending one's epistemic framework first requires recognizing where one is or may be less competent than her level of self-trust indicates. This recognition can then facilitate one's deferring to sources of knowledge other than one's own and other than one's typical source pools. However, because epistemic self-trust is a habitual affective state, Jones argues one must also, “through habituation,” “come to have the right affective attitude towards our cognitive competence in a domain” (p. 247). One must continuously, and over time, make a conscientious effort to internalize a feeling of self-trust that is more in line with one's actual epistemic competence. Jones argues that short of this, sometimes the best one can do with respect to certain domains is recognize that one is not as epistemically competent as her self-trust makes her feel, and that because of this, she ought to withhold reliance on her intellectual abilities in that moment. Still, Jones concludes that “the hope is that [do this] consistently enough, and long enough, and one will finally come to have good judgment in the domain in question and so come to have merited self-trust where previously one did not” (p. 248). If one does make a conscientious effort to internalize an appropriate feeling of self-trust, then it is possible that, over

time, one's epistemic framework can be amended due to the cultivation of better judgment by deferring (not uncritically) to other, more competent knowers.

How does a white theorist do well in understanding what dissent from the Racial Contract means? And how does a theorist do well in taking into consideration the concrete, oppressed/resistant/dominant positions of other resisters? What Dotson shows in her discussion of epistemic oppression, and what Jones shows in her investigation into self-trust, is that Harding's prescription to be strongly reflexive may be less fruitful than a simple willingness to acknowledge one's epistemic disadvantage. Dotson's and Jones' arguments suggest that epistemic judgment is not necessarily, or even often, bettered by efforts to remedy one's own faulty cognitive framework. Instead, one betters one's epistemic judgment, and cultivates a more appropriate attitude towards one's actual level of epistemic competence, by being continually willing to defer to others who have greater epistemic capabilities than one has in a given domain.

I therefore take it that, without suggesting how such a process gets started in the first place, one engages in a process of remedying an oppressive epistemic framework by first being aware that it is always possible that one is failing to remedy one's hermeneutical ignorance, despite one's remedying efforts. Second, one should let this awareness lead her to become more inclusive of various knowledge sources and less trusting of her own, and to draw on these sources in developing a better understanding of issues within a given domain. One can then critically assess, and allow others to critically assess, one's conclusions, refining the new understandings at which one arrives. Third, one can *then* engage in reflexivity by looking back to one's prior knowledge and comparing this to one's new understanding. This comparison may allow one to better assess faults in her epistemic framework than would an engagement in reflexivity as a first or primarily solo step towards better understanding. Finally, because it is

always possible that one's efforts to remedy hermeneutical ignorance may fail or be unsatisfactory, one must be willing to continually repeat this process.

At the same time, I do not wish to overemphasize the significance of hermeneutical ignorance to engagements in cross-racial solidarity. I do not want to suggest, for example, that a white person must utterly remedy such ignorance before she engages in resistance. This is not simply due to the fact that completely overcoming one's ignorance may be practically impossible. More importantly, resistance to racism cannot wait for everyone to rid themselves of any habits of hermeneutical ignorance – embodied, for example, in epistemic evasion and racialized moral epistemologies – that they may have. I therefore suggest that whites' hermeneutical ignorance is not the primary barrier to cross-racial coalition; rather, this barrier arises from whites' unwillingness to consider the possibility of their engaging in epistemic evasion or racialized moral psychologies, or to work towards developing a better epistemic framework. Whites' knowledge and understanding of racism is not the ultimate the goal of resistance. Rather, the primary aim of resistance is to cultivate solidarity *despite* ignorance and *in the midst of* people endeavoring to continuously remedy potential epistemic evasion and racialized moral psychologies, given that this endeavor is important and useful for creating more successful coalitions and resistance tactics.

Conclusion

Challenging hermeneutical ignorance is an important endeavor for whites to undertake as they engage in acts of dissent from the Racial Contract, including anti-racist theorizing and cross-racial coalition. Further, developing an understanding of how to resist oppression involves avoiding legislating in ideal terms from on high. Rather, one does better to focus on how

concrete actors can and do engage in resistance, and to consider and incorporate what ideas others have developed, and the lessons they have learned in coming to understand how to challenge and dismantle oppressive systems.

Continuing in these veins, in Chapter Three I ask how whites can use the power they have as members of the dominant racial group to challenge rather than propagate systemically racist social and institutional practices. As conveyed at the end of Chapter One, developing an understanding of how whites can dissent from the Contract will also involve an analysis of how resistant agency is exercised within systems of oppression and the connections between discourse, practice, social structure, and localized actions. This will in turn lead to a discussion of outlaw emotions and an argument defending the claim that Mills' concept of consent is a form of dissident speech that can be used as a basis for engaging in resistance.

CHAPTER THREE

THE “RACIAL CONTRACT” AS A BASIS FOR RESISTANCE

“Every media outlet in the country thinks I’m less than human.
I began to hear the word ‘superpredator’ as if that was my name.”

-Malkia Cyril, *DemocracyNow!*, 10/3/16
Video clip from “13th”, dir. Ava DuVernay

“I grew up here in North Dakota, I was born, raised here, my family, the majority lives here...[a place]
known today by the government as the Fort Berthold Reservation, but known by us as the Mandan
Hidatsa Arikara Nation.” -Kandi Mossett, *Counterspin*, 8/26/2016

“knowledge is not politically neutral”
-Patricia Hill Collins (2015, p. 14)

Introduction

In Chapter One I defended the claim that Mills’ theory of the “Racial Contract” is subversive of liberal conceptual frameworks. In this chapter I show how the “Racial Contract” can be used as a basis for resistance to forms of racism embedded within and validated by epistemic evasion, racialized moral psychologies, and lawful emotions (discussed below). To do so I focus on Mills’ notion of consent. This notion reimagines the US polity as not only racialized and racist (as opposed to “colorblind”) but as open to radical reform (rather than normal and inevitable). I argue that while it may appear that Mills reinscribes mainstream contract theory’s problematic understandings of consent, in actuality Mills’ term counters such understandings. Therefore, the “Racial Contract” not only interrogates mainstream conceptions of US society (as argued in Chapter One) but offers avenues towards resisting racial injustice.

To defend these claims I draw on Alison Jaggar’s (1989/2008) theory of “outlaw emotions” as well as on Diana Meyers’ (1994) notion of “dissident speech”. I argue Mills’ notion of consent, by being a form of dissident speech, elicits outlaw emotions that counter epistemic

evasion and racialized moral psychologies. To support the claim that Mills' notion of consent is dissident speech I turn to several philosophers who show how resistance is exercised within systems of power. They show that by reconceiving and reemploying dominant language one can destabilize the mutually-supporting connections between prevailing discourse and oppressive structures.

As relayed in Chapter One, whites can resist the Racial Contract by dissenting from its terms. Specifically, whites can engage in dissent both individually and collectively, both with other whites and in cross-racial coalitions, in ways that disrupt normal and normative racist social and institutional practices. My arguments in this chapter demonstrate the resistant character of Mills' notion of consent and how this notion informs an understanding of how whites can dissent from the Contract. The "Racial Contract" thereby provides a conceptual foundation for envisioning how whites can engage in resistance.

Mainstream contract talk

I argued in Chapter One that Mills' theory is both counterhegemonic and reconstructive of mainstream contractarian conceptual frameworks. By attending critically to deployments of racism-evasive concepts, Mills upends contract theory's assumptions, eliciting a disillusioned, resistant picture of US society. Nevertheless, Bat-Ami Bar On (1999) argues that the "Racial Contract" is over-simplifying and based in notions of abstract voluntarism. These failings, she says, lead Mills to inadequate conclusions about how to resist systemic racism. I argue, contrary to her criticism, that the "Racial Contract" does indeed provide a basis for forming conceptions of resistance to racism that can be effective tools in the struggle towards a more just society.

Before I present and assess Bar On's arguments, consider Mills argues that there is a "choice for whites": "The rejection of the Racial Contract and the normed inequities of the white polity"

oblige whites "to speak out and struggle against the terms of the Contract" (Mills, 1997, p. 107).

He continues,

"moral/political judgments about one's 'consent' to the legitimacy of the political system and conclusions about one's effectively having become a signatory to the 'contract,' *are* apropos – and so are judgments of one's culpability" (p. 107).

Mills links whites' consent to the Contract to whites' accountability for perpetuating and failing to dismantle systemic racism. Racism results from aggregate social and institutional practices, which are perpetuated by actual people in concrete contexts. Mills concludes that it is therefore those whose actions sustain the Contract who have both the ability and responsibility to redress racism. What does Mills intend the practical effect of issuing "judgments of one's culpability" to be? How do such judgments help in the effort to dismantle racial oppression?

In her essay Bar On writes, "Mills seems to be interested in consent because he is interested in the assignment of moral responsibility and blame" (p. 159). On Bar On's view, the term "consent" appears to be a conceptual tool that, because it conveys the abstract notion of voluntary agreement, allows Mills to merely and facilely issue moral judgments onto whites. Bar On argues that, rather than being juridical and oversimplifying, "there are ways to view responsibility and blame more complexly, and without presupposing an abstract kind of voluntarism" (p. 159). Such a view, she says, is more adequate for "'whites' and 'nonwhites' alike" whose lives are "shaped by systems of domination/subordination" (p. 159).

Bar On draws on Lisa Tessman (2000) to make her argument that the "Racial Contract" is over-simplistic and juridical. Tessman is concerned with how those whose lives are shaped by systems of oppression tend to develop characters that allow them to navigate an oppressive social environment but which are at odds with liberatory principles, where such principles undercut the

legitimacy of their own oppression. Because one's character is shaped in part by external factors, including the systems of oppression shaping one's social environment, one does not have complete control over the development of her character. Thus, systems of oppression can shape people's character in adverse ways³⁷ that will be difficult for the person to simply voluntarily change at will, if her character has even been shaped in such a way that she comes to have a desire to change her character in the first place.

Tessman draws on Claudia Card's (1996) theory of virtue and moral luck, in which one's character traits (virtues) are in part, and for better or worse, a product of the environment in which she lives and over which she does not have total control. Like Card, Tessman focuses her theory on those who are disadvantaged by systems of oppression, even if they are advantaged along some other axis of oppression (for example, a white woman in an anti-nonwhite racist, patriarchal society). My concern however is with those who are advantaged by a system of oppression but who, because their lives are so significantly shaped by this system, come to hold certain beliefs and values that are at odds with social justice and liberatory aims that challenge *others'* oppression. Bar On's argument that Mills needs to attend more carefully to how whites can dissent from the Contract suggests Tessman's theory is applicable to this concern.

To see this, consider the substantial power that social systems exert in pre-reflectively shaping dominant groups' feelings and beliefs surrounding systems of oppression. This power is theorized by Mills' understanding of epistemic evasion and racialized moral psychologies and their validation within dominant ideology. For example, dominant ideology in the US affirms that meritocracy – the view that talent and ability, not socioeconomic class; gender; race; and so forth, determine one's positions within society – and individualism – the idea that an individual

³⁷ Though oppression can shape people's character in positive ways as well (for instance by developing an oppositional orientation towards oppression)

in the US can achieve whatever she sets her mind to, and that US society judges people as individuals, not as members of various groups – are not just ideals but principles around which society is actually structured (Aragon, Brantmeier, Kees, Peila-Shuster, and Anderson, 2011; Bimper, 2014; Boyd, 2004; DiAngelo, 2010; Hughey, 2014; Hytten and Warren, 2003, p. 87; Kinder, 1986; Limbert and Bullock, 2005, p. 261; McNamee and Miller, 2009; Modica, 2015; Oakes, Lipton, Anderson, and Stillman, 2013, pp. 46-57; Roper Center, 2017; Strauss, 2016; Vaccaro, 2011; Wallace and Allen, 2016). The conflation of abstract idealism with reality – echoed in and reinforced (for example) by mainstream political philosophy – helps whites attain material advantages by sanctioning their concentration on their own individual goals and achievements rather than on changing – let alone acknowledging – systemic, group-based unfairness. Whites, despite any nonracist intentions they may have, are therefore adversely conditioned (both epistemically and as moral agents) by systemic racism to falsely perceive the racial status quo in the US as normal and race-neutral rather than as a system of oppression.³⁸ This goes part of the way in defending my claim that Mills adequately accounts for the complexity involved in enjoining whites to dissent from the Contract.

Consider for example a white person growing up in the US who is opposed to discrimination against nonwhites. Despite this opposition she may also be committed to socially-dominant principles of individualism and meritocracy that allow her to live her life well according to prevailing norms of moral uprightness and success. Living in a systemically racist society may in turn severely limit her ability to both resist racial discrimination and embody her other ethical ideals. This is because meritocratic and individualistic values *are* available to her in practice to the extent that she enjoys systemic advantages conferred on whites that are and

³⁸ See Mills (2007) for a fuller discussion of white he calls “white ignorance”

consistently have been denied to people of color. This system of race-based advantages and disadvantages belies the unmeritocratic, disparate group-based opportunities actually structuring society. Thus, living according to her principle of anti-racial-discrimination would require her to significantly alter her feelings and beliefs towards her core principles, an adjustment whose need is not readily recognized to the extent one has absorbed prevailing ideology, let alone one that is easily achievable.³⁹ In Tessman's terms, such an adjustment entails significant willpower and control over one's character, including a desire for justice for the racially-disadvantaged, towards whom one has likely been conditioned by racialized moral psychologies to feel unidentified and unconcerned if not hostile.⁴⁰ One would also need to critically question the moral validity in practice of one's core principles due to the fact that, by conflating ideals and reality, they function in effect to maintain systems of oppression. Such endeavors are difficult, in significant part because dominant groups members are immensely incentivized by their advantaged positions, and by prevailing colorblind rhetoric, to avoid critically interrogating their beliefs and assumptions and the system from which they benefit. Tessman thereby shows how dominant group members' resistance to systems of oppression cannot be conceived in a facile manner, and that the complexities and emotional, epistemic, and material barriers surrounding such resistance must be accounted for in one's understanding of how whites can dissent from the Racial Contract.

In what follows I assess in greater detail just how systems of oppression adversely affect the moral and epistemic agency of whites in a racist society. This will help lay the foundation for why I think Mills' theory must, contrary to Bar On, assume a complex notion of dissent.

Tessman concludes that notions of responsibility and blame cannot be simplistically understood

³⁹ Recall my discussion in Chapter Two regarding the white anti-racist theorizer

⁴⁰ I discuss such antagonism in more detail in the section on outlaw emotions

as arising out of individuals' autonomy, where autonomy means having full control over one's own character, values, and cognitive tools and hence one's agency.⁴¹ She argues this in turn means people's opportunities (or lack thereof) to make ethical choices are shaped (at least in part) by the oppressive systems under which they live. This happens in ways individuals themselves may be unaware of or unable to counter given how central socially-constructed character traits, values, and understandings are to one's identity and life circumstances.

Bar On concludes from Tessman's arguments that juridical assignments onto whites of responsibility and blame for racial oppression is unhelpful for an understanding of how to resist the Racial Contract. If whites are responsible and blameworthy for systemic racism, they are so in complex ways that include how their own lives, characters, values, choices, and potential to change take shape within not only racism but various other systems of oppression.⁴² According to Bar On, Mills "presupposes an abstract kind of voluntarism similar to that of social contract theory" (p. 159). Mills seems to fail to qualify or problematize his claim that whites have a choice to resist the terms of the Contract. Bar On argues Mills' notion of how to withdraw one's consent to the Contract – in which Mills says whites simply have to "speak out and struggle" – thus provides an impoverished understanding of resistance.

To further understand the issues of consent and resistance I turn to Aileen Moreton-Robinson. Moreton-Robinson (2015) argues that whites' sense of entitlement to and possessiveness of the Australian continent is both manifested in and validated by dominant rhetoric and white-driven social and institutional practices. A central concern for Moreton-

⁴¹ McWhorter (2005) makes an argument similar to that of Bar On and Tessman, saying, "unless we place the juridical conception of power in question...and look at racism as part of a vast system of non-subjective, non-intentional networks" of power "we will be pushed toward the untenable...positions" of calling for whites' "voluntary divestiture of 'privileges' or 'unearned assets'" (p. 552).

⁴² For example, socio-economic oppression; sexism; heterosexism; ableism; ageism; and ethnocentrism

Robinson is how these connections between rhetoric and practice entail a disavowal of indigenous sovereignty and concomitant anti-indigenous social and institutional practices. To explore this issue she suggests that material-discursive connections are manifested and reinscribed through white embodiment: white Australians embody “an excessive desire to invest in reproducing and reaffirming” their “ownership, control, and domination” over the social, cultural, political, and natural landscapes (p. xii). This desire is both evidenced and validated “within discourses” that “circulate sets of meanings about ownership of the nation, as part of commonsense knowledge, decision making, and socially produced conventions” (p. xii).

Here Moreton-Robinson is implicitly invoking the notion, explored extensively within philosophy, sociology, anthropology, psychology, and media studies, of the “social imaginary”. For example, Claudia Strauss (2006), drawing on Cornelius Castoriadas, Jacques Lacan, Benedict Anderson, Charles Taylor, and Marilyn Ivy, develops a notion of the social imaginary as the way in which a nation or society is *imagined* (regardless of how the society is *actually* structured) by the people within it. On her view, “social imaginary” designates the complex interactions “between individuals’ psychology and public culture” (p. 339). These interactions consist of the “inner life of individuals” (including people’s “explicit knowledge of imagined facts, implicit cultural beliefs, and dissociated, repressed, and fantasized knowledge”); “manifestations of people’s inner life and social constraints in their publicly observable behaviors”; and “widely available public culture productions (of ideologies, mass media, rituals, laws and the like)” (p. 339).

Strauss’ description of a three-fold relationship between individuals’ imaginings about their society, individuals’ socially-constrained behavior, and dominant social products (such as prevailing rhetoric) supports the connection Moreton-Robinson draws between socially-

circulated meanings and forms of embodiment. Dominant discourses (or ways of imagining the nation/society) mutually validate and normalize – that is, work to structure – racially-oppressive social and institutional practices by sanctioning both whites’ sense of entitlement to the nation and the behaviors and policies that serve their group interests. With respect to the US for example, Strauss evidences on one hand a socially-dominant “individual responsibility” narrative when individuals explain how they have succeeded while others have failed (for instance by being on welfare) and, on the other hand, a social-systemic narrative when explaining why they have failed (for instance, by struggling to find a job or save money in a bad economy) (pp. 338-339). This “individual responsibility” narrative as a way to validate one’s own success (but not to explain one’s own failures) is, as many have argued,⁴³ an often racialized imaginary that depicts people of color as lazy or as drug abusers and black women as unwed “welfare queens” while characterizing whites as deserving empathy and praise for suffering and struggling under the spread of drugs or economic hardship. These racialized imaginaries in turn shape public policy.

Moreton-Robinson thus shows how socially-dominant knowledge permeates through and structures the values and actions of whites in ways that help sustain status quo social and institutional practices. This clarifies and supports Tessman’s claim that one’s (in)ability to be virtuous is determined by the kinds of oppression within which she lives, curbing her ability to simply choose to do the right thing. As Bar On and Tessman argue, an understanding of how resistance to oppression occurs must take into account how oppressive systems structure and delimit moral agency. This in turn problematizes what seems to be (though, as I argue, in reality

⁴³ See for example Denvir, D. (2016, February 8). Their “compassion” is seriously flawed: Politicians care about white addicts – but still love the racist drug war. *salon.com*. Retrieved from http://www.salon.com/2016/02/08/their_compassion_is_seriously_flawed_politicians_care_about_white_addicts_but_still_love_the_racist_drug_war/; DiAngelo (2011); Seelye, K. (2015, October 30). In Heroin Crisis, White Families Seek Gentler War on Drugs. *nytimes.com*. Retrieved from <https://www.nytimes.com/2015/10/31/us/heroin-war-on-drugs-parents.html>; and Rich (2016)

is not) Mills' apparent conception of consent as simply "a choice" (even if a difficult one, as Mills says (p. 107)) over which whites have practically total control.

Bar On thus suggests Mills' theory of the "Racial Contract" be understood metaphorically as a way to more helpfully conceptualize the notion of consent. She argues that a metaphorical understanding "would lead people to think in personalizing ways about their relation to and participation in [the Contract]" (p. 159). As a metaphor, consent connotes people's actions and interactions within particular contexts that work to sustain racism. Such a notion of consent draws one's focus away from abstract ideas about what people ought to do in ideal terms and towards concrete considerations of how systemic racism is manifested and perpetuated "on the ground". Such a notion of consent would better inform and support whites' efforts to dissent.

Does Mills' notion of consent presuppose such a mainstream contractarian conception of abstract voluntarism? And does consent as employed by the "Racial Contract" work primarily to assign blame and responsibility to white people? I argue Mills does indeed understand consent metaphorically. In what follows I consider how consent within the "Racial Contract" invokes white responsibility, not in order to assign blame, but to elicit whites' anger at injustice and to clarify how they are able to dissent from – or "tear up" (Mills, 1997, p. 133) – the Contract. I thus flesh out how Mills' use of consent should be read as "exploding" (Mills, 1997, p. 122) mainstream contract talk rather than reinscribing the problem of abstract voluntarism.

Agency and resistance within systems of oppression

In Chapter One I argued the "Racial Contract" elucidates connections between discourse, power, and social and institutional practices. Arguments by Bar On, Tessman, and

Moreton-Robinson illustrate some of the ways in which these connections circumscribe agency. These kinds of circumscription lend credence to Bar On's criticism of Mills' (ostensible) notion that whites can facilely choose to speak out and struggle against the Contract. Yet, I argue, while agency is constrained in these ways, Mills' use of "consent" accommodates such constraints, suggesting Mills is indeed arguing for a nuanced notion of dissent. Here I consider three philosophers who show how agency is exercised within the interconnections between discourse, power, and social and institutional practices. This will lay the foundation for my defense of Mills' notions of consent and dissent.

Sara Ahmed (2004) argues that what a term does "should not be seen as intrinsic to the term, but as [partially] dependent on forms of institutional commitment that are already in place that affect how it gets taken up" (p. 7). Ahmed underscores how institutional norms are social backdrops that shape how concepts are understood. A given concept does not have an intrinsic meaning. Rather, its reception and employment in facilitating people's understandings and day-to-day actions is a function of how it has come to take on normal, common-sense usages. These usages are a product of the particular history of the institutions and social practices employing the term.

Nevertheless, people, due to their differing social locations, personal histories, and/or various temperaments, can come to understand and use terms differently. This is so despite the significant influence dominant discourse has in shaping how people understand particular concepts and thus the world around them. Ahmed argues for example that a term's reception and application is partially dependent on people's "translating" or "attaching" other concepts to the term (p. 8). When I hear a word, other concepts variously come to mind that allow me to make sense of the word and its context. Words are therefore received and utilized in dynamic and

sometimes even contradictory ways across various contexts. Ahmed concludes, “We might not know what [a term] means in practice *in advance of its circulation within organizations* [emphasis in the original]” (p. 6). We should therefore “*follow [terms] around* [emphasis in the original]” if we want to know how they help shape the social landscape (p. 1).

Ahmed’s account illustrates how concepts’ meanings and usages are influenced both by dominant institutional practices as well as by idiosyncratic applications. This shows there are, or at least may be, discrepancies at any given time between how a term is used to validate and sustain prevailing power structures and how it is being perceived and utilized in ways that challenge the status quo. It is within these discrepancies that Barbara Applebaum (2010) sees opportunities for agency.

Drawing on Judith Butler, Applebaum argues,

“Both the historicity upon which the power of speech depends, as well as the lack of power that the speaker has to determine how the speech will be taken up, opens up an occasion for agency. To situate all the power in the utterance is to discount the complex relations of power upon which the force of the utterance depends as well as its vulnerability to failure and resignification.” (p. 68)

Relations of power undergirding a concept are complex: “Resignification,” Applebaum claims, “is always possible because language is never the same thing twice” (p. 64). Power tends to back and be backed by dominant norms. Nevertheless, power’s association with prevailing rhetoric is not total: such rhetoric is always being countered in some way by nondominant knowledge and practices. Therefore, any given articulation of a term variously invokes dominant and nondominant understandings according to the complex historicity of the term, the context at the time of its utterance, and how those hearing the term receive it. Applebaum argues that any given reiteration will be “either stabilizing [perpetuating the status quo] or destabilizing” p. (64). As Ahmed claims, one needs to follow a term around to see how it is being used, received, and reemployed.

Counterintuitively, on Applebaum's view it is the "lack of power that the speaker has to determine how the speech will be taken up" which "opens up an occasion for agency". This suggests that, rather than the speaker's intentions, it is primarily the concept's historicity, the context of its utterance, and the dynamic reception of the particular listeners which come to constitute the term's meaning. Meaning in turn shapes the social environment by being a determiner of the term's applications in practice. The terms "queer" and "lesbian", for example, are pejoratives in certain contexts to some listeners, but these terms have also been re-appropriated within liberatory contexts and are heard positively by other listeners, subverting their negative connotations (Applebaum, 2010, pp. 87-88). Butler, for instance, recounts an occurrence in which a child asked her, "Are you a lesbian?" to which she responded, "Yes, I am a lesbian." (Applebaum, 2010, pp. 87-88). While Butler cannot control the context or effects of her use of the term, she nevertheless participates in shaping the term's meaning in either subversive or status quo-affirming ways. The simple, direct affirmation has the ability to counter negative connotations which may have been more readily transmitted had Butler seemed uncertain or evasive. As Applebaum argues, "subjects are not only constituted through discursive power regimes *but also perpetuate them* [emphasis in the original]" (p. 63). The speaker or user of a term, despite lacking complete control over how her language will be taken up, nevertheless participates in constructing and reconstructing the complex web of power structuring the terms' applications within various social and institutional practices.

Applebaum concludes that "agency is to be found in the very occasion of perpetuating power" (p. 63). This agency exists, she argues, because of the susceptibility of ourselves and language. Both ourselves and language are susceptible to what a concept's historicity validates and invalidates; how this historicity comes to shape one's character, values, choices, and social

and institutional practices; and how people in turn through rearticulation can reshape meaning in ways that serve and/or subvert the status quo. Applebaum underlines, “While we are vulnerable to language...language is itself vulnerable” and “it is within this vulnerability that agency can arise” (p. 65). Applebaum’s arguments clarify how agency and social structure exist in dynamic tension, with neither entirely determining the other.

Dale Turner’s (2006) notion of “word warriors” further develops a conception of agency by fleshing out how discursive norms are intimately connected with social structure and institutional practices. Turner situates his understanding of these linkages on the current fact that the Canadian government has significant and disproportionate power over indigenous peoples’ lives. This power is facilitated by state discourse: “there are intellectual landscapes that have been forced on native peoples – for example, the languages of rights, sovereignty, and nationalism...property, ethics, political sovereignty, and justice” (p. 88). Turner’s claim underscores the fact that dominant ideology and its language are impositions, and that their existence is therefore contingent. Such a recognition facilitates an understanding of the status quo as (in this case) a system of oppression rather than normal and normative, and allows one to imagine how things could be different.⁴⁴ Turner suggests First Nations can thus employ some of their members as “word warriors” who engage state discourses in ways that undermine oppressive state power and thereby preserve/renew native peoples’ ways of life (pp. 74, 92, 113, 119-120).

To do so Turner argues word warriors should work within settler discourses on “rights”, “sovereignty”, and “nationhood” in order to make their peoples’ needs intelligible to settlers (pp.

⁴⁴ These are ideas familiar in both feminist philosophy and critical theory (see e.g. Alcoff, 1993/2008, pp. 710-711 and Geuss, 1981)

81, 111).⁴⁵ For Turner, the aim of such endeavors is to redirect state power in support of indigenous liberation. Like Applebaum, Turner sees opportunities for agency through the use of destabilizing discourse. Turner argues word warriors' being deliberate in such efforts and remaining attuned to how their use of settler language variously stabilizes and destabilizes oppressive practices can be a way to resist systemic racism. Settlers and the institutions that have power over indigenous peoples' lives can simply dismiss what they (settlers) choose to designate as "unintelligible" or "nonauthoritative" discourse, such as indigenous peoples' oral histories and language cultures (recall Pohlhaus' "hermeneutical ignorance" and Dotson's "epistemic oppression"). Thus, according to Turner, word warriors can covertly couch their interests in terms settlers do choose to understand – such as "rights", "sovereignty", and "nationhood" – and thereby redirect institutional practices to better meet First Nations' needs.⁴⁶

Turner, together with Applebaum and Ahmed, show how one can exercise agency and engage in resistance within the linkages between social structure and dominant discourse. Reconceptualizing, rearticulating, and reemploying language can destabilize concepts' normalized usages. This can then germinate resistant understandings of the social environment, forming a basis on which to engage actions that reshape and subvert oppressive social structures. In stating this it is important to note that the goal of resistance is not discursive but material: resistance aims to undermine ways in which society is structured oppressively by changing

⁴⁵ "Settlers" designates a group that includes many nonwhites, though the term is associated more with whites due to the history of European colonialism and to whites' continuing social and political dominance. It is therefore predominantly white-driven policies that shape (and have shaped) the social and institutional practices affecting indigenous lives. (See e.g. Wub-E-Ke-Niew, 1995, p. 89)

⁴⁶ It is worth quoting Turner at length: "Indigenous peoples have their own philosophies, which they apply when articulating their understandings of the world. Indigenous philosophies are rooted in oral traditions, which generate explanations of the world expressed in indigenous normative languages. But the legal and political discourses of the state do not use indigenous philosophies to justify their legitimacy. The asymmetry arises because indigenous peoples must use the normative language of the dominant culture to ultimately defend world views that are embedded in completely different normative frameworks. The dominant culture does not face this hurdle." (pp. 81-82, 84; see also p. 120) (See Alfred (2001) for a critical take on indigenous use of state discourse)

oppressive and unjust social and institutional policies and practices. Because such policies and practices are sustained to the extent they are accepted by people as legitimate, undermining dominant cognitive, emotional, and moral norms can be a tactic for resisting oppression. This is because such norms are what (to a significant extent) give rise to and validate especially dominant groups members' particular understandings of society, and these understandings in turn sustain prevailing social and institutional practices.⁴⁷

Bar On's, Tessman's, and Moreton-Robinson's analyses in turn indicate that such resistance takes shape in complex and never fully determinable ways within – rather than outside of – structures of domination/subordination. Complementing these analyses, Ahmed shows that one can track how discursive-material connections are manifested across contexts; Applebaum elucidates how agents can exercise power within these connections; and Turner suggests ways of being deliberate and conscientious about how this power is channeled. In what follows, I argue that Mills' use of consent is a critical reemployment of contract talk which germinates resistant understandings of the social environment, providing a basis for resistance in ways suggested by the preceding discussion.

Recall Bar On's concern that Mills reinscribes the abstract voluntarism of mainstream contract theory by failing to consider the complex ways in which systems of oppression structure possibilities for agency. Mills does indeed develop a generalized picture of racism that is abstracted away from other, cross-cutting systems of oppression (pp. 137-138, n. 3). Nevertheless, he is ultimately focused on elucidating concrete manifestations of the Racial Contract. This is evidenced in significant part by his employment of nonideal theory. According to Mills (2009), nonideal theory “starts from the reality of...injustices and then seeks some fair

⁴⁷ This is what Ruth Frankenberg (1993) refers to as “the crucial interplay of discourse and material life” (p. 190)

means of correcting for them” (p. 180). Mills is ultimately concerned with the reality of injustice – that is, the concrete ways in which injustice is manifested in actual contexts. Mills argues that the purpose of nonideal theory is not to elucidate injustice for its own sake or to cast blame, but to do what he considers to be the most important thing, which is seeking out ways of resisting and remedying injustice. Understanding injustices, and how and by whom they are propagated in actual contexts, provides the basis for forming conceptions of what rectification might look like within the nonideal, unjust circumstances characterizing actual society.

Subversive contract talk

For these reasons I suggest Mills’ endeavor to abstract and make explicit systemic racism relative to other axes of oppression is a heuristic for enabling a clear conceptual grasp of the problem.⁴⁸ This provides a basis for distinguishing manifestations of the Racial Contract in and across concrete situations so as to facilitate conceptions of resistance. Such manifestations co-occur with other forms of oppression/resistance and are embedded within particular contexts. Thus, any nonideal theory of systemic racism will be necessarily committed to notions of resistance that take these actualities into account. At the same time, without a bold and general analysis of such messy and complex phenomena it will be difficult – especially for whites due to their being conditioned to evade acknowledging systemic racism – to adequately perceive and acknowledge how racial oppression structures various social and institutional practices. I therefore take it that Mills’ use of generalities and (at times) abstractions are not theoretical ends in themselves (as is the case with mainstream political philosophy); rather, Mills is providing a

⁴⁸ Thanks to Christine J. Cuomo for guidance here

conceptual heuristic for identifying concrete manifestations of the Racial Contract as they actually occur.

Further support for this reading is provided by recalling my analysis in Chapter One which showed what manifestations of the Contract are. Mills argues that the Racial Contract is “a historical actuality” (Mills, 1997, p. 19). Generally-speaking, this historical actuality is evidenced first in *de dicto* and later in *de facto* institutional racism. These manifestations are seen in concrete institutional policies and social practices which together tend to disadvantage nonwhites while advantaging whites. Given his commitment to nonideal theory, Mills must intend a reading of consent as borne out of and contained within the ways in which whites perpetuate systemic racism in their everyday lives. Mills thus prompts the reader to interrogate how people’s actions and interactions contribute to and partially constitute the societal-wide institutional policies and social practices perpetuating racial-group-based oppression. Such oppression in turn should be read as the historically-actual, racially-disparate ways in which the particular material circumstances and opportunities of nonwhites are adversely impacted, including intra-racial differences in how this oppression materializes.⁴⁹

Note also Mills specifically states that his understanding of consent with respect to *de facto* systemic racism is a notion of consent (in practice) as effective.⁵⁰ He argues for example that governments effectively consent to the Contract when they fail to intervene and punish perpetrators of racial violence (Mills, 1997, p. 21). For instance, governments may fail to hold police precincts, judges, prosecutors, or jails and prisons accountable for brutality or disparate

⁴⁹ For example, with respect to colorism, socioeconomic oppression, and sexism (discussed in Chapters Four and Five)

⁵⁰ Mills characterizes consent during *de dicto* systemic racism not as literal but as close to literal (that is, various official and academic documents, as well as explicit mainstream public opinion, affirmed – i.e. agreed with and consented to the claim that – nonwhites were inferior and that their exploitation and disadvantaging was morally acceptable, even necessary) (p. 21)

policing and judicial practices against people of color. Recall too how individuals effectively consent to the Contract by failing to speak out and struggle against its terms (p. 107). By employing an effective notion of consent, Mills shows how he intends the term metaphorically. In general, whites do not form pacts among one another or deliberately agree to perpetuate racism. Instead, they are socialized to conform to, and to consider as race-neutral, social and institutional practices that are racially discriminatory. By going along with such practices and ways of (mis)perceiving the social environment, whites effectively *perpetuate* racism, and by failing to resist such practices, whites effectively *consent* to them.

This being said, some caution is in order. First, among whites who are overtly racist or white nationalist, consent to perpetuating the Racial Contract, while not entailing (I assume) a literal signing of a document, is still more akin to an actual rather than metaphorical act of consent. Among themselves, and sometimes in public, such people conscientiously affirm their commitment to furthering the interests of whites by remaining indifferent or antagonistic to the interests of nonwhites (Southern Poverty Law Center, 2017). In recent years racist and xenophobic rhetoric has been re-legitimized and moved (back) into the mainstream, giving more public sanction to avowed white nationalists who had in recent decades needed to remain more hidden and underground (Hallman, 2017). To the extent such whites have social, political, and economic influence within their communities, they can – and do – deliberately further the Racial Contract. For example, white supremacists (continue to) actively work to infiltrate law enforcement agencies in order to repress communities of color, maintain legitimacy in their communities, and prevent investigations into or punishment of potential illegal activities of white

nationalist groups (Speri, 2017).⁵¹ They also work with politicians and other officials to purge and suppress racial and ethnic minorities from voting registries.⁵²

Nevertheless, because colorblind ideology and its prescription against even mentioning race is hegemonic, whites (especially relatively powerful whites) also, and perhaps more commonly, perpetuate the Racial Contract by couching their agenda (however conscientiously) in race-neutral terms. For example, politicians work, whether effectively or deliberately, to suppress the nonwhite vote in the name of race-neutral redistricting and felony disenfranchisement laws; to regulate public spaces in ways that intimidate people of color and legitimize the US's history of racial oppression; and to incarcerate people of color at extraordinary rates in order to wage a "war on drugs" in the name of justice and public safety (Alexander, 2012; Behrens, Uggen, and Manza, 2003; Berman, 2017; Democracy Now!, 2017; Johnson, 2016; Mills, 2007, pp. 30-31; Wheeler, 2017). Given the extensive data and documentation showing how and why such policies are systemically racist, it is unclear how accidental powerful whites' attempts – often successful – of perpetuating the Racial Contract in these ways are. It can thus be concluded that consent to the Contract can, depending on the context and people involved, be more or less metaphorical. First, consent will be less metaphorical according to the degree of deliberateness whites have in explicitly furthering white interests. Second, consent may be considered less metaphorical depending on the extent to which whites, who have significant power to implement and sustain various institutional policies, have

⁵¹ See also Democracy Now! (2017, August 18). Nephew of Fascist Who Marched in Charlottesville & Former Neo-Nazi on Confronting Racists. *Democracy Now!* Retrieved from https://www.democracynow.org/2017/8/18/part_2_nephew_of_fascist_who#transcript

⁵² Democracy Now! (2017, July 20). Rights Advocates: Trump's Commission on Election Integrity Set Up as a Pretext for Voter Suppression. *Democracy Now!* Retrieved from https://www.democracynow.org/2017/7/20/rights_advocates_trumps_commission_on_election#transcript

access to information on, and even knowledge of, the racially-disparate applications and consequences such policies have.

At the same time, my central claim is that Mills' notion of consent is particularly useful because of its concomitant conception of dissent. What is important for resistance is how the concept of consent illuminates and inspires an understanding of how whites can engage in such resistance. For this reason, the most important aspect of Mills' notion of consent is how those whites who, in spite of their race-neutral ideals or anti-racist action, perpetuate the Racial Contract without recognizing (perhaps more or less willfully) they are doing so or wanting to. They do so, according to Mills, by engaging in concrete actions and going along with social and institutional practices that on the whole work to sustain systems of racial oppression. Their consent to sustaining the Contract in these ways is manifested to the extent that they are unwilling to acknowledge or challenge such practices. The notion of dissent from the Contract is therefore particularly useful for whites who desire to re-create a society free from racial oppression; naturally, the concept of dissent will not resonate or have much, if any, traction with whites who are avowedly racist or who refuse to acknowledge the reality of systemic racism. The twin concepts of consent and dissent are therefore most useful in their more metaphorical connotations – that is, when the term “consent” refers to acts that sustain racial oppression despite the agent's anti-racist ideals and/or actions elsewhere, and when the term “dissent” refers to acts that disrupt racism-sustaining policies and practices. Mills' use of consent therefore encourages a focus on how whites concretely consent to the Racial Contract through their particular actions and how these actions may be contributing (or not) to social and institutional practices that perpetuate racism. In this way Mills' use of consent is, I argue, a critical

reemployment of contract talk that germinates resistant understandings of the social environment.

To see further how this is so consider that according to mainstream social contract theory the idea of a “contract” – meaning “an agreement between two or more people to do something” – is generalized to a societal-wide context. As Mills (1997) clarifies, “If we think of human beings as starting off in a ‘state of nature,’” the idea that society is founded on a contract “suggests that they then *decide* [emphasis in the original] to establish civil society and a government” (p. 3). Mainstream social contract theory thus “founds government on the popular consent of individuals taken as equals” (p. 3). For contract theory, the idea of a social contract includes the notion that people “tacitly consent” to it simply by participating in and reaping the benefits of this basically equitable society (pp. 106-107). Mainstream contract theory’s notion of consent is thus an entrenched figuration within dominant ideology that (as discussed in Chapter One) effectively characterizes actual society as basically fair and just, and comprised of autonomous individuals whose particular ways of participating in society are (more or less) the result of voluntary choice and consent.

Mills in turn argues for a notion of consent that counters mainstream notions of the term by accounting for racism. On this basis I argue there are two ways in which Mills’ notion of consent is figurative. First, it conveys a racialized and racist picture of how consent itself actually works. Acts of consent are reserved by definition to whites (racialization), rendering consent an oppressive imposition against people of color (racism). Consent in actual society is not a means for people to equitably and voluntarily partake in society’s benefits and burdens. Consent thus cannot be something that facilitates consent on the part of nonwhites. Mills’ understanding of consent therefore stymies dominant ideology’s normalization of institutional

racism through its ironic illustration of consent as in reality non-consensual. Acts of consent to the status quo are not indicative of an agreement among equally-positioned parties but of a social structure that hides oppression (non-consent) behind racism-evasive understandings of “consent to a social contract”.

Second, Mills’ notion of consent exposes an image of acts of consent to the status quo as fraught with epistemic evasion. Mainstream notions of consent convey a picture of rational or reasonable⁵³ individuals deliberately agreeing to a social contract. To agree in this way, people acknowledge and have a robust understanding of the basic structure of society.⁵⁴ Mills’ consent is thus ironic in a second way: acts of consent to systemic racism depend on whites’ *failure* to acknowledge that they or other whites are consenting to a basic structure that is racially oppressive and discriminatory. Mills conveys the picture that consent is not deliberate, conspiratorial engagements in oppression, but that it is instead carried out in normal, unacknowledged actions such that one might even be “shocked” when confronted with the claim that she consents to a Racial Contract. It is possible that such a shocking, unsanctioned image can bestir receptive and generous attention to how various people – including oneself – participate in, perpetuate, and benefit from (or not) systemic racism within one’s everyday life (I consider this possibility later in the chapter).

Because Mills’ notion of consent is figurative in these ways, it reveals entrenched figurations and the emotions mutually-bolstering them. Mills’ term exposes the non-consensual counterpart to mainstream notions of consent and reveals the epistemic evasion at the basis of consent as it actually occurs (with respect to the Racial Contract). This highlights how prevailing notions of consent are products of dominant ideology (that is, entrenched). On Mills’ reading of

⁵³ For the distinction between “rational” and “reasonable” see Rawls (2001) 6-7

⁵⁴ For more on the notion of the “basic structure” of a just society, see Rawls (2001) 10-12

consent, such mainstream notions in turn become strange and problematic. Mills' ironic deployments of the term "consent" capture the contradictions within its mainstream usages. This can prompt critical attention to the social environment in response to certain questions raised by Mills' term: how can consent – in its mainstream form – accurately characterize a system of oppression? Is it desirable for whites to engage in acts of consent if this requires them to engage in evasion and misunderstandings? Mills' ironic reemployments of consent thus shake the concept's taken-for-granted connotations from their slumber, conjuring images that counter dominant ideology, and critically raising pertinent questions.

In what follows I flesh out in greater detail how Mills' theory, and the notion of consent in particular, provide a basis for understanding how whites can resist the Racial Contract. First, however, I consider why white resistant agency may tend to reinscribe the Racial Contract, and how dissent should be understood in light of this.

How whites' acts of dissent can utilize power as a resource against racism

The previous discussion of how agency is exercised within power-structures illustrates how the effects of one's agency are not entirely in one's control. Ahmed shows how the effects of one's language can differ from the effects one intended her words to have. Applebaum elucidates how agency is exercised through already-existing power structures. While these structures are what facilitate agency, they also partially circumscribe and determine how and in what ways one's agency is powerful. Turner shows how one must be attentive and deliberate when subversively reemploying dominant rhetoric due to how language can be used to serve systemically racist ends. Finally, recall the discussion in Chapter One regarding how epistemic evasion and racialized moral psychologies pre-reflectively shape white values and

understandings. Thus, as Bar On argues, dissent from the Racial Contract is inappropriately characterized by simplistic notions of responsibility, choice, and blame.

What this in turn suggests is that white resistance to systemic racism may nevertheless work to perpetuate it. This is especially so given that power structures in the US favor whiteness and thus tend to work through and delimit agency in ways that perpetuate the racial status quo. Marilyn Frye (1983) describes how one of her black colleagues became angry when Frye and some of her white colleagues formed a group to discuss racism and resistance. Frye remembers asking herself, “Isn't that what we are supposed to do?...Take responsibility, decide what to do, and do something?” (p. 112). She initially came to the conclusion that in a systemically racist society, being white meant that “doing nothing [to resist systemic racism] would be racist and [yet] whatever we did would be racist just because we [emphasis in the original] did it” (p. 112). Frye later realizes her colleague was not upset because the other women formed such a group but because they did so without asking for any input or suggestions from their colleagues of color. Frye and her colleagues inadvertently reinscribed white authority and power by disregarding the authority and agency of nonwhites. Frye’s example illustrates how exercising white agency with intentions to resist racism can also work to perpetuate the Racial Contract.

Alison Bailey (1999) in turn recounts the story of a white professor who has a nonwhite student ask for help regarding issues with the university bursar’s office. The student was being charged fees she was not responsible for, and those in the bursar’s office refused to look into the matter at the student’s request. The student felt she was being treated dismissively due to her race. Bailey considers how the professor could take charge of the situation, march down to the bursar’s office, and tell the secretaries to help the student. However, she says this would perpetuate whiteness by reinscribing the normalized authoritativeness of white people relative to

people of color. Similarly to Frye, Bailey argues instead that the professor can best help the student by discussing the issue together and acting according to what seems most appropriate based on that discussion. Bailey concludes whites must therefore work to change an unjust system by engaging and working with people of color rather than only deferring to themselves and the authoritativeness of whiteness, as this will tend to perpetuate racist power differentials. After discovering this Bailey says she gradually came to understand whiteness “as a resource rather than as a dilemma” (p. 87).⁵⁵ Bailey argues whites can work alongside people of color by embodying their relative social and institutional power in ways that transform this power into a resource for resistance.

How do whites leverage power in ways that help dismantle rather than perpetuate racism? Frye’s and Bailey’s analyses suggest a notion, developed by Shannon Sullivan (2006), of whites’ “working with” rather than “doing to” – i.e. unilaterally directing one’s action towards – nonwhites (p. 173). At the same time, Ahmed, Applebaum, and Turner enjoin careful consideration of how “working with” is understood and put into practice. I consider how these arguments are useful for fleshing out Mills’ notion of consent – in particular, how the concept of consent suggests ways in which whites can use power to resist prevailing power structures.

Mills argues that one of the ways in which the Racial Contract imposes racially-disparate norms and values on bodies is aesthetically:

“Particularly for the black body, phenotypically most distant from the Caucasoid somatic norm, the implications often are the attempt to transform oneself as far as possible into an imitation of the white body. Thus the assertion of full black personhood has also sometimes manifested itself in the self-conscious repudiation of somatic transformation and the proclamation ‘Black is beautiful!’ For mainstream political philosophy this is merely a fashion statement; for a theory informed by the Racial Contract, it is part of the political project of reclaiming personhood.” (p. 120)

⁵⁵ Cf. Harris (1993), who argues whiteness is a resource that has been used to perpetuate systemic racism because, according to various legal documents and decisions, whiteness is a kind of property that has value and can be used to procure various items and resources within society

As Ahmed argues, one must follow terms around in order to know what they mean and how they help structure the social environment. Mills shows that in mainstream contexts “black is beautiful!” is a claim revealing a politically-benign aesthetic preference, much like the statement “blue is pretty!” In more white-defensive contexts “black is beautiful!” may be construed as a racist and politically-nonbenign claim entailing “white is ugly!” In neither setting is “black is beautiful!” understood as the claimants intend: as a positive political assertion of the aesthetic value of black features – and thus the moral value of black personhood – within and in resistance to a societal-wide denigration of blackness (Norwood, 2015). This illustrates a discrepancy within such settings between the intention of the concept and its reception.

Discrepancies like this in turn validate the failure within mainstream and white-defensive quarters to challenge racist somatic norms and, indeed, racism generally. For example, if the concept “Black is beautiful!” is understood as intended, what follows is an acknowledgment of the necessity of redressing a societal- and institutional-wide devaluing of nonwhite humanity. Evading such an acknowledgment thus requires misunderstanding the intention behind “Black is Beautiful!”. This failure to understand in turn helps normalize and sustain prevailing social and institutional practices that devalue black lives.

By following the phrase around and being attentive to how it is being used Mills engages in the kind of critical tracking suggested by Ahmed. Such tracking elucidates how discourse and power work to structure and provide avenues for either positively or adversely affecting people’s agency and material circumstances. Mills thereby exemplifies how whites can work with people of color by critically tracking terms like “Black is Beautiful!” across various contexts. How are particular concepts used, received, and applied by nonwhites, and how and why might this differ from white uses, receptions, and applications? What structuring effects do these discrepancies

have on the social environment? By engaging these questions whites can begin to participate in acts of dissent from the Racial Contract within their own personal contexts in ways that germinate solidarity (discussed below) with people of color.

How tracking can be a form of dissent is elucidated by Applebaum's claim that there is power in vulnerability. By allowing oneself to be vulnerable to – rather than merely casual about or defensive against – the resistant language of people of color, whites can cultivate their ability to track terms and their different uses, receptions, and applications.⁵⁶ This can go hand in hand with acknowledging how one's own language is also vulnerable to receptions and applications which differ from one's intentions (consider for instance how whites might intend abstract and universal language and how such language functions in practice to sustain systems of racial oppression, as discussed in Chapter One).

Consider also Applebaum's argument that it is the lack of total control over one's character, values, material circumstances, and language which both circumscribes and grounds one's agency. Whites can better work with people of color to resist injustice – that is, exercise their agency resistantly – when whites acknowledge how systemic racism shapes people's (including their own) values, characters, beliefs, assumptions, and material circumstances in ways they do not deliberately choose or have complete control over. This can facilitate “working with” relations with nonwhites by disrupting the notion within dominant ideology that, relative to nonwhites, whites are more capable, in control, and morally knowledgeable and upright.⁵⁷ Indeed, a notion of dissent based on juridical understandings of what people should do and how

⁵⁶ There are, however, ways, which I do not consider here, in which one can be negatively vulnerable to language, as Applebaum discusses (see e.g. p. 68)

⁵⁷ See e.g. Frye (1983-1992/1992)

much autonomy they have within systems of domination and subordination would reinscribe whiteness' authority.

Suppose for example Mills understood “dissent” as based on the abstract notion that whites have practically total control over whether to consent to the Contract, and that what they must do is simply choose to speak out and struggle against it. Mills’ understanding would then reinforce the way in which whiteness is constructed as conferring authority and control onto white agents. On this view whites can not only freely make choices to act and enact policy in practically whichever way they choose, they also have practically total knowledge of themselves and why they hold the values, beliefs, and character traits they do.⁵⁸ Further, under such a construal of “dissent”, the practical and ethical need that whites work with people of color rather than in ghettoized spaces seems superfluous.⁵⁹ It therefore appears, again, that Mills must indeed understand consent in a nonjuridical, nonsimplistic, and nonabstract fashion, otherwise he is not only reproducing the faults of mainstream contract talk but enjoining whites to perpetuate the Racial Contract!

This reiterates the importance to a Millsian notion of resistance of whites’ taking care to work with nonwhites rather than trying to resist systemic racism in ways that reinscribe white authority.⁶⁰ Recall that Turner uses the term “word warrior” to refer to members of First Nations who work within state discourses in ways that undermine oppressive state power and preserve/renew indigenous peoples’ ways of life. I argue whites can work with word warriors – and other dissident speakers⁶¹ of color – by learning how word warriors use language resistantly.

⁵⁸ For more on “the difficulty of gaining self-knowledge in oppressive social contexts” see Martínez (2009)

⁵⁹ For further discussion of ghettoized spaces (and not just of the geographical kind), see Du Bois (1903/1994); Locke (1992); Mills (1997) pp. 41-53, (2007) pp. 33-34; and Shelby (2007)

⁶⁰ The particular ways in which whites work with nonwhites can, it seems, only be fleshed out in practice; for example, some white-only groups appear, perhaps contrary to assumption, to be part of a good tactic of “working with” people of color in the name of liberation (Denevi and Pastan (2006))

⁶¹ The notion of “dissident speech” is discussed below

Whites can then use their new understandings by resisting racism within their own particular social and institutional locations. For example, anti-racist policymakers can endeavor to affect their institutions' practices in ways that are in line with how word warriors consider themselves members of sovereign nations rather than US government-dependent "tribes". This way word warriors – and other dissident speakers of color – can have reliable white allies within places of social and institutional power aiding them in their efforts to dismantle oppressive systems.

The notion of "working with" thus helps flesh out how Mills understands "dissent". I conclude that for Mills, dissent is something which is worked out by particular agents in concrete situations in ways that seek to carefully avoid reinscribing white domination. To speak out and struggle against the Contract whites must conscientiously track discursive maneuvers; remain vulnerable to nonwhite understandings; and act – in hard-to-determine and not-totally-controllable ways – as agents of resistance to the racial status quo within their particular social and institutional positions. In this way anti-racist whites are like "wingmen", or pilots who fly "just outside of and behind the rightwing of the leading aircraft in a flight formation, in order to provide protective support".⁶² Wingmen are crucial to the flight formation's situational awareness, its recognition of danger, and its ability to mount effective attacks.⁶³ Similarly, whites can support word warriors by critically tracking concepts; recognizing the mutual vulnerability between agency, discourse, and social structure; and using their social and institutional positions to amplify the space and effectiveness of nonwhite resistance.

Given this discussion of whites' careful use of their agential power, in what follows I further support my claim that Mills' use of consent is a critical reemployment of contract talk

⁶² *Dictionary.com*

⁶³ Smith, R. W. (1951-1952). "Aces are Born – The Eyes Have It!" *nf104.com*. Retrieved from <http://www.nf104.com/ab/index.html>

which germinates resistant understandings. First I consider how the concept of consent can elicit whites' anger at injustice and their solidarity with people of color. I then argue that Mills' notion of consent "explodes" mainstream contract talk. This will form a basis for Chapter Three, in which I use the "Racial Contract" as a foundation for developing a conception of resistance.

Outlaw emotions

Christopher D Johnston, Howard Lavine, and Benjamin Woodson's (2015) study on emotions shows that the emotions one experiences as normal prompt one to maintain one's pre-held beliefs, while emotions that one experiences as strange and unexpected prompt one to assess one's beliefs in light of other information. They found that when people experienced expected emotions in response to a candidate of a political party in opposition to the one with which they identified, they failed to engage in deliberative reasoning regarding whatever subject was at issue. Conversely, when people experienced unexpected emotions in response to a candidate of an opposing party, this prompted them to deliberate on the issue at hand. Johnston et al.'s study begins to illuminate the political, moral, and epistemic power of emotions.

The political, moral, and epistemic power of emotions is explored by Alison Jaggar (1989/2008). Jaggar argues that "emotions may be helpful and even necessary...to the construction of knowledge" (p. 688). This is because, as Johnston et al. demonstrate, emotions mediate one's engagements, or lack thereof, in critical thinking and belief assessment. In particular, and as I convey in what follows, emotions that leave one feeling content with what one believes fail to encourage a critical assessment of those beliefs, while emotions that leave

one feeling anxious about one's beliefs can prompt such critical assessment.⁶⁴ Emotions thus have epistemic power because they lead one to hold onto old, or else adopt new or updated, beliefs and understandings of the social environment.

Further, Jaggar argues that “emotions and evaluations presuppose one another” (p. 693). One's evaluations of, say, the rightness or wrongness, or goodness or badness, of some particular situation is intimately tied to one's emotional response to that situation. Judging something good or bad, or right or wrong, is, or at least is often, in significant part an emotional act. Negative emotions are directed towards, and implied in one's judgment of, what one deems wrong, and vice versa. This means that emotions have moral power. Because moral judgments are based in one's values and in one's evaluations of the social environment (or some occurrence within it), emotions help shape one's moral sensibilities and understandings. Thus, if one does not experience anger, fear, anxiety, or contempt for the ways in which one's society sustains oppression, then it will likely follow that one will not judge one's society as bad or wrong (in that regard).

This in turn means that emotions have political power. Jaggar argues, “Within a hierarchical society, the norms and values that predominate tend to serve the interest of the dominant groups” (p. 697). For the status quo to be sustained, values – and, thus, emotions, understandings, and moral judgments – that predominate within society must be those that lend legitimacy to dominant social and institutional practices (otherwise such practices, without the backing of overt authoritarian power, would be unsustainable due to predominating emotions, norms, and understandings with which those practices would be at odds). Concomitantly,

⁶⁴ Anxiety regarding one's beliefs in the face of contrary information may instead prompt one to buckle down even more on one's beliefs. At the same time, in either case, and central to Jaggar's argument, emotions are a driving force behind epistemic acts.

dominant emotions, norms, and understandings are normalized due to their prevalence, predominance, and acceptedness. When someone expresses a nondominant emotional response to, or evaluation of, some aspect of society, it is considered, by mainstream standards, to be abnormal. And, as Johnston et al. show, it is precisely this abnormalcy that can prompt – in oneself and perhaps in others, and perhaps especially in others with whom one identifies, such as a member of one’s racial group – a critical re-evaluation of beliefs and understandings that affirm the legitimacy of the status quo. This germination of new understandings, emotions, and moral evaluations can in turn form a basis for acting in resistance to normalized oppression.

According to Jaggar, outlaw emotions “are distinguished by their incompatibility with the dominant perceptions and values” (p. 698). On her account emotions are “outlaws” when they fail to align with conventional emotional responses to a given situation. For example, a nonwhite sports fan might feel pride and solidarity rather than antagonism when a football player refuses to stand for the national anthem in protest of police brutality against people of color.⁶⁵ Indeed, Jaggar argues that those “who experience conventionally unacceptable, or what I call ‘outlaw,’ emotions often are subordinated individuals who pay a disproportionately high price for maintaining the status quo” (p. 697). Drawing on standpoint theory, Jaggar assumes it is generally members of those groups disadvantaged by a particular axis of oppression who will feel emotions that are out of sync with prevailing sentiments with respect to that axis, while members of advantaged groups will tend to feel content with the status quo. Standpoint theory argues that one’s understanding of oneself and the social environment differs (albeit in complex

⁶⁵ Strachan, L. (2016, September 7). “Black Americans Support Colin Kaepernick. White People? Not So Much.” *HuffingtonPost.com*. Retrieved from http://www.huffingtonpost.com/entry/colin-kaepernick-black-white-divide_us_57cf10cbe4b03d2d4596a9b6?section=&; Workneh, L. (2016, September 7). “The Hypocrisy Around White People’s Outrage Over Colin Kaepernick.” *HuffingtonPost.com*. Retrieved from http://www.huffingtonpost.com/entry/the-hypocrisy-around-white-peoples-outrage-over-colin-kaepernick_us_57c85180e4b0e60d31dd9cb7

ways) according to her locations within society (e.g. as a white or Hispanic woman; as upper or lower class; as indigenous or nonindigenous; as Christian or Muslim; and so forth). For example, according to a recent Pew survey, blacks and whites diverge significantly in their views on how much needs to be done to eliminate racism, whether elimination is likely, and whether racism even exists.⁶⁶

Standpoint theory, as put forward for instance by Sandra Harding (1992/1993), argues further that a view of society approaches objectivity according, first, to whether the number of different social locations this view takes into account is large and, second, to whether the view lends *prima facie* authority to marginalized perspectives. A less objective view discounts these two heuristics. The second heuristic is important because those advantaged within society relative to a given axis of oppression will tend to gloss over, downplay, or deny (that is, be unobjective and epistemically evasive about) the reality of systemic oppression. Now recall Jaggar's argument that the *emotions* of members of marginalized groups will tend to run counter to prevailing systems of oppression. On her view, such emotions are therefore more appropriate as a response to injustice than are the contented feelings of those unoppressed. Such emotions therefore have liberatory potential: when one seriously considers, rather than ignores, the emotions of the oppressed, the injustices of society are more clearly and forcefully revealed, galvanizing support and action for resistance. Jaggar emphasizes that this revelation is an epistemic one: emotions resistant to the status quo are founded in, or else can help elucidate, the *reasons* for why prevailing social and institutional practices are undesirable (that is, they are oppressive in particular ways).

⁶⁶ On Views of Race and Inequality, Blacks and Whites are Worlds Apart. *Pew Research Center*. June 27, 2016. pewsocialtrends.com.

Another important facet of Jaggar's theory relates to the discussion in both this chapter and Chapter One regarding connections between discourse and social structure. Jaggar argues that emotions too have an interdependent, historically-informed relationship with dominant social and institutional practices:

"emotions are in part socially constructed; like all social constructs, they are historical products, bearing the marks of the society that constructed them. Within the very language of emotion, in our basic definitions and explanations of what it is to feel pride or embarrassment, resentment or contempt, cultural norms and expectations are embedded. Simply describing ourselves as angry, for instance, presupposes that we view ourselves as having been wronged, victimized by the violation of some social norm. Thus, we absorb the standards and values of our society in the very process of learning the language of emotions, and those standards and values are built into the foundation of our emotional constitution" (p. 697).

Jaggar underscores how people tend to develop emotional responses that are in line with prevailing norms of evaluation, which are in turn integral to the preservation of existing power structures. Members of groups disadvantaged by such structures will also tend to simultaneously have discordant feelings, while members of advantaged groups will generally not.

Mills' account of racialized moral psychologies is bolstered by Jaggar's argument that values and emotions presuppose one another: the "object of an emotion...is appraised or evaluated by the individual" and "values presuppose emotions to the extent that emotions provide the experiential basis for values" (Jaggar, 1989/2008, p. 693). Jaggar underlines how the values one holds or embodies inform how one emotionally responds to the world, and vice versa. Recall that according to Mills, "moral epistemology" refers to the fact that epistemic norms include norms of evaluation, which mutually-inform one's values. Jaggar's account sheds further light on why Mills argues whites in the US will tend to develop racialized moral psychologies. It follows on her view that whites' emotional responses to race-salient situations will inform and be informed by dominant moral norms devaluing nonwhite lives, bodies, experiences, and knowledge.

Jaggar argues that this connection between emotions and knowledge (including evaluative knowledge) can be exploited for liberatory ends. Because outlaw emotions are at odds with dominant emotional responses, they can provide insight into how social and institutional practices sustain oppression. For example, a person of color's feelings of pride and solidarity with the football player/protestor is discordant with dominant feelings of nationalism and unqualified displays of respect for the flag as a national symbol, as well as normative reactionary and defensive responses to those who call out and resist racism (recall DiAngelo (2011)). On Jaggar's view it is because of this discordancy that outlaw emotions germinate critical questions about the social environment in an effort to explain one's "abnormal" emotional responses. This understanding in turn forms a basis for resistance:

"When certain emotions are shared or validated by others...the basis exists for forming a subculture defined by perceptions, norms, and values that systematically oppose the prevailing perceptions, norms, and values. By constituting the basis for such a subculture, outlaw emotions may be politically (because epistemologically) subversive." (p. 698)

Note Jaggar's emphasis that outlaw emotions are politically subversive because of their epistemic power. Discordant feelings foster critical societal appraisals, underlining the mutually-informative relationship between emotions and knowledge and how emotions and knowledge can form a basis for acts of resistance.

On Jaggar's account it seems possible to in turn critically assess one's *lawful* emotions in order to gain insight into the kinds of social structures and institutional policies such emotions mutually support. To see this, consider Jaggar's claim that "insofar as we take them [our emotions] to be natural responses, they limit our vision...For instance, they limit our capacity for outrage; they either prevent us from despising or encourage us to despise" (p. 697). Recall from Chapter One Mills' arguments regarding the differential outrage dominant ideology encourages between white and nonwhite death and suffering. Racialized moral psychologies limit whites'

capacity for outrage over injustice against nonwhites and encourage whites to despise or retaliate against nonwhites who resist their oppression.

Insofar as whites take these emotional responses to be natural or objective rather than conditioned by systems of oppression, whites will be dissuaded from acknowledging racism. The failure to recognize complacency and antagonism as strange presents (incorrect) information that the racist structure of society is normal and “colorblind”. Epistemic evasion is therefore mutually facilitated by lawful emotions. This suggests that whites can counter epistemic evasion by fostering an attitude towards their lawful emotions that renders them strange and unnatural. In order to flesh this out I first consider what outlaw emotions might be according to the “Racial Contract”. I argue that making lawful emotions strange can be a way to elicit outlaw emotions, and that this endeavor is aided by Mills’ notion of consent.

Mills (1997) argues that due to racialized moral psychologies whites will tend to “act in racist ways *while* thinking of themselves as acting morally. In other words,” he argues, “they will experience genuine cognitive difficulties in recognizing certain behavior patterns *as* racist [emphases in the original]” (p. 93). Because whites are not disadvantaged by racial oppression they will tend to find the status quo acceptable, dampening their motivation to acknowledge or resist racial injustice. Racialized moral psychologies are thus significant impediments to whites’ moral agency. Nevertheless, Mills argues dissent requires “repudiation” of the Racial Contract’s “moral epistemology” (p. 108). How is this repudiation possible?

Jaggar’s account supports Mills’ view that racialized moral psychologies are sustained by dominant ideology’s linkages between particular emotions, evaluations, and knowledge. I thus argue that countering such psychologies can be aided by the subversion of lawful emotions. As discussed, Mills is concerned in particular with how whites tend to become differentially

outraged about suffering and death according to subjects' race. He is also critical of whites' tendency towards retaliation in the form of anger or violence against nonwhites who resist racism. I therefore argue that Mills is concerned to counter two kinds of lawful emotions: that of complacency in the face of racial injustice (from here on, "complacency") and of antagonism towards those resisting such injustice ("antagonism"). This in turn suggests that according to the "Racial Contract" two important outlaw emotions are anger at racism ("anger") and solidarity with those (including oneself) resisting it ("solidarity").

To elucidate this, I briefly flesh out what anger and solidarity are according to feminist scholars investigating the connections between emotion, knowledge, and resistance. In the final section I address the question of how making lawful emotions strange through Mills' notion of consent elicits anger and solidarity. I then consider how these outlaw emotions counter epistemic evasion and racialized moral psychologies. This will provide further ways (alongside the example of critically tracking concepts) in which whites can dissent from the Contract, illustrating why Mills' use of consent, rather than reinscribing a kind of abstract voluntarism, explodes mainstream contract talk by inspiring resistance to the racial status quo.

Audre Lorde (2007) argues, "Anger is loaded with information and energy" (p. 127). On Lorde's view anger contains both knowledge about and an impetus to resist oppression. She contrasts anger with both hatred and self-righteousness. One is self-righteous when she is "enamoured of her own oppression" and has turned "away from the cold winds of self-scrutiny", scrutiny which illuminates how she also participates in others' oppression (p. 132). Hatred in turn is "the fury of those who do not share our goals [of mutual liberation from oppression], and its object is death and destruction" (p. 129). Lorde identifies hatred as the desire for the

mistreatment of those at whom the emotion is directed; or else, through its fury or hostility towards others, it is the emotion that fails to feel any concern for their well-being.

Anger on the other hand is a powerful sense of non-self-righteous outrage at injustice. It is directed towards the systems, practices, policies, and behaviors that sustain and rationalize oppression. Anger seeks the destruction of such systems because anger is encompassed in the desire – borne from emotions of love and solidarity (see below) – that people and relations thrive free from oppression. Lorde illustrates how as a black woman her anger towards racism in a systemically racist society is imbricated with white women's fear of this anger and their concomitant feelings of defensiveness and guilt. Lorde argues these emotions are unproductive: "Guilt and defensiveness are bricks in a wall against which we all flounder; they serve none of our futures" (p. 124).

Lorde argues anger counters destructive and unproductive emotions because anger is "a grief of distortions between peers, and its object is change" (p. 129). She underscores how the knowledge contained in anger is of the profound regrettableness of and harm wrought by oppressive systems and the negative social relations they engender. Understanding what ought to change and why burgeons from emotions' corresponding knowledge: "my anger and your [white women's] attendant fears are spotlights that can be used for growth" (p. 124). Here Lorde suggests that while anger provides knowledge, critical assessment of lawful emotions can also provide a basis for resisting systems of oppression. By critically spotlighting lawful emotions whites can acquire an affective basis for remedying "distortions between peers" and developing ties of solidarity with people of color.

By providing knowledge about and the motivation to change such distortions, anger at racism is thus a bridge to cross-racial solidarity. Solidarity opposes emotions of contentment

with and defensiveness about systems of oppression. Diana Meyers (1994) views solidarity as a political form of love. She argues that in its political form love encompasses feelings and attitudes that foster supportive ties among those resisting oppression. She says love is not “saccharine, fawning, indiscriminate acceptance of others,” nor is it “intense, exclusionary passion”. Rather, love is “a steady, compassionate response to other people that is correlated with a disposition to act in support of their interests” (p. 103).⁶⁷ In this way solidarity is itself a bridge towards anger at racism: feelings of solidarity entail a concern with how others’ interests suffer under oppression, which in turn fuels anger at injustice and mutual support among those engaged in resistance. In these ways anger and solidarity are counters to feelings of complacency and contentment with the racial status quo.

Dissident speech

What might elicit outlaw emotions of anger and solidarity in the face of entrenched emotions of complacency and antagonism? To answer this I turn to Diana Meyers’ (1994) account of “dissident speech”. According to Meyers, dissident speech is figurative language that counters dominant ways of perceiving the social environment. Dissident speech “stymies routinized thinking and bestirs...receptive, generous attention to oneself or others” (p. 60). Dissident speech exposes “entrenched figurations” and renders them strange and problematic (p. 60). Meyers argues that dissident speech therefore has “the capacity to rupture familiar cognitive and emotional templates” (p. 60). Dissident speech elicits what on Jaggar’s terminology are “outlaw” perceptions – emotions and concomitant understandings that counter dominant perceptions and ideology, including normalized and normative emotional responses.

⁶⁷ Plumwood (2002) similarly defines “solidarity” as “standing with the other in a supportive relationship in the political sense” (p. 202) (see also Bartky (2002))

Meyers asserts that socially normative discourse is itself figurative: “cultures encode their defining, though often unacknowledged, values and norms in figurative systems that galvanize emotional commitment and reinforce established social practices and attitudes” (p. 60). Dominant discourse is comprised of emotion-eliciting concepts that engender and legitimize certain pictures of how things are or should be while delegitimizing and eliding other pictures. Dissident speech, or “counterfigurations”, thus “help to restructure moral perception” by opening up cognitive and emotional space for “empathizing with ‘different’ others” and reconceiving “social groups and social relations between historically dominant and subordinate groups” (p. 60). Meyers underscores the inherent connections between emotions, knowledge, moral appraisal, and social structure. She shows how dissident speech can disrupt the connections that validate and sustain normalized and oppressive social and institutional practices.

How might counterfigurations disrupt lawful emotions regarding racism? In particular, how might dissident speech render feelings of complacency about racism and antagonism towards resistance seem strange and inappropriate? To address this question I return to Bar On’s (1999) suggestion that understanding consent as dissident speech “would lead people to think in personalizing [rather than abstract] ways about their relation to and participation in [the Racial Contract]” (p. 159). I argue that on Mills’ account, the term “consent” is indeed figurative language that counters dominant ways of perceiving the social environment.

To see this consider that the kind of dissident speech which might destabilize the Racial Contract is some type of figurative language that would stymie routinized thinking about racism – that is, those aspects of dominant ideology which normalize the racial disparities between whites and nonwhites existent across US society and its institutions. Such figurative language would be capable of bestirring receptive and generous attention to oneself and others with regard

to how each participates in, perpetuates, and benefits from (or not) systemic racism. Now recall my argument that Mills' use of consent encourages a focus on how whites concretely agree to the Racial Contract through particular actions that fail to challenge racism-sustaining social and institutional norms and practices. I concluded that in this way Mills' use of consent is a critical reemployment of contract talk that germinates resistant understandings of the social environment. This is so, I argued, because it ruptures familiar cognitive and emotional templates that are fraught with epistemic evasion due to how these templates conceal the racist ways in which actual practices of (ironic) "consent" to US society are carried out.

Rupturing familiar cognitive and emotional templates in these ways is agitating. Mills' notion of consent thereby has the ability to counter feelings of complacency with, and antagonism towards resistance to, the status quo. To further see how this is so I draw on George Yancy's (2015) concept of "suturing". According to Yancy whites often suture themselves as a way of evading acknowledgment of an anti-nonwhite society and their roles within it. When presented with information that challenges this evasion, whites often respond antagonistically: "You exaggerate" or "No! This is not true! How *bitter* [emphasis in the original] you are!" (p. xv).⁶⁸ Yancy explains, "the accusation of exaggeration or of bitterness can function as another mode of seeking moral shelter, of what I refer to as a process of *suturing* [emphasis in the original]" (p. xv). He argues that suturing is a (perhaps often automatic or unconscious) effort to protect oneself from knowledge, emotions, or narratives that rupture one's familiar, morally-clean feelings and understandings of one's society and self.⁶⁹

⁶⁸ Yancy is quoting from James Baldwin's *The Fire Next Time*

⁶⁹ For more on the phenomenon of self-directed deception, see Lauria, Preissmann, and Clément (2016) and Mele (2001)

Yancy's notion of suturing illustrates how challenges to what one finds comfortable and familiar is emotionally and epistemically agitating. I take "agitating" in this sense to be similar to what Charles Peirce (1877/2016) calls "the irritation of doubt": "an uneasy and dissatisfied state from which we struggle to free ourselves" and which thus "stimulates us to inquiry until it is destroyed" (p. 10). When one's position is challenged, she is threatened with an uneasy feeling of doubt about her position's validity. Recall Applebaum's claim that agency is exercised within the mutual vulnerability between oneself and language. "Suturing" suggests that one is vulnerable (what Yancy calls "unsutured") within these moments of uneasy agitation. One is vulnerable when she fails (deliberately or unintentionally; momentarily or in the long run) to shield herself emotionally and epistemically in the face of such agitation. As echoed in Johnston's et al.'s study, vulnerability to others' ways of making sense of the world, and consequent agitation because one's own feelings, values, and knowledge (including self-knowledge) are being challenged, "will shake [one's] confidence" and motivate "the struggle to attain [some reconciled or reformed] belief" (Peirce (1877/2016) 10, 12).

While agency may be exercised within moments of vulnerability through dismissiveness and defensiveness ("suturing"), it may also be exercised in a generous investigation into (or what Yancy calls "tarrying" with) prevailing emotional responses and why they might be out of sync with nondominant responses. This clarifies how rupturing familiar understandings – what Meyers argues dissident speech does – opens up possibilities for countering dominant epistemic, emotional, and moral norms. In moments of being unsutured, one's lawful emotions of complacency and antagonism are vulnerable to erosion (hence the effort to fortify or suture). I suggest this susceptibility to erosion in turn renders one vulnerable to developing – even momentarily, though perhaps in the long run as well – emotions of anger and solidarity. Mills'

notion of consent threatens complacency and antagonism. This threat is contained in the uneasy feeling, experienced by the lawful emoter, that anger and solidarity might actually be appropriate, affirmative responses to what may indeed (so the threat intimates) be real, heretofore epistemically-evaded injustice. Therefore, because Mills' conception of consent counters dominant understandings and their mutually-validating emotions, consent is an example of dissident speech that can catalyze outlaw emotions.

Jaggar argues such emotions can then form a basis for newfound understandings that counter dominant ideology, which in turn can lay a foundation for political subversion:

“As well as motivating critical research, outlaw emotions may also enable us to perceive the world differently than we would from its portrayal in conventional descriptions. They may provide the first indications that something is wrong with the way alleged facts have been constructed, with accepted understandings of how things are...Only when we reflect on our initially puzzling irritability, revulsion, anger, or fear, may we bring to consciousness” an appreciation of the existence of “coercion, cruelty, injustice, or danger” (p. 698).

Jaggar highlights how the information conveyed by outlaw emotions can provide previously-evaded insight into systems of oppression (“coercion, cruelty, injustice,” and “danger”). Recall Dwight Boyd's (2004) assertion that oppression occurs “when groups are seen to be defined *in relation to each other* [emphasis in original] and this relation is systemically manifested through structures of unequal power” (p. 13). By opening up space for outlaw emotions, consent thus fosters what on Meyers' view is a reconception of “social groups and social relations between historically dominant and subordinate groups”. In the moments when one finds complacency and antagonism strange (or possibly strange) there is the potential for reconceiving society as racially oppressive rather than “colorblind”.

I therefore argue that by functioning as dissident speech, Mills' notion of consent counters epistemic evasion, racialized moral psychologies, and lawful emotions. Recall my claim above that on Jaggar's account, whites' emotional responses to race-salient situations will in

general inform and be informed by dominant moral norms devaluing nonwhite lives, bodies, experiences, and knowledge. This, I argued, is because, according to Jaggar, lawful emotions co-occur with particular predominating evaluations, which in turn inform moral appraisal. I took this to support Mills' conclusion that racialized moral psychologies thereby limit whites' capacity for outrage over injustice against nonwhites and encourage whites to despise or retaliate against nonwhites who resist their oppression. By catalyzing anger and solidarity, Mills' notion of consent thus counters dominant ideology's devaluing of nonwhites by destabilizing lawful emotional responses of complacency and antagonism. Anger and solidarity, and their concomitant evaluations of the social environment, counter racialized moral psychologies, laying the foundation for anti-racist moral and political agency.

By seeding knowledge of how consent works in actual society, Mills' notion of consent also counters epistemic evasion. Mills' dissident speech confronts dominant ways of perceiving the social environment with an understanding of consent-in-practice as nonconsensual, racialized, and racist. Efforts to avoid acknowledging racism are called out and named as such, generating doubt about the legitimacy of predominating worldviews and creating space for new knowledge. Further, by making complacency and antagonism strange, Mills' notion of consent undermines the sense of normalcy ("nothing to see here") around racism sustained by norms of epistemic evasion. Given that such evasion is experienced as a sense of normalcy, agitating this sense is a way of confronting agents with the choice to either acknowledge or continue denying the reality of racism. This choice may be made more or less deliberately, but in either case it presents an opportunity for redressing epistemic evasion.

This opportunity, however, may be missed. Mills' notion of consent is not a surefire way of countering epistemic evasion, racialized moral psychologies, and lawful emotions. The power

of consent to rupture familiar understandings and emotional/evaluative responses will itself be challenged by habits of suturing. One can protect oneself against the kinds of epistemic and emotional states of vulnerability that Mills' concept of consent might engender. This, however, is not a failure of this concept but rather a potential inherent in dissident speech and outlaw emotions more generally. Meyers argues that the possibility that dissident speech will counter prevailing ideology is necessarily tied to the possibility that such speech "can be abused" (p. 91). The figurative nature of dissident speech that allows it to bestir new emotions and rupture familiar understandings is the same indefinite, inherently interpretable nature that renders it susceptible to being used for oppressive ends.⁷⁰

Jaggar in turn argues,

"The ease and speed with which we can reeducate our emotions unfortunately is not great. Emotions are only partially within our control as individuals. Although affected by new information, they are habitual responses not quickly unlearned." (p. 700)

Like all counterspeech, the term "consent" faces the immense bulwark of prevailing epistemic, emotional, and evaluative responses which are normal, normative, and habitual to those at ease in the status quo, and which are backed by social and institutional norms. Furthermore, Jaggar highlights how even willful attempts to change one's emotional responses are prone to various levels of (un)success, adding to the barriers in the way of successful deployments of dissident speech and its use in disrupting oppressive social and institutional practices.

Still, by showing how consent *can* function as dissident speech and thus as a catalyst to outlaw emotions, my analysis of Mills' notion further clarifies how whites can dissent from the Contract. Recall Bar On's concern that Mills' understanding of consent seems to be predicated

⁷⁰ The word "woman" (for an example among many) can be used in affirmative, subversive ways that challenge heteronormativity and gender binaries; it can also be used oppressively as a symbol of inferiority that sustains sexist, heterosexist, and gender-rigid social structures

on a notion of abstract voluntarism. Abstract voluntarism supposes people are autonomous entities independent from others and from the larger social structure, and that each person can simply choose to continue or stop unquestioningly “going along with things”. Yet, as this discussion shows, one is not in full control of her emotional responses or her roles within the social structure, and neither are dissident speech or outlaw emotions guaranteed to succeed. Indeed, it seems such success depends on the extent to which people (deliberately or unintentionally) become “unsutured”, while suturing is itself a habitual emotional response to being epistemically, morally, and emotionally agitated by discomfiting information.

Mills’ notion of consent is in turn a kind of dissident speech aimed at countering epistemic evasion and racialized moral psychologies by seeking to elicit outlaw emotions like anger and solidarity. The notion of consent *can* succeed in this aim when whites become “unsutured”. It therefore seems plausible that Mills intends the concept of dissent to refer to a kind of unsuturing. As Yancy explains, being unsutured means being vulnerable, which in turn means not being in full control, autonomous, or knowing. When one is unsutured, she is less concerned with protecting her own ego (suturing against what is discomfiting) and more concerned with being open to reconceiving herself and others and to being receptive to others’ understandings. Because vulnerability implies interdependence, being unsutured also entails – as Lorde argues with respect to anger – keeping an eye towards repairing relations that have been damaged by systems of oppression.

Can one choose to become unsutured? One’s lack of complete autonomy implies that perhaps one can choose to be unsutured, though not necessarily, or at all times, or to all extents. What does Mills mean then when he says there is a “choice for whites”? Yancy characterizes suturing as the fear of vulnerability; the evasion of knowledge; the failure to be vulnerable; and

the act of remaining protected. It is not clear the extent to which Yancy considers these embodied forms of suturing to be objects of choice for whites. He argues that “white people are embedded within a system that they did not choose” (p. xx). Yet he also enjoins whites to engage in the “continuous process” of “striving to remain unsutured” (p. xxv).

As has been discussed with respect to Ahmed, Applebaum, and Turner, agency is found not outside of nor independent from the various social/power structures within which people live. Agency is instead exercised within these structures in a not-fully-choosable nor fully-determinable fashion. Nevertheless, as each of the philosophers in this chapter also show, it is possible for people to be agential in deliberate and conscientious ways. The extent to and manner in which this agency is exercised, and the effects on the social structure that it has, will vary and take shape only within particular contexts. I therefore conclude that Mills understands “choice” in this agency-within-structure sense. To the extent such a choice exists in various contexts, so whites can choose – that is, be deliberate and conscientious about – dissenting.

Contrary to Bar On’s argument, Mills’ notion of consent thereby explodes rather than reinscribes mainstream contract theory’s abstract voluntarism. Dissenting is not a facile act, as Mills acknowledges (p. 107). For him dissent is only generally characterized by the rather abstract idea that one stop unquestioningly going along with things. In practice, dissent, being a form of agency, takes shape within, and is both constrained and facilitated by, the ways in which power structures a given context. By focusing in on how racial oppression lies at the heart of the US social structure, Mills’ conception of consent disintegrates the dominant ideological notion of (equally-distributed) autonomous agency. The notion of consent confronts one with claims of socially-constructed epistemic evasion, racialized moral psychologies, and lawful emotions that serve the interests of oppressive social and institutional practices. Being confronted in this way

creates opportunities for being unsutured and for catalyzing outlaw emotions and dissident understandings, which in turn provides a basis for concrete and conscientious engagements in dissent.

Conclusion

In this chapter I have shown how Mills' theory of the "Racial Contract" can be used as a basis for forming conceptions of resistance to racism by understanding Mills' notion of consent as dissident speech. What, however, do such notions of resistance look like "on the ground"? In Chapters Four and Five I attend to this question. In Chapter Five I flesh out what a Millsian notion of resistance looks like within a particular institution – namely, education. Before doing so I consider in Chapter Four the general question of how to apply a "Racial Contract"-based conception of resistance in practice. Answering this question will show that there are certain issues which need to be addressed before developing a robust, concrete conception of resistance.

In particular, I consider two major features of the social structure – intersecting oppressions and racial segregation – that sustain the Racial Contract. Due to the fundamental role intersection oppressions and racial segregation play in structuring society, it will be important to answer the following questions: How do intersecting oppressions complicate a "Racial Contract"-based notion of resistance? How does segregation interact with epistemic evasion, racialized moral psychologies, and lawful emotions in ways that must be accounted for in understanding dissent?

CHAPTER FOUR

COMPLICATING AND INFORMING DISSENT

“Racism in America is not just about a white supremacist yelling the N-word or wearing robes or burning crosses. Racism is perpetrated through systems of power that consistently privilege white people while discriminating against people of color.”
-William Barber, *Democracy Now!*, 1/10/17

“I think that if allies are going to come into the fold and try to, you know, stand up for us, that they do so under our leadership – right? – and they do so with the knowledge of intersectionality.” -Didi Delgado
Democracy Now!, 1/20/17

“Would it matter to people if we had 45% of white males in prison? Would that matter? ...It’s this notion of how we value life differently.”
-Zorka Karanxha (Lowery, 2013, n.p.)

Introduction

Cognitive, affective, and evaluative norms such as epistemic evasion, racialized moral psychologies, and lawful emotions are tied in intimate and complex ways to the structure of society. This social structure is fundamentally configured by both intersecting oppressions and racial segregation. Because racism is not the only axis of oppression structuring society, in this chapter I investigate the multiplicitous and intersecting nature of oppressions. I consider in turn how racial segregation is connected with dominant epistemic, affective, and evaluative norms, and how these connections sustain systemic racism. My ultimate aim is to flesh out how intersecting oppressions and segregation each complicate and inform an understanding of dissent from the Racial Contract. This will allow me, in the subsequent chapter, to flesh out what dissent looks like on the ground.

Intersecting oppressions

The term “intersecting oppressions” refers to the ways in which various forms of oppression, subordination, and discrimination within society are combinative rather than isolated axes on which people are disadvantaged (Collins, 2015). To be disadvantaged by two or more forms of oppression is to be disadvantaged in a way that is distinct from someone who is directly disadvantaged by only one of these forms. The notion of intersecting oppressions was developed within feminist theory, most prominently by women of color (Collins, 2015; Dudley, 2006; Knudson, 2005). Kimberle Crenshaw (1989) for example elucidates how within discrimination law, cases regarding racism tend to focus on how racism impacts men of color while cases regarding gender discrimination tend to focus on how sexism impacts white women. Effectively, discrimination law treats racism against men of color as a universal standard for how racism manifests with respect to all people of color; and it treats sexism against white women as a universal standard for how sexism manifests with respect to all women. Crenshaw argues this is problematic given women of color face forms of sexism and racism that are distinct from sexism against white women and racism against nonwhite men. In these ways, women of color are therefore excluded from legal protections.

Various forms of oppression thus manifest differently depending on one’s race (including bi- or multi-racial); socio-economic status; gender; age; sexuality; ableness; occupation; ethnicity (including bi- or multi-ethnic); religion; and so forth. Furthermore, how various forms of oppression manifest in concrete circumstances will vary and take shape in particular ways depending on how these forms combine together within particular contexts. I argued in Chapter Three that Mills’ focus on racism, while abstracted from how racism manifests with respect to other forms of oppression, is nevertheless helpful, if not necessary, for an understanding of the

fact of racial oppression. Nevertheless, recognizing racism's particular manifestations within actual circumstances (which, I argued, Mills is ultimately concerned to do) entails a careful analysis of how power shapes a situation according to various combined axes of oppression. An endeavor that analyzed *all* forms of oppression at *all* specific localities within the US and how these forms vary over time would be an impractical undertaking. Still, the fact that oppressions *do* intersect and manifest in particular ways across various contexts must somehow be addressed when developing a concrete approach to resistance, as I aim to do in Chapter Five.

Intersecting oppressions adversely affect whites. While whites are not oppressed on the basis of race, they are disadvantaged by other forms of structural injustice and systemic social discrimination according to their gender; age; sexual orientation; socioeconomic status; and so forth. The combinatory nature of oppressions' various guises means that, for example, poor white women will face different forms of sexism than upper-class white women, and that poor white men are themselves structurally disadvantaged due to their socio-economic status (McCall, 2001). How does the fact of intersecting oppressions complicate both the position of the white dissenter on one hand, and the ways in which dissent can most fruitfully be enacted on the other hand? To address this question I investigate the combinatory nature of oppressions existent in the US and how other philosophers understand the importance of viewing oppressions intersectionally. This will illustrate how dissent from the Racial Contract is complicated by the intersecting nature of oppressions, which will in turn help facilitate a more fruitful and nuanced conception of resistance.

In discussing intersecting oppressions, it will be helpful to recall what "oppression" means, as conveyed by Dwight Boyd (2004), who follows Iris Marion Young. Oppression occurs "when groups are seen to be defined *in relation to each other* [emphasis in the original] and this

relation is systemically manifested through structures of unequal power” (p. 13). The kinds of oppression existent in the US tend to be “structural, rather than the result of a few people’s choices or policies” and are “embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules” (p. 13). Oppression puts limits on certain people’s abilities to move through society and share equitably in society’s benefits and burdens according to the groups with which they are taken, within prevailing ideology, to be identified.

Because oppressions manifest along numerous axes, a majority of people suffer from at least some form of oppression, if not several. As Robin DiAngelo (2012) notes, “It is a very rare individual who is in dominant groups in every aspect of social life” (p. 191). While in some respects one may be advantaged by being a member of various dominant groups, in other respects she may be disadvantaged by being a member of various oppressed groups. DiAngelo recounts her own journey of becoming more aware of how she is differentially advantaged as white, despite having always been aware of how she was disadvantaged in various ways due to being a woman and being poor (pp. 191-198).⁷¹ Similarly, while people of color must confront and navigate racist social and institutional practices, nonwhites who are non-gender-conforming and/or non-heterosexual-conforming face a unique set of systemic social and institutional obstacles (Lasala and Frierson, 2012; Walsh, 2016).⁷² Dissent from the Racial Contract thus requires taking these intersections into account.

Due to the combinatory and context-specific nature of intersecting oppressions – or, as Leslie McCall (2001) puts it, “the enormous diversity in the economic and social structure of

⁷¹ For more on personal narratives regarding the intersections of race, class, and gender, see Hatt-Echeverria and Urrieta (2003)

⁷² See also Human Rights Campaign and Trans People of Color Coalition (2015) and Office for Victims of Crime (2014)

localities across the United States” (p. 5) – John Hartigan (1999) enjoins a careful analysis of how oppressions intersect and manifest within actual contexts.⁷³ His study of largely poor whites in Detroit led him to the conclusion that,

“‘Race’ operates in multiple levels and registers, informs myriad perspectives, remains both inchoate and loudly articulated. In these manifestations, realizations, and expositions what remains surprisingly hard to accept or remember is that there is very little abstract about it in the end, on the ground, in people’s lives” (pp. 282-283).

Hartigan argues that what race means, and the ways in which racism shapes people’s lives, necessitates attention to people’s concrete, lived experiences. Hartigan (2005) therefore contends that the term “whiteness”, as used within philosophical and sociological literature on racism, tends to capture the general dominance of whites as a group while displacing the heterogeneity of the different positions whites occupy not only in terms of class and gender but within their idiosyncratic localities. He therefore engages in a methodology that eschews the use of homogenizing and abstract theorizing: “a view of the lived experiences, social relations, and symbolic dimensions of everyday life” (p. 233).

For example, Hartigan (1999) notes that when whites in various areas of Detroit explicitly talk about race, they often do so in order to make intraracial distinctions based on class – for instance, to stigmatize white “hillbillies” (p. 17). In these areas, more economically-well-off whites view poor whites as people who “don’t keep up their homes”; “add nothing to the city”; are “not thrifty or of help”; are “big brawler[s]”; and “have no pride” (p. 32). At the same time, Hartigan observes some of these white folks associating “hillbillies” with black people in remarks like, “The poor truck from the South – both white and Negro. They are not good citizens,” and “Sure! The nigger and the hillbilly” (p. 32). He notes how this mirrors

⁷³ For other analyses of how various forms of domination/subordination combine and structure society, see Davis (1981/1983); Du Bois (1935/2013); and McCall (2001)

economically-well-off blacks’ “elaborate class-based loathing” of poor blacks moving into the city in the 1920s and 1930s (p. 33). He further documents how poor whites have been stigmatized throughout various regions of the US throughout US history (p. 33-35). Along with structural barriers to upward mobility,⁷⁴ it is clear from Hartigan’s analysis that the ways in which designations of race and class structure society are a product of how race and class oppressions are manifested in particular ways across various contexts.

While Hartigan primarily analyzes how whites as individuals assess their own environments and identities within everyday situations, my central concern is with how structural (i.e. societal-wide) injustice is sustained via the Racial Contract and how whites can engage in dissent. I thus seek to know, not just how racial and intersecting oppressions manifest within concrete situations, but how those situations act in relationship with the wider structures of society. Nevertheless, given that resistance is engaged “on the ground,” I take Hartigan’s emphasis on concrete manifestations of intersecting systems of advantage and disadvantage to be crucial for an exploration of how whites can dissent from the Contract.

Another feature of intersecting oppressions that will be important for an investigation into dissent is an understanding of power. Patricia Hill Collins argues that intersectionality is “a knowledge project whose *raison d’être* lies in its attentiveness to power relations and social inequalities” as well as “relations between knowledge and power” (pp. 1, 3). Collins focuses on the ways in which power is manifested and used differentially among society’s various members. This recalls Linda Martín Alcoff’s (1993/2008) argument, presented in Chapter One of this thesis, that radical social critique and analysis requires an investigation into politics, where politics is “anything having to do with relationships of power and privilege between persons, and

⁷⁴ Economic Policy Institute (2012); Equality of Opportunity Project (2014)

the way in which these relationships are maintained and reproduced or contested and transformed” (p. 710). As Collins enjoins, an analysis of intersecting oppressions is an investigation into how structures of power differentially advantage and disadvantage various members of society according to the groups with which they are identified within dominant ideology.

Susanne Knudson (2005), drawing on Michel Foucault, Nina Lykke, and Leslie McCall, expands this notion of power by suggesting that power is always “in process” and characterized by “procedures of exclusion and inclusion” as well as processes of “normalization, homogenization, and classification” (pp. 61, 65). In relationships of differential social and institutional advantage, dominant parties exercise power over nondominant parties through their ability to include and exclude various things (people; activities; worldviews; value-systems) from what is acceptable or valuable within the society/group. Consequently, dominant parties have the power to normalize various identities, activities, worldviews, and so on, as well as to homogenize and classify people in ways that help sustain the status quo. At the same time, nondominant parties can wield power (though, by definition, not as much of it) against these various practices of dominant parties, and they can do so in ways that are successful in disrupting oppressive practices. Knudson, drawing on Judith Butler, says that such success is characterized by the designation within mainstream worldviews of being “troublesome”: “The concept ‘troublesome’ refers to people who make it problematic to construct normalization” (p. 62). It is the troublesome people (and their allies) who disrupt and make inroads into the status quo, shape society in a more progressive fashion, resist injustice, and mitigate the repression of individual and community well-being.

In these ways, the fact of intersecting oppressions both complicates and informs an understanding of dissent from the Racial Contract. Intersecting oppressions disrupt the impetus to characterize dissent facilely and abstractly as acts of divesting from white privilege or as choices to no longer go along with white supremacy. Exactly how can one dissent concretely, in her everyday life and her particular social and institutional contexts, and given her own various positionings within systems of power? On the other hand, it is questions such as this, raised by the reality of intersecting oppressions, that informs a more practical understanding of dissent. By paying attention to the manifestations of intersecting oppressions, one can gain a better handle on how whites can indeed dissent from the Contract within their particular social and institutional positions.

Complicating and informing dissent

To provide a more robust conceptual foundation for Chapter Five's investigation into how whites can dissent from the Racial Contract, here I flesh out more clearly how intersecting oppressions both complicate and inform a notion of dissent. In particular I consider how intersecting oppressions impact an understanding of the positions of white dissenters on one hand, and what dissent ought to be aimed at on the other hand. This will elucidate some of the factors that should be taken into account in developing a concrete conception of resistance.

Consider María Lugones' (2003) work on resistant practices. One of Lugones' concerns is to engage potential witting/unwitting purveyors of white norms of evasion and how such purveyors impede the breaking down of systems of oppression. At the same time, those whom she addresses – in particular, white women theorists – are also in subordinated positions – at least with respect to gender, but also perhaps with respect to sexual orientation or other axes of

oppression. Lugones is therefore concerned to attend carefully to the complexities of systems of oppression and how they play out within day-to-day contexts in ways that either support or disrupt oppressive social and institutional practices.

Lugones asks how resistant agency is to be understood in light of intersecting oppressions and individuals' various dominant/subordinate positions within them:

“how much and what sort of ‘agency’ do we need to move with others without falling into a politics of the same, a politics that values or assumes sameness or homogeneity...attempting to stand in the cracks and intersections of multiple histories of domination and resistances to dominations? [emphasis in the original]” (p. 6)

In considering homogeneity a value and/or goal, resistance groups collude with oppression, countering the resistant tactics in which they engage. This is because, as Knudson argues, oppressive power is the power to selectively normalize, homogenize, and classify in ways that sustain current power structures. The upshot is that resistance to oppression does well when it recognizes troublesomeness (which counters normalization); heterogeneity (which counters homogenization); and ambiguity (which counters classification) as values and antitheses to oppressive power. With respect to the Racial Contract, dissent thus ought to be aimed at the ways in which racism is normalized within mainstream society; is manifested differently within particular contexts and according to intersecting oppressions; and is propagated via racial and other cross-cutting stereotypes and designations (e.g. of gender, class, and so on).

At the same time, Lugones conveys the importance of being attentive to the various forms of oppression that are at work within resistance movements even as such movements work to resist these very forms of oppression. The “intersections of multiple histories of domination and resistances to dominations” differentially position resistance-group members along various axes of systems of domination and subordination. Lugones illustrates that attentiveness to how oppressions manifest within groups and play out on the bodies and lives of group members can

enable a better understanding of resistance tactics. Given all this, how do whites, as racially dominant, remain attentive to the ways in which racial oppression affects resistance efforts? How should whites' resistant agency be understood in light of whites' own various positions within systems of domination and subordination? What forms of dissent are available to whites within these various positions?

Lugones describes the ways in which racism – both structural and internal – “plays tricks on white women theorists” (p. 71). She relays how feminists of color confronted white feminists with the fact that nonwhite women are oppressed by racism, sexism, and patriarchy in ways that are different from white women. Lugones argues that one trick racism has played on white women theorists is that many theorists now acknowledge there is a difference between them and women of color due to racism, “they just don’t think it’s important, because they don’t *notice* us [women of color] [emphasis in the original]” (p. 71). She illustrates how epistemic evasion continues to function as a cognitive norm for white women *even after* white women consciously and deliberately acknowledge racism’s existence. Lugones thus shows how epistemic evasion allows a knower to formally acknowledge the reality of a system of oppression without prompting serious interest in investigating how the system concretely shapes the lives, experiences, and knowledge of those adversely affected.

According to Lugones, the second trick racism plays is how it prompts white women theorists to understand the problem of racism-based differences between women as a problem for their own (white women’s) theories rather than for the lives of nonwhite women. Upon acknowledging difference, white women theorists wondered how they could go about writing theories that adequately incorporated a theoretical, abstract notion of “difference”. However, Lugones notes that when nonwhite women brought the issue of difference to white women’s

attention, they were less concerned with whether white women's theories were theoretically robust:

"U.S. women of color know we are different, we have never attempted to tell white women that women are all alike, we have not had the imperialist eye. U.S. women of color have always had an interactive emphasis in our interest in difference: we recognize racism and racism is an *interactive* phenomenon." (pp. 69-70)

Lugones emphasizes how women of color have endeavored to bring the issue of racism to white theorists' attention in order to facilitate cross-racial interaction that makes inroads into oppressive social and institutional practices. By contrast, Lugones concludes that white women's acknowledgment of difference-due-to-racism "is a noninteractive one" (p. 68). By focusing only on how they (white women theorists) were theorizing incorrectly, white women were able to avoid substantive engagement with nonwhite women that might have helped undermine racism's manifestations within social and institutional practices. In this way Lugones illustrates how epistemic evasion prompts knowers in dominant positions to (mis)construe the problem of oppression in a way that will be least disruptive to the status quo.

I focus on these two insights from Lugones – that epistemic evasion allows for formal acknowledgment of oppression without prompting serious interest in it; and that epistemic evasion prompts a (mis)understanding of the problem of oppression in a way least disruptive to the status quo – to address how intersecting oppressions both complicate and inform dissent.

First, recall Hartigan's insight that race and racism are experienced – i.e. perceived (or epistemically avoided) and navigated (consciously or unconsciously) – at the level of particular individuals within concrete contexts. Given this, how is one to understand the notion that dominant group-members tend to avoid serious attention to oppression and tend to (mis)understand oppression (if they acknowledge it at all) in whatever way will be least disruptive to the status quo? It is plausible that many individuals (though certainly not all) do not

deliberately intend to have the status quo as a central concern, but something else more personal and concretely-relevant to their everyday lives. For instance, perhaps avoiding serious interest in how systems of oppression benefit oneself and adversely impact others, or (mis)construing a problem in the least-disruptive way possible, are each strategies of avoiding the threat of vulnerability (real or perceived).

To see how this may be so, consider the ways in which seriously acknowledging and understanding systemic racism and its impacts on the lives, bodies, and communities of people of color would leave whites vulnerable. One way this would leave them vulnerable is through the moral entailment that oppressive and unjust social and institutional practices ought to be eradicated. To the extent that particular white individuals are oppressed in various non-racial ways, whites would then find themselves morally committed to eradicating a system that benefits and to that extent helps insulate them from other oppressive forces in their lives (such as socioeconomic hardship). In this way they may be assenting to the prescription to make themselves even more vulnerable, including materially and/or psychologically, to (non-racial) oppression.

Another way in which such acknowledgment renders whites vulnerable may be through the fear that ceding any amount of social and institutional power increases the threat that the relative positions of those who are dominant and those who are subordinate, respectively, will be reversed. Whites' fear of nonwhites' backlash against white racism has been well-documented throughout US history (Baldwin, 1965; Gabrial, 2013; Levine-Rasky, 2014; Willer, Feinberg, and Wetts 2016).⁷⁵ In this way whites evidence their fear of being vulnerable due to what is

⁷⁵ In actuality it is whites who have consistently engaged in backlash against policies that would further racial equity (see for example Alozie (1995); Anderson (2016); Hughey (2014); Kinder (1986); K'Meyer (2009); Kuran (1993); Steinhorn and Diggs-Brown (1999) pp. 108-113; and White (2016). See also Omi and Winant's (1994) discussion of "absorption" and "insulation" (pp. 86-87)).

merely, and justly, a loss of dominance and an increase in equality. What whites' rhetoric and actions indicate, however, is that they construe this increase in equality as the threat that they themselves are becoming a subordinated and oppressed group (Hughey, 2014).⁷⁶ Because this threat is imagined, and because it perversely misconstrues an increase in justice as injustice, and because I am concerned with how whites who *are* concerned with racial injustice can go about resisting it, I take leave of this form of (perceived) vulnerability.

A third way in which acknowledging racism renders whites vulnerable is due to the threat of disillusionment and self-knowledge. My understanding of this third way is informed in part by whites' rhetoric in their efforts to resist acknowledging racism (Applebaum, 2010, pp. 27-51; DiAngelo, 2011, 2012; Mills, 1997, 2007, 2008; Tatum, 2007, xiii). This rhetoric indicates that it is often whites' fear of and aversion to the prospect of being made (in their view) to feel guilty about racism that drives many whites to continue willfully denying its existence. I suggest that this fear be understood as one of another merely perceived threat due to the fact that resistance to racism is about changing unjust social structures, not about, and regardless of, whites' own feelings of guilt.⁷⁷ As Naomi Zack (1999) observes, "Most nonwhite liberatory scholars understand the main problem of racism to be institutional racism, a problem to which white guilt is largely irrelevant" (p. 81). Nevertheless, generally-speaking, human beings *are* emotionally and psychologically adversely affected when they incur negative self-images, including self-images comprised of one's sense of belonging to certain groups (Branscombe, 2004).

⁷⁶ Anderson (2010) discusses Iris Young's position that it is because of such white resistance that integration efforts (which I discuss later in the chapter) are prone to failure and thus misguided. As Anderson argues, it is rather that such resistance evidences why integration is needed: this sort of resistance is based in (racist) racial bias and stereotyping, and in the goods-hoarding that comprises white supremacy (pp. 184-189). Further, the rhetoric, advocated by Young, that often accompanies support for white segregation – which argues that whites are entitled to a "personal choice" to affiliate "with one's own" (which is bad faith/a reification of race) – is, when these bases are acknowledged, exposed not as a good-faith argument but as ideological cover for maintaining the status quo.

⁷⁷ For more on how whites – both anti-racist as well as those reactionary towards racial resistance – sustain racism by focusing on "white guilt", see Baldwin (1965) and Zack (1999) (pp. 81-82)

Understanding oneself, one's groups, or one's society as immoral, selfish, arrogant, or damaging to others can invite self-loathing or despair. Further, it threatens one with the disillusioning fact that, despite mythological rhetoric,⁷⁸ the US is in many substantive ways not a paragon of justice, nor are one's accomplishments entirely due to one's efforts but also, and perhaps even primarily, to one's social and institutional backing (DiAngelo, 2012, p. 88; Lugones, 2003, pp. 210-211, 218). This may in turn leave one with the sense that what one has in life, and one's accomplishments, are ill-gotten gains, adding to the understanding of oneself as a participant in injustice, as well as at odds with dominant values of individual achievement. Avoiding acknowledgement of racism can, thus, be a way for whites to protect themselves from psychological damage, a fact that people of color have conveyed throughout US history (see e.g. Baldwin, 1965 and Yancy, 2012, pp. 129-175).

I take these insights around vulnerability to complicate the positions of white dissenters. Dissent is complicated from the standpoint of the white dissenter because dissent requires her to become vulnerable, sometimes in real material ways. From her standpoint, the question of how to dissent from the Contract fails to address – or rather, takes for granted the unimportance of – what to her may be a more fundamental question, namely, why is she morally obligated to engage in and advocate for practices that will leave her vulnerable to discomfort in the ways discussed above?⁷⁹ In what follows I suggest a response to this question.

Lugones' insights regarding the “tricks” of racism and their relationship (as I have argued) to vulnerability do not merely complicate but also inform dissent. Referencing the tricks

⁷⁸ DiAngelo (2012) pp. 173-174; Economic Policy Institute (2012)

⁷⁹ I am not implying she necessarily consciously thinks this, nor am I affirming that her concern with her own harm is important from a moral standpoint with respect to the issue of systemic racism; what I am arguing is that this seems to be a way to try and better understand her position from her own standpoint, which may be helpful for a practical understanding of how whites can dissent from the Contract

racism plays on white women theorists who are themselves subordinated by systems of oppression, Lugones attends critically to what she calls the “complexities of resistances” to intersecting oppressions (p. 8). Here it will help to recall Collins’ and Knudson’s emphasis on intersecting oppressions as a system of differential power between persons and groups. Lugones in turn suggests that understanding resistance in light of the concrete manifestations of intersecting oppressions can be aided by visualizing power structures like a map on which subjects occupy “various forms of oppressing $\leftrightarrow$ resisting relations” (pp. 8, 34):

“Visualize, remember, and sense a map that has been drawn by power in its many guises and directions and where there is a spot for you. All the roads and places are marked as places you may, must, or cannot occupy. Your life is spatially mapped by power. Your spot lies at the intersection of all the spatial venues where you may, must, or cannot live or move. ... You may go places as boss, pleasure seeker on the labor of others, tourist, colonizer, and user of people’s lives and labor without being touched by exercising yourself as apart from them, and you are ideologically constructed as having deserved your spot. And if “you”...are one of the dominated, your movements are highly restricted and contained. And there may not be any you there under certain descriptions, such as ‘lesbian’ or another description that captures transgression.” (pp. 8-9)

Visualizing intersecting oppressions as a map facilitates a more concrete awareness and understanding of power’s material reality. To visualize where one can and cannot go, what one can and cannot do, with whom one can and cannot interact, and in what ways, makes it evident that some people have a greater, even a much greater, ability to maneuver and navigate through their environments and society than others. There are some others, in turn, whose movements are more restricted, even much more restricted, than others’.

By visualizing intersecting oppressions as a map of power’s distributions, Lugones exemplifies how people variously backed by power nevertheless occupy various positions within oppressing $\leftrightarrow$ resisting relations. One who is oppressed in many ways nevertheless is not a purely oppressed being due to the liminal worlds to which she can go; and one who is dominant in many ways nevertheless is not entirely unrestricted in where she can go, and indeed she may be oppressed herself along certain axes.

Lugones' map metaphor therefore suggests the possibility of inter-oppressive understandings. *By paying attention to the map as a whole rather than to only the ways in which oneself is oppressed, one can begin to see oppression simpliciter, rather than merely one of oppression's manifestations, as the object of resistance.* The ways in which Lugones' analysis complicates a notion of dissent from the standpoint of the dissenter therefore also informs such a notion. By understanding oppression *simpliciter* as the object of resistance, whites may be better-placed to dissent from the Racial Contract when they understand such dissent as resistance to oppression in all its guises, including in the ways that oppressions adversely affect oneself.

Lugones' map metaphor and its attention to memory can further facilitate cross-racial coalitions against oppression *simpliciter*. Lugones is concerned to elucidate how those in subordinate positions can remember who they are in less oppressive worlds, and how they can use this memory of themselves to resist domination in more oppressive worlds. However, Lugones also focuses attention on the memory (or lack thereof) of dominant individuals in worlds in which they are oppressive:

"There are lots of reasons why one may not remember [who one is in some context]. In the case of people who dominate others, they may not remember the persons they are in the reality of the dominated. ...they do not see themselves as the maid [for example] sees them and they do not want to remember or recognize the persons who are seen by the maids... There are many reasons why the employers do not remember themselves as maids know them. One of these reasons concerns their own sense of moral integrity since, as they are witnessed by the maids, they lack it." (p. 58)

Lugones shows how those in dominant positions refuse to recognize or see themselves as the oppressed see them because this would leave them (the dominant person) vulnerable to a sense of themselves as morally bad or in the wrong. Nevertheless, remembering oneself as a member of some dominant group, and seeing oneself in the way that nondominant people see one, can facilitate cross-racial coalitions and resistance to oppression. When whites make an effort to recognize themselves as people of color see them, whites allow themselves access to a better and

more grounded (less abstract) understanding of the problem of racism. This better understanding can in turn facilitate better-informed, system-destabilizing practices of dissent.

Lugones' analysis also complicates and informs an understanding of what whites ought to aim practices of dissent at. Her map metaphor focuses one's attention on the ever-important *concrete* and *power-laden* aspects of intersecting oppressions. In this way Lugones shows that dissent ought to be aimed, not at epistemic evasion, racialized moral psychologies, and outlaw emotions in the abstract, but at their concrete, power-infused manifestations within particular contexts – for example, at the ways in which racism, in the form of epistemic evasion, “plays tricks on” white women theorists and facilitates intellectual segregation (discussed below) that sustains systemic racism.

Because the map metaphor conveys a whole system of dynamic and intersecting oppressions, Lugones shows how dissent cannot be fruitfully aimed solely at racism but must be aimed at the ways in which racism manifests in combinatory ways with other forms of oppression. Concrete manifestations of racism occur in combination with whatever various forms of power are structuring a particular context in a given moment. The metaphor thereby obstructs a facile and pre-given understanding of how racial oppression manifests and ought to be resisted in any given context. At the same time, by complicating dissent in this way Lugones informs dissent by conveying how it can be fruitfully aimed at racism's concrete manifestations. In Chapter Five I use Lugones' insights into resistance in my investigation into dissent within education. In what immediately follows I consider two further ways in which issues related to intersecting oppressions complicate and inform dissent.

Colorism and the black-white binary

Kimberly Jade Norwood (2015) credits Alice Walker with coining the term “colorism”, by which Walker means the “prejudicial or preferential treatment of same-race people based solely on their color” (p. 586). Norwood explains that colorism can be both intra-racial – for example, when those of Asian descent are preferential towards lighter-skinned Asians – as well as interracial – for instance, when whites are preferential towards lighter-skinned blacks. Norwood also notes that, “Colorism is often gendered,” having a tendency “to affect *and infect* [emphasis in the original] women more than men” (p. 586). While dark-skinned people in general have been and continue to be discriminated against – for example, in the workplace – dark-skinned women also face beauty standards that denigrate their skin color. Norwood goes on to evidence the history and continued presence of colorism and documents the material, systemic benefits of being lighter-skinned rather than darker-skinned in the US.

Taunya Lovell Banks (2014) in turn argues that, in the contemporary US, color actually eclipses race in being a more salient determinant of institutional oppression (p. 95). She argues that it is not blacks, Latinos, indigenous peoples, or Asians who are systemically discriminated against so much as it is dark-skinned people. She evidences not only institutional markers of success that favor lighter-skinned people and disfavor darker-skinned people, but also research showing white decision-makers’ preference for light skin over dark skin (p. 104). Banks also highlights socioeconomic stratification within the black community that correlates with color. She argues that if colorism eclipses race but is not acknowledged, then efforts to address racism may fail to address colorism. For instance, if employers rectify racism by hiring black people, they may (and do) tend to hire a disproportionate number of light-skinned blacks, effectively perpetuating economic oppression against dark-skinned blacks.

Indeed, Ronald E. Hall and Adrienne Johnson (2014) go into depth documenting the historically-rooted social and institutional practices adversely affecting those with darker skin at consistently greater rates than those with lighter skin. They argue that, “Affirmative action policies...have failed to meet the formidable demands of skin color discrimination because of a preference for [the term] race [rather than color] in common discourse” (p. 183). Because many people who are black, Latino, and so forth are light-skinned, race can incorrectly be taken to be ameliorated despite the fact that intragroup color differentials persist within the social structure. In this respect, and noting that institutional colorism is both an intra- and inter-group phenomenon, Harvey, Banks, and Tennial (2014) suggest analyzing the level of color bias against a particular group both within a group and with respect to those outside that group. They thus demonstrate how color bias manifests differentially both within and outside of a group, respectively.

Colorism adds to the complexity of intersecting oppressions in which not only race but color combines with other axes of oppression in ways that can be attended to only within particular contexts. Colorism thereby complicates dissent because it illustrates how resistance to racism, even when attending to differences in racial oppressions, can fail to address social and institutional practices of color-based discrimination. Conversely, color bias informs an understanding of dissent because it enjoins a focus not only on race but on intra-racial oppression by both those within and outside of that racial group, respectively, facilitating a richer and more concrete conception of how dissent from the Contract ought to be engaged in practice.

A final feature related to intersecting oppressions that must be attended to is the black-white binary. The term “black-white binary” refers to the tendency within some mainstream rhetoric to depict race relations in the US as occurring only between two groups: blacks and

whites. Linda Martín Alcoff (2003) argues against the usefulness of this binary for addressing racism. In particular, because the black-white binary assumes “that racial discrimination operates exclusively through anti-black racism,” this paradigm “seriously undermines the possibility of achieving coalitions” (pp. 8, 17). By framing racial oppression in terms of the black-white binary, nonblack people of color must advance their interests within this framework. This constrains and falsely depicts how racism differentially impacts various nonwhite groups:

“The paradigm of an antiblack racism intertwined with slavery does not help to illuminate these and other specific experiences of other nonwhite groups, where ideologies often relied on charges of evil, religious backwardness, horde mentalities, being a disappearing people, and other projections not used in regard to African Americans. The hegemony of the black/white paradigm has stymied the development of an adequate account of the diverse racial realities in the U.S., and weakened the general theories of racism which attempt to be truly inclusive.” (p. 14)

Different racial groups can face distinct forms of racism such that addressing only racism against blacks leaves a multitude of other forms of racism in place. For example, those of African or Middle Eastern descent face disproportionate rates of governmental surveillance and intrusion; violence to their person and property; and even death if they are perceived to be Muslim.⁸⁰ As another example, many indigenous people have persistently attempted to convey to mainstream society that they are not a racial minority seeking social and institutional treatment equal to whites. Instead, they often consider themselves distinct nations within a colonizer nation, and their aim is to regenerate their ability to be self-determining as a people (Alfred, 2005, 1999/2009; Cook-Lynn, 2012; Turner, 2006; and Wub-E-Ke-Niew, 1995)

Because of these differing forms of racism according to racial group, Alcoff effectively qualifies Banks’ claim that color eclipses race. Alcoff argues, “Racial oppression works on multiple axes...with color being the most dominant and currently most pernicious,” yet “color is

⁸⁰ “Anti-Muslim Discrimination.” (2017). *American Civil Liberties Union*. Retrieved from <https://www.aclu.org/feature/anti-muslim-discrimination>; Kishi, K. (2016, November 1). Anti-Muslim assaults reach 9/11-era levels, FBI data show. *Pew Research Center*. Retrieved from <http://www.pewresearch.org/fact-tank/2016/11/21/anti-muslim-assaults-reach-911-era-levels-fbi-data-show/>

not exhaustive of all the forms racial oppression can take” (p. 21). For example, until the Indian Child Welfare Act was passed in 1978, indigenous children were routinely taken from their families and placed with white families. Yet even now indigenous peoples continue to face the systemic fracturing of their families by institutional policies that extract indigenous children from their homes and put them in foster and adoptive care at disproportionately high rates (Berger, 2015; Bussey and Lucero, 2015; Kruck, 2015; Lucero and Bussey, 2015; and Turner, 2016). It is plausible that such policies are best characterized as systemically racist rather than colorist, given that indigenous peoples as a whole are adversely affected. Furthermore, such racism does not fit into a black-white paradigm of race relations.

Alcoff is concerned not only with highlighting how the black-white binary fails to address and thereby perpetuates various forms of racism, but also with understanding the binary’s implications for resistance. She argues that, “Without being a conspiracy theorist, it is obvious that keeping us in conflict with each other and not in coalition is in the interests of the current power structure” (p. 17). By effectively erasing manifestations of racial oppression against nonblacks, as well as individual (not systemic) racism perpetrated by nonwhites, the black-white binary effectively forces non-black-non-white racial groups to convey how they too face discrimination as distinct racial groups. This in turn takes time and energy away from forming cross-racial coalitions that would otherwise recognize and address such differences.

Further, as Alcoff argues,

“The black/white binary and the constant invocation of all race discourses and conflicts as between blacks and whites has produced an imaginary of race in this country in which a very large white majority confronts a relatively small black minority, which has the effect of reenforcing the sense of inevitability to white domination.” (p. 17)

Conveying the idea that blacks, which make up about twelve percent of the US population, are *the* oppressed racial minority gives the impression that those with an interest in maintaining the

racial status quo must be somewhere around 88 percent, making resistance to racism seem almost futile. In reality, however, nonwhites make up about 40% of the population, with whites comprising about 60%.⁸¹ Further, trends in racial demographics indicate that in several decades whites will be in the minority and nonwhites in the majority: as we approach the year 2065, whites are projected to comprise about 45% of the population with nonwhites composing about 55%.⁸² Also, although it is difficult to ascertain percentages, some number of whites are actively anti-racist, either via their political activism or in their efforts to combat their own epistemic evasion, racialized moral psychologies, and lawful emotions.

This means that resistance to *de facto* racist social and institutional policies can appeal to a wide swath of the population – perhaps a numerical majority.⁸³ Alcoff argues that recognizing this fact can facilitate cross-racial coalitions that shatter the black-white binary and the intergroup fragmentation it facilitates. With respect to intersecting oppressions, Alcoff shows that, while colorism complicates racism, so too does an understanding of racism as differentially impacting a range of racial groups. Yet, rather than leading to disunity, Alcoff argues that it is precisely this understanding and appreciation of how racism can manifest differently across different racial groups that facilitates resistant coalitions. While dissent from the Racial Contract is thus complicated by the complexity of the various forms of racial oppression, it is also informed by a rejection of the black-white binary. By rejecting simplistic frameworks for conceptualizing institutional racism, engagements in dissent can be more attuned to how racial

⁸¹ “Quick Facts.” *United States Census Bureau*. <https://www.census.gov/quickfacts/>; “Population Distribution by Race/Ethnicity.” *The Henry J. Kaiser Family Foundation*. <http://kff.org/other/state-indicator/distribution-by-raceethnicity/?currentTimeframe=0>

⁸² Cohn, D. and Caumont, A. (2016, March 31). “10 Demographic Trends that are Shaping the U.S. and the World.” *Pew Research Center*. <http://www.pewresearch.org/fact-tank/2016/03/31/10-demographic-trends-that-are-shaping-the-u-s-and-the-world/>

⁸³ Of course, not all people of color are themselves anti-racist; I am therefore not taking for granted that *all* nonwhites support anti-racist resistance

oppression manifests in actual contexts. A notion of dissent that is against all forms of racial oppression, and which acknowledges the fact that racial oppression can manifest differently with respect to different racial groups, is a notion that allows space for all groups adversely impacted to join together to resist racism.

Now that I have addressed how an understanding of dissent is both complicated and informed by intersecting oppressions, I consider another major feature of the social environment – racial segregation – and how this too complicates and informs a conception of dissent. Furthermore, intersecting oppressions and segregation both fundamentally structure US society. They are therefore imbricated with one another and complicate and inform how dissent ought to be navigated.

Segregation

In *The Souls of Black Folk* W. E. B. Du Bois (1903/1994) considers the ways in which people in general can intermingle. He discusses residential proximity; economic transactions; political intercourse; intellectual commerce; community life and the development of community public opinion and moral sentiment; everyday social contact (travel, entertainment, social gatherings, and marriage); and religion (p. 100). He then considers the various ways in which blacks and whites actually do and do not intermingle in these ways. He notes for example that, “despite much physical contact and daily intermingling, there is almost no community of intellectual life or point of transference where the thoughts and feelings of one race can come into direct contact and sympathy with the thoughts and feelings of the other” (p. 110).

Whites and blacks intermingled with each other in public spaces like markets, yet they were not substantively affected by each other. Social environments are therefore not strictly characterized, respectively, by either separation or intermingling *tout court*. Societal patterns of intermingling and separation between whites and blacks are varied and complex. At the same time, these

patterns reveal a lack of substantive racial integration. Du Bois thus illustrates how, regardless of the level of racial intermingling – i.e. physical proximity between whites and blacks – such intermingling does not amount to integration – indeed, physical proximity is entirely compatible with, even a manifestation of, segregation (e.g. a black slave who lives in the house of a white slave-owner). In what follows I take Du Bois’ insights into account in my endeavor to understand how segregation complicates and informs an understanding of dissent. Segregation is imbricated with dominant epistemic, evaluative, and emotional norms, making efforts at integration susceptible to being merely attempts at intermingling.

There are two facets of Du Bois’ claim that I take as a basis for my consideration of racial segregation. The first is that there are three broad forms of dissociation that segregation takes: physical (including geographic or bodily dissociation); social (including a lack of interpersonal, political, economic, and intellectual intercourse); and experiential (differences in the ways in which people experience, or are allowed to experience, the world, including ethically, emotionally, and evaluatively). Second, the absence of one form of dissociation is nevertheless compatible with, and can be a manifestation and perpetuator of, an overall system of segregation. As Du Bois relays, daily intermingling can go hand in hand with a dearth of interpersonal sympathy, including intellectual and emotional connection and interaction.

Segregation’s primary function is to reproduce the differential social, political, and economic power between whites and nonwhites that characterizes systemic racism. Elizabeth Anderson (2010) argues that segregation is essentially a vehicle for perpetuating “the exclusion of one social group from equal access to critical resources controlled by another” (p. 16). By keeping people of color segregated out of whites’ physical, social, and/or experiential spaces and activities, whites, being the racial group with the most control over society’s goods, ensure that

society's benefits will advantageously accrue to themselves. By hoarding goods, a group can ensure preferential access to such goods. Segregation is therefore what keeps social, political, and economic goods "circulating within the dominant social group and out of the hands of the subordinate group, except on disadvantageous terms" (p. 16).

One form of (physical) segregation is racially-based housing. Because where one lives has a significant impact on one's educational and economic opportunities, keeping themselves residentially segregated from nonwhites has allowed whites to hoard access to such opportunities (Massey and Denton, 1993, pp. 115-147; Organ, 1997; Tatum, 2007). Douglas Massey and Nancy Denton (1993) go into depth regarding the social practices (e.g. housing covenants) and institutions (e.g. the real estate and lending markets, respectively) that perpetuate residential segregation in the US, especially between blacks and nonblacks. They characterize black ghettoization – meaning the residential segregation of blacks – as "hypersegregation" due to the proportion of blacks it affects and how persistent it has been throughout US history. A 2014 study by the Economic Policy Institute shows that, if anything, residential segregation between whites and nonwhites, and especially between blacks and nonblacks, has increased in the past decade. People in the US thus continue to live "in a profoundly racially segregated society" (Anderson, 2010, p. 148). Substantiating Massey and Denton's findings, the study relays how residential segregation adversely impacts educational opportunities and achievements for people of color and, in turn, life-time economic opportunity and achievement.

In general, due to residential segregation, whites are in turn highly segregated in other ways from nonwhites, for instance with respect to neighborly interactions; schools; romantic relationships; and religious and community gatherings. For example, along with increasing racial segregation in schools since the 1980s, Thomas Shapiro (2004) notes that in a 1997 survey,

almost half of white respondents said they would be uncomfortable sending their children to schools that were less than 50% white (p. 176; for more on school segregation, see Tatum, 2007, 2010 and Oakes, Lipton, Anderson, and Stillman, 2013). Ruth Frankenburg (1993) in turn conveys how many whites avoid engaging in romantic relationships with people who are not white, either due to their lower esteem of nonwhites or to their fear of a perceived social stigma surrounding interracial relationships. A 2015 report by the Pew Research Center shows that only seven percent of whites married someone who was not white, a far lower percentage than the number of people of color who married outside of their race. A study by the dating site OkCupid also evidences whites' strong racial preferences favoring whites regarding romantic partners (Wilson, 2016).

Physical segregation between whites and nonwhites is thus intimately connected to their social segregation. Whites' choices with respect to, for instance, habitation; marriage; friendship; daily acquaintances; and which legislation to support or resist indicate a preference *against* various forms of nonwhites' equitable integration into whites' personal, social, political, and economic lives and realities (Alozie, 1995; Anderson, 2016; Hughey, 2014; Kinder, 1986; K'Meyer, 2009; Kuran, 1993; Steinhorn and Diggs-Brown, 1999, e.g. pp. 104, 108-113; White, 2016). Beverly Tatum (2007, 2010) in turn discusses the difficulties and limitations to intimacy and authenticity people of color experience if and when they seek out friendships with whites, given whites' tendency to ignore, downplay, and stay ignorant of the realities of racial oppression and, thus, the life experiences of the person of color (see also Mills, 2007, pp. 32-34). Whites in turn may remain unconvinced they are missing out on anything by not having friendships and occupational and academic partnerships with people who are not white (DiAngelo, 2012, p. 164). Indeed, whites may actively shun such relationships whenever the

person of color insists on working together to address issues of racism (Mills, 2008, pp. 1383-1384). This further entrenches the societal-wide power differential between whites, who can ignore racism and reap its institutionalized benefits, and nonwhites, who must deal with the system and navigate its attendant disadvantages that dominant society insists does not exist.

In line with these facts, Du Bois (1903/1994) conveys the regrettable lack of what he calls “intellectual commerce” between blacks and whites (p. 110). More than 100 years later Frank Margonis (2007) discusses the continued “intellectual segregation” between whites and nonwhites. Drawing on Charles Mills’ (2007) explorations of what Mills’ terms “white ignorance”, Margonis characterizes intellectual segregation as “the dominant group’s unwillingness to attend to and understand historic and ongoing acts of racial subjugation” (p. 174). Margonis argues that white political philosophers ignore structural issues such as racial segregation and the concentration of poverty as irrelevant to their academic endeavors. He concludes that the “separatist tendencies that one finds among European American philosophers today” are a continuation of whites’ general self-driven intellectual segregation from nonwhites that has been a mainstay throughout US history.⁸⁴

Finally, segregation occurs on an evaluative, emotional, and experiential level between whites and nonwhites. As the discussion of systemic racism in Chapter One shows, whites and nonwhites experience differential opportunity and treatment across all major US institutions as well as in their navigation of public spaces. This differential experience creates its own type of segregation that, as writers, philosophers, and activists have explored over and over again – including James Baldwin (1955, 1963/1993); W. E. B. Du Bois (1903/1994); Ralph Ellison

⁸⁴ Whites’ intellectual segregation from people of color, and the failure within mainstream historical knowledge to appreciate the contributions of nonwhites to the US’s intellectual legacy, is well-documented. See e.g. Collins, 2014, p. 4; Cook-Lynn, 2012; Davis, 1981/1983; Mills, 2008; Waters, 2004; Watson, 2013; and Zinn, 1980/2005.

(1952); Frantz Fanon (1952/2008); Lewis Gordon (1995, 1997); Alain Locke (1992); Toni Morrison (1994); Kimberley Jade Norwood (2014, 2015); Beverly Tatum (2007, 2010); Vetta L. Sanders Thompson (2014); and George Yancy (2008) – takes on an explicitly racialized existential form.

Ernest Allen (1997) for example turns to Du Bois' notion of "double consciousness" to explain the existential dynamics of black embodiment. Du Bois, conveying his own embodied experience, says, "One ever feels his twoness, – an American, a Negro; two souls, two thoughts, two unreconcilable strivings" (Du Bois, 1903/1994, p. 2). While whites' experiences are predominately characterized by a lack of conflictedness about or negative feelings towards their racial identity, nonwhites tend to experience the world highly aware of their race and racial status. Allen takes Du Bois to be conveying the experience of struggling with two sets of conflicting ideals: on the one hand, to satisfy both American and Negro existential aims (e.g. pride in being a Negro); and on the other hand, to achieve both American and Negro social ideals (e.g. social advancement *as* a Negro). Both struggles are perpetual because, in an anti-black society, each aim is irreconcilable with the other: satisfying American existential ideals ("one's race is meaningless") entails negating and devaluing one's blackness; and achieving American social ideals ("assimilate into white society and forget you are black (even as you face racial discrimination)") entails abandoning and erasing one's social life and culture as black, and the reality and legitimacy of one's very experiences and struggles within a racist society. Whites' experience is not characterized by this structural-racism-based existential dynamic, nor do whites experience themselves on the receiving end of systemically racist social and institutional policies and practices.⁸⁵

⁸⁵ For an analysis of why so-called systemic "reverse discrimination" against whites does not exist, see Pincus (2003)

Given the fundamental role segregation plays in perpetuating systemic racism, efforts towards substantive and genuine racial integration must play a fundamental role in resistance. This means that dissent from the Contract must be careful to avoid satisfaction with mere racial intermingling and interspersion. To flesh out just what this claim entails I analyze Elizabeth Anderson's (2010) thesis that, "If racial segregation is the problem, it stands to reason that racial integration is the remedy" (p. 112). Following Du Bois, Anderson distinguishes integration from intermingling. She argues that racial integration refers to the substantive and equitable incorporation of racial groups into all facets of society, including social life, politics, and economic activities. Following Henry Organ (1997), integration is not synonymous with desegregation. The term "desegregation" refers to the removal of explicit legal barriers to integration, such as the 1954 *Brown v. Board of Education* decision that declared such barriers illegal within schools. While an important step towards racial justice, integration does not follow – and in many ways has not followed – from desegregation (Steinhorn and Diggs-Brown, 2000). Indeed, as I discuss in Chapter Five, in general, schools and residential districts across the US remain deeply segregated, especially between whites and nonwhites. Neither does racial intermingling – i.e. mere physical proximity of the members of different races in various spaces – necessarily indicate the existence of integration. As Du Bois shows, whites and people of color may intermingle at, say, the grocery store without this necessarily indicating that society is generally characterized by substantive, equitable, genuinely race-neutral, and sympathetic interactions between, as well as equitable, genuinely race-neutral social, political, and economic roles for, whites and nonwhites.

As I argue in what follows, and drawing on Anderson (2010), efforts towards integration are thus necessary to countering white domination, and an integrated society is the necessary

antithesis of the segregation-based system of racism in the US.⁸⁶ This is precisely because, as discussed in Chapter One of this thesis, the Racial Contract persists via the propagation of a racial polity that fulfills the Contract's bottom line of white material enfranchisement (goods-hoarding) via nonwhite material disenfranchisement. As Mills (1997) argues, dominant white society races and norms spaces and individuals: people are racially demarcated, and these markings are then rationalized as the basis for differential social and institutional treatment (pp. 41-62). Segregation – the explicitly legal or else *de facto* racializing not only of individuals but of spaces (neighborhoods; economic venues; public and recreational areas; social and institutional roles; and so on) for the purposes of materially advantaging those deemed “white” – is the fundamental basis of systemic racism. A non-systemically racist US society is therefore an integrated society in which such (racist) racializing of people and spaces, and the differential social and institutional treatment this racializing supports, is non-existent.

Partially echoing Du Bois, Anderson identifies two broad forms of segregation that she calls “spatial” and “role”, and which generally correspond to what I have been calling “physical” and “social” segregation, respectively (p. 9). On her account too, people can be spatially intermingled while being segregated in the roles they occupy within society (e.g. white middle- and upper-class homeowners and hotel patrons spatially integration with hospitality or domestic workers of color). Anderson does not, however, explicitly identify, nor adequately theorize a conception of, experiential segregation. She does mention a form of cognitive bias – called the “shared reality bias” – that, she argues, manifests in whites’ stigmatizing stereotypes of

⁸⁶ For this reason, Anderson rightly criticizes Young’s argument that there can be non-racism-sustaining forms of physical and social segregation (Young’s argument is further undermined by Mills’ (1997) notion of the racial polity, which I discuss further in what follows). Besides falling prey, as Anderson argues, to an abstract ideal conception of something merely theoretically but not practically possible in the world and history in which US society actually exists, Young’s conception also propagates a misunderstanding and reification of race as a substantive and legitimate (rather than historically-contingent and racist-based) group-identifier (pp. 184-189).

nonwhites and, thus, whites' rationalizations of segregation. The shared reality bias "leads individuals to align their perceptions and judgments with those of in-group members" (p. 46).

With respect to anti-black racism, Anderson argues,

"To the extent that blacks are more aware than whites are of discrimination and other obstacles to their [blacks'] advancement, insular whites will build a shared reality among themselves that underestimates the extent of these obstacles." (p. 47)

Whites' cognitive biases against nonwhites, and whites' denying and downplaying the existence and significance of racism, stem from and are legitimized by the stigmatizing stereotypes of nonwhites that are perpetuated within dominant ideology and which are thus publicly and readily accessible as a means of rationalizing segregation (p. 53). Anderson concludes that racism is deeply ingrained within both the structure of society and the perceptions and worldviews that members of society, especially whites, come to adopt. For this reason, she argues that comprehensive spatial and role integration is necessary for undoing dominant-ideology-backed stigmatizations of nonwhites, and thus for adequately counteracting racist social and institutional practices (p. 189).

Yet if racial biases against people of color are as ingrained within mainstream society as Anderson says they are, then it follows that whites' engagements in integration will tend to be undermined by these very biases. Consider Shannon Sullivan's (2006) work on the "habits of whiteness". Sullivan cautions that whites' efforts to integrate can backfire, re-entrenching the power dynamics one sought to disrupt. Recall also Du Bois' observations that while segregation is a product and perpetuator of racism, various forms of racial intermingling do not entail a lack of systemic segregation: whites and nonwhites may intermingle on a daily basis without disrupting racist social and institutional practices and their concomitant racist rationalizations. This therefore complicates Anderson's conception of how integration remedies racism, and thus points to a more nuanced understanding of how whites can dissent from the Contract. While at

first glance it appears that whites should dissent from physical and social segregation, Sullivan's work cautions that without also challenging cognitive and emotional norms that sustain white domination, such dissent will struggle to be successful.

As Sullivan relays, W. E. B. Du Bois, drawing on John Dewey's theory of habit, develops a conception of white domination as a set of habits. Du Bois argues that individual whites develop the tendency to act in racist ways because of their immersion in US society and its predominating racist norms, values, and attitudes (p. 22). Drawing on Dewey and Du Bois, Sullivan in turn theorizes white racism as habits wherein racism often functions "as a predisposition for acting in the world that is not consciously chosen or planned" (p. 25). On her view, racist cognitive, emotional, and physical habits develop as a result of an individual's uncritically absorbing society's prevailing norms, values, and attitudes. Echoing Aileen Moreton-Robinson's (2015) discussion (from my Chapter Three) about white Australians' possessiveness, a primary example of white racist habits is what Sullivan calls whites' "ontological expansiveness": "to be a white person means that one tends to assume that all cultural and social spaces are potentially available for one to inhabit" (p. 25). Ontological expansiveness is manifested in the ways that whites, generally-speaking, take for granted their right go where and do what they please, including with respect to nonwhites' lives and bodies as well as nonwhites' social, cultural, and geographic spaces.

Given this notion of ontological expansiveness, one of Sullivan's primary concerns is to elucidate the complex connections between racial separation and intermingling on one hand and systemic racism on the other hand. She argues that because of whites' tendency towards ontological expansiveness, efforts on their part to integrate with nonwhites can instead be a form of oppression against people of color and an intrusion into their lives (pp. 176-177). She recounts

a time from her high school years when white city and school officials unilaterally decided to intersperse black and Latino students with white students by demolishing a predominately black and Latino high school and busing the students of color to two nearby and predominately white high schools. Sullivan says many black and Latino parents and students were upset by this, not just because they were not consulted nor their input asked for or utilized, but also because the predominately nonwhite high school had been a place of respite from white-dominated spaces so that kids of color could play, converse, learn, and interact more freely with each other and away from white dominated spaces. On the other hand, says Sullivan, the anger of white parents and students by this effort at integration did not stem from a concern for how the move affected nonwhite students, and seemed rather to originate from their desire to preserve the high schools as white spaces that were relatively free from the “contamination” (as Lewis Gordon (1997) puts it) of nonwhite bodies and lives (Gordon, p. 70).

Sullivan argues that habits of ontological expansiveness should therefore prompt whites seeking to resist racism to be more cognizant and conscientious of how their efforts at integration may instead reinscribe white dominance (and therefore end up being failures to integrate). She argues that whites’ actions to either intermingle with or separate from people of color ought to be carefully based on the particularities of the given context (p. 180). Lugones’ two insights – that epistemic evasion allows for formal acknowledgment of oppression without prompting serious interest in it; and that epistemic evasion prompts a (mis)understanding of the problem of oppression in a way least disruptive to the status quo – in turn underline the imperative for whites to challenge cognitive and rhetorical habits of evasion by deferring to people of color and their leadership in efforts to integrate. Genuine efforts to integrate are therefore efforts to associate with one another *in the right ways* – that is, in ways that counter rather than sustain

segregation (and thus racism). What does it mean to engage in integration efforts in the right ways?

Consider Anderson's argument that whites tend to engage in and support only those forms of association that do not perturb status quo systems of racial domination and subordination. On the flip side, and following from her understanding of segregation's ultimate purpose (goods-hoarding), she argues that dissociation occurs whenever association would entail social, political, and economic goods being distributed in more equitable ways (pp. 14-15, 21). These points support her central thesis that segregation is a vehicle for systemic oppression and the unjust distribution of society's burdens and benefits. This in turn is what leads her to the conclusion that spatial and role integration, respectively, are necessary to achieving racial justice. However, while Anderson rightly considers spatial and role integration as necessary to achieving racially just and democratic access to and distribution of goods, she neglects the fundamental role that dominant cognitive and emotional norms have in mediating association and dissociation in ways that sustain the status quo. This in turn leads to an inadequate conception of how efforts at integration ought to go about achieving racial justice.

First, Anderson does not convey how separation can be a necessary means for people of color to maintain the well-being of themselves and their communities so long as society remains systemically racist. While she notes that blacks' efforts at integration (e.g. into majority-white neighborhoods or away from historically black colleges and universities (HBCU's)) can often be stressful for blacks due to white-driven racial intimidation or violence, she implicitly characterizes separation into nonwhite-dominated neighborhoods or HBCU's as a preferred (rather than practical or even imposed) choice for nonwhites that they need to be willing to forgo in the name of integration (pp. 180-183). Further, when responding to Beverly Tatum's (2010)

argument that black adolescences' separation from their white peers is necessary within a racist society for blacks to develop positive and affirmative understandings of themselves and their experiences, Anderson counters by claiming that prioritizing separation in this way misguidedly prevents moves towards integration: "When blacks self-segregate, whites are of necessity racially isolated" (pp. 185-186).

Anderson thus appears to conflate segregation and separation. Her line of reasoning suggests that, while nonwhites' self-separation from whites can provide benefits to people of color, such separation ultimately stymies efforts towards just and equitable integration. However, this characterizes separation and integration as mutually exclusive. I suggest instead that the relationship between nonwhites' self-separation and just, equitable integration is more complex. Indeed, as Tatum (2007) argues, nonwhite adolescences' self-separation allows them space to develop understandings of themselves and their environment that counter dominant ideology. Such counter-narratives are vital to achieving the kind of integrated society Anderson advocates. Without people of color's counternarratives, on the basis of which rests counter-action and resistance, the push towards a more racially just society would be weaker and less demanding, if not nonexistent. It is precisely *because* people of color nurture resistant communities among themselves that they not only have been able to maintain as much of their well-being as one can within a system of oppression, but have also been able to form the bases of resistance movements and resistant actions (Hounmenou, 2012; Lewis and McKissic, 2010; Oliva, Rodríguez, Alanís, and Cerecer, 2013).

People of color therefore do not *self-segregate*. Instead, they *self-separate* as a counter to and subversion of the racial segregation that has been *imposed* on them by self-segregating whites. These acts of resistance can in turn, and as a secondary benefit, better inform and impress

upon mainstream society the direness and necessity of ending systemic oppression than would a social environment in which nonwhites did not have the space and freedom from dominant society's impositions to develop counter-knowledge and outlaw emotions. Spaces and times for nonwhites' self-separation are therefore helpful to, not subversive of, the ultimate aim of just and equitable integration. Such spaces and times do not preclude other spaces and other times for various forms of substantive cross-racial association, including coalitions, friendships, and interactions which also, and in tandem with occurrences of nonwhite self-separation, move society away from racial oppression.

Genuine and substantive efforts at integration and dissent from the Racial Contract therefore disrupt not merely physical and social segregation but also, as Anderson argues, the cognitive biases and publicly-backed stigmatizations that mutually reinforce such segregation. However, to play this role, efforts at integration must be informed by the resistant understandings developed within nonwhite communities, and these efforts must also carefully attend to how whites may be perpetuating white ontological expansiveness and norms of epistemic evasion, racialized moral psychologies, and lawful emotions. Yet, and contrary to what her analysis suggests, Anderson considers efforts at spatial and role integration to be *a means* to countering norms of racial bias and stigmatization rather than as purveyors of such norms. On her view, interracial contact – in terms of both spatial and role integration – will naturally dissolve whites' stereotypes and stigmatizations of people of color. Certainly interracial contact is, as mentioned above, a significant piece of the puzzle in efforts to eliminate the racial biases that sustain racist social and institutional practices. Nevertheless, Du Bois' discussion of intermingling, and Sullivan's arguments surrounding white ontological expansiveness, show how interracial contact alone is not always, or even in most cases, enough to counter systemic racism and its cognitive

and emotional reinforcers. Engagements in counteracting physical and social segregation must therefore also include efforts to counter experiential segregation and the ways in which white cognitive and emotional norms, if not directly challenged, tend to perpetuate forms of interracial contact and intermingling that sustain and are products of a system of segregation.

Remaining cognizant of the fundamental role that dominant cognitive and emotional norms play in sustaining racism is therefore important when seeking to undermine segregation. Epistemic evasion, racialized moral psychologies, and lawful emotions are important sites of dissent. Further, Anderson's line of reasoning gives the impression that whites and nonwhites share roughly equal responsibility for engaging in resistant forms of integration (see e.g. pp. 115, 185-189). As Mills argues, whites impost the Racial Contract onto non-consenting, resistant people of color. Thus, the fact that racism is imposed and perpetuated by whites for whites' benefit; and that whites rationalize the status quo by refusing to challenge norms of epistemic evasion, racialized moral psychologies, and outlaw emotions; and that nonwhites are generally made to contend with and resist this undesirable and unchosen system, entails instead that the onus for integrating is primarily, and by a long shot, on whites.

I therefore suggest understanding segregation, as well as efforts to integrate, in terms of their relationship with dominant cognitive and emotional norms. That is, segregation mutually perpetuates racism not only via physical and social dissociation but also through whites' failures to challenge epistemic evasion, racialized moral psychologies, and lawful emotions. As a result, efforts at integration may tend to bolster segregation (and thus systemic racism) to the extent that such efforts are mediated by these norms. Thus, contra Anderson, dissent from the Racial Contract requires more than efforts – which are nevertheless themselves integral to dissent – to physically and socially integrate. Rather, dissent must also be directed towards countering

dominant cognitive and emotional norms. This way, the forms of integration whites aim to foster will more likely be those that disrupt rather than re-entrench segregation and the status quo.

To further support my claims, consider that with respect to Sullivan's school-busing example, the fact that officials did not bother to consult with or get input from nonwhite families seems to exemplify how lawful emotions, racialized moral psychologies, and epistemic evasion are imbricated with segregation and status quo-sustaining efforts (whether or not in good faith) at integration. The lawful emotion of complacency grounds a failure to adequately acknowledge how structural and unjust racism is, blocking efforts towards systemic and urgent change. Racialized moral psychologies – devaluing (consciously or unconsciously) nonwhites' lives, bodies, knowledge, and subjectivity – leads to the assumption (perhaps taken for granted) that people of color do not need to be consulted and deferred to as primary decision-makers. Epistemic evasion – evading knowledge of systemic racism – leads to the failure to recognize how improving minority-majority schools (when they do need improvement) may require inter-institutional rectification (e.g. in the racial makeup of residential districts; school funding; teacher recruitment and pay; adequate job opportunities that lead to community economic development; and an end to the school-to-prison pipeline (discussed in Chapter Four)) rather than simply busing students of color to white schools.

Segregation thereby complicates a notion of dissent from the Racial Contract. Efforts at integration must counter not only physical and social segregation but also prevailing cognitive and emotional norms. Efforts at integration must be contextual, and whites must be willing to defer to nonwhites and be mindful of their (whites') tendency towards ontological expansiveness. Furthermore, while occurrences of epistemic evasion, racialized moral psychologies, and lawful emotions can indicate when efforts at integration are perpetuating

rather than challenging racism, the questions of when *they* occur and how they ought to be resisted adds another layer through which integration efforts must be navigated.

Epistemic evasion, racialized moral psychologies, and lawful emotions

Epistemic evasion and racialized moral psychologies interact in complex ways with segregation and integration. One manifestation of these interactions is the way in which the denial and downplaying of racism and its impacts on people of color lends legitimacy to, and fails to challenge, racism-sustaining forms of segregation and integration. Whites' willful blindness to racism allows a characterization of a racially-stratified society as "normal", "meritocratic", and "colorblind", and thus in no need of rectification. Addressing the issue of denial can help further flesh out how whites can dissent from the Contract. I first consider what Mills says regarding linkages between race and epistemology, and how these linkages may be connected with segregation and integration. I then turn to Alain Locke's discussion of racial segregation and its imbrication with whites' epistemic and emotional norms. Finally, I consider what conclusions may be drawn with respect to dissent.

Recall from Chapter One that two facets of the Racial Contract are its moral and epistemological components, respectively. As I relayed, Mills argues that currently and throughout US history whites accommodate the discrepancy between prevailing race-neutral, egalitarian rhetoric and racist practices by developing and validating epistemic norms of "misunderstanding, misrepresentation, evasion, and self-deception" (Mills, 1997, p. 19). Dominant ideology is racism-evasive, "marginaliz[ing] domination and its consequences," creating racialized moral psychologies, and thereby sustaining structural racial injustice (Mills, 2007, p. 17). Mills shows how epistemic evasion and racialized moral psychologies sustain

systemic racism because they affirm the existence of “formally equal treatment by race that – in its denial of the cumulative effects of past differential treatment – is tantamount to continuing it” (p. 28). Whites ignore, downplay, and deny various forms of social and institutional racism and the relevance and validity of people of color’s claims of racism, inhibiting efforts at reform and labeling such efforts as themselves racist and unjust (Mills, 2007, p. 28; Mills, 2008, p. 1385).

By denying and downplaying racism and the existence of a racial polity, dominant cognitive and emotional norms in turn ignore and downplay the fact, let alone import, of whites’ physical and social segregation from nonwhites, and how efforts at integration tend to leave systemic racism unchallenged. For example, in many racially “integrated” schools, a disproportionate number of white students are placed into higher-level classes and nonwhite students within mixed-race classrooms are treated more harshly than their white peers (Amurao, 2013; Legette, 2017; Lee, 2014; Lowery, 2013; Oakes, 2005; U.S. Department of Education Office for Civil Rights, 2016). Such discrepancies have been shown to be in significant part a product of teachers’ and administrators’ racial biases (conscious or unconscious) against darker-skinned students (Tyson, 2011). While whites work (again, whether or not in good faith) towards policies of physical and social integration, white norms of epistemic evasion (e.g. construing racial discrepancies within schools as the chance result of a race-neutral system) and racialized moral psychologies (e.g. treating white and nonwhite students in ways that value whites and devalue nonwhites) instead work to validate and sustain racism and its basis in segregation.

At the same time, and according to dominant colorblind ideology, attempts at remedying racism – such as promoting substantive integration via increasing nonwhites’ presence and opportunities within institutions of work and education – are also turned around as a form of racism against whites (“reverse racism”) (Bonilla-Silva, 2010, pp. 61, 83-87, 211; Pincus, 2003).

Being the socially, politically, and economically dominant racial group, whites have the power to then resist such reforms and – backed by prevailing colorblind ideology – to cynically do so in the name of anti-racist ideals, thereby stymying efforts towards racial democracy (Pincus, 2003; Wallace and Allen, 2016). Epistemic evasion and racialized moral psychologies thus sustain segregation by rationalizing social and institutional policies and practices that materially benefit whites by disadvantaging people of color.

To see how Mills’ connections between race and epistemology inform an understanding of segregation and integration, consider how epistemic evasion and racialized moral psychologies are linked to being white. In a systemically racist society, whites will tend to (though will not uniformly⁸⁷) experience a racially equitable world due to the fact that prevailing epistemic, emotional, and evaluative norms deny the importance and validity of nonwhites’ knowledge and experiences of racism. Conversely, nonwhites will tend to (though will not uniformly) experience a racist world in which they face systemic social and institutional maltreatment as well as the denial, within mainstream society, that such maltreatment occurs. Elizabeth Anderson (2010), drawing on Charles Tilly, argues that racially segregated, inequitable societies prompt public narratives, and socially- and institutionally-validated conceptual frameworks,⁸⁸ which “make sense of the observed effects of segregation by constructing stereotypes about racial groups” that reinforce status quo racial oppression (p. 44). Stereotypes, she notes, are self-confirming (p. 55). They masquerade as epistemic attempts to understand the world when in reality they are ideological strategies by dominant groups to rationalize forms of oppression from which they (dominant groups) benefit.

⁸⁷ Mills (2007) pp. 22-23

⁸⁸ Recall (from my Chapter One) Feagin’s (2010) conception of the “white racial frame”

While, as I argued above, Anderson does not adequately incorporate an understanding of how such racialized worldviews must be continually and carefully countered while whites work towards integration, she nevertheless makes clear that whites' racialized perceptions of their social environments mutually reinforce racism-sustaining forms of segregation. I suggest in turn that identifying experiential segregation and its importance in sustaining racism adds a crucial element to Anderson's account of how segregation shapes the social environment. Epistemic evasion, racialized moral psychologies, and lawful emotions exemplify important ways in which whites are experientially segregated from nonwhites.⁸⁹ It is not merely that whites' experiences differ from nonwhites' experiences due to physical and social segregation; at the heart of whites' racially-differential experiences are denial, evasiveness, and mystification. Because dominant epistemic and emotional norms tend to structure instances and systems of segregation and intermingling in ways that sustain racial oppression, it is not enough, as Anderson suggests, to assume that whites' physically and socially integrating with people of color will automatically, over time, reshape these norms. Such integration may go a significant way towards disrupting racial bias and stereotyping (Allport, 1979). Nevertheless, endeavors in dissent from the Racial Contract must also engage in disrupting experiential segregation and its bases in dominant norms in order to help prevent engagements in integration from simply reinscribing white domination (for example, as in the case of racially "integrated" schools).

Mills' analysis of the connections between prevailing modes of perceiving the social and environment and systems of racial oppression echoes the work of Alain Locke. In "The Phenomena and Laws of Race Contacts" Locke (1992) investigates the connections between segregation and intermingling on one hand, and whites' epistemic norms of evasion and (lawful)

⁸⁹ The other important way in which whites are experientially segregated from nonwhites is in the fact that nonwhites face systemically racist social and institutional practices while whites do not

emotions of racial antipathy against nonwhites on the other hand. Like Du Bois, he notes that in the US segregation is partly comprised of both geographic and economic intermingling, and that this intermingling helps perpetuate systemic racism. He gives as an example the fact that, post-Emancipation, whites kept themselves segregated from blacks by isolating and marginalizing blacks socially and politically; however, whites interacted economically and (when business required) geographically with blacks to exploit and profit from black labor. He concludes that whites' interaction with blacks tends to occur insofar as whites can somehow benefit from it. He gives as further evidence of this the fact that whites socially, politically, geographically, *and* economically isolated and marginalized native peoples onto reservations because whites did not need (or could not as easily use) indigenous labor (and they did want indigenous lands and resources) (pp. 50-51).

Locke goes on to analyze how whites' epistemic and emotional norms regulate dissociation and intermingling in ways that sustain systemic racism. He reasons that "groups become conscious of themselves whenever there is change" (p. 56). He argues that whenever a form of association – be it social, economic, sexual, and so forth – is the result of and works to further the advancements of a subordinate group, the dominant group reacts strongly and negatively. Locke argues that a lack of racial antipathy from the dominant group towards the subordinate group often indicates extreme power differentials, as occurred during slavery, because the dominant group tends not to feel threatened by the subordinate group given this differential. However, when the subordinate group gains a bit of power, this decreases the power differential, and the dominant group comes to feel threatened. Race antipathy from the dominant group to the subordinate group consequently burgeons (p. 54). He characterizes the then-present

state of US society (the early 20th-century) as characterized by this heightened sense of animosity and reactionary actions and policies on the part of whites.

At the same time, Locke emphasizes whites' denial of the existence of systemic racism (again, in the early 20th-century!):

"Now the reason why we flatter ourselves so much as modern [people and gloat] upon the differences between ourselves and ancient society is simply that we overlook...that our race and class practice has scarcely progressed beyond those practices of primitive societies, that we still sequester groups of people on reservations and in ghettos... We overlook these facts for a certain very definite reason, a reason which I will cite as a very natural one[:] because modern society has developed an instinct for insulating itself, that is to say, for ignoring social facts. ...The modern social mind can absolutely live in the presence of a thing and seemingly ignore it...Consequently[,] we see this very characteristic modern disavowal of legal disabilities, in which they seem to flout and contradict social facts by simply refusing to recognize them formally, and they say [that] because they have no legal disabilities, disabilities do not exist." (pp. 51-52)⁹⁰

Locke illustrates how whites willfully ignore and insulate themselves from the fact that systemically racist social and institutional practices exist. He proposes a nuanced picture of the intimate connections between epistemic and emotional norms on one hand, and how whites both deny the existence of racism while furthering their material interests on the other hand. He argues that while "[r]ace antipathy is instinctive," it is also "cultivated, very often deliberately cultivated, and much is not only cultivated but controlled and modified" (p. 54). By "instinctive" Locke means that, within a racially hierarchical society in which subordinated groups resist and make gains against their oppression, the dominant group tends to resist these gains in order to preserve their socially, politically, and economically advantageous positions. The dominant group's racial identification, and actions in support of it, are "instinctive" due to this (as Locke construes it) natural (though not inevitable) human tendency. Nevertheless, these tendencies are, through chosen actions, norms, and behaviors, "cultivated, often deliberately cultivated," as well as carefully and creatively modified according to whatever democratizing threats are at hand. For

⁹⁰ Insertions in brackets are by the editor

example, since the ratification of the Fifteenth Amendment to the US Constitution granting black men the legal right to vote in 1870,⁹¹ efforts, both legal and illegal, by whites to *effectively*⁹² strip blacks of their voting rights continue to the present day in the form of, for example, redistricting and felony disenfranchisement laws (Behrens, Uggen, and Manza, 2003; Berman, 2017; Johnson, 2016; Wheeler, 2017). Locke reasons that such antipathy – that is, whites’ cognitive and emotional norms rationalizing, as well as outright calling for, nonwhites’ devalued status and social and institutional maltreatment – can in turn (and should, as a matter of morality, as Locke argues) be deliberately and conscientiously countered.

Locke’s analysis bolsters and elucidates Mills’ argument that one of the driving forces of lawful emotions and dominant norms of evasion is white group interests (Mills, 2007, p. 34). Mills suggests that because whites have an economic, social, and political interest in maintaining the racial status quo, whites will tend to (mis)perceive the world in ways that help protect these interests. The effect of white group interests on (mis)perceiving the world can perhaps be readily observed among, for example, the “alternative right”⁹³ and spokespeople like Pat Buchanan.⁹⁴ More subtle manifestations of white groups interests are evidenced in the discrepancy between mainstream discourse and prevailing social and institutional policies and practices. Colorblind ideology and whites’ outward claims of adherence to anti-racist ideals provide rhetorical cover for the stances and actions whites take against substantive efforts to remedy segregation and (in mutual turn) systemic racism (Abrajano and Hajnal, 2017; Anderson, 2016; Du Bois, 1935/2013; LeTourneau, 2016; and Public Religion Research Institute, 2014).

⁹¹ Women, regardless of race, were legally granted the right to vote by the Nineteenth Amendment in 1920

⁹² So, this is an example of *de facto* systemic racism, and a paradigm manifestation of the Racial Contract

⁹³ “Alternative Right.” *Southern Poverty Law Center*. splcenter.org. Retrieved from <https://www.splcenter.org/fighting-hate/extremist-files/ideology/alternative-right>

⁹⁴ “Trump Supporter Pat Buchanan Laments the State of White America.” (2016, May 6). *Media Matters for America*. mediamatters.org. Retrieved from <http://mediamatters.org/video/2016/05/05/trump-supporter-pat-buchanan-laments-state-white-america/210253>

Thus, as both Locke and Mills observe, whites both deny and disregard the reality of racism *and* react negatively when nonwhites resist racism. It is in white's material (and perhaps psychological) interests to deny the system of racially-differential advantages and disadvantages that works to their benefit, not only because doing so forestalls any need to rectify what is not (as rationalized within dominant ideology) a problem, but also because when nonwhites do resist racism, whites can then claim to be the victims of nonwhites' efforts to make gains at whites' expense:

"So white normativity manifests itself in a white refusal to recognize the long history of structural discrimination that has left whites with the differential resources they have today, and all of its consequent advantages in negotiating opportunity structures. If originally whiteness was race, then now it is racelessness, an equal status and a common history in which all have shared, with white privilege being conceptually erased...Indeed, the real racists are the *blacks* who continue to insist on the importance of race." (Mills, 2007, p. 28)

Whites – crucially informed and backed by mainstream rhetoric and dominant social and institutional practices – evade acknowledging racism and, as a consequence, misconstrue the moral rights and wrongs of various situations involving race and racism, depicting just policies (like affirmative action or reparations) as unjust and unjust policies (such as any formally race-neutral policy that sustains systemic racism) as just. Locke's analysis of how race antipathy, and its attendant denials of the reality of racial oppression, correlate positively with gains in racial equality demonstrates how epistemic evasion, racialized moral psychologies, and lawful emotions function to both *support* forms of segregation (including intermingling) that sustain the status quo and *resist* those forms that challenge the status quo.

Contemporary work in race and racism continues to evidence Locke's depiction of the interactions between dominant epistemic and emotional norms and segregation. For example, Eduardo Bonilla-Silva (2003) conceptualizes whites' engagements in (what I have been calling) physical, social, and experiential segregation as the maintenance of a "white habitus". Bonilla-

Silva describes the white habitus as “a racialized, uninterrupted socialization process that *conditions* and *creates* [emphases in the original] whites’ racial tastes, perceptions, feelings, and emotions and their views on racial matters” and which promotes “a sense of group belonging (a white culture of solidarity) and negative views about nonwhites” (p. 104). This white culture of solidarity is not conspiratorial (see below). For instance, an individual white who defensively denies racism exists effectively acts in solidarity with the racial status quo and thus with whites as the dominant racial group. White group solidarity thus mutually facilitates segregation. Bonilla-Silva argues that the term “white habitus” helps conceptualize whites’ “*higher* [emphasis in the original] levels of social and spatial isolation than blacks” (p. 104). While discussions of racial segregation typically focus on how people of color are segregated from whites, Bonilla-Silva notes that whites are more segregated from other races than any other racial group: “Despite the civil rights revolution, whites, young and old, live a fundamentally segregated life that has attitudinal, emotional, and political implications” (p. 125) He argues it is therefore appropriate to discuss segregation in terms of how (self-)segregated whites are, and how, given their institutional dominance, this segregation is, crucially, a product of *whites’* social and institutional choices and policies. Such choices and policies in turn effectively further whites’ material interests as a group by upholding segregation, which in turn facilitates the kind of goods-hoarding that Anderson argues leaves whites socially, politically, and economically advantaged via nonwhites’ social, political, and economic subordination.

As Locke argues with respect to his characterization of whites’ racial antipathy as a “natural” response to the threat of racial democracy, no conspiracy theory is required for such group interests to manifest. Whites simply have material and psychological interests in denying the existence of white domination, and it is easy and relatively cost-free to do so because of the

colorblind, meritocratic assumptions that are prevalent and normative within mainstream society. Through such denial, whites effectively, and perhaps deliberately, further their interests as members of that group. Whites can display their “serious”, “anti-racist” “credentials” by affirming colorblind ideology while maintaining their socially and institutionally advantageous positions by denying that racism exists. Nevertheless, whether, or to whatever degree, whites consciously or deliberately further white group interests has little relevance to the issue of whether racist policies and practices – and their mutually-sustaining cognitive and emotional norms – can and ought to be countered, and by whom (see also Anderson, 2010, p. 73).

The issue of how epistemic evasion, racialized moral psychologies, and lawful emotions interact with and mutually reinforce systemic racism and its basis in segregation is complex. My aim in seeking to understand the relationships between social structure, dominant rhetoric, prevailing epistemic and emotional norms, and individual actions is not to speculate on what particular individuals themselves think, feel, or believe. Rather, by illuminating cognitive and emotional norms commonly manifested within the social environment, and by discerning how such norms logically validate and rationalize systemic oppression, a general picture emerges of how whites can exercise resistant agency. In Chapter Three I suggested that arguments by Sara Ahmed, Barbara Applebaum, and Dale Turner illustrate how people can exercise agency and engage in resistance within the linkages between social structure and dominant discourse. Reconceptualizing, rearticulating, and reemploying dominant rhetoric can destabilize concepts’ normalized usages, which can then germinate resistant understandings of the social environment. My discussion of Alison Jaggar’s arguments in turn showed how emotions mutually mediate knowledge and normative evaluations and thus have epistemic, moral, and political power. Due to the (no doubt complex) linkages connecting dominant rhetoric; lawful emotions; epistemic

norms; moral/evaluative norms; and status quo social and institutional practices, dissent from the Contract ought to focus on disrupting these connections.

In sum, Mills' analysis, bolstered by Locke's, shows how white group interests are served by (mis)construing the status quo as equitable and resistance to racism as itself racist. Locke in turn illustrates how the character of whites' intermingling ("race contacts") with and segregation from nonwhites are governed in large measure by whites' ignoring racism on one hand and reacting negatively and violently to nonwhite empowerment on the other hand. Locke thus demonstrates that the manners in which whites segregate from and intermingle with people of color tends to be in the service of maintaining white racial domination. Bonilla-Silva then utilizes the concept of the "white habitus" to center whites' hypersegregation from nonwhites. Bonilla-Silva thereby exemplifies and lends contemporary support to the continuing existence of the phenomena analyzed by Locke of how whites' epistemic and emotional norms regulate segregation, and facile efforts at integration, in ways that maintain systemic racism.

It follows from this analysis that in resisting segregation – i.e. dissenting from the Racial Contract's racial polity and moral and epistemic norms – it is not enough for whites to engage in policies and practices of physical and social integration. On top of this, and drawing on my discussion in Chapters Two and Three, whites ought to defer to the knowledge and leadership of people of color in determining when and how integration ought to be pursued. Second, and as emphasized in this section, whites ought to simultaneously seek to counter the ways in which epistemic evasion, racialized moral psychologies, and lawful emotions work to undermine integration efforts.

Conclusion

I have argued that the ways in which intersecting oppressions are manifested in particular contexts both complicate and inform an understanding of dissent. Because intersecting oppressions are complex, concrete, and power-laden, dissent must also be understood complexly and concretely as disrupting practices and rationalizations of oppressive uses of power. I then suggested that segregation between whites and people of color comes in three broad forms: physical, social, and experiential. I argued that segregation is intimately connected with epistemic evasion, racialized moral psychologies, and lawful emotions. I concluded that it is the confluence of these norms with various forms of segregation (including intermingling) that sustains systemic racism.

My analysis also shows how intersecting oppressions are themselves interconnected with racial segregation and integration in ways that sustain racism. The forms that racial segregation and integration take, and how these forms tend to perpetuate the status quo, demonstrate why the intersection of, for example, race and economic status renders poverty, low incomes, and class immobility particularly acute and intransigent problems for people of color. At the same time, intersections of racial and, say, economic oppression illustrate that the relationship between segregation and dominant cognitive, affective, and evaluative norms entrenches practices and rationalizations of whites' goods-hoarding and nonwhites' goods-deprivation. Racism is thus manifested and sustained according to how society, and particular contexts within society, are fundamentally structured by intersecting oppressions and racism-sustaining forms of segregation and integration. Therefore, engaging in dissent is an effort to counter racism as it is imbricated with other forms of oppression, and as it is sustained by connections between dominant norms and segregation.

In the final chapter of my dissertation I use the insights developed in this chapter to consider how dissent might be put into practice within a particular institution – namely, education. My hope is that, by attending to concrete manifestations of power, oppression, and resistance, Mills’ notion of dissent can help develop an understanding of how whites can resist systemic racism.

CHAPTER FIVE

CONSENT AND DISSENT ON THE GROUND

“Irony, cool, hip, above all *knowing*, the ‘Racial Contract’ speaks from the perspective of the cognizers whose mere presence in the halls of white theory is a cognitive threat” (p. 132).

-Charles W. Mills, *The Racial Contract*

“When we realize that they possess a knowledge for the lack of which we are incomplete and in pain, then the wound in our history will be healed. Then they will simply *be* free, among us – and so will we, among ourselves for the first time, and among them.” (p. 108)

-Wendell Berry, *The Hidden Wound*

Introduction

As I have conveyed in previous chapters, Mills argues that consent to the Racial Contract is manifested when people go along with, and thus fail to challenge, actions and practices that sustain racism. In the present chapter I focus on the educational system in the US as a case study for showing how consent and dissent are engaged in practice. This will illustrate practical applications of the philosophical arguments that I have presented throughout this dissertation, especially regarding the usefulness of Mills’ theory of the “Racial Contract” and his notions of consent and dissent. It is important to focus on a particular institutional context in order to adequately assess the practical use of one’s philosophical concepts since, as Mills enjoins, the ultimate aim of nonideal theory is to develop strategies of remediation for injustice. As I discuss in what follows, the institution of education is a particularly important site of focus with respect to the issues I raise throughout this thesis.

For my purposes, “the educational system in the US” (from here on, “education”) refers to the public, legally-mandated system of formal education attended by US children, typically

between the ages of six and eighteen.⁹⁵ There are two reasons why education is an important site of inquiry into practices of consent and dissent. First, policies and practices within education affect how people perceive themselves, each other, and the social environment (Apple, 2004, pp. 1-21). Education, like all major institutions, is an integral part of society and thus structures and is structured by the systemic racism that is a foundation of US society. Education is therefore replete with racializing and racist policies; practices; conceptual frameworks; and cognitive and emotional orientations. School environments are also some of the first places in which children are imbricated within racist social and institutional practices. This means that school environments can also be some of the first and therefore most meaningful places in which cognitively-, emotionally-, and behaviorally-developing people can be immersed within, or at least introduced to, anti-racist ways of perceiving and acting. This can in turn help foster anti-racist environments both within schools as well as within other social and institutional contexts, as students leave school and move into different social and institutional roles.

Second, both the level of education attained and the quality of education received have a significant impact on people's lifetime opportunities to achieve economic security (Abdullah, Doucouliagos, and Manning, 2015; Mohanty, 2016). For example, as Neeraj Kaushal (2014) evidences, levels of educational attainment are positively correlated with intergenerational benefits, including higher earnings; better health; and greater ability to provide for one's children. Kaushal also conveys that while the US spends more on education as a proportion of its GDP than other rich nations, this spending is disproportionate in that low-income neighborhoods receive significantly less funding for their schools than high-income neighborhoods. Jeannie

⁹⁵ The legal requirement to attend school typically ends at age sixteen. (Students may also attend private schools or be home-schooled.) (Compulsory Education Laws: Background. 2013. *FindLaw*. Retrieved from http://files.findlaw.com/pdf/education/education.findlaw.com_education-options_compulsory-education-laws-background.pdf)

Oakes, Martin Lipton, Lauren Anderson, and Jamy Stillman (2013) in turn document how such disproportional funding entrenches intergenerational health and economic disparities along lines and intersections of race and class (pp. 18-25). This is compounded by the fact that practices within one institution mutually impact practices within other institutions. Due to systemically racist practices within not only education, but housing and loan; the judicial system; and the jobs sector, people of color are more likely to live in low-income neighborhoods (Alexander, 2012; American Psychological Association, 2017; Doede, 2015; Massey and Denton, 1993; Pager and Shephard, 2008). Because of such systemically racist inter-institutional practices, students of color, statistically-speaking, face diminished educational and (concomitantly) economic opportunities.

These two reasons for why education is an important site of focus exemplify crucial connections between, on one hand, prevailing epistemic, emotional, and evaluative norms and, on the other hand, social and institutional practices. As I discuss below, practices that sustain racism mutually validate publicly-circulated perceptions of nonwhites as less valuable; amicable; hard-working; respectable; law-abiding; and knowledgeable than whites. At the same time, dominant colorblind ideology encourages interpretations of the US as “post-racial” and, hence, non-racist. These perceptions in turn justify failures to acknowledge how society is hierarchically structured around categories of race. Such perceptions and evasive epistemic norms in turn facilitate the perpetuation and normalization of systemically racist practices. In this chapter I therefore argue that dissent is best understood as localized actions directed at confluences of status quo ways of doing things and prevailing ways of perceiving the social environment, with an eye towards how local actions constitute and impact social and institutional practices.

The “Racial Contract” and consent within education

Throughout my dissertation I have argued that Mills’ theory of the “Racial Contract”, and in particular his notion of consent,⁹⁶ are useful for understanding racial oppression in the US. In the first half of this chapter, and focusing on education as a case study, I illustrate why this is so. In particular I show how school funding policies; curricular choices; and disciplinary practices are manifestations of the Racial Contract. These manifestations illustrate how school officials, and in some cases students as well, consent to the Contract by going along with and failing to challenge such policies and practices. In what immediately follows I bring together my arguments from previous chapters in order to defend the usefulness of Mills’ contractarian conceptual framework when applied to actual social and institutional practices.

However, before continuing with this discussion I should briefly re-clarify who does and does not consent to the Contract. Recall Mills (1997) argues that nonwhites cannot consent because the Contract is imposed on rather than chosen by them in order to carry out their oppression (pp. 11-12, 16). Nevertheless, Mills also argues that whiteness is a set of power relations and not a color *per se*: who is considered “white” has changed somewhat over time, and even members of nonwhite groups might be considered white to the extent they serve the interests of the status quo and collude in nonwhites’ oppression (pp. 78-81, 127). At the same time, the fundamental white-nonwhite axis, based primarily in skin color (but also other somatic features as well as one’s ancestral lineage), mediates who is and is not “white” (and who is “white-despite-skin-color”) (p. 80). People of color can therefore *collude* with the Contract, either due to having internalized the Contract’s moral and epistemic norms or because collusion serves one’s material interests. Nonwhite school officials for example can (though are less prone

⁹⁶ I discuss the usefulness of the notion of dissent in the second half of this chapter

to⁹⁷) harbor biases against nonwhite students and treat them accordingly. Thus, in what follows I generally refer to school officials in a race-neutral way in order to capture the fact that, while I am especially concerned with how anti-racist whites can use their social and institutional power to challenge rather than sustain white domination, people of color also may help perpetuate the Contract in ways that must be resisted. And, of course, people of color can and do engage in resistance against the Contract, including with respect to tactics of resistance I discuss below. Nevertheless, following Mills I do reserve the term *dissent* to refer in particular to whites' acts of resistance, since, being the ones who are in the position to consent to the terms of the Contract, they are the ones for whom the concept of dissent is most appropriate.

Recall my arguments in Chapter One for why the theory of the “Racial Contract” and the notion of consent are useful for understanding racial oppression (and thus for conceptualizing resistance). First, Mills’ use of the contractarian framework is what allows him to make explicit the relationship between dominant ways of perceiving the social environment and the maintenance of racist social structures. By utilizing a conceptual framework that is hegemonic in the US (the idea of a social contract) Mills exemplifies how the misleading character of contract theory is at the same time the view of society that is conceptually normative. Thus, through a radical subversion of contract theory, the “Racial Contract” elucidates the mutually-enforcing relationship between anti-nonwhite institutional practices that shape material reality; race-blind and racism-denying dominant ideology normalizing these practices; and racism-evasive theories, literature, and curricula within academia.

Second, Mills’ theory shows how systemic racism is indeed a contract. Systemic racism is a continually reinscribed, and variously manifested, agreement (overt or tacit; deliberate or

⁹⁷ Jackson, 2017

effective) among whites, who explicitly or implicitly validate one another in their actions to maintain social and institutional policies and practices that benefit themselves (politically; socially; psychologically; economically) by disadvantaging people of color. Third, consent to the Contract is based in norms of epistemic evasion regarding how systemic racism structures US society and how emotional norms inform moral appraisals in ways that normalize and sustain this system. Acts of consent to the Contract depend on whites' failure to acknowledge that they or other whites are consenting to a basic structure that is racially oppressive and discriminatory. The notion that people in the US consent to an equitable and democratic social order is an idealization basic to conceptions of the social contract in both political philosophy and the public imagination. Through his subversion of contract theory Mills demonstrates that coercion and imposition of the social order onto people of color is actually fundamental to, but hidden within, mainstream contract theory's notion of consent. By taking up this contractarian notion Mills thus not only exposes its racially-disparate assumptions; he also elucidates what "consent" actually means in practice, including the perpetuation of race-neutral readings of "consent" which function, within mainstream theory, discourse, and rhetoric, to normalize and sustain racism.

This led to the discussions in Chapter Three in which I argued that Mills' use of the notion of consent is a critical reemployment of contract talk that germinates resistant understandings of the social environment. This concept of consent therefore has the ability to counter lawful emotions of complacency and antagonism. This is because Mills' notion of consent is ironic and figurative, rendering mainstream conceptions that consent is egalitarian and race-neutral strange and problematic. Mills' notion of consent is thus a kind of dissident speech aimed at countering epistemic evasion and racialized moral psychologies by seeking to elicit outlaw emotions like anger and solidarity. Lastly, Mills' use of the concept of consent

encourages a focus on how whites concretely agree to the Contract through particular actions that fail to challenge racism-sustaining social and institutional norms and practices. All of this in turn means (I have argued) that the idea of consent provides a useful basis for conceptualizing concrete and conscientious engagements in resistance to racial oppression.

There are thus five key ways in which the “Racial Contract” and Mills’ notion of consent are useful for understanding how systemic racism is sustained through concrete social and institutional practices. After conveying each of these five ways, I provide a brief example of each as a precursor to a more fleshed-out discussion throughout the chapter. First, and with respect to the practices within education that I discuss below, the theory of the “Racial Contract” facilitates an elucidation of the connections between, on one hand, systemically racist policies of school funding, curricular choices, and disciplinary practices, and, on the other hand, norms of epistemic evasion, racialized moral psychologies, and lawful emotions. For example, whites manifest antagonism towards efforts to redress segregation within both housing and education, effectively impeding adequate school funding for many majority-minority schools. This in turn serves the Racial Contract’s bottom line which, recall from Chapter One, is the social, political, and economic disadvantaging and exploitation of nonwhites for whites’ own material advantage (Mills, 1997, pp. 11, 32-33)

Second, school funding policies, curricula, and what is known as the “school-to-prison pipeline” (discussed below) illustrate why the perpetuation of systemically racist practices is indeed based in an (effective or deliberate) agreement to sustain these practices. That is, teachers, administrators, parents, students, police officers, and school staff agree to go along with such practices and fail to challenge them, and on top of this effectively validate one another’s doing so. For instance, by going along with using curricular materials that validate or fail to challenge

the prevailing white and economic-elite-biased viewpoint, educators effectively consent to sustain (by failing to challenge) the Contract's moral component (nonwhite lives and viewpoints are less valuable than white ones) and epistemic component (racism does not exist and therefore merits no mention). The fact that it is acceptable, normal, and normative for people to perpetuate the Contract in these ways in turn finds validation through such acts of consent.

Third, practices within education illustrate how consent to these practices – that is, agreeing to go along with and engage in them – is based in epistemic evasion, racialized moral psychologies, and lawful emotions. Through a reliance on colorblind ideology and norms of silence around issues of race and racism, actors within education refuse to acknowledge systemically racist funding, curricular, and disciplinary practices *as* racist. This refusal in turn effectively devalues students of color who are disadvantaged by these policies. Actors thereby manifest racialized moral psychologies, mis-evaluating the moral legitimacy of various practices and mutually grounding lawful emotions of complacency with racism and antagonism towards those who resist it. For example, school officials disproportionately inflict punitive disciplinary measures on students of color, manifesting racialized moral psychologies in which nonwhites are viewed, in normalized ways, as an inherent threat to peace and order.

Fourth, Mills' notion of consent functions as dissident speech. By superimposing his notion onto actual practices that actors agree to go along with, routinized thinking is stymied and space opens for receptive and generous attention to how supposedly normal and acceptable actions and policies are systemically racist and unjust. When school officials confront the notion that they are consenting to the Contract whenever they fail to challenge practices that sustain it, the idea of consent takes on a vile (because consent to the Contract is oppressive) and twisted (because consent is non-consensual) character, which can lead one to want to resist consenting

actions. Lawful emotions of complacency and antagonism can thus be rendered strange, countering epistemic evasion and racialized moral psychologies and allowing for the catalyzing of anger and solidarity. These emotions in turn bring resistant energy and information that can form a basis for political action. As I discuss in the second half of the chapter, educators can, for instance, draw on anger and solidarity as a basis for disrupting racism-sustaining curricular and disciplinary practices.

Finally, Mills' concept of consent encourages a focus on how actors within education engage in concrete actions that manifest and perpetuate the Racial Contract. In its most metaphorical connotation, the notion of consent refers to those actions, whether deliberate or effective, taken by particular people within particular social and institutional locations, that perpetuate the Contract and its bottom line of white material advantage via nonwhite material disadvantage. By personalizing an understanding of how one participates in oppression, Mills' concept of consent thus facilitates attention, not to (or not merely to) abstractions of justice and injustice, but to the particular actions one takes and how they are complicit with or resistant to the Contract. In sum, the theory of the "Racial Contract" is a helpful framework, and the notion of consent is a useful concept, for understanding racial oppression; how it operates on a socio-systemic level; and how it is perpetuated within concrete social and institutional contexts.

As discussed in Chapter Four, segregation is fundamental to sustaining the Racial Contract. In what follows I begin by discussing segregation within education and how this mutually perpetuates whites' material advantaging within society via nonwhites' material disadvantaging, and how segregation is a product of whites' acts of consent to the Contract.

Segregation and school funding

Many schools in the US are segregated along white and nonwhite lines. Despite the Supreme Court's 1954 *Brown v. Board of Education* ruling that children cannot be legally required to attend particular schools based on their race, school segregation has *increased* over the past several decades (Brunn-Bevel and Byrd, 2015; Oakes et al., 2013 pp. 17-18; Tatum, 2007, pp. 12-13; U.S. Government Accountability Office, 2016). As a result, many white youth are (still) physically segregated from youth of color. This renders opportunities to create cross-racial friendships – which help decrease the negative other-group stereotyping that works to sustain systemic racism – (still) relatively uncommon (Allport, 1979; Plummer, Stone, Powell, and Allison, 2016). Because school segregation is anchored in residential segregation, whites thus often spend their formative years sequestered in white spaces with little meaningful interaction with nonwhite youth.

School and residential segregation are in turn a product of whites' support for policies that sustain this segregation. Louise Seamster and Kasey Henricks (2015) for example document how whites support and enact policies that maintain their physical segregation from blacks. One way they do so is by ensuring that allocations of school funding remain anchored in localized tax bases. Whites have thus been able, via their residential segregation, to selectively funnel their greater social, political, and economic resources into schools that benefit white students (see also Diette, 2012; Karp, 2015; and Quiroz and Lindsay, 2015). In line with Elizabeth Anderson's (2010) analysis, by keeping themselves residentially segregated from people of color, and by leveraging their political power to prevent more equitable means of school funding (such as

tethering school funding to a nondiscriminatory national tax base⁹⁸), whites effectively hoard goods and thereby keep nonwhites at a social, political, and economic disadvantage.

Whites also engage in massive pushbacks against policies of physical integration that would help to undercut racial inequities, evidencing the lawful emotion of antagonism to efforts by people of color to dismantle racism and its basis in segregation. Being members of the dominant racial group, white voters have the political power to engage in successful backlash to racially progressive educational policies and to persuade politicians to act in their racial interests (Seamster and Henricks, 2015). Focusing on Virginia as a case study, Rachelle J. Brunn-Bevel and W. Carson Byrd (2015) argue that the historically-rooted, continuing “denial of equal educational opportunities to black Virginians has contributed to current educational inequality” (p. 423). Whites not only manifest antagonism towards efforts aimed at substantive racial and educational equity. They also display complacency with the status quo in which, due to inadequate investment and development, black and brown students disproportionately attend poorer-quality schools that lack sufficient educational resources and teacher excellence. Not surprisingly, as Brunn-Bevel and Byrd convey, these students disproportionately score lower on standardized tests – the very measures used to determine things like class-placement; graduation; college placement; and scholarships, and, thus, post-educational economic advancement.

Throughout their analysis, Brunn-Bevel and Byrd emphasize that Virginia’s racially-stratified education system is indicative of the institution on a national level. Whites’ failure to acknowledge the existence of systemically racist policies or to be concerned with rectifying them in turn renders nonwhite students as less deserving of high-quality schools. The moral component of the Racial Contract is thereby reinforced – students of color are effectively valued

⁹⁸ For more, see Tung, S. (2012, January 20). How the Finnish school system outshines U.S. education. *Stanford News Service*. Retrieved from <http://news.stanford.edu/news/2012/january/finnish-schools-reform-012012.html>

less than their white peers, despite students of color themselves valuing education and wanting to succeed (p. 431). Seamster and Henricks in turn show how whites thereby perpetuate the political component of the Racial Contract. The Contract prescribes a racial polity in which individuals are raced and in which this racialization carries racist significance. Bodies are not only racially demarcated and categorized according to whether the body is “white” or “not white”; individuals are concomitantly deemed, respectively, as either worthy, respectable, and valued, or as unworthy, less respectable, and devalued. This racial polity, manifested in the distribution of predominantly white or nonwhite schools and residential areas, is in turn normalized within mainstream society. As Susanne Knudson (2005) argues, oppressive power is manifested in the ability to normalize identities (e.g. whiteness); practices (e.g. segregated schools and racially discrepant school funding); and worldviews (e.g. US society is colorblind, and institutions’ policies are race-neutral in both practice and outcome).

Thus, despite race-based disparities in school funding and educational quality, as well as increasing racial segregation across schools, whites, evidencing the lawful emotion of complacency with the racial polity, tend to go along with the assumption that such inequities and segregation are normal and acceptable. For example, Alexandra Friedus and Pedro Noguera (2015) show that despite significant racial segregation in New York City schools, public opinion in 2007 concluded that school desegregation legislation (brought on by *Brown v. Board of Education*) was obsolete (p. 397). Friedus and Noguera argue that the description of “anachronistic” (i.e. obsolete), “with its attendant connotations of willful forgetfulness, futility, and fatigue” around issues of remediation, succinctly captures the US’s dominant “anti-racist” stance on educational policy: “we’ve done enough” (p. 399). By deferring to the lack of *de dicto* segregation, as well as to colorblind ideology’s claims that race and racism are no longer issues,

whites are able to deny that racial disparities in education exist, which in turn helps allow such disparities to persist.⁹⁹

Practices and policies within education thus show how efforts at integration fail whenever these efforts are mediated by dominant cognitive, evaluative, and emotional norms. Elizabeth Anderson (2010) cites studies indicating that school busing policies¹⁰⁰ have not led to “impressive effects on academic outcomes” for nonwhite students (p. 121). One plausible explanation, argues Anderson, is that busing, because it is merely a policy, does not entail engagement in substantive integration. For example, as she notes, many schools who bused in students of color nevertheless engaged in practices of racialized and racist tracking, disproportionately segregating nonwhite students out of higher-level classes or into remedial classes (see also Legette, 2017; Oakes, 2005; and Tyson, 2011). At the same, Anderson’s explanation for why attempts at integration tend to be insubstantial¹⁰¹ and thus sustain segregation is bolstered by considering the effect of dominant norms of, for example, epistemic evasion.

To see this, recall Lugones’ notion of the two tricks of racism: that epistemic evasion allows for formal acknowledgment of oppression without prompting serious interest in it; and that epistemic evasion facilitates a (mis)understanding of the problem of oppression in a way least disruptive to the status quo. School officials’ failure to engage in substantive integration despite having students of color bused to their schools can be understood as reflecting the fact that evading the significance of racism allows one to formally acknowledge that race-based

⁹⁹ In this way, colorblind ideology acts as a form of *plausible deniability*: people can deny racism exists, and such claims are (fallaciously) deemed plausible (indeed, factual) due to the claims’ ubiquity, normalcy, and normativeness within mainstream society. For more on plausible deniability’s crucial role in facilitating self-deception (that is, beliefs which conflict with the evidence one has at hand), see Mele (2001)

¹⁰⁰ Such as the one discussed by Shannon Sullivan (2006) in Chapter Three of this thesis

¹⁰¹ For more on how attempts at integration have not achieved integration, see Steinhorn and Diggs-Brown (2001)

educational discrepancies are a problem – after all, that is why a busing policy was implemented – while failing to prompt serious concern with such discrepancies and, hence, with remedying them (by busing, “we’ve done enough”). Epistemic evasion also facilitates a (mis)understanding of how to remedy racial disparities, leading to attempts to resolve the issue in a way least disruptive to white domination. Hence, by (mis)construing the problem of segregation as simply the lack of a certain amount of physical racial interspersing, busing – which does not even entail that whites and nonwhites will be physically integrated within classrooms – can ground the lawful emotion of contentment that the issue has been adequately addressed. As I argued in Chapter Four, genuine efforts at integration include not only efforts to physically and socially integrate whites and nonwhites, but to also challenge dominant cognitive, evaluative, and emotional norms.

Lastly, school funding and its imbrication in segregation also illustrates how racial and economic oppressions intersect. Adequate school funding allows for the recruitment of high-quality teachers, which in turn leads to the development of high-quality curricula and class management. Hiring and maintaining good teachers has been shown to be one of the most significant factors in whether students are able to succeed academically and reach their potential (Brown, Carnoy, Currie, Duster, Oppenheimer, Shultz, and Wellman, 2003, pp. 110-111; Darling-Hammond, 1998). At the same time, inadequately-funded schools, based in the meager tax-revenues of poor residential areas, are disproportionately attended by students of color (Top Masters in Education, 2017). Thus, racial oppression, including a lack of access to a quality education, intersects with economic oppression to especially disadvantage poor students of color.

At the same time, as I discuss in what follows, even in racially-mixed classrooms, white and nonwhite students are done a disservice to the extent that curricula do not provide honest and

thorough-going material regarding the structure of US society; the interests that have worked to form society in particular ways; and the various power-laden contributions of racial (and other) groups to structuring society either regressively in the interests of oppressive power, or progressively in the interests of mutual liberation.

Curricula

Curricula are a crucial way in which educational practices sustain the Racial Contract. Michael Apple (2004) argues that educational curricula are not neutral due to the ways in which they recreate a stratified society. A curriculum “often reflects the perspective and beliefs of powerful segments of our social collectivity” (p. 8; see also Chomsky, 2012). Apple shows how curricula is chosen from a set of possible alternatives, for particular reasons, and for the benefit of certain groups and ways of doing things. Because curricula tend to validate rather than challenge the status quo, in general curricular materials and activities are power- and race-evasive (Apple, 2004, pp. 2, 17; Holtzberg, 2015; Oakes et al., 2013, pp. 1-121; Northern Plains Reservation Aid, n.d.). For example, liberal-minded whites have opposed more radical-minded folks of color by tending to advocate for a benign multi-cultural curriculum that emphasizes the positive aspects of different cultures rather than curricula that critically interrogates systems of power (Oakes et al., 2013, p. 75). Such white-advanced curricula incorporate only “superficial attention” to racism and racial progress (Oakes et al., 2013, p. 78). Education sets the stage for how people view each other, themselves, and the social environment. Due to power-evasive curricula and sanitized portrayals of racism (to the extent racism is portrayed at all),¹⁰² students, both white and nonwhite, are rendered ill-equipped to understand their own society; make sense

¹⁰² Lindaman and Ward, 2004, p. xx

of their own positions and experiences within that society; view others in terms of how they are situated within society's power structures; and recognize a sense of their own social and political power and their ability to radically reimagine and reshape democratic society.

Such curricula in turn alienate students of color from themselves, their history, and US society. For example, as Rose Ann Torres (2010) argues, indigenous students are effectively taught to “view themselves, their cultures, their language, their ancestors, their histories and their identities negatively,” if they encounter discussion of their roles in history at all (Asgharzadeh in Torres, p. 241). Intellectual commerce (to use Du Bois' term) within the classroom between the rich cultural and intellectual traditions and resistant practices of indigenous peoples, Asians, blacks, Latinos, and whites is often a forgone conclusion. Major topics of historical discussion, for instance, are often confined to a portrayal of history in which white elites – typically men – forged an unprecedentedly liberty-supporting democratic society for everyone with a few regrettable mistakes. Evidencing intersecting oppressions of, for instance, race and gender, it is the elision of especially women of color and their roles within and contributions to society that particularly marginalize female students of color. How communities of color, and women of color in particular, have continuously been oppressed, and poorly and violently treated, by US society and its institutions, and the roles their resistances have played in creating and positively re-structuring US society, are practically rendered invisible (Davis, 1981/1983; Dotson and Whyte, 2013, pp. 64-72).¹⁰³ Curricula thus tend to portray history, society, and social values as homogenous,¹⁰⁴ obscuring just how fraught with resistance, counter-movements, and power struggles society, history, and values really are.

¹⁰³ For more on how curricula distorts and invisibilizes history, see Loewen, 1995

¹⁰⁴ Recall Knudson's (2005) argument that oppressive power is (in part) the power to homogenize, or to overlay a homogenizing narrative over a varied and disparate reality

Reliance on such curricula can in turn be understood as an example of whites' tendency towards ontological expansiveness. Recall that according to Shannon Sullivan (2006), ontological expansiveness refers to the fact that "to be a white person means that one tends to assume that all cultural and social spaces are potentially available for one to inhabit" (p. 25). This assumption is legitimized in the way in which history, literature, art, science, and social science curricula effectively portray such subjects as white-centered, white-driven, and for and about whites, where poor and working-class people, women, and people of color play marginal and de-radicalized or victimized roles (Apple, 2004; Leonardo, 2003, 2013; Loewen, 1995; Martinez, 2006; Oakes, et al., 2013; Zinn, 1980/2005).

Whites have thus evidenced their tendency to support facile, segregation-sustaining forms of racial mixing within classrooms. Students of color have, since the founding of Indian boarding schools and, subsequently, public schools after the end of slavery, and despite counter-efforts to develop progressive and radical curricula, continually been marginalized, and their roles in society disvalued and distorted, within predominantly white-driven curricular choices.¹⁰⁵ As Mills' arguments (relayed in Chapter One) emphasize, whites' silence on racism is a common and significant way in which whites consent to the Contract. By relying on power- and race-evasive curricula, teachers and administrators thus effectively encourage white and nonwhite students' social and experiential segregation. With respect to social segregation, as Beverly Tatum (2007) argues, "The opportunity for mutual relationships with someone who shares your life experiences is irreplaceable. But relationships across lines of difference are essential for the possibility of social transformation" (p. 100). Relationships that cross lines of oppression both exemplify the aim of resistance and help further this aim. Yet substantive and authentic cross-

¹⁰⁵ See for example Phippen (2015)

racial relationships are difficult to impossible if one party refuses to acknowledge the reality of how the other party's life and experiences are adversely shaped by racism. As it stands, white students are encouraged to deny the existence of racism due to epistemic norms of evasion and normative colorblind ideology. Adults' failure to challenge these norms within educational settings thus impedes authentic cross-racial relationships – and thus anti-racist coalitions – between white and nonwhite youth. White students are also themselves adversely impacted by sanitized, dishonest curricula; by portrayals of history and society that aggrandize socioeconomically elite men (marginalizing white women and the white working class); and by the sorts of prevailing colorblind and evasive norms that render authentic and substantive cross-racial interaction and friendship difficult. Thus, challenging acts of consent to the Contract is an act of resisting oppression *simpliciter*, in which the goal of resistance really is mutual liberation from oppressive systems that adversely affect everyone (or at least most people) in one way or another.

Substantiating Tatum's arguments, Marianne Modica (2015) finds in her study of a mixed-race high school that, despite the veneer of an environment of ease and congeniality where "race doesn't matter", white students and teachers expressed high levels of anxiety around issues of race and racism. They carefully avoided any mention of race or racism for fear of being labeled racist. The presence of anxiety highlights the emotional, and thus epistemic, bases of whites' avoidance of issues of racism. Feelings of (ego-centric) fear and unease mutually mediate the (mis)understanding that one ought to go along with (i.e. consent to) the Contract's norms of denying the existence of racism and failing to challenge it. As Modica conveys, white teachers' apprehension around race and racism and their strategy to adopt an evasive colorblind

approach¹⁰⁶ facilitated their failure to acknowledge and address racial issues. Modica argues that because whites have made race and discussions of racism taboo, teachers and students “lose the opportunity to address racial inequity in their classrooms and in their overall school programs” (p. 398). Citing, and in line with, extensive literature on how colorblind ideology perpetuates systemic racism, Modica concludes that failing to acknowledge the salience of race “increases the likelihood that racism will occur in schools and in other facets of society” (p. 398). Not only do educators’ evasion of issues of racism entail the failure to address such issues within their schools and classrooms; such evasion also leaves students of color marginalized and white students without the skills necessary to engage in society in ways that obstruct rather than perpetuate the racial status quo. Modica thus shows how evading race and racism both perpetuates and is a manifestation of whites’ and nonwhites’ experiential segregation, in which students of color confront a systemically racist society without substantive validation, support, and empowerment from their white teachers and peers. Her analysis also points to the salience of emotional, epistemic, and evaluative norms to whites’ collusion with the Contract. Modica thus highlights the importance of understanding dissent in terms of challenging the connections between prevailing cognitive, evaluative, and emotional norms on one hand, and practices (including failures to challenge the Contract) on the other hand.

Recall Gaile Pohlhaus’ (2012) conception of willful hermeneutical ignorance as occurring when members of dominant groups continue over time to misperceive and misinterpret the social environment in the face of resistant understandings of members of nondominant groups (p. 716). With respect to epistemic evasion, racialized moral psychologies, and lawful

¹⁰⁶ Recall that colorblindness in the US is an ideology: it is presented as an impartial and legitimate worldview so as to mask its fundamental role in the service of oppression. Colorblindness is a way to ignore, downplay, and deny the existence of racism and the salience of race (to society or to oneself); by doing so, the problem of racism is left unaddressed and perpetuated. Colorblindness is therefore not, as purported, non-racist, nor race-unconscious.

emotions, whites may, for example, (mis)construe police brutality against and killings of unarmed black people as justifiable or inconsequential, while in general black people may convey how corporeal and judicial maltreatment is systemically meted out against people because of their race, and how black people's lives and loved ones are valuable and deserve to be treated with respect. Expanding on Pohlhaus' argument, I in turn suggested that hermeneutical ignorance may not always be willful because it can also prevail when it is unsuccessfully challenged by those unwilling to have it (what I called "incorrigible"). As Kristie Dotson (2014) conveys, hermeneutical ignorance (in either case) in turn leads to epistemic oppression. Recall that Dotson argues epistemic oppression occurs when members of subordinate groups are unable to accurately and effectively communicate knowledge of their experience to dominant group members; are unable to make sense of their experiences using dominant ideological frameworks (and thus must construct resistant frameworks if they are to make sense of their experiences); and cannot rely on knowledge frameworks shared with the dominant group to fairly and accurately assess either their own knowledge-claims or their own epistemic credibility. Epistemic oppression persists when dominant group-members are hermeneutically ignorant – that is, when they fail, willfully or not, to successfully challenge their epistemic frameworks.

Hermeneutical ignorance and epistemic oppression are closely related to arrogant perception. Arrogant perception is theorized by Marilyn Frye (1983) as occurring when one fails to adequately recognize others' difference and independence from oneself. For Frye, an arrogant perceiver assumes others exist to serve one's own interests. María Lugones (2003) subsequently developed Frye's account by arguing that viewing others with arrogance is also manifested when one does not adequately recognize others' sameness and interdependence with oneself. For Lugones, an arrogant perceiver assumes others are irrelevant to one's being. Maureen Ford

(2009) in turn argues that teachers perpetuate what she calls “institutional arrogant perception” when they assume students are there to serve the interests of various institutional and curricular policies and practices, and when teachers are indifferent to or tend to misread students’ particular abilities, needs, goals, and desires. Arrogant perception, hermeneutical ignorance, and epistemic oppression are related in that each involves ignoring and denying the legitimacy of the knowledge and experiences of those disadvantaged by systems of oppression.¹⁰⁷

Following the insights of standpoint theory discussed in Chapter Three, Ford argues that arrogant perception, and its perpetuation at the institutional level, tends to occur as a result of the cognitive, emotional, and evaluative orientations to which those advantaged by society are generally oriented. It follows on Ford’s account that white educators will be more (though not necessarily exclusively) prone to inflict arrogant perception on students of color than will educators of color. David Jackson (2017) substantiates Ford’s arguments by noting that, as a black teacher, he is less tarnished by the “stereotypes, biases, and social disconnects” that white educators are prone to possess and enact against nonwhite students (n.p.). Jackson conveys how white teachers tend to exhibit what Ford refers to as institutional arrogant perception towards nonwhite students by, for example, meting out punitive punishment in order to service schools’ “zero tolerance policies” (discussed below). Test-based funding, in which schools lose federal funding if they fail to meet certain Common Core standards (based largely on students’ standardized test scores), is (arguably) another example of institutional arrogant perception, in which students are made to serve the interests of testing benchmarks for school funding rather

¹⁰⁷ For an analysis of what Taiaiake Alfred (2005) calls “imperial arrogances” – his term for colonial actions, policies, affective orientations, and worldviews that enrich the settler nation via the oppression of indigenous peoples – see pp. 101-113

than school funding and benchmarks serving the interests of students.¹⁰⁸ Karolyn Tyson (2011) in turn finds teachers engaging in what Pohlhaus and Dotson, respectively, refer to as hermeneutical ignorance and epistemic oppression. She conveys how a common stereotype used to explain racial educational inequities – that nonwhite and poor students have a culture of eschewing academic achievement as “too white” – were, at best, exaggerated and, at worst, simply false. Tyson conveys how teachers who operate, consciously or not, under the stereotype that poor students and students of color are trying to be “cool” and not “act white,” and that such students are primed to not care about or put in the effort to achieve academic excellence, are themselves the ones who are sustaining racial inequities by treating nonwhite students with differential racist expectations and, thus, refusing to acknowledge the knowledge and intellectual capacities of nonwhite youth.

In line with Anderson’s (2010) arguments on segregation and its basis in racial bias, stereotypes of nonwhites circulate within public discourse, images, and narratives. As I discuss below, these stereotypes in turn foster the sorts of negative racial biases – conscious and unconscious – that prime administrators, educators, and police officers within education to mete out harsher treatment and disproportionate punishments onto students of color.

The school-to-prison pipeline

Educators, administrators, and police officers within education consent to the Racial Contract whenever they perpetuate or fail to challenge practices of discipline and punishment,

¹⁰⁸ Thompson, V. (2017). Do Standardized Test Scores Factor in to How Much Money a School Will Receive? *Our Everyday Life*. Retrieved from <http://oureverydaylife.com/standardized-test-scores-factor-much-money-school-receive-25534.html>; see also Broussard, M. (2014, July 15). Why Poor Schools Can’t Win at Standardized Testing. *The Atlantic*. Retrieved from <https://www.theatlantic.com/education/archive/2014/07/why-poor-schools-cant-win-at-standardized-testing/374287/>

which are well-documented as being disproportionately leveled against students of color (Epstein, Blake, González, 2017; U.S. Department of Education Office for Civil Rights, 2016). The school-to-prison pipeline refers to the trend within schools over the past several decades of increasing police officer presence, checkpoints, and surveillance, as well as punitive punishment for classroom misbehavior (Rethinking Schools, 2011-2012, n.p.). Compounding these developments is the fact that many schools have mandatory “zero-tolerance” policies. According to such policies, school officials are enjoined to suspend and expel students for actions that used to be handled by the teacher within the classroom, or at most by a trip to the principal’s office. Such actions include any words a student might say that could be constituted as a threat, like talking back; any act of what could be perceived as insubordination, such as cutting in line; or any instance in which a student brings to school what could be considered a weapon, such as nail clippers (Gjelten, 2017).

In the past several decades, teachers also increasingly rely on police officers (which schools have hired in increasing numbers) to enforce these zero-tolerance rules. Thus, rather than teachers dealing with issues within the classroom as used to be the norm, instead students, especially those of color, are increasingly prone to being suspended, expelled, and even arrested (U.S. Department of Education Office for Civil Rights). By going along with zero-tolerance policies and the school-to-prison pipeline, school officials normalize racist and disproportionate punishment for misbehavior. This in turn sustains physical, social, and experiential segregation. Because of systemically racist school disciplinary practices, a disproportionate number of nonwhite students are impeded in their ability to achieve academic success, and a disproportionate number also enter society as adults with criminal records. Having a criminal record makes it significantly more difficult (in a society already systemically biased against

people of color) to obtain a job, housing, loans, and other means of achieving economic stability and, thus, social and political standing (Council of State Governments Justice Center, 2014; Doede, 2015; Kang, DeCelles, Tilcsik, and Juns, 2016). Punishment within schools thus effectively facilitates the end-goal of segregation and the bottom line of the Racial Contract – namely, hoarding material goods for whites by keeping such goods out of the hands of people of color. Further, disproportionate rates of arrest, harassment, and brutality against people of color by police officers outside of schools have a significant impact on the physical and psychological well-being, and thus academic success, of nonwhite youth, who experience the fear and anxiety that comes from witnessing society’s violent treatment of members of their racial group (Levy, Heissel, Richeson, and Adam, 2016).

Evidencing the intersecting nature of oppressions, the school-to-prison pipeline disproportionately impacts students of color from lower-income backgrounds (Lowery, 2013; Rethinking Schools, 2011-2012). It is particularly these students who are increasingly suspended or funneled from their classrooms to jails. This trend is due to the collision of racism, socioeconomic oppression, and colorism (discussed below) on one hand with the fact that “what is a crime as opposed to a teachable moment has changed in extraordinary ways” over recent decades on the other hand (Rethinking Schools, 2011-2012, n.p.). The school-to-prison pipeline thus illustrates another way in which challenging the pipeline’s practices – that is, dissenting from the Racial Contract – entails resisting the ways in which poor and lower-income white youth are themselves adversely impacted by punitive practices, illustrating how resistance to racial oppression is, and ought to be, resistance to oppression *simpliciter*, including the ways in which poor white students are themselves adversely impacted by punitive school punishment.

Nevertheless, as Simson (2014) underlines, “racial disproportionality in school discipline cannot be entirely explained by differences in socioeconomic status [in other words, this is indeed a racial and not merely a class issue] or differential rates of misbehavior” (p. 524). Not only are there disproportional rates of arrest and punishment between white and nonwhite students, this racially differential treatment occurs with respect to similar behavior between whites and nonwhites (see also Rudd, 2014). Because adults’ implicit biases against nonwhites has been shown to influence their differential treatment of white and nonwhite students, it is plausible to suppose that racialized moral psychologies are intimately bound up with which students get punished or handcuffed in schools and why (I return to this thought momentarily) (Rudd, 2014; Simson, 2014). Thus, due to racialized moral psychologies and institutional arrogant perception,¹⁰⁹ students of color, especially those from lower socioeconomic backgrounds, are perceived according to publicly-circulated stereotypes as inherently more violent, less controllable, less innocent, and less amenable to reason than their white or more affluent peers (Amurao, 2013; Epstein et al., 2017; Johnson-Bailey et al., 2014, pp. 7, 10; Lee, 2014; McGee, Alvarez, and Milner, 2016). This means that, despite prevailing colorblind rhetoric, students within education are clearly racially demarcated (evidencing the racial polity) and classified accordingly, as Knudson argues occurs precisely through oppressive and disproportionately-held social and institutional power. This allows educators, administrators, and police officers to make racialized, punitive on-the-spot judgments about how to deal with misbehavior (if misbehavior did indeed occur), such as taking handfuls of candy from a bowl

¹⁰⁹ Recall that Ford (2009) theorizes institutional arrogant perception as occurring when school officials assume students are there to serve the interests of various institutional and curricular policies and practices, and when officials are indifferent to or tend to misread students’ particular abilities, needs, goals, and desires

rather than one piece, or refusing to put one's cell phone away when asked (Christensen, 2011-2012; Pearce and Thomas (2015); Rethinking Schools, 2011-2012).

Evidencing the moral component of the Racial Contract, the school-to-prison pipeline is thus based in the differential valuing of white and nonwhite youth. Norms of evaluation, in which lighter-skinned students are perceived to be less threatening and more likeable and controllable than their darker-skinned peers, grounds the racialized moral psychologies that prompt the doling out to nonwhites of punitive treatment. Racialized moral psychologies foster an inability to appropriately assess the moral rights and wrongs of situations, manifesting when school officials deem out-of-school suspensions or arrests of kids of color appropriate responses to behavior for which white students would be significantly less likely to incur negative consequences (Lowery, 2013; Simson, 2014). Especially when behavior is not clearly misbehavior and is more likely to be merely perceived as such, youth of color are disciplined at much higher rates than white students (Simson, 2014). Further, when misbehavior does occur and meets a disproportionate response from school officials, this behavior can range from the exceedingly minor, such as (as noted above) taking handfuls of candy from a bowl rather than one piece as instructed, to the more major but which nevertheless requires suspension and not arrest (as has always been the case until recently), such as getting into a fight.

As Reuben Jonathan Miller, Janice Williams Miller, Jelena Zeleskov Djoric, and Desmond Patton (2015) argue, differential and inappropriately punitive punishment by state actors such as school officials, police officers, and other officials within the criminal (in)justice system *teaches* people of color that their lives are less valuable; that they need to be wary of going about their business in society; and that, as one 11th-grader put it, “Most days I feel it doesn’t matter what I do, how hard I try – [ending up in the criminal justice system is] my fate”

(Rethinking Schools, 2011-2012, n.p.). This student is expressing, not his failure to take responsibility and pull himself up by his boot straps, but the reality of his existence in a racially and economically stratified carceral state (Alexander, 2010; Hinton, 2016). School officials' choices to perpetuate the school-to-prison pipeline thus sustains white and nonwhite students' physical, social, and experiential segregation. For example, the more students of color are taken out of school, the less opportunities there are for cross-racial relationships. The pipeline thus validates and infects white (and nonwhite) youth with prevailing stigmatizations of nonwhites as more violent and criminally-prone, entrenching epistemic evasion, racialized moral psychologies, and lawful emotions.

Arrogant perception and racialized moral psychologies also perpetuate colorism within the classroom. Black adolescents with dark skin color, especially those who are female, are significantly more likely to face overly-punitive punishment – like suspension – for their behavior relative to their white and lighter-skinned peers (Blake, Keith, Luo, Le, and Salter, 2017; Epstein et al., 2017; Hannon, DeFina, and Bruch, 2013). Margaret Hunter (2016) further shows how colorism impacts teacher-student interactions; peer interactions; family-school interactions; and disciplinary practices. She notes how the intersections of colorism and sexism negatively impact especially dark-skinned girls, who face more negative treatment due to their skin color than do darker-skinned boys (see also Norwood, 2014, 2015). Hunter further argues that colorism contributes to the differential educational outcomes (and thus job chances and quality of life) between darker-skinned and lighter-skinned students of color. Such classroom colorism includes, for example, the tendency of especially light/white-skinned teachers to be oriented more positively to light/white-skinned students, and to view them accordingly as more intelligent, kind, and likeable. This effective de-valuing of darker-skinned students by social and

institutional practices that already disadvantage nonwhite students generally is illustrative of ways in which school officials re-sign (or collude with) the Racial Contract whenever, consciously or unconsciously, they differentially treat students on the basis of skin color.

The school-to-prison pipeline, along with school funding practices and curricula, illustrate ways in which actors within education consent to (or collude with) the Contract. In what follows, and by continuing to use education as a case study, I defend the usefulness of the theory of the “Racial Contract” and the notion of dissent for resisting racism.

Dissent within education

For the rest of the chapter I consider some of the ways in which actors within education can dissent from the Racial Contract. This will illustrate the usefulness of the concept of dissent for understanding how systemic racism can be resisted within concrete social and institutional locations. Recall there are five reasons I have argued for why Mills’ use of the contractarian conceptual framework is useful. Because the theory of the “Racial Contract” elucidates connections between prevailing conceptual frameworks and dominant social and institutional practices, the notion of dissent becomes grounded in the understanding that to resist racism is to challenge particular, localized actions that comprise and sustain a systemically racist social structure. Second, because Mills’ theory shows that racism is indeed a contract – that is, an effective or deliberate agreement by whites to go along with policies and practices that differentially advantage themselves as a racial group – the concept of dissent is informed by an understanding that whites’ resistance to racism entails their refusal to go along racism-sustaining practices within their own particular social and institutional locations.

Nevertheless, because, as Mills' theory elucidates, acts of consent to the Contract are fraught with epistemic evasion, the notion of dissent is informed by the understanding that to refuse to go along with the Contract is to challenge how actions that sustain racism are mutually bolstered by denials that racism exists. Whites must therefore resist not only racism-sustaining social and institutional policies and practices, but prevailing cognitive and evaluative norms of epistemic evasion, racialized moral psychologies, and lawful emotions. Fourth, because the notion of consent is a form of dissident speech, Mills' theory germinates resistant understandings of the social environment that counter prevailing conceptual frameworks. These understandings can in turn, and fifthly, ground an assessment of how actual people like oneself engage in concrete actions and practices that sustain – perhaps by failing to challenge – the Contract. Engagements in dissent are therefore, and primarily, engagements in concrete actions rather than merely abstract commitments to anti-racist ideals.

My discussion above regarding ways in which actors within education act in complicity with the Racial Contract therefore reveal how actors can in turn engage in dissent. As I have argued, Mills' theory is useful for understanding how systemic racism at the socio-structural level is perpetuated by actions and ways of perceiving the social environment at the personal level. This in turn means that understanding systemic racism as a Racial Contract elucidates engagements in dissent within particular social and institutional roles that counter these actions and conceptual frameworks. With respect to education, for example, by considering the ways in which actors within education agree to further the terms of the Contract, one thereby elucidates the particular actions within schools, classrooms, and governing bodies that must be countered if systemic racism is to be dismantled. Thus, focusing on particular examples of engagements in consent and dissent within education illustrates how dissent is understood and engaged

concretely. Considering such examples is therefore important as a way to better understand and ground conscientious engagements in resistance.

For these reasons, in what follows I consider some examples of people within education engaged in acts of dissent. I focus largely (though not exclusively) on the organization Rethinking Schools and how actors within education are implementing and finding useful an understanding of dissent as has been fleshed out in this dissertation. Rethinking Schools is a community of educators, parents, and students engaging in alternative ways of thinking about, practicing, and structuring education. The group was founded in 1986 in Milwaukee “as a local effort to address problems such as basal readers, standardized testing, and [a] textbook-dominated curriculum” (Rethinking Schools, 2017b, n.p.). Since then, Rethinking Schools has become “an activist publication” and resource for those within the educational system across the country – and indeed other countries – who seek to develop schools centered around students, communities, and social justice (Rethinking Schools, 2017b, n.p.).

Focusing on how actors within education, such as those connected through Rethinking Schools, engage in resistance illuminates how concrete engagements in dissent involve not only particular actions according to, and within, one’s social and institutional locations, but also epistemic and emotional orientations. This follows from what my arguments have shown throughout this dissertation – namely, that *resistant agency can be understood as utilizing social and institutional power within connections between meaning and discourse; norms of epistemic evasion, racialized moral psychologies, and lawful emotions; individual and localized action; and social structure*. What follows therefore illustrates some of the ways in which actors within education use the power they have at their disposal to challenge prevailing ways of perceiving the social environment and how these mutually reinforce racism-sustaining policies and

practices. Ultimately, by the end of the chapter I hope to have shown that by understanding resistance as dissent from the Racial Contract – that is, *as actions grounded in and attentive to the relationship between the personal/local and the structural* – this will have elucidated some of the ways in which systemic racism can be undermined and dismantled.

Challenging hermeneutical ignorance through curricular choices

By making curricular choices that dissent from the Racial Contract, educators are able to challenge hermeneutical ignorance. They thereby undermine some of the important mutual-reinforcers of systemically racist social and institutional policies and practices. In Chapter Two I suggested that one's best attempt at remedying hermeneutical ignorance involved four steps: remaining aware of the possibility that one is being hermeneutically ignorant; allow this awareness to lead one to defer to the knowledge of people of color in understanding racism; engage in critical reflection about one's prior understandings; then repeat this process. In what follows I focus in particular on the second step of deferring to the knowledge of people of color, and how this step can be applied within the classroom.

Officials, parents, and students within education can, for example, defer to the knowledge and experiences of black adolescent girls in shaping educational environments. Nicole M. Joseph, Kara Mitchell Viesca, and Margarita Bianco (2016) argue, "The perspectives and experiences of Black adolescent girls represent a collective voice from which the educational establishment can learn and better understand the complexities of race and gender issues in schools" (p. 6). Joseph et al. highlight the importance of being attentive to how oppressions intersect – in this case, race and gender – to shape the educational experiences of black girls in distinct ways (see also Epstein et al., 2017). They thus interview some of these students in order

to understand how, and to what extent, they experience racism and sexism, and what the students' suggestions are for remedying such problems. One student suggests a reform effort aimed at displacing the disproportionate number of white teachers and recruiting more educators of color. She argues this would enhance student-teacher relationships and student opportunity, and would increase the number of teachers who "actually cared about the system and want equality" (p. 21).

Educators can also defer to scholars of color and to what Mills (1997) calls "oppositional black theory, the theory of those who were denied the capacity to theorize, the cognitions of persons rejecting their official subpersonhoods" (p. 131). By engaging the perspectives, theories, and critiques of their counterparts of color, white educators can challenge not only their own hermeneutical ignorance but also what Du Bois referred to as intellectual segregation. Whites within education can thereby dissent from the Racial Contract's practice of what Mills calls "black political theory's ghettoization from mainstream discussion" (p. 132). As conveyed in previous chapters, and as Mills argues, intellectual ghettoization is a manifestation of the Racial Contract because such marginalization helps prevent status quo thought from being challenged. Whites within education can thus dissent from the Contract by listening to nonwhite scholars' and educators' radical critiques of mainstream pedagogy and educational curricula, and by then applying these suggestions in practice.

By challenging hermeneutical ignorance, one can also challenge colorism. Daudi Ajani Ya Azibo (2014) discusses how colorism adversely affects people of color who internalize mainstream society's valuing of features like lighter skin. Azibo argues that to combat colorism and its effects on people of color, educators can incorporate a study of colorism, its history, and its material affects within their classrooms: "Educators at all levels have the greatest access to

the public and best potential for shaping thinking on colorism by including it in the curriculum and lesson plans” (n.p.). While Azibo’s primary concern is to enable nonwhites to resist colorism (especially internalized), he argues that, “Weakening the conceptual foundation for supremacist thinking among Eurasians may be an added benefit [of teaching about colorism] as well” (p. 7). Educators can thereby challenge colorism’s influence within society. By acknowledging, learning about, and teaching about colorism and about how nonwhite oppositional thought has endeavored to resist colorism, teachers can in turn resist their own hermeneutical ignorance as well as the development of such ignorance within their students, thereby dissenting from the Contract and its de-valuing of and discrimination against especially darker-skinned people of color (see also McGee, Alvarez, and Milner, 2016 and Watson, 2011).

Challenging hermeneutical ignorance via curricular choices also undermines whites’ silence around and evasion of racial issues. This in turn is an engagement in what Knudson, drawing on Judith Butler, deems troublesomeness, because such curricular choices resist the normalizing and, hence, perpetuation of systemically racist practices. For example, the editors of *Rethinking Schools* note that school textbooks do not discuss current social justice issues like mass incarceration and the school-to-prison pipeline. They argue that because these institutional practices are among the main drivers of systemic racism, and are the very institutional realities so many students face as people of color, teachers ought to incorporate a focus on such issues into their curricula. If taught in a way that encourages students to think critically about society and imagine how things could change, such curricula would not simply educate but empower students to engage in their own forms of resistance by, for example, pursuing careers in politics, education, or the criminal justice system in order to combat systemically racist practices and better serve communities of color. By challenging race- and power-evasive curricula, educators

can dissent from the Contract and its facile forms of classroom integration, in which students of color may be physically present in the room but marginalized by the curriculum and the overall classroom experience to the extent curricula ignore and downplay the racialized and racist material realities of students' lives.

As an example of such dissent, Karen Zaccor (2016) describes how she integrated discussion of social and environmental justice issues surrounding lead poisoning into her chemistry curriculum. She and her class discussed the recent disaster in Flint, Michigan, in which residents' water was poisoned with lead due to egregious city management,¹¹⁰ and how their own city of Chicago is affected by lead in both the drinking water as well as in paint near and in residential spaces. Students read, journaled, and critically discussed how concerted efforts have been made to protect socioeconomically-well-off communities from lead poisoning while poorer and disproportionately communities of color face a lack of concern for their health and well-being. Zaccor conveys how she incorporated these issues into her chemistry class by having students learn the mechanisms via which lead disrupts iron and calcium levels, and how this adversely affects memory and cognitive function and in turn school and career success (see also Reuben, Caspi, and Belsky, 2017). Zaccor thus illustrates how educators can incorporate racial justice into their curricula, which counters the homogenization of curricula, discussed above, that is biased towards a white and socioeconomically elite viewpoint. By employing curricula that acknowledges the heterogeneity and power differentials within society, Zaccor resisted the Contract, whose prescription is to avoid acknowledgment and discussion of racial issues in order to sustain the bottom line of white material advantaging via nonwhite material disadvantaging.

¹¹⁰ Democracy Now! (2016, December 21). Flint: As 2 Unelected Emergency Managers Are Charged over Water Poisoning, Will Gov. Snyder Be Next? *Democracy Now!* Retrieved from https://www.democracynow.org/2016/12/21/flint_as_2_unelected_emergency_managers

Curricula that resists hermeneutical ignorance by engaging issues of social justice can also foster students' cross-racial coalitional orientations and disrupt the black-white binary (discussed in Chapter Four). Tom McKenna (2016), a teacher at a predominantly Latina/o and African American high school, discusses how some of his black students expressed racial resentment at Mexicans for "taking their jobs" (n.p.). McKenna decided to "push the planned curriculum aside" and, for the next few days, led readings, writings, and discussions about the North American Free Trade Agreement (NAFTA) (n.p.). The students learned about how NAFTA devastated Mexican workers, especially corn farmers and others in the agricultural sector. They also learned how, despite then-president Bill Clinton's speeches praising NAFTA and how beneficial it would be for both American and Mexican workers, in reality NAFTA destroyed over one million Mexicans' jobs, driving them to seek a means to support their families across the border and increasing competition for low-wage jobs in the US.

One black student who had been particularly vocal in his racial animosity towards Mexicans, and who remained stoic throughout the days-long discussion, in the end expressed his frustration at Clinton for lying and for harming people "on both sides of the border" (n.p.). Another student chimed in by noting, "Mexicans didn't steal American jobs. NAFTA did. And the crazy part is we end up blaming each other instead" (n.p.). McKenna illustrates how students' spontaneous, racially-charged comments in the classroom can be capitalized on as an opportunity to push aside one's planned agenda and develop a new – even if short-term – curriculum that disrupts anti-immigrant, anti-Mexican rhetoric. McKenna conveyed to students how racist (mis)understandings of policies serves to both prevent cross-racial coalitions against a common source of oppression and sustain the very institutional practices that systemically disadvantage poor and working-class folks, especially those of color. McKenna thereby dissented from the

Racial Contract by encouraging disruption of anti-immigrant, anti-Mexican rhetoric; fostering critical analysis and socio-structural thinking;¹¹¹ challenging the black-white binary; and encouraging cross-racial solidarity. Anger at policies and practices that sustain systemic racism, such as the frustration expressed by McKenna's students, can also ground resistance, as I discuss in what follows.

Anger

The outlaw emotion of anger at racial oppression can fuel the impetus to incorporate social justice curricula within the classroom. As discussed in Chapter Three, Alison Jaggar (1989/2008) conveys the epistemic, moral, and political power of emotions. I in turn argued that by making lawful emotions strange, one can catalyze outlaw emotions and, thus, resistant epistemic, moral, and political action. It may be that by engaging in the second step of challenging one's hermeneutical ignorance – that is, deferring to the knowledge and experiences of people of color – one's lawful emotions are thereby prone to becoming strange. This would make sense given the intimate connections, as Jaggar conveys, between emotions and knowledge. Thus, for example, educators can defer – and, in George Yancy's (2015) terms, become unsutured – to the knowledge contained in outlaw emotions expressed by their students of color, which can in turn catalyze the educators' own emotions of anger at racial injustice.

Glenabah Martinez (2006) for instance describes the anger and resistant knowledge of a Diné high school student:

“In my [United States] history classes they always turn things around, the opposite way.... They always try to make the White people or the Spaniards better than the Native Americans.... It got me mad and I was about to go up in front of the class and about to show them [alternative] information....[But] I thought they might just kick me out.” (p. 2)

¹¹¹ For how (and why) curricula within the US tend to discourage thinking on a socio-structural level, and critical and creative thinking in general, see Chomsky (2012) and Oakes et al. (2013) pp. 49-50

Recall Audre Lorde's (2007) argument that anger contains information and energy. The student's portrayal of his/her experience conveys how his/her anger at racist curricula is conjoined with the information that the curricula is one-sided at best and highly distorted at worst. The student's anger also gave him/her the energy to possibly disrupt racist curricular choices by expressing counter-knowledge within the classroom.

The epistemic, moral, and political power of emotions is clearly conveyed in the student's account. Through his/her anger, the student expresses knowledge of; (non-self-righteous) indignation at; and resistance to what Elizabeth Anderson, drawing on Iris Young, calls "cultural imperialism". According to Anderson, cultural imperialism "involves the imposition of a dominant group's culture and interpretations of the world on subordinate groups":

"It includes the repression of a group's legitimate cultural practices..., forced conversion of the group to dominant practices..., propagation of stigmatizing representations of the group's culture..., and erasure of the group's culture from representations of wider society... It also includes the propagation of dominant groups' biased perceptions and explanations of group identities and differences as authoritative." (pp. 13-14)

By ignoring indigenous peoples' histories and relationships with settler society, or else by portraying a settler-centric portrayal of these histories and relationships, educators engage in cultural imperialism (curricular homogenization) against their indigenous students. By taking students' outlaw emotions seriously, and by gleaning the information contained in anger, educators in turn have the opportunity to make their lawful emotions (such as complacency with a culturally imperialistic curriculum or antagonism to a student's resistance to this curriculum) strange. This can then ground acts of dissent from the Contract in which educators use the knowledge and moral information and energy contained in anger to incorporate into their classrooms what Rose Ann Torres (2010) calls "anti-racism education".

For Torres, anti-racism education is a form of “anti-colonial discourse” in which indigenous knowledges are recognized as valuable and are integrated into school curricula. For example, educators can incorporate historical, social, aesthetic, literature, political, or science-related perspectives from indigenous voices that critically identify and analyze racial and colonial power. Torres considers such curricula to be action-oriented and aimed at “institutional, systemic change to address racism and the interlocking systems of social oppression” (George Dei in Torres, p. 244). The political power of anger is thus the empowerment of actors within education to foster anti-imperialistic, anti-racist, social justice-oriented educational environments. By refusing to consent to the Contract’s expectation that white and settler domination will not be named – let alone challenged – within the classroom, educators work towards the substantive integration of students and curricula. Indigenous students, as well as white and other students of color, thereby have access to a more accurate understanding of their social environments, and can become empowered to act in cross-racial solidarity against cooperating with oppressive social and institutional practices.

Anger at racially-discrepant disciplinary practices such as the school-to-prison pipeline can also motivate acts of dissent. One can make one’s complacency with the pipeline strange by learning about and taking seriously the facts regarding its racially-disparate applications and its adverse effects on students’ lives. This can in turn catalyze anger at racial injustice, galvanizing one’s energy to dissent from the Contract by refusing to go along with actions that sustain the pipeline. With respect to zero-tolerance policies for example, *Rethinking Schools* (2011-2012) discusses how teachers have led campaigns to wipe such policies off the books. They convey how coalitions of students and educators have also engaged in campaigns to stop police harassment both within and outside of schools, and have fought legislation that criminalizes

students for wearing what is or could be perceived as gang-affiliated attire. These actions convey how anger, and the information and energy it brings, provides the knowledge and motivational impetus needed to resist injustice. By fighting back against zero-tolerance policies and its role in the school-to-prison pipeline, educators, administrators, parents, and students refuse to re-sign their names to (or collude with) the Contract and its agreement that students of color deserve harsh treatment rather than quality educational environments.

I suggest a further way in which school officials can dissent from racist and overly-punitive disciplinary practices.¹¹² Because zero-tolerance policies rely in part on school officials' interpretation of student behavior (or of objects like nail clippers), significant resistance can take place even while such policies remain on the books. To see this I draw on Frances Fox Piven's (2011) understanding of "disruptive power". On Piven's view disruptive power is "the leverage that results from the breakdown of institutionally regulated cooperation" (p. 210). When people refuse to cooperate – i.e. agree to go along – with institutional norms and policies, they gain leverage over that institution insofar as the institution, in order to be maintained, requires people's compliance with its practices. Piven argues disruptive power is rooted in interdependency: all people, even – and perhaps especially – those in power, are dependent upon other people's cooperation in conforming to institutional standards. Disruptive power is thus "a power strategy that rests on withdrawing cooperation in social relations" (p. 212). Disruptive power echoes the kinds of engagement advocated by Marilyn Frye (1983), Alison Bailey (1999), and Shannon Sullivan (2006), which I discussed in Chapter Three, regarding how whites, as the dominant racial group, can use the power they have within their social and institutional locations to counter racism-sustaining practices by working with (rather than "doing to") people of color.

¹¹² For an analysis of how police presence itself is anathema to non-oppressive educational environments, see Vitale (2017)

Disruptive power can be a helpful way to understand dissent from – i.e. the refusal to go along with – zero-tolerance policies. This is because within such policies there is room for interpretations of students’ behavior. Further, the ways in which the behavior of students of color is interpreted by school officials evidences racial biases that are based in publicly-circulated stereotypes of nonwhite students as more violent-prone and uncontrollable. Because these biases influence their treatment of students of color, and because there can be significant leeway in interpreting behavior (for example, by viewing cutting in line as excitement and youthfulness rather than an indication of a violent nature), school officials have the ability to disrupt racist and overly-punitive disciplinary practices. By drawing on the information and energy of anger at racial oppression, officials can engage in disruptive power and refuse to go along with the racialized moral psychologies and the racist (im)moral (mis)evaluations required by the Contract.

Finally, *Rethinking Schools* also shows how anger galvanizes *community* action – and thus coalition-building – in the face of enjoinments to perpetuate the Racial Contract via school funding. The community and school advisory board in Newark, N.J., for example, fought back against state-appointed school superintendent Cami Anderson’s “One Newark” plan. The One Newark plan supported charter schools in a way that effectively bolstered elite economic interests while particularly disenfranchising poor students and students of color. Stan Karp (2015) conveys how parents and principals spoke out against the plan; complaints were filed with the US Department of Education; a newly-formed Newark Student Union protested at a town hall meeting; 77 ministers signed a letter in opposition to One Newark; parents, aided by national projects, drafted an alternative vision for schooling in Newark; a progressive caucus won a majority of seats on the Newark Teachers Union executive board; and Ras Baraka, a long-time opponent of Anderson’s agenda, was elected mayor. These acts of resistance illustrate the

ways in which coalitions spanning race and age successfully challenged not only systemically racist but also classist agendas that effectively sought to increase racial and socioeconomic power disparities. Karp also discusses how “Cares About Schools” groups, begun in Montclair, NJ, have popped up across the country in opposition to charter takeovers and in advocacy of true community-centered schools; how Save Our Schools, a New Jersey-wide parents group, has drawn over 20,000 supporters; and how parents at a Montclair Cares About Schools event initiated a series of “Undoing Racism” workshops.

In each of these instances of resistance, I suggest parents and students drew on anger towards the racism-sustaining policies and effects of the charter school movement to galvanize activism. The information contained in anger is the knowledge that policies and practices are being utilized in the service of aggrandizing some at others’ expense. Students, educators, and parents in New Jersey manifested anger through their understanding of and resistance to how charter schools service well-off families and enrich charter school companies by increasing school segregation and further blockading lower-income students’ and nonwhite students’ access to quality education. The energy of anger is the desire that people and relations thrive free from oppression. Students, educators, and parents in New Jersey were fueled by the desire to resist racially and socioeconomically disparate policies so that all students can be enriched within a liberatory and democratic educational institution. They thereby refused to go along with, and to be complacent about perpetuating, the Racial Contract and its normalization of whites’ and socioeconomically elites’ goods-hoarding in ways that sustain the systemic disadvantaging of both the economically-marginalized and people of color. Their anger at racism-sustaining policies and practices in turn manifests solidarity with others resisting oppressive policies. I discuss solidarity as a basis for resistance in what follows.

Solidarity

The outlaw emotion of solidarity is useful for grounding engagements in dissent. For example, solidarity can mediate resistance to intersecting oppressions and to an understanding of resistance as challenging oppression *simpliciter* rather than only one or some of its manifestations. Recall Diana Meyers' (1994) conception of solidarity as a political form of love that entails a concern with how people's interests suffer under oppression. In Chapter Three I argued that solidarity is an outlaw emotion opposed to the lawful emotion of antagonism – where antagonism is borne from contentment with the status quo – towards those who resist oppression. Solidarity thus fosters supportive ties among those engaged in resistance. Further, and with respect to especially whites engaged in cross-racial coalitions, solidarity urges the conscientiously resistant use of power in the service of what Sullivan terms “working with” (rather than “doing to”) people of color. By engaging in cross-racial coalitions, and as I suggested in Chapter Three, whites are like wingmen who use their social and institutional positions to amplify the space and effectiveness of nonwhite resistance.

Due to the importance of cross-racial coalitions (as well as other types of coalitions that join various groups to resist oppression *simpliciter*¹¹³), Rethinking Schools (2016-2017) calls on educators to implement a “curriculum of solidarity” (n.p.). They argue that fostering coalitional orientation among students can, for example, help students “understand the meaning of treaty rights – not as ‘gifts’ to Native people, but sovereign rights” (n.p.). Focusing on the efforts of water protectors at Standing Rock in opposition to construction of the Dakota Access Pipeline (DAPL), Rethinking Schools conveys how treaties were not concessions or offerings from the US government to native peoples (if anything, it was the other way around). Rather, they are

¹¹³ For more on cross-coalitional action, see Walia (2013)

agreements between sovereign nations.¹¹⁴ Nevertheless, each of these agreements has been violated in one way or another by the US government, and has been exploited for the US's own purposes regarding the appropriation of lands and resources and the assertion of cultural, political, and legal power over indigenous peoples (Alfred, 1999/2009, pp. 144-154; Vargo, 2014; Wilkins and Lomawaima, 2001, pp. 117-143; Wub-E-Ke-Niew, 1995, pp. 34-53). The editors thus argue that teaching the history of treaties between the US government and indigenous peoples would not only enable students to understand the historical and legal context of what was taking place at Standing Rock and why. Such a curriculum would also show students just how aligned and interconnected many people's interests are in resisting oppression in each of its many guises – for example, how all racial groups have an interest in defending water as a resource against the profit-motives of elite economic interests.

Nevertheless, as I have argued, whites' dissenting from the Contract requires them to share and transfer their social and institutional power to people of color. Thus, by disrupting the racial status quo, whites stand to lose some of their (inequitably-based) power. For example, when whites within education defer to their peers and students of color regarding ways to reshape curricula, they transfer some of their authority over their curriculum to others. Further, they do so in ways that may give rise to feelings of insecurity and a lack of control over their sense of assuredness in their knowledge of themselves and the world around them and about what is best for students. In these ways they become unsutured and, thus, disoriented and vulnerable to unpleasant information. They may also lose some clout with fellow teachers and administrators, and may risk reprisal or students' and parents' anger. Piven (2011) thus argues

¹¹⁴ National Archives (n.d.). American Indian Treaties. *archives.gov*. Retrieved from <https://www.archives.gov/research/native-americans/treaties> (See also Alfred, 1999/2009, pp. 79-93, for a critique of the language of "sovereignty" due to its co-optation for colonial purposes)

that when people engage in disruptive power, they may “have to see ways of enduring the suspension of the cooperative relationship on which they depend, and to withstand any reprisals they may incur” (p. 220). For these reasons solidarity is an important basis on which to place resistance. Solidarity encourages the cultivation of strong and authentic ties of love, respect, and support, both with others and towards oneself.

Whites may also lose some buffer between themselves and other axes of oppression when they dissent from institutional practices that sustain the Contract.¹¹⁵ For instance, if a young white woman educator challenges standard curricula by implementing a focus on issues of social justice, she may face harsher sanctions by school officials or more virulent opposition from parents and students than would an older or male teacher. The upshot to how disrupting the Racial Contract can make whites vulnerable is the fact that cross-racial solidarity is imperative not only for resisting racial oppression as both goal and practice, but also for bolstering and sustaining both nonwhites’ and whites’ anti-racist agency and resolve, as well as for fostering social and institutional practices that aim to be equitable and advantageous for all.

Such coalitional orientations and outlaw emotions of solidarity can be fostered within the classroom. Ursula Wolfe-Rocca (2017) discusses how she and her class learned about water protectors and their allies at Standing Rock and their struggle to halt construction of the Dakota Access Pipeline (DAPL). Citing the “scope of indigenous and non-indigenous solidarity with the Standing Rock Sioux,” Wolfe-Rocca and her colleague Andrew Duden, both high school US government and history teachers, engaged their students in cross-racial coalitional understandings (n.p.). They used their assigned curricular focus on colonial America and the American Revolution, and the co-occurring Thanksgiving holiday, to address indigenous

¹¹⁵ For more on how white women consent to the Racial Contract as a buffer against patriarchy, and how poor whites consent to the Contract as a buffer against socioeconomic oppression, see Leonardo (2015) p. 95

resistance to colonialism. Their strategy was to have small groups of students role play various sides of the issue: the Standing Rock Sioux; the oil company, Energy Transfer Partners; trade union workers; Iowa farmers; and Our Children's Trust, a group of youth activists who has sued the federal government over its inaction on climate change.

Wolfe-Rocca notes that students' reflections post-role-playing tended to be a recapitulation of the roles each was assigned. Nevertheless, it was also this very role-playing that allowed students to put themselves in indigenous peoples' shoes and to develop a sense of concern with how the Standing Rock Sioux, and indigenous peoples generally, have been oppressed by and resisted colonial oppression. Wolfe-Rocca and Duden thus fostered students' cross-racial coalitional attitudes and understandings. They dissented from the Racial Contract by refusing to teach the standard sanitized, power-evasive (mis)understanding of how the nation of the US was forged. Further, as I discussed in Chapter Four, intersecting oppressions are concrete and power-laden. Wolfe-Rocca's and Duden's attention to an actual instance, happening in real-time, of systemic racism against indigenous peoples; their discussion of indigenous nations' histories of socioeconomic degradation and marginalization by powerful white colonial actors; and their focus on how non-indigenous farmers were also being economically endangered by powerful business interests, conveys to students the importance of coalitional resistance against all forms of oppressive uses of power.

Another way in which solidarity can ground dissent within schools is through resistance to oppressive impositions of dominant languages. In "The Real Ebonics Debate" the editors of *Rethinking Schools* (1997) note that debates over language are "debate[s] about culture, power, identity, and control" (n.p.). Because language shapes people's understanding of themselves and the world around them, nondominant languages' meanings and practices contain ways of

knowing that diverge from and counter dominant ways of perceiving the social environment. For this reason, dominant cultures work hard to impose their language on others and strip people of their nondominant languages (Alfred, 2001; Ani, 1994; Wub-E-Ke-Niew, 1995, pp. 215-241; Yonamine, 2016-2017). This power dynamic – between the normative use of proper English and students’ use of nondominant languages – takes place (among other domains) within classrooms. Teachers in the US must, within this power dynamic, navigate the best course of learning for their students, and may perpetuate the Racial Contract if they fail to challenge the normative supremacy of “proper” English and the social, political, and economic disadvantages that accrue to non-English/non-“proper”-English speakers (Cocchiara, Bell, and Casper, 2016; Hansen and Dovidio, 2016; see also Oakes et al., 2013, pp. 50-57).¹¹⁶

With respect to Ebonics for instance, the editors of Rethinking Schools argue,

“How teachers view the home language of students and their families plays a significant role in teachers' expectations and respect for a student's culture. Speaking a different dialect or language, whether it is Ebonics, Spanish, or Tagalog, should not prejudice a teacher's attitude toward a child. But too often it does. The difficulty is particularly acute for African-American students who speak Ebonics, *because many teachers fail to recognize their language as anything other than a substandard form of English* [emphasis added]. As a result, they may view Ebonics-speaking children as stupid or lazy — although these value judgments might be couched in more acceptable terms such as ‘disadvantaged’ or ‘in need of language remediation.’

...Ebonics is not a poor sister to English but a language system with roots in West Africa. It is a language that evolved in struggle and under conditions of extreme oppression — a creative response to a slave society that did its best to erase African language and culture. As the slave masters knew, language is power.” (n.p.)

Imperatives to “correct” or discourage non-English/non-“proper”-English languages within schools, coupled with culturally-dominant biases against those who do not speak “proper”, unaccented English, impact how school officials and students perceive, interact with, and treat students whose first languages are not English or who do not speak English “properly” (that is,

¹¹⁶ Some teachers in the US – for example those in Arizona – are required by law to not speak any language other than English in the classroom, adding another layer through which some teachers must navigate oppressive/resistant environments with respect to language. (English-Only Instruction in Public Schools. *FindLaw*. Retrieved from <http://education.findlaw.com/curriculum-standards-school-funding/english-only-instruction-in-public-schools.html>)

according to formal standards). Educators can therefore dissent from the Contract by refusing to go along with the prescription that members of dominant groups repress the use of nondominant language(s) and treat people who use these languages as inferior. For example, Linda Christensen (2008) suggests teachers can legitimize Ebonics by developing a curriculum that teaches poetry, writing, and speech in Ebonics, as well as Ebonics' roots in power and resistance.

In this way, and as I discussed in Chapter Three, educators can engage in the sort of conscientious tracking-of-terms suggested by Ahmed (2004), Applebaum (2010), and Turner (2006). Recall that Ahmed shows one can track how discursive-material connections are manifested across contexts; Applebaum elucidates how agents can exercise power within these connections; and Turner suggests ways of being deliberate and conscientious about how this power is channeled. By taking Ebonics seriously, and by teaching its history and how its terms are used, educators can carefully and faithfully track terms; exercise resistant power and model and validate students' resistant exercises of power; and be deliberate and conscientious in channeling their social and institutional power in ways that challenge dominant understandings around language. To dissent from the Contract in these ways, educators can develop their appreciation for the languages of their students. They can learn to recognize, even if they cannot fully understand or speak the languages themselves, that their students' languages are an integral part of who the students are and how they are empowered (Rahimian, 2015).

Coalitions across race, gender, sexual orientation, class, age, ability, and so forth – in which members are guided by and manifest solidarity with each other and with all those engaged in resistance to oppression *simpliciter*¹¹⁷ – are key to resisting intersecting oppressions. Yet, by discouraging, punishing, or otherwise treating (effectively or deliberately) as inferior the use of

¹¹⁷ For an analysis of how trust is an important component of coalitions across axes of oppression, see Gonzalez (2016) and Su (2009)

nondominant languages, teachers demonstrate that non-English – or non-“proper”-English – speakers are doing something wrong and do not deserve to be respected or taken seriously. This undermines cross-racial, cross-ethnic coalitions, sustaining racist and ethnocentric oppression. On the other hand, by taking joy in and fostering students’ non-English/non-“proper”-English languages, teachers demonstrate to their students that other languages, and the historical, cultural, cognitive, and emotional power languages hold, are to be valued, respected, and celebrated. Teachers thus show how bi-/multi-lingual students have valuable skills and that their languages bring knowledge and ways of understanding the world that are distinct and that resist the dominant language’s oppressive understandings (Ani, 1994; Wub-E-Ke-Niew, 1995, pp. 215-241). Educators can thereby foster coalitions across race, class, and ethnicity. For example, upper-class and/or white students who see their teachers taking non-English languages or dialects like Ebonics seriously may have their dominant worldview-imbued notions of race and socioeconomic status disrupted. This may in turn allow for greater possibilities for these students’ desire to form substantive and authentic – and, thus, resistant – relationships across lines of race, class, and/or ethnicity.

By calling attention to various forms of oppression and to coalitional resistance, *Rethinking Schools* demonstrates how those within education are in oppressing↔resisting relations. Recall from Chapter Four that María Lugones uses the term “oppressing↔resisting relations” to refer to the ways in which people occupy various positions within systems of power. Those who are engaged (whether more or less deliberately) in actions and ways of thinking that challenge oppressive power may nevertheless be complicit in perpetuating, and may occupy positions of advantage within, other oppressive systems. Lugones’ understanding that resistance does not necessarily exclude being oppressive and vice versa enjoins those engaged in resistance

to remain conscientious of resisting oppression *simpliciter*, and not only those forms that disadvantage oneself or some group in particular. Further, Lugones conveys the value, and the importance of valuing, ambiguity as a way to resist what Knudson discusses as oppressive power's use of classification. Classification (e.g. "white"/"not white"; "man"/"woman"; "normal"/"deviant"), as Lugones also discusses, is used as a form of oppression when it enables the imposition of repressive social, political, economic, and ideological regimes onto members of society for the benefit of dominant groups. To resist oppression *simpliciter* thus requires valuing and engaging, through coalitions, in troublesomeness, heterogeneity, and ambiguity as ways of resisting oppressive uses of power.

Rethinking Schools thus encourages dissenters from the Racial Contract to visualize the locations they occupy on Lugones' metaphorical map. As discussed in Chapter Four, the map portrays intersecting oppressions as a system of power's distributions and calls on resisters to understand oppression on both a large and small scale. The map metaphor thus helps clarify how power structures society as a whole and, relatedly, particular contexts such as one's classroom. As a school of thought, and as a resource for engaging in resistance on the ground, Rethinking Schools fosters inter-oppression understandings in which educators and students recognize how each is oppressed in both similar and different respects (what Zakiya Luna (2016) calls "same-difference" and "difference-in-sameness", respectively), and how each of us colludes with oppression in various ways that must be resisted. Such inter-oppression understandings lead readers to the knowledge that oppression *simpliciter* is the object of resistance; that refusing to re-sign the Racial Contract entails refusing to collude with oppression in all of its guises; and that individuals' actions compose – and therefore impact – societal- and institutional-wide policies and practices.

Conclusion

Charles Mills (2008) argues that the hallmark of nonideal theory is that it “asks what justice demands in a society with a history of injustice” (pp. 1384-1385). In this chapter I have endeavored to answer – if not wholly, then at least substantively – the question of what racial justice demands. To this end I have sought to establish the importance of education as a crucial arena in which the Racial Contract is manifested. By exemplifying how the Contract is enacted through personal and localized engagements in consent I have shown how education in turn is an exemplar for how actors within education can, and do, engage in dissent. My analysis thus also illustrates the usefulness of Mills’ theory, and his concepts of consent and dissent, to an understanding of how to engage in resistance to systemic racism. Racism is sustained through deliberate or effective agreements to go along with status quo social and institutional practices that perpetuate the Contract’s bottom line. Mills’ theory thus shows how resistant agency can be exercised through actions that challenge, and disrupt the connections between, prevailing cognitive, emotional, and evaluative norms, and normal and normative social and institutional practices.

In the final chapter I consider whether the contractarian conceptual framework might be usefully applied within other systems of oppression. I also raise questions and possible avenues for future research.

CONCLUSION

“...white Americans are dimly, or vividly, aware that the history they have fed themselves is mainly a lie, but they do not know how to release themselves from it...This incoherence is heard nowhere more plainly than in those stammering, terrified dialogues which white Americans sometimes entertain with the black conscience...
The nature of this stammering can be reduced to a plea. Do not blame me.”
-James Baldwin, “White Man’s Guilt”, *Ebony*, 1965

Highlighting the crucial connections between epistemic norms and social structure, Mills (1997) argues,

“The struggle to close the gap between the ideal of the social contract and the reality of the Racial Contract has been the unacknowledged political history of the past few hundred years... Naming this reality brings it into the necessary theoretical focus for these issues to be honestly addressed” (pp. 132-133).

Rectification of the social and institutional practices that sustain racism is stymied to the extent that racial oppression is ignored, downplayed, and denied. In this dissertation I have defended the claim that Mills’ theory of the “Racial Contract,” and in particular his notions of consent and dissent, are useful bases for understanding how whites can resist systemic racism. I supported my claim by arguing that the concept of consent clarifies how individual actions help to comprise and therefore sustain racist policies and practices. I argued similarly that the notion of dissent facilitates an understanding of resistance in which oppressive and unjust social and institutional practices are undermined by the concrete actions of particular individuals and coalitions. I suggested people can utilize whatever social and institutional power they have at their disposal to conscientiously act in ways that re-create social and institutional practices in more liberatory ways.

The question arises whether the concept of dissent can be engaged with in other contexts. If the notion of dissent is useful because of the way it focuses on how concrete actions

undermine oppression, and not because of any necessary connection the concept has with racial oppression in particular, then dissent may be a useful concept for resisting oppression generally. Indeed, this is essentially what I have argued in my discussion of intersecting oppressions. Inevitably, due to the various forms of oppression that intersect with racism in concrete circumstances, dissent from the Racial Contract is necessarily dissent from these other various forms of oppression as well. It is possible that in general, any particular form of oppression manifests in intersecting ways with other forms, even if some forms may be more prominent than others, depending on the circumstances.

Further support for the conclusion that Mills' concept of dissent is widely applicable follows from the fact that one of the significant aspects of his theory is its demonstration of mainstream discourse's epistemic evasion. As Carole Pateman's own analysis of contract theory shows, such evasion is not unique to denials of the existence of racial oppression. Idealized abstract portrayals of US society, and of the government's foreign and domestic policies, facilitate the ignoring, downplaying, and denying of the existence of numerous social and institutional policies and practices that sustain various forms of oppression, injustice, and exploitation. Myths of meritocracy, for example, help sustain widespread class immobility and poverty (Oakes et al., 2013, pp. 46-57). Myths surrounding the notion of the free market help sustain repressive neoliberal policies (Chomsky, 1999). Myths of how US foreign policies promote democracy help sustain violent and repressive economic and military actions abroad (Chomsky, 2003, 2010). And the advertising propaganda surrounding, as well as hiddenness of, the practices of meat and dairy industries help sustain and normalize the abuse and exploitation of animals (American Society for the Prevention of Cruelty to Animals, 2017).

How might the concept of dissent be applied with respect to other exploitation “contracts”, in which one group (or groups) deliberately or effectively supports and sustains practices that disadvantage, oppress, and harm others? Because answering this question will often entail an analysis of how a given oppression intersects with other forms of oppression, how might Mills’ notion of dissent be fleshed out more with respect to intersecting oppressions? These are pertinent questions for future research which could illuminate just how useful (or not) Mills’ conception of dissent is and how it can motivate resistance to oppression, injustice, and exploitation.

In this dissertation I have also aimed to illustrate the kinds of actions that constitute dissent from the Racial Contract and how these actions can be carried out, in particular within education. What are other examples of acts of dissent within education? How have others within education effectively utilized outlaw emotions (for example) as a basis for resistance (and what are other outlaw emotions)? Another important question to address with respect to future research regards how dissent from the Contract might be carried out within other institutions and social environments. For example, what does dissent look like within interpersonal social settings among friends, family, peers, or colleagues? What sorts of actions constitute dissent within the criminal (in)justice system; medicine; business; governance; places of consumption; public recreational facilities; sports; media; and so forth? How does the particular amount of power one wields within any given social environment or institution shape one’s possibilities – and perhaps moral responsibilities – surrounding particular types of dissenting actions?

Finally, another significant feature of my analysis is the claim that whites ought to resist systemic racism not merely out of an anti-racist stance but out of a stance that opposes oppression generally. I argued that in doing so, whites can find further impetus to resist the

Racial Contract with the understanding that resisting racism entails, due to intersecting oppressions, resisting other forms of oppression as well – forms by which whites themselves may be adversely affected. However, what I did not discuss was whether whites have a stake in resisting racism due to being negatively impacted themselves by systemic racism against people of color. I did not focus on this question because my primary concern was with the effects of oppression on those at the receiving end of it, regardless of whether resisting such oppression helps or hurts the relative political, social, economic, or psychological positions of those advantaged by racial oppression. Nevertheless, I think it is true that whites are significantly damaged by anti-nonwhite racism, at least psychologically and with respect to their relationships, both with themselves and others (as well as materially, to the extent that racial divisions facilitate whites' own economic disadvantage by creating racially-charged distraction from, as well as nonwhite and immigrant scapegoats for, the negative impacts of neoliberal policies¹¹⁸).

For example, systemic anti-nonwhite racism, and the epistemic evasion, racialized moral psychologies, and lawful emotions that facilitate it, hinder whites' ability to have authentic understandings of their social environments; their society; other people; and themselves (what Berry (1989/2010) calls "the lack of a critical self-knowledge", p. 14). This in turn impedes whites' ability to cultivate authentic relational ties with others, both white and nonwhite. Inauthentic relational ties are those in which each person is (mis)perceived through lenses that distort the social environment by denying the reality, or by rationalizing the legitimacy, of oppression and injustice. Such perceptions affirm, whether overtly or effectively, the ostensible superiority – inherent; cultural; moral; intellectual; epistemic; or what have you – of those labeled "white" over those labeled "not white". To the extent that any untrue and deceptive

¹¹⁸ See for example Pincus (2003) pp. 145-146

perception of people alienates someone from who they are and from other human beings, whites are alienated from their own humanity as well as from the humanity of people of color.

Wendell Berry (1989/2010) begins his account of how whites are harmed by racism as follows:

“As a people, we [whites] have been tolled farther and farther away from the facts of what we have done by the romanticizers, whose bait is nothing more than the wishful insinuation that we have done no harm. [We speak] a public language of propaganda, uninfluenced by the real content of our history which we know only in a deep and guarded privacy... However conscious it may have been, there is no doubt in my mind that all this moral and verbal obfuscation is intentional. Nor do I doubt that its purpose is to shelter us from the moral anguish implicit in our racism” (p. 15).

Berry highlights how, implicit in whites’ engagements in epistemic evasion, racialized moral psychologies, and lawful emotions, is the fear of or obstinateness towards confronting the facts of history. They are facts that have never been seriously submitted to a societally-recognized endeavor in truth and reconciliation, and which instead are left, like a hidden wound, to fester in ways obscured and denied (recall George Yancy’s (2015) argument that time and again whites suture themselves against acknowledging the existence of racism and their roles within the racial hierarchy; such a suturing never actually heals the hidden wound, whose perpetual need for an appropriate and substantive remedy sustains what Lorde terms “distortions between peers”).

Berry goes on to argue that “whites developed almost at once the means of disguising their misery and pretending that it did not exist” (p. 63). Throughout the history of the US, whites have benefitted themselves socially, politically, and economically at the expense of their honesty and integrity, and this, argues Berry, has been a source of significant but buried anguish for them. Berry continues,

“The blacks know harsher truths about the whites than the whites have ever admitted to themselves – and the whites know it. ... Whites fear what they feel, secretly or otherwise, to be the righteousness of the anger of the blacks; as the oppressors they feel, secretly or otherwise, morally inferior to those they have oppressed” (p. 92).

Berry conveys how, in order to maintain the racial hierarchy, whites have needed to protect themselves from the psychological distress that comes from acknowledging their position within a system of oppression. Yet, like an alcoholic in denial about the adverse effects her drinking has on her life, the costs whites pay in continuing to engage in dominant cognitive and emotional norms, and dominant power-evasive ideology generally, is greater than the price of confronting our history, and our place within both it and contemporary society, honestly and objectively in ways that facilitate genuine and significant social and institutional change that is liberatory for everyone.

Ruth Frankenberg's (1993) intersectional study of how racism affects white women's relationships underlines just how destructive racism – in its mutually-constitutive discursive (including “colorblind”) and material manifestations – is for whites. She documents and analyzes how white women (i.e. those whom she interviews) are steeped within a gendered, sexist, heterosexist, racialized, and racist social terrain and “universe of discourse” through which they must navigate in ways that are bound up (even if not wholly) with anxiety; denial and dishonesty (about the social environment); and (consequently) significant difficulties in cultivating and sustaining mutual and authentic intra- and inter-racial relationships (pp. 137-138, 140, 188-189).

For example, as Frankenberg conveys, white women's relationships with their family and partners suffer when, upon marrying a person of color, they are seen (in sexist and racist ways) by their parents to have failed in their traditional womanly role of re-creating and maintaining the good (white) family; when they have internalized racist proscriptions against interracial relationships and see their child enter into one; or when they have internalized the superiority of white society and try to assimilate their offended and resistant nonwhite partner into it (pp. 102-136). In the first example, while white women who have married a person of color discuss how

they and their nonwhite children have been disowned and unaccepted by their parents and family members, racism did not enter into and deteriorate the familial relationships at the point of marriage or childbirth/adoption. Rather, those relationships were damaged and inauthentic at their inception, when the white daughter was viewed from the beginning as “good” and “unsullied” (in part) because white (or, conversely, as being distinct from those who are not white). Frankenberg’s analysis makes clear that the racism-based tensions between white women and their white friends and family members, and also between white women and their partners of color due to these familial tensions and to the racism that shapes and infects (perhaps unwittingly and unwillingly) society and its members, render white women’s relational ties (including to themselves) deeply and significantly (even if not wholly) adversely affected.

Berry concludes by arguing,

“No man will ever be whole and dignified and free except in the [true and accurate] knowledge that the men around him are whole and dignified and free, and that the world itself is free of contempt and misuse” (p. 105).

Instead of seeking the sorts of institutional changes that would bring us this knowledge, whites have, in general (though certainly not to the last individual), engaged in obscuring our knowledge of the world around us in order to make it merely seem to ourselves that things are alright. The veneer of equity and justice has tended to take precedence over their actuality. Such self-deception is, as Berry argues, insidious and significant in its harm of whites. Yet, as I have also argued throughout this thesis, when whites engage in resistance to racism-sustaining practices, and to norms of epistemic evasion, racialized moral psychologies, and lawful emotions, the various (and unequal) harms that accrue to all of us who are a part of a systemically racist society need not persist.

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