

Critical Essay

Magical Mythos and Grave Violence: Saving The Social Contract

by Faith Hart

As Carole Pateman brilliantly illustrates in the first chapter of *The Sexual Contract*, humankind has always clung to familiar narratives as a way to rationalize their lives and the world around them. Not entirely different from the ancient Greeks, who constructed epic myths explaining everything from the morning dew to the ocean's tides, modern Americans live wrapped in a kind of ideological mythos. Clinging steadfast to romanticized notions of our founding fathers and the men who inspired them, we've erased the stories of our forefathers' acts of genocide, colonialism, and slavery from our collective conscious. In *The Sexual Contract*, Pateman suggests that no story has been more influential or frequently mistold than that of the social contract. In the version every American history textbook is well-acquainted with, Thomas Hobbes and the men who came after him set in motion a story of freedom. The story of the social contract is that it redeemed the barbaric state of nature and laid the groundwork for a civil society based on consensual relations and freedom. It liberated the West from tyranny, establishing in its place a "new normal" based on popular sovereignty, checks and balances, and consent of the governed. And in the form of revolutions, the social contract theory ushered in an age of emancipatory politics and overthrew monarchies and aristocracies. That story is beautiful and might be true.

However, in the view of Carole Pateman and Charles Mills, that telling leaves out half of the social contract's gruesome reality— that while this age of Enlightenment ideology may have defeated aristocracy and monarchy, it strengthened two other toxic power structures, the patriarchy and white supremacy. In their respective books, *The Racial Contract* and *The Sexual Contract*, Charles Mills and Carole Pateman work to highlight the ways in which the social contract tradition has empowered systems of oppression towards people of color and women. They argue that Enlightenment thinkers'

project of “universal human rights” has been left completely unfinished and that though the story of the social contract was always told as a story of freedom, its freedom has always neglected half the population. However, still, they write graciously of the social contract, identifying its areas of brilliance as well as those of negligence, and theorizing a nation where its benefits are extended to all. Before we can admire the merits of the original contract, it’s critical that we analyze and understand its failures, especially through the lenses Mills and Pateman offer. In conscious reflection of the history of oppression that surrounds the social contract and still in appreciation for the progress it signified in ending tyrannical monarchy, it is worth deciding whether or not the social contract tradition can be saved. In spite of its grave downfalls and in the shadow of its inescapable, complicated legacy, I believe that Mills and Pateman were right not to give up on the social contract. The project of the Enlightenment thinkers’ social contract must not be abandoned and must be expanded, with explicit recognition of its original failures, to account for historically marginalized people.

Carole Pateman’s *The Sexual Contract* examines the relationship between the patriarchy and the social contract tradition throughout history, highlighting the reality that the social contract in its conception actually heightened the struggle of women. Pateman notes that while the Lockean idea of eradicating a system of paternal patriarchy, or the divine right of kings, may have seemed to produce a post-patriarchal society, the opposite is true. In fact, the social contract made possible an entirely new form of patriarchy and its implications were deeply rooted from the very beginning. The social contract established a new, more horizontal fraternal patriarchy where all white men were capable of accumulating wealth and power, as well as exercising that power over women. With the hierarchical class system dismantled and more robust legal systems in place, essentially all men had not only a claim

to dominance over women, but an official and explicit footing urging them to exercise it. Thus, from its very beginnings, the social contract undermined and erased the liberties of women, establishing what Pateman knew to be true: “Civil freedom is a masculine attribute and depends upon patriarchal right” (Pateman 2).

In fact, Pateman argues that the “original contract” was always sexual-social contract, but that its heavy sexual implications were never acknowledged. The implications Pateman references are far-reaching and broad, but are fundamental to the social contract tradition. The nation’s sexual and racial power relations were set in permanent motion the moment a group of entirely white men began to draft a contract of “universal” human rights. The story of the social contract often focuses on the creation of a public sphere, where the exchange of ideas and information occurs in a way never fully possible under tyranny. While the public sphere was certainly a noble feat, the social contract, in exchange, neglected the issues of the private sphere and deemed them politically irrelevant. The notion of politics, or simply put, power relations, was permanently separated from marriages and marriage contracts. Of course, the notion that women in marriages had human rights and liberties that needed to be protected was cast aside. Instead, this negligence for half the American population was justified by a story of subjection, of how women are naturally destined to be wives because their capacities predispose and limit them to domestic work. This sexist, and dually racist, ideal of unequal distribution of capacities for intelligence is a direct legacy of Enlightenment thinking and the social contract. Its inventors crafted a narrative that women were suited to be determined to their bodies, and then, contractually obligated those bodies to themselves. Set in motion by a fraternal patriarchy and deeply ingrained in the historical socialization of men, the attitude of men’s entitlement to

women's bodies still persists. As we grapple with the nagging persistence and power of the patriarchy, in both blatant forms like The Incel Movement and more subtle, implicit norms, it's impossible not to wonder what the extent of our rape culture and patriarchy would be if it had not had been written into the foundation of our society.

In *The Racial Contract*, Charles Mills works to fill in another untold legacy within the story of the social contract by examining its racial implications. He argues that white supremacy is the power structure that has had the biggest impact on the development of the West, foundational to its culture, history, and socialization. In Mills' view, the social contract tradition and the governing systems of the West cannot be understood or analyzed without acknowledging white supremacy. Mills describes the racial contract as one that was devised and enforced over centuries in order to maintain white supremacy, but takes shape as a system of implied white solidarity, not made fully explicit. In order to understand the racial contract and its far-reaching consequences, it's critical to note that white supremacy is upheld in both a 'de jure' and 'de facto' manner. While power relations like slavery and segregation were explicitly written into the law and later removed, the dark shadows of their legacy remain in actuality. Just as real and palpable in its effect on history and socialization as the social contract, the racial contract and white supremacy are reigning power structures in the United States today, despite what post-Jim Crow laws present on paper. White supremacy, instilled its conception and persistent even in the aftermath of a monumental Civil Rights movement, is irrevocably intertwined with the social contract of America. In order to make any progress in this regard, it is absolutely critical to understand that white supremacy is not a thing of the past and to analyze, when its written form in the social contract was stripped away, what forces kept it in motion. Throughout

Charles Mills' work tracing white supremacy, it becomes clear that in many ways, the social contract tradition is a blatant obfuscation of the realities of subjugation of people of color throughout history.

The way it is taught in schools, told as a grand story starring infallible and brilliant forefathers, the social contract can seem like a thing of the past. Following this mindset, it would seem that the social contract does not shape our power relations today and needs not to be held accountable. But the truth is, the social contract is still a living force and defines the events and interactions of our time.

Though systems like slavery and segregation may seem to be remnants of the distant past, their legacies are far from erased from the social contract or the experiences of living people. In *The Racial Contract*, Mills illuminates the reality that history moves slowly— systemic white supremacy is not over and the healing process of the nation, in many ways, has not even begun. In the current political climate, white supremacy rears its head every time the president opens his mouth or someone turns on FOX News.

But as Charles Mills understood in his writing of *The Racial Contract*, white supremacy is “a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties” (Mills 3). When analyzing white supremacy as a complicated political system, the question must reach far beyond, “Where is it written?” Instead, it must be approached with an eye for subtlety and an ear for the experiences of people of color. The very spread of power relations in America when looking at the vast majority of law makers, police officers, CEOs, and school boards, as well as to whose benefit those people use their power, make it clear that white supremacy is far from over.

In *The Sexual Contract*, Carole Pateman writes that, “The original contract constitutes both freedom and domination” and that while “the social contract is a story of freedom; the sexual contract

is a story of subjection” (Pateman 2). The challenge in analyzing the legacy of the social contract is that it is neither fully good or fully reprehensible. It exists in a space that has historically allowed for both amazing freedom and violent, grave domination of peoples. When Enlightenment thinkers like Hobbes, Locke, and Rousseau were crafting the social contract, they were describing what the ideal nation-state would look like in their eyes. Conversely, when Carole Pateman and Charles Mills were drafting the sexual and racial contracts, they were responding to the reality of how the social contract tradition had actually unfolded and what its negative implications were from the very beginning. The gap in between these thinkers’ philosophies, between dreaming of an ideal world and exposing the truth of it, poses an interesting question: Does the social contract work? In the eyes of Pateman and Mills, it is a valuable, but completely unfinished project. The supposed end of the early social contract was to eliminate coercive power relations, but the racial and sexual history of the United States proves that this was not successful. What Mills and Pateman highlight in their new contracts is what Olympe de Gouges knew when she responded to the falsely universal *Rights of Man and Citizen* with *Rights of Woman and the Female Citizen*: universally grandiose claims for equality do not work. In the case of the French declaration, as well as for America’s social contract, refusal to specifically protect the liberties of marginalized groups upheld the power and privilege of those who relative freedom was already afforded to.

Not unlike de Gouges, the project of Mills and Pateman was to analyze the shortcomings of the Enlightenment thinkers’ concept of the social contract that allowed for the historical rise of white supremacy and patriarchy, as well as to try to find a way to move forward. In the case of the United States, it must be addressed that from its very inception, the nation was colonialist project.

Colonialism, a multi-century venture fastidiously ranking human worth on a racial hierarchy, is the heartbeat of the social contract that justified a genocide of native people for the establishment of a new nation. Just as Mills suggested, all of America's culture and history has been written atop a foundation of white supremacy, colonialism, and patriarchal power. However, Pateman and Mills were not ready to abandon the social contract entirely. Instead, they believed in the value of its successes and worked to supplement its failures. They recognized the truth that can be found within the long-told story of the social contract and weren't afraid to get specific in drafting new contracts for people not originally represented. The truth is, though it is a beautiful sentiment that America is "one nation under God", this country is not one people. It is a multitude of peoples, diverse in identity and in historical treatment on this land. And if the supposed dream of the original social contract makers, universal human rights and national unity, is ever to be realized, significant steps must be taken to recognize those specific marginalized people groups. What the Enlightenment thinkers never knew is that specificity can lead to universality. Their vision of freedom for all can only be achieved by having explicit, possibly uncomfortable conversations about the power structures that inhibit the social contract's universality from taking place and taking legitimate action to correct it.

Of course, it would be desirable to abandon the social contract and its legacy, ridden with white supremacist notions, patriarchal ideals, and endless violence. However, the social contract tradition, much like toxic racial and sexual power structures, is fundamental to the American identity. We have to address all of these forces in order to understand the character American identity and craft it into something stronger moving forward. Just as the legacies of white supremacy and patriarchy could not be erased by law making in the late twentieth century, a new governing document could not

erase the legacy of the social contract in this country. History moves slowly and demands that we acknowledge our backgrounds and work to transform them, fully recognizing the faults of previous systems and working towards idealism. After all, social contract theorists passed down some valuable gifts and ideals of freedom that have positively prevailed for many Americans over time. These gifts of the social contract- liberty, accountability, freedom, opportunity- have only been historically afforded to half the population and that must change. At the risk of losing the magic of the mythos we have long accepted about this “land of the free”, we must face the realities of our nation honestly. Only through radical, explicit dialogue on the systemic oppression the story of the American social contract has neglected, can the so-called story of freedom move forward for all.

Works Cited

de Gouges, Olympe. *Declaration Of The Rights Of Woman And The Citizen*. 1791,
<http://www.historywiz.com/primarysources/declrightswomen.html>. Accessed 10 Jan 2017.

Mills, Charles W. *The Racial Contract*. Cornell University Press, 2014.

Pateman, Carole. *The Sexual Contract*. Stanford Univ. Press, 2009.