

**Charles W. Mills.** *Black Rights/White Wrongs: The Critique of Racial Liberalism.* Oxford University Press 2017. 304 pp. \$115.00 USD (Hardcover ISBN 9780190245412); \$31.95 USD (Paperback ISBN 9780190245429).

Charles Mills's *Black Rights/White Wrongs* is a text in the area of political liberalism that undertakes to engage in a spirited attack on orthodox contract theory liberalism. Mills's key point is that modern political liberalism is remiss for dealing mainly with ideal rights structures rather than with non-ideal situations of rights abuses. Using the historical events that shaped the United States, Mills holds the structure of modern contract as formulated by John Rawls to be severely flawed in this regard. Mills argues, in this well-researched text, that the enslavement of Africans and the expropriation of the lands of the Native Americans should constitute an integral part in the formulation of a more complete political liberalism that would treat not only ideal theory but also the events that shape non-ideal theory and their compensatory redress. In this regard, the text focuses principally on what Mills describes as the unrepaired situation of African Americans and Native Americans in the United States. These concerns of Mills' raise the important question of whether the study of history should include its moral dimensions. It is a fact though that much of history includes the formation of empires, which were established by violent means. The appropriation of the lands of the conquered and their eventual enslavement are noted details. In this regard, for example, how should the conquests of the Roman Empire be evaluated in ethical terms? So too, the military exploits of the Greek warrior, Alexander the Great, the plundering Genghis Kahn, the Aryan invasion of India and the establishing of an entrenched and equality-denying caste system, the Japanese 'rape' of Nanjing, Stalin's brutal repression of Russia's peasants, and the nuclear-weapons bombing of Hiroshima and Nagasaki. The pertinent question, of course, is how the purveyors of the deeds of empire and their victims should be ethically evaluated in terms of modern contract theory in its practical guise as discussed by Mills.

Mills' text is interesting and makes useful points but there are conceptual problems that should be addressed. Mills writes that modern liberalism is of two types: left liberalism and right liberalism. But, as he sees it, left liberalism, which fell under the sway of the post-Kantian contract theorizing of John Rawls, is a heavily compromised liberalism. The idea of a just society as formulated by Rawls just does not seem to have enough scope to handle both ideal and non-ideal theory as perceived by Mills. In this regard, he finds it necessary to challenge Tommie Shelby's claim that Rawls's contract theory of justice is sufficiently encompassing to take account of non-ideal theoretical issues such as those of race and gender in terms of rectifactory justice (164-172).

Mills' approach to liberal contract theory is not to jettison it but to make it more encompassing so that it includes 'black radical liberalism.' His theoretical goal therefore is to modify Rawls's contract theory to include what he calls 'black radical liberalism' that would in turn address issues of rectifactory justice. The issue with this approach to the idea of justice is that Mills has seemingly misconstrued the intellectual context of Rawls's thesis. In the modern era two theories of justice have been dominant, utilitarianism in the context of Mill and Bentham, and the more logically based contract theory formulated by Kant. Rawls's role in this context was to solidify Kant's universalist ethic according to his law-like categorical imperative. One might recall that Kant's approach to philosophy in the age of Newton was to apply law-like principles to all aspects of human experience. Rawls in similar fashion sought to formulate a universalist ethics that would serve as the foundations for a theoretically just society.

The central issue in the history of human society has always been the evaluative interactions of humans with each other. There has always been the issue of rank, and the prestige and rights assigned

to humans on this basis. Humans in social groups have always tended to ascribe rights and privileges according to rank. The members of ruling castes usually experienced more rights, respect and privileges than slaves and bondsmen. This ranking of humans was historically so pervasive that such became naturalized. For Plato and Aristotle, some humans, according to their innate dispositions, were ‘natural slaves.’ The idea of a person *qua* person, as entailed by Kant’s categorical imperative, would have been intellectually alien to them. Kant—and Locke and Hume—were products of their *Zeitgeist* and their musings on matters of race and gender would seem to be expressed with an unreflective casualness, not of the same rigor as in their serious philosophical writings. At the era of the German *Aufklärung*, Kant was familiar with the writings of Buffon and Linneaus, both of whom were attempting to classify the world’s population clines into ‘races’ or varieties of humankind. Kant as polymath was committed to speculate on the matter also. His writings on the topic of race and gender were not based on rigorous analysis but on belief and speculation.

At that time, Western Europe was at an intellectual ascendancy while the indigenous cultures of the Americas and Africa were technologically stagnant. This technological disparity, viewed as a cultural characteristic of the peoples involved, would no doubt explain the casually expressed racial and gender attitudes of rigorous thinkers such as Kant. The prevailing orthodox *Zeitgeist* did support sets of beliefs that did not fit the criteria for genuine knowledge and were mere cases of *credo quia credo*.

But in the areas of strict philosophy Kant’s approach to philosophy was in the realm of abstract theory in the four foundational areas of philosophy as practiced according to the traditions of Greek philosophy, especially those of Plato and Aristotle. Those areas are ontology, epistemology, metaphysics and value theory. Proof of this is the fact that Kant in all his theoretical writings wrote nothing in his major philosophical works about the intrinsically oppressive structure of serfdom and the sporadic unrest and revolts provoked by such in nearby Russia, for example. It was Marx himself who noted in his *Theses on Feuerbach* that philosophers had hitherto interpreted the world; it was time to change that tradition. It was on this basis that Marx embraced a materialist ontology and epistemology that justified his entrance into the world of political economy, political philosophy, and history. Materialism in conflict with idealism has always been one of the epistemological traditions of Western philosophy and Rawls fits well into this tradition. It is in this context that Rawls’s ideal liberalism, in the context of his post-Kantian contract-theory formulations, is to be understood. In his text *Black Rights and White Wrongs*, Mills is attempting to infuse Rawls’s ideal liberalism with what he describes as ‘radical black liberalism’ which would include not only some form of ideal theory as formal background, but also the actual empirical history, economics and politics of the United States since its founding. In this regard, Mills was seeking to create a holistic synthesis of ideal and non-ideal liberalism.

But this approach brings up the issue of the contextual styles of contemporary philosophy. The two dominant styles of philosophy in the contemporary West are analytical philosophy in the tradition of theorists such as Frege, Wittgenstein, Carnap, Quine, *et. al.*, and what is called continental philosophy in the tradition of Heidegger, Sartre, De Beauvoir, Camus, Althusser, Foucault, *et. al.* Other political and social philosophers such as Gramsci, Adorno, Marcuse, and Habermas could also be included in this holistic and phenomenologically inclined matrix of philosophy.

Mills’ approach to political philosophy and liberalism, in this regard, would seem more appropriate for the phenomenological style of continental philosophy. In this context, the sociological and economic history of the United States, in terms of race and gender, etc., could be woven into the theoretical template of what Rawls and other contract theorists of liberalism have formulated as the parameters of ideal theory. In this connection, Mill’s goal is to rectify contract theory so that it offer

rectificatory solutions to the perceived historical rights abuses that have been documented in the history and sociology of the United States. Solutions to such issues would, however, seem to be replete with major contingent considerations. Two of Mills's major issues concerning rectificatory justice are the Native Americans and the loss of their land holdings and the enslavement of Africans in the United States. Given their relatively small population spread across a vast continent, some could inquire into what land holdings Native Americans actually owned—not in the formal sense of title ownership but according to actual usage. Yet, their actual ethnic land holdings at present, under the rubric of their so-called autonomous reservations, are more than the land area of a number of European nations. Mills also argues that a just resolution to the issue of the enslavement of transported Africans—who lost all properties and bequeathable land holdings as they were deported to the Americas—in the United States would also require rectificatory reparations. But such negotiations would logically require the inclusion of the governments of West Africa, if full and equal agencies are to be ascribed to all parties in this significant historical event that lasted for two hundred and forty six years in the United States. Otherwise, it could be argued implicitly that a disregard of the moral agency of the initial actors on the African side *ab initio*, would be an infantilization of their moral consciences then and now.

In the context of the initial template formulation, Mills' holistic theory in terms of individual rights is meaningful only against the backdrop of the theoretical template of Rawls' principles of justice, which could apply to any society founded on contemporary ethical norms. What could be more encompassing than maximal freedoms for all persons, with all offices open to all, and that any contingent impediments to full egalitarianism should be to the advantage of the lesser privileged? It should be noted parenthetically that Rawls' 'difference principle' is indeed more egalitarian than Pareto's optimality requirement, which is a key principle in modern welfare economics. It is also in the context of Rawls' formulation of the 'original position' and its accompanying 'veil of ignorance' that allows for open-ended discussions on the possible permutations of mutually acceptable contract theories. This fact probably explains why Rawls's *magnum opus*, *A Theory of Justice*, has been translated into some twenty-three languages.

In sum, Mill's text in political philosophy and liberalism has engendered a vigorous debate on important issues of human rights in the context of modern liberalism, as it attempts to hold formal contract theory to account regarding its ontological gap between theory and practice. The contract theory of John Rawls constitutes the major fulcrum point of this critique. The issue here though is whether formal contract theory based on the deontological abstractions of Kant and the sparse analytical approach of Rawls is adequately structured to encompass the practical demands of Mills. It would seem, therefore, that Mills' critique of contemporary contract-theory liberalism would seem more fitting in a more holistic continental philosophical approach.

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