

KANT'S *UNTERMENSCHEN*

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My title is, of course, deliberately chosen to be provocative. In bringing together the moral theorist of the modern period most famous for his putatively uncompromising commitment to the infrangibility of our duty to respect *persons*, and the term, *sub-persons*, infamously associated with the Nazi movement, I am seeking to challenge both how we think about modern Western moral and political philosophy (the meta-philosophical), and how we do it ourselves—how we read it, write it, and teach it (the philosophical). As such, this paper is part of a larger ongoing project aimed at ending the ghettoization and marginalization of race within philosophy, and forcing white philosophers to face up to its historic and current significance.² The whiteness of the profession could be thought of as having both demographic and conceptual aspects. The demographic whiteness is obvious and uncontroversial, has been the subject of much debate and discussion as to appropriate corrective measures over the past decade, and so presumably needs no emphasis—I think the figures for black philosophers are still not much more than 1%, for Latinos about 0.5%, for Native Americans a handful, or at most two handfuls. The conceptual whiteness is more controversial, and requires more of an argument, especially inasmuch as the pretensions of the discipline are to illuminate the human condition as such, and to be typically pitched at a level of abstraction from whose distance race and gender are supposedly irrelevant. Philosophy just deals with Man and the World—oops!, I mean Person and the World. And that, of course, is the giveaway. For as feminist philosophers have been arguing for the past three decades, to the extent that these supposedly genderless “persons” are conceived of by abstracting away from the specificities of women’s experience, they will indeed be males. One simple way of thinking of my project, then, is as attempting to do for race what feminist philosophers have so successfully done with gender,³ showing the difference it makes in philosophy once its

¹ This paper draws on two previous presentations, both unpublished: “Modernity, Persons, and Sub-Persons,” and “Comments on Emmanuel Eze’s *Reclaiming our Humanity*.” Emmanuel Eze, *Achieving our Humanity: The Idea of the Postracial Future* (New York: Routledge, 2001).

² For my earlier work on this theme, see Charles W. Mills, *The Racial Contract* (Ithaca, N.Y.: Cornell University Press, 1997) and *Blackness Visible: Essays on Philosophy and Race* (Ithaca, N.Y.: Cornell University Press, 1998).

³ My feminist friends routinely chide me for making this claim, protesting that feminism in philosophy is still marginalized. My routine response is that the judgment is comparative, and that to the extent that feminism and feminist philosophy is indeed a category recognized in, e.g., mainstream anthologies and textbooks of ethics and political philosophy, it is more established and respectable than critical race theory.

implications are not evaded. My focus will be on Kant, as one of the most important philosophers of the modern period, and given the significance of his work for ethics, political philosophy, metaphysics, epistemology, and aesthetics. Kant’s centrality to the Enlightenment project and the modern canon locates him strategically: if Kant is central as an emblematic figure, and if racist ideas were in turn central to his thought, then this obviously implies a radical rethinking of our conventional narratives of the history and content of Western philosophy. And such a rethinking, as said, is precisely what I am arguing for.

I will divide my discussion into three sections: (I) some general background points about modernity, persons, and sub-persons (II) Kant’s racial views and their implications (III) objections and replies.

I. Background: Modernity, Persons, and Sub-persons

Let me begin with some background points about the significance of personhood. Personhood emerges as central to depictions of modernity because mainstream narratives of modernity represent it as characterized by the triumph of moral egalitarianism. The Age of Revolution and the Age of Enlightenment are also supposed to be the Age of Equality. Thus the crucial texts of the period, whether political or scholarly, trumpet human equality—ostensibly unqualified—as a foundational principle. “We hold these truths to be self-evident,” Thomas Jefferson ringingly asserts in the famous opening lines of the American Declaration of Independence, “that all men are created equal,” and this is echoed thirteen years later in the *liberte, egalite, fraternite* of the French Revolution. The orthodox narrative of modernity provides a periodization in which the ascriptive hierarchies of the ancient and medieval epochs—patrician and plebeian, lord and serf—are contrasted with the unqualified “men,” the “persons,” of the modern period. Moral egalitarianism—equality of moral status—is then taken as the norm, and as constituting the basis for juridical and political egalitarianism, equality before the law and equality of citizenship.

In this narrative, the leading moral and political Western philosophers of the period—Hobbes, Locke, Hume, Rousseau, Kant, Hegel, Mill, Marx—are represented as the theoretical spokesmen for equality, and advocates for competing moral/political visions ramifying from it. So though these writers will go on to fight about numerous other issues, the *fact* of this equality is itself an unquestioned truism. It serves as the framework, the overarching conceptual picture, within which other debates can take place, since *this* debate has been settled. Thus it tacitly imposes a certain conceptual and normative logic, pointing us away from certain areas of inquiry, indeed almost foreclosing the question of their legitimacy. As Will Kymlicka writes, in the opening of his well-known introduction to political philosophy: “[T]he idea that each person matters equally is at the heart of all plausible [modern] political theories.”⁴

⁴ Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon Press, 1990),

This narrative, this framing paradigm, is a very powerful and influential one; indeed, it is hegemonic. What I want to argue is that it is profoundly misleading, deeply wrong, that it radically mystifies the recent past, and that it needs to be confronted and discredited if our socio-political categories are to be true to the world they are supposed to be mapping. Three decades of feminist scholarship have done much to demonstrate the political gender exclusions implicit in the ostensibly neutral "men." But the counter-narrative of *racial* subordination is not, at least within philosophy, as well-developed, nor is the whiteness of "men" inscribed on the concept's face in the same way as their masculinity is. So even when racism is conceded, and discussed, it tends to be within the official framework of egalitarian assumptions, generating a language of "deviations," "anomalies," "contradictions," and "ironies." It is (reluctantly) admitted that these theorists may have been racist, but this concession is not taken to challenge the logic of the basic framework itself. Since equality is the globally dominant norm, the normative default mode, racism has to be a deviation.

What I am arguing for, then, is a reconceptualization of our narrative of modernity, a fundamental paradigm shift in how we think about liberalism, personhood, and egalitarianism. I am suggesting that racism is most illuminatingly seen as *a normative system in its own right*, to be thought of in the same terms and in the same conceptual space as the familiar normative systems of ancient and medieval class hierarchy. I will argue that there was a category in European thought for people of color as less-than-full-persons, as what I have called elsewhere "sub-persons," and that this inferior metaphysical standing justifies their differential normative treatment.

The insight that racism should itself be conceptualized as a theory of personhood, with implications for the normative, is not new in philosophy. Decades ago, in one of the classic texts of anti-imperialism, Jean-Paul Sartre explicitly argued that: "[T]here is nothing more consistent than a racist humanism.... On the other side of the ocean there was a race of less-than-humans."⁵ But, at least until recently, there has been little systematic exploration in philosophy of the ramifications of this idea, and such work as has been done—for example, in the writings of Enrique Dussel, David Theo Goldberg, and Lucius Outlaw—has mostly been from the perspective and with the vocabulary of Continental Philosophy, the discourse of First World Self in relation to Third World Other.⁶ In the analytic mainstream, which is obviously

the crucial location for the goal of influencing debate in the profession, far less has been written, though with recent and forthcoming anthologies this is beginning to change.⁷

This neglect is all the more striking since, with the decline of utilitarianism's stature in recent decades, and the resurgence of Kantian "deontological liberalism," it is precisely the language of personhood that is now all-pervasive. The concept of *persons*—entities who, by virtue of their characteristics, are protected by a certain normative armor of rights and freedoms, entitled to be treated in a certain way—has become the central pillar of contemporary moral discourse. Thus debates about abortion are often fought over the actual or potential personhood of the fetus; animal rights theorists charge that restricting full moral concern to human persons is speciesist; and issues of metaphysical and political autonomy, of freedom of the will and citizenship rights, are discussed in terms of what personhood demands.

But what characterizes these discussions is a Eurocentrically ahistorical view of personhood and its prerequisites. Humanness is not necessary for personhood, because of the possibility of intelligent aliens. But (adult) humanness *is* generally taken as sufficient, or at least strongly presumptively sufficient, for personhood (apart from possible exceptions like the brain-dead), not merely as an ideal but a reality. So white moral and political philosophers tend to write as if, apart from these kinds of exceptions, moral equality can be presupposed for humans as an *accepted* norm in the modern period. And I want to challenge and disrupt this framework of assumptions by formally introducing the concept of a "sub-person" (*Untermensch*)—referring to those humans who, though adult, are, because of their race, "deservedly" *not* treated as full persons—and arguing that this expanded conceptual apparatus better tracks the actual recent global history, and the actual views of the canonical Western moral/political philosophers, than the conventional account and its standard terms.

In approaching this issue, I am going to draw on a contemporary debate in American political theory, since I think that, with appropriate adjustments and modifications, the terms of the debate can be mapped on to, and illuminate, the corresponding positions in political philosophy. In a landmark 1993 article, later expanded into a prizewinning 1997 book, *Civic Ideals*, Rogers Smith argues that the dominant conceptualizations of the American polity in the literature have been fundamentally misleading.⁸ Citing the work of Alexis de Tocqueville,

p. 5.

5. Jean-Paul Sartre, Preface, to Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (1961; New York: Grove Weidenfeld, 1968), p. 26.

6. Enrique Dussel, *The Invention of the Americas: Eclipse of "the Other" and the Myth of Modernity*, trans. Michael D. Barber (1992; New York: Continuum, 1995); David Theo Goldberg, *Racist Culture: Philosophy and the Politics of Meaning* (Cambridge, Mass.: Blackwell, 1993); Lucius Outlaw, *On Race and Philosophy* (New York: Routledge, 1996).

7. See, for example, Emmanuel Eze, ed., *Race and the Enlightenment: A Reader* (Cambridge, Mass.: Blackwell, 1997); Susan E. Babbitt and Sue Campbell, eds., *Racism and Philosophy* (Ithaca, N.Y.: Cornell University Press, 1999); Bernard Boxill, ed., *Race and Racism* (New York: Oxford, 2001); Julie K. Ward and Tommy L. Lott, eds., *Philosophers on Race: Critical Essays* (Malden, Mass.: Blackwell, 2002); Andrew Valls, ed., *Race and Racism in Modern Philosophy* (Cornell University Press, forthcoming).

8. Rogers M. Smith, "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America,"

Gunnar Myrdal, and Louis Hartz as emblematic, Smith points out that the dominant framing of the United States has been as an egalitarian liberal democracy, for which racism and racial exclusion have been an "anomaly." In large measure because of the centrality of European class categories, commentators have been blinded to the fact that "the relative egalitarianism that prevailed among white men (at first, moderately propertied white men) was surrounded by an array of fixed, ascriptive hierarchies, all largely unchallenged by the leading American revolutionaries."⁹

Smith emphasizes that it is not that these theorists have altogether ignored the history of racial oppression (Native American expropriation, African slavery, Jim Crow, etc.), but that they have conceptualized it in a misleading way, one that leaves intact the mainstream picture of the polity. Racism and white supremacy are not thought of as rising to the level of the ideological, theoretical, and political; rather, they are "prejudices," hangovers from the pre-modern. As Smith comments, it then becomes possible, remarkably, to represent as an egalitarian liberal democracy a country in which for most of its existence people of color were subordinated, whether enslaved, expropriated, segregated, disenfranchised, or deprived of equal socio-economic opportunities. And what makes this feat of evasion possible is, in part, the ignoring of the facts, but in addition, and more importantly, the *mapping* of the conceptual terrain in such a way that the facts are deprived of their proper significance. This history of domination is not framed, as it should be, as an account of a white-supremacist political system, in which some citizens are superior to others. And the beliefs justifying this rule are not seen, as they should be, as the ideology of white supremacy but demoted to the status of "prejudice," the "non-rational," "interest-driven deviations." Smith points out:

[These racist traditions] provide elaborate, principled arguments for giving legal expression to people's ascribed place in various hereditary, inegalitarian cultural and biological orders, valorized as natural, divinely approved, and just [But later writers in the Tocquevillian mode read] egalitarian principles as America's true principles, while treating the massive inequalities in American life as products of prejudice, not rival principles.¹⁰

Smith's move is therefore to counterpose to the mainstream "anomaly" view what he calls the "multiple traditions" view, which recognizes racism and white supremacy as alternative political and ideological traditions in their own right within the political culture. So it is not that there is one liberal egalitarian tradition, with racism as an anomaly. Rather, there are multiple traditions.

Another position, in the spirit of Smith's, but more radical, is the "symbiosis" view, which would claim that actually racism *is* the dominant tradition, and that liberal egalitarianism has been racially inflected from the start.¹¹

Now what I want to suggest is that, writ large—that is, transferred to the global stage—and writ high—that is, elevated to the level of abstraction appropriate to philosophy—these terms can assist and elucidate the present debate. For modernity in philosophy is standardly presented in analogous terms (though obviously, since philosophy is a non-empirical discipline, with even less attention to the history of racism): as introducing personhood and liberal equality as the global norm, for which racism is the anomaly. And what I want to argue for is a reconceptualization of the philosophy of modernity along "multiple traditions" or "symbiosis" lines. My own preference is for the "symbiosis" view, but the important thing to recognize is that, whichever of these is chosen, the anomaly view is utterly inaccurate both as a characterization of the United States and of recent global history. As Matthew Frye Jacobson comments about the United States, but I would claim with more general validity: "Exclusions based upon race and gender did not represent mere lacunae in an otherwise liberal philosophy of political standing; nor were the nation's exclusions simply contradictions of the democratic creed. Rather ... these inclusions and exclusions formed an inseparable, interdependent figure and ground in the same ideological tapestry."¹² And this, I am claiming, is the story of modernity itself. The idea of a person is linked with a sub-person as figure and ground, symbiotically related. And since moral equality is at the normative heart of the liberal-democratic polity, and the normative theorization of it, ramifying through the legislative branch and the functioning of the state, a moral *inequality* will be similarly all-encompassing in its practical and theoretical ramifications.

The formal demarcation and specification of the concept of a "sub-person," then, is meant to force a recognition of this reality, by encapsulating, in an analytic philosophical framework, the *non*-anomalous, but rather symbiotic, relation between liberalism and racism. Liberalism historically—though not, in my opinion, as a matter of conceptual necessity—has been racialized, so that in reading the classic liberal theorists as if they were making race-neutral pronouncements we are anachronistically misrepresenting them. Because of the delusory self-image of the profession, the same language Smith criticizes—the language of "deviation," "anomaly," "contradiction"—is routinely used in discussing Enlightenment philosophers' sexist and racist remarks. And it is just

American Political Science Review 87 (1993), pp. 549-66; Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997).

9. Smith, *Civic Ideals*, p. 17.

10. Smith, *Civic Ideals*, pp. 18, 27.

11. For a discussion of the "anomaly" and "symbiosis" views, see Jennifer L. Hochschild, *The New American Dilemma: Liberal Democracy and School Desegregation* (New Haven: Yale University Press, 1984), ch. 1.

12. Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass.: Harvard University Press, 1998), pp. 22-23.

as misleading. We need to re-read these texts with the realization that what we are being presented with are different aspects of the same theory. As Catherine Wilson comments in the introduction to her recent anthology on *Civilization and Oppression*: "Sexism and ethnocentrism are not personal quirks that crop up in the philosophical population like a penchant for coffee-drinking or backgammon. They are articulated and elaborated theories, pulled together from the floating beliefs and half-beliefs of the surrounding culture and personal experience and given shape and logical structure, enabling them to be developed and transmitted, and ensuring that they will be so." Instead of seeing them as "contradictions," then, "accessory political curiosities, cut off from [the philosopher's] main doctrine," we need to recognize them as "form[ing] a complementary whole."¹³

Now for sexism, the material context that undergirds this complementary relationship is, of course, the household, the sexual division of labor, and the relation between those who legitimately inhabit the public sphere and those confined to domesticity. Since this context goes back thousands of years, sexism is far older than racism, and so structures pre-modern as well as modern political thought. The material context for racism, on the other hand, is modern European expansionism, and the growth of empire. Uday Singh Mehta points out that liberalism is "coeval" with empire, though this relationship "has scarcely been considered in recent times by political theorists,"¹⁴ and while in theory liberalism is self-consciously universalist and cosmopolitan—"transhistorical, transcultural, and most certainly transracial"—in actuality it has been marked by "the systematic and sustained political exclusion of various groups and 'types' of people."¹⁵

The failure to recognize these exclusions, though certainly underpinned by the ahistoricity of analytic philosophy, has also, I believe, been facilitated by a kind of semantic slippage between "person" as descriptive, simply human, and "person" as normative. The reality that there were entire categories of humans systematically seen by the theory as *less than* persons is obfuscated by the term itself. Indeed, this is well illustrated by the Kymlicka quote cited at the beginning, which is either tautologous, analytic, if "person" means "human entitled to equal moral treatment," or radically false, if "person" just means "human." Because of the whiteness of the profession, the amnesia—widespread everywhere, but particularly bad in philosophy—about the history of racism and imperialism, and the absence of an alternative narrative of modernity, an easy

13. Catherine Wilson, "Introduction--Social Inequality: Rousseau in Retrospect," in Wilson, ed., *Civilization and Oppression*, *Canadian Journal of Philosophy* Supplementary Volume 25 (Calgary, Alta.: University of Calgary Press, 1999), pp. 18, 22,

14. Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999), pp. 4-5.

15. Mehta, *Liberalism and Empire*, pp. 1, 51, 46.

elision between "humans" and "persons" is facilitated, and the distinctive conceptual and moral issues raised by the experience of those humans *not* treated as persons because of their race are not confronted, or even recognized to exist.

"Person," then is really a technical term, a term of art, referring to a status whose attainment requires more than simple humanity. Mehta argues that liberalism presupposes a political anthropology: "[T]he exclusionary basis of liberalism does, I believe, derive from its theoretical core, and the litany of exclusionary historical instances is an elaboration of this core.... behind the capacities ascribed to all human beings exists a thicker set of social credentials that constitutes the real bases of political inclusion."¹⁶ And these social credential are generally out of the reach of non-Europeans, nonwhites, who are covered by a different set of categories, the category of the "savage" and the "barbarian." No less than "men" or "person," then, these need to be seen as technical theoretical terms adverting to a peculiar ontological/moral/political status which legitimates their possessors' exclusion from the rights and freedoms enjoyed by whites. It is not at all a matter of "contradictions," internal inconsistencies, but of a consistent exclusivist white egalitarianism which is now, in contradiction to the actual historical record, being denied and retroactively projected backward as colorless.

The concept of a "sub-person," then, formally registers this *actual* division in modern Western political theory, and by its overt presence, and the set of implications and ramifications its introduction establishes, illuminates an architecture that I would claim is *already there* in these theories but currently obfuscated by the illusory inclusiveness of "persons" read backwardly as race-neutral. Sub-persons are humanoid entities who, because of deficiencies linked with race, lack the moral status requisite for enjoyment of the bundle of rights and freedoms appropriate for persons. Writings that currently seem irrelevant, remarks which seem like throwaway lines, comments which seem puzzlingly inconsistent with (what we have been taught is) the "theory," are no longer marginalized but integrated into a theoretical whole.

Putting this simply, the contrast between the orthodox "anomaly" view of racism, and the "symbiosis" view I am advocating, can be represented as follows. Let T be the (egalitarian) moral/political theory of the modern white Western philosopher in question; p stand for person; and sp for sub-person. Mainstream commentary is basically saying that:

For philosopher P:

T asserts egalitarianism for all p, where p is race-neutral.

Racist statements are then an exception, and not part of T.

16. Mehta, *Liberalism and Empire*, pp. 48-49.

And what, by contrast, I am recommending as an interpretive framework, is:

For philosopher P:

T asserts egalitarianism for all p, where whiteness is a necessary condition for p

T asserts non-egalitarianism for sp, where nonwhiteness is (approximately) a sufficient condition for sp.¹⁷

Racist statements are then part of T, not an exception.

On both views, racism can be admitted—the charge is not that mainstream views cannot concede racism. The crucial question is *how* they frame it, whether as anomaly/contradiction, etc. or as an integral/symbiotic part of the theory.

It will be appreciated, then, that this semantic innovation, so simple to describe, would, if adopted, quite radically transform our view of modern Western moral/political philosophy. We would have to start thinking of these theorists, and their theories, quite differently from how they are presented in the standard textbook. This does not rule out, of course, a sanitized retrieval and reappropriation of their theories. But it would have to be explicitly acknowledged that that *is* what we are doing, that we are not reading them as they intended. So it is not that liberalism and egalitarianism, abstract L and E, were historically meant to extend to everybody. Rather, we would need to talk about racialized liberalism and racialized egalitarianism, RL and RE. Racism would then emerge, as it should, as a normative system in its own right—

17. The qualification is necessary because of a crucial point of *disanalogy* between race and gender, that while there is just one female sex, there are several nonwhite races, and their assigned statuses in racist hierarchies have not historically been the same. "Sub-person" is a useful umbrella term, but it has to be subdivided. Traditionally there have been intra-racial hierarchies in the subordinated groups, with "barbarians" being distinguished from simple "savages," and Asians (Indians, Chinese), for example, standardly ranked above Native Americans, Africans, and Australian Aborigines. Moreover, because of the variety of theoretical frameworks used to justify racism, there will be a wide range of conceptions: theological racism (the three main racial groups recognized at the time—whites, yellows, blacks—as descendants of Noah's three sons—Japheth, Shem, and Ham) vs. scientific racism; polygenesis vs. monogenesis; more biologicistic vs. more environmentalist accounts, etc., not to mention the internal varieties within all of these. One could be inferior because of being a non-human animal, because of being an entity intermediate between non-human animals and humans (the "missing link"), because of being humans of an inferior separate genesis, because of being humans of the same genesis but marked by an evolutionary backwardness, and so forth. The concept of a sub-person is meant to be a simplifying concept aimed at tracking this status of moral inferiority, so it abstracts away from other differentiations. But once that is given, there will be a tremendous number of ways in which one can be a sub-person, and in other contexts these distinctions will obviously be important.

indeed, as the *actual* normative system obtaining for most of the modern period. And just as the hierarchical ideologies of the ancient and medieval world were multiply-tiered, with different standings (of class) for different sets of human beings, we would be forced to acknowledge that (actual, historical) liberalism also is a two-tiered ideology, with a different status assigned to, and correspondingly differentiated norms prescribed for, whites and nonwhites. The orthodox narrative of modernity would have to be rewritten; the orthodox cartography of the political would have to be redrawn.

Apart from being—unlike the present narrative—true to the actual historical record, and so demanding implementation on those grounds alone, this transformation would have the great virtue of uniting the conceptual spaces and periodization times of the white political and the nonwhite political. Textbooks authorize an account of the history of Western political philosophy which moves smoothly from Plato to Rawls without dealing with race, as if, in the modern period, Western theorists were proclaiming their egalitarian views as fully applicable to everybody. The West is constructed in such a way that racism and white racial domination have been no part of the history of the West, and the normative superiority of whites to nonwhites, justified by these theorists, has been no part of that history. A mystified account of political philosophy complements a mystified account of recent world history, in which the central role of imperialism and racial domination has been either sanitized or written out of the record altogether, so that the distinctive features of the political struggles of nonwhites (abolitionist, anti-colonial, anti-imperialist, anti-segregationist) vanish into a white darkness.

My claim is, then, that if we read these theorists and take their references to "men" or "persons" in a race-neutral way, we will in fact be misrepresenting them and distorting their theoretical intentions. Since this is exactly what has been done by generations of commentators, and continues to be routinely done today, it means that in crucial respects we have a fictive picture of the content and significance of modern Western moral and political philosophy. The deployment of my "revisionist" vocabulary—in scare quotes, since I am claiming that this is just a formalization of what these philosophers actually thought—then makes explicit what they were really arguing for.

II. Kant's Racial Views and Their Implications

These points have been general. Let us now turn specifically to Kant. In a sense, Kant is perfect for my thesis (had he not existed, critical race theorists would have had to invent him), because of the combination of his absolute centrality (with the aforementioned rise to hegemony of "deontological liberalism") to contemporary moral and political theory, and the detailed explicitness of his writings on race. Within my revisionist framework, far from its being a terrible irony, or a shocking contradiction, that the theorist sometimes

honored with the status of the father of modern moral theory is now also being credited as the father, or one of the fathers (maybe, given his apparently non-existent sex life, it should be the godfather?), of modern racism, it is wonderfully *appropriate*, a perfect *vindication* of my claims. For in my framework of "symbiosis" rather than "anomaly," it is only fitting that the philosopher who provides the richest account of "personhood" for the Age of Egalitarianism should also provide the richest account of "sub-personhood" for what is also the Age of Global White Supremacy. Once the conventional framework is inverted, and the conceptual barriers breached, so that we start conceptualizing racism as an alternative normative system, which has in fact been the *real* normative system, then what would originally have seemed oxymoronic suddenly becomes pleonastic. If "personhood" is raced, then *of course* there will be a different set of rules for persons and sub-persons. What else would one, in consistency, expect?

Kant's reputational commitment to moral egalitarianism is presumably so celebrated as to need no extensive gloss. As Roger Sullivan writes, "Kant's is an ethics of the people, of moral egalitarianism.... Respect is an attitude due equally to *every* person, *simply* because each is a person, a rational being capable of moral self-determination."¹⁸ We see here the ambiguity I have tried to expose in the term "person." If "person" is already tacitly morally normed, then as a statement of Kant's views (or anybody's), this is tautologous ("Respect is an attitude due equally to every human who deserves equal respect"); but if "person" just means "human," it becomes far more questionable, and, I would in fact say, as a statement of Kant's own views, simply false. Feminists have long argued that the use of generic, gender-neutral language in discussing Western philosophers' moral/political views is misleading, and I would claim that this argument goes through even more forcefully and dramatically for race, since people of color do not even have the necessarily (as against contingently) functional status within the white household that white women have, so they can die off (not an abstract possibility by any means, as we will see below), without disrupting (indeed perhaps facilitating?!) the functioning of the white polity.

Unlike the case of some other philosophers, such as Locke, Kant's racial views are explicit, needing no inferential reconstruction. Moreover, it is not a matter of a few incidental remarks but a full-blown and elaborate theory. Emmanuel Eze's important essay of a few years ago brought to a North American philosophical audience the shocking news—shocking only to philosophers, since it had long been known by historians and anthropologists—that Kant was one of the central figures in the birth of scientific racism.¹⁹ In fact,

18. Roger J. Sullivan, *Immanuel Kant's Moral Theory* (New York: Cambridge University Press, 1989), p. 197.

19. Emmanuel Eze, "The Color of Reason: The Idea of 'Race' in Kant's Anthropology," in Eze, ed., *Postcolonial African Philosophy: A Critical Reader* (Cambridge, Mass.: Blackwell, 1997), pp. 103-40.

Robert Bernasconi suggests that "if any one person should be recognized as the author of the first theory of race worthy of the name, it should be the German philosopher Immanuel Kant," discounting the claims of more familiar candidates such as Carolus Linnaeus, George-Louis Buffon, and Johann Friedrich Blumenbach.²⁰ Kant's lectures and writings on anthropology and physical geography (usually ignored by philosophers) provide a detailed account of a racialized human nature classified into four categories—white Europeans, yellow Asians, black Africans, red Amerindians—who are related to one another in a hierarchy of superiors and inferiors. (See handout for details.)

However, the debate on Kant and race has advanced considerably in the years since the original 1995 publication of Eze's essay, and a range of positions has emerged on the question. Some recent work pertinent to the theme would include: Allen Wood's book, *Kant's Ethical Thought*; Robert Louden's book, *Kant's Impure Ethics*; Tsenay Serequeberhan's article; Robert Bernasconi's two articles, cited above; and pieces by Mark Larrimore, and (jointly) Thomas Hill and Bernard Boxill.²¹ These authors variously offer condemnations and defences of Kant, qualified in different ways, so that a set of characteristic moves is now recognizable.

(SIDEBAR: Do these views mean that Kant was a racist? The answer to this question might be thought to be obvious in the light of the passages cited by Eze and the even more critical Bernasconi. [Though Larrimore quotes a German author, one Rudolf Malter, who, remarkably, concludes quite the opposite: "The Kantian theory of race not only does not pave the way for racism, (but) it is the most serious, energetic objection to this—the very worst—madness."]²² But one of the consequences of the dramatic expansion of recent work on philosophy and race is a proliferation of competing definitions of *racism*. As we all know, the classic [analytical] philosophical line to the question "Is it an X?" is "It all depends on what you mean by 'X'..." This is not [as it might seem] just a make-work project for philosophers—though in these hard times such a project is by

20. Robert Bernasconi, "Who Invented the Concept of Race? Kant's Role in the Enlightenment Construction of Race," in Bernasconi, ed., *Race* (Malden, Mass.: Blackwell, 2001), p. 14. See also Bernasconi, "Kant as an Unfamiliar Source of Racism," in Julie K. Ward and Tommy L. Lott, eds., *Philosophers on Race: Critical Essays* (Malden, Mass.: Blackwell, 2002), pp. 145-66.

21. Allen W. Wood, *Kant's Ethical Thought* (New York: Cambridge University Press, 1999); Robert B. Louden, *Kant's Impure Ethics: From Rational Beings to Human Beings* (New York: Oxford University Press, 2000); Tsenay Serequeberhan, "The Critique of Eurocentrism and the Practice of African Philosophy," in Eze, *Postcolonial African Philosophy*, pp. 141-61; Bernasconi, "Who Invented?" and "Unfamiliar Source"; Mark Larrimore, "Sublime Waste: Kant on the Destiny of the 'Races,'" in Wilson, *Civilization and Oppression*, pp. 99-125; Thomas E. Hill, Jr. and Bernard Boxill, "Kant and Race," in Boxill, *Race and Racism*, pp. 449-71.

22. Rudolf Malter, "Der Rassebegriff in Kants Anthropologie," cited in Larrimore, "Sublime Waste," p. 100, n. 3.

no means to be sneered at—since genuine ambiguities and unclarity may be present that need to be eliminated. One standard definition, which would have been, and probably still is, widely accepted is that racism is the belief that [a] there are natural human races, and [b] some races are biologically superior to others. However, with the claim that “cultural” racism is a reality, and even [some would argue] now the most important kind, eclipsing old-fashioned biologically determinist assertions, both [a] and [b] might be challenged as necessary conditions.²³ Another, more radical challenge would come from Jorge Garcia, who in an important and widely-anthologized article, argues for a volitional rather than cognitivist account of racism; racism is fundamentally, at its heart, not doxastic, not about beliefs at all, but rather about but *ill-will*.²⁴ Hill and Boxill invoke both epistemological and moral criteria: they contend that claims about racial superiority and inferiority do not suffice to make a theory racist, since what is also required is that the theory “relies on a culpable neglect of evidence that could have disproved it, or expresses or encourages contempt or disregard for people because of the race they are alleged to belong to.”²⁵ In other words, if, in good faith, you believe in natural racial hierarchy because, say, it seems the best way of explaining the fact of divergent human cultural development, then this belief alone does not make you a racist. Others [such as myself] might want to argue that the *ethical* question of the moral culpability for racist beliefs and the *epistemological* question of the warrantability of such beliefs need to be separated from the *conceptual* judgment that the beliefs are indeed racist. But to avoid getting into these complications, I will henceforth simply speak neutrally of Kant’s racial views.)

The question then is whether Kant’s racial views affected his philosophy, and if so how and why. Doing an open-minded investigation into this question requires us, to a certain extent, to bracket what we *think* we know Kant’s philosophy is. In other words, it will not do for defenders just to point impatiently to the work of leading Kantians and eminent scholars of Kant, or refer to standard introductory texts, encyclopedia entries, companions, guidebooks, etc. as giving the definitive summary of Kant’s views, if part of the import of the challenge is that the established (and Establishment) account of the great man’s thoughts is in crucial respects just plain *wrong*. A discipline whose boast it is, as heir to the Socratic tradition, to be willing and able to put

23. See, for example, Tariq Modood, “‘Difference,’ Cultural Racism and Anti-Racism,” in Boxill, *Race and Racism*, pp. 238-56.

24. J. L. A. Garcia, “The Heart of Racism,” in Boxill, *Race and Racism*, pp. 257-96. For a critique of Garcia on this score, see my forthcoming “‘Heart’ Attack: A Critique of Jorge Garcia’s Volitional Conception of Racism,” *The Journal of Ethics*, Special Issue: Race, Racism, and Reparations (forthcoming 2003).

25. Hill and Boxill, “Kant and Race,” p. 452.

everything into question cannot be in the business of substituting hagiography for theoretical investigation.

The position that Kant’s defenders have taken is not to deny Kant’s racial views, but to deny that they have the philosophical implications claimed by Eze and others (such as myself). So either Kant’s racial views do not affect his philosophy *at all* (the extreme position), or they do not affect it in its *key/central/essential/basic* etc. claims (the more moderate position). The assumption, obviously, is that we have a principled, non-question-begging way to demarcate what is central from what is peripheral to his philosophy, and a similarly principled way of showing how the racial views (and, of course, their implications) fail to penetrate to this inner circle. And the case critics must make is that such a penetration does in fact take place, so that what has been represented as Kant’s philosophy in innumerable journal articles and monographs is, insofar as it is racially neutral, quite misleading.

Let us focus, as indicated at the start, on the obvious candidate: the ethics and political philosophy. (Though an interesting essay could be done—maybe it already has been?—on the epistemology. Kant’s infamous line in *Observations on the Feeling of the Beautiful and Sublime* that “a clear proof that what [a Negro carpenter] said was stupid” was that “this fellow was quite black from head to foot” is usually quoted just for its shock value and risible outrageousness.²⁶ But after all, the concept of a human population clearly demarcated in its cognitive abilities is by no means alien to Western philosophy, being indeed a central thesis of the book from which, for some, all Western philosophy springs: Plato’s *Republic*. And this demarcation, of course, is also pivotal for the book’s socio-political recommendations. What would we think of the claim that cognitive hierarchy is *not* central to Plato’s thought in the *Republic*, and that a revisionist account of the book’s theses could be given that somehow leaves its “essential” socio-political recommendations intact?)

Back to the ethics and political philosophy, though. Kant’s claims about the imperative to respect *persons*, his views about the *Rechtsstaat*’s obligations to its citizens, his vision of a cosmopolitan order, are all familiar to us. Now suppose it turns out that not all adult humans are *persons* for him, either (depending on how we want to draw the conceptual geography) because they constitute a *separate* category of their own or because *within* the category of personhood, internal differentiations can be made. In other words, what is supposed to be the starkly polarized moral geography of his theory, with everything being categorizable either as a *person* (here taken to include intelligent aliens), with full moral status, or as a *non-person*, a *thing*, with zero moral status, would have to be redrawn to accommodate the fuzzier category of entities with some *intermediate* status. And what we think we know his various moral, political, and teleological claims to be would all then have to be

26. Cited in Eze, *Race and the Enlightenment*, p. 57.

rethought in the light of this category's existence, so that what holds for the full-blooded, 100%, 24-karat persons would not always necessarily hold in the same way for those in this inferior group. Insofar as "race" emerges as a category that differentiates, and arguably assigns a lesser status to, people of color, anthropological claims will then acquire *philosophical* and *ontological* significance. As Eze points out: "When he classified the field of philosophy into four categories: 1. What can I know? 2. What ought I to do? 3. What may I hope? And 4. What is man? Kant remarked that the first question belongs to metaphysics, the second to morality, the third to religion, but all could be reckoned to the fourth, anthropology, because 'at bottom ... the first three questions relate to the last.'"²⁷ Far from being irrelevant to Kant's philosophy, then, anthropology and physical geography would actually be crucial to it. When Kant talks about the importance of treating all persons with respect, when he outlines the responsibilities of the state, when he maps his inspiring cosmopolitan vision, he is not making race-neutral and racially-inclusive pronouncements; *he is really talking about the white population* (and if feminists are correct in their parallel line of argument, only about the male half). If this is true, it is obviously a radically *different* picture of the Kant we all thought we knew and loved. The distinction between "Treat all persons with respect," where "person" is assumed to be racially inclusive, and "Treat only whites with respect" (at least here on Earth) is obviously not minor and trivial at all. It would mean that we need to reconceptualize his philosophy as distinguishing (white) *persons* from (non-white) *sub-persons*, and restricting its vaunted universalism to the person population. How would the case be made? I think the evidential supports fall into three main possible categories: (a) attempts to demonstrate how Kant's general theoretical claims can be shown to have these implications (b) citations of specific remarks and passages from Kant seemingly consistent with these implications (c) the evidence of textual silence. The last is obviously a tricky category, since silence can speak in more than one way. But if a convincing background theoretical context has been sketched, the failure to address certain topics, or failure to make certain points which would naturally be expected when certain topics are raised, can—in conjunction, of course, with other considerations—at least count as supporting evidence for an interpretation, if not as a definitive proof. Correspondingly, what Kant's defenders (e.g., Wood, Louden, Hill and Boxill) have to do—and what they do do—is to argue that no such general theoretical ramifications can be proven, that seemingly damning passages can be reinterpreted, or quarantined, and/or countered with passages pointing the other way, and that textual silence either has no significance, or can be heard differently.

Let us start with (a). Eze takes Kant, inspired by Rousseau's account of how we develop our humanity, to be working with a general theory by which humans transform themselves into moral beings. Hence the significance of

27. Eze, *Achieving Our Humanity*, p. 5.

Kant's anthropology. Because of his views of natural and immutable racial hierarchy, Eze argues, Kant thought that nonwhites—especially blacks and Native Americans—were not so constituted as to be able to go through this process of self-development and moral maturation. (I focus on blacks and Native Americans as the clear-cut case. Asians are just one rung below whites, and though they "can never achieve the level of abstract concepts," Kant does at least describe them in one passage as "look[ing] like philosophers." So perhaps, though still inferior, they can parlay this phenomenal appearance into a noumenal payoff.) In other words, there is a certain minimal threshold of intelligence, capacity for autonomy, etc. required to be a full person, and blacks and Native Americans do not reach this threshold.

Note that: (i) It would not be enough to say that blacks and Native Americans are less intelligent/autonomy-capable *on average* than whites, since this would allow for the possibility that a few blacks and Native Americans (the "talented tenth"?) *could* make it, while a few whites (the "untalented tenth"?) will not, since the claim being made is the stronger one of complete racial exclusion. (ii) Nor is it enough to say just that *all* blacks and Native Americans are inferior in this way to *all* whites (so the least intelligent/autonomy-capable white is smarter/more autonomy-capable than the most intelligent/autonomy-capable black and Native American). For it could still be that while all blacks and Native Americans are inferior, they do nonetheless attain the threshold. So the claim has to be that all blacks and Native Americans are inferior to all whites *and* that they all fall below the threshold. As such, they are all (in my terminology rather than Eze's) sub-persons. And Eze argues that for Kant this claim is "transcendentally" grounded, so that as a theorist of scientific racism, Kant has advanced beyond the more empiricist Linnaeus:

Beyond Buffon and Linnaeus, then, Kant practiced a transcendental philosophy of race.... In the *Observations* ... Kant deployed the transcendentalism of the *Critique of Pure Reason* in order to establish ways in which moral feelings apply to humans *generally*, how the feeling differs between men and women, and among the races.... The themes Kant presented in these books ... give synthesis to the principles and practices he philosophically defined as immanent to humans, but only to white human nature.... The inferiority of the Negro, as proposed by Hume, is now in Kant successfully grounded in transcendental philosophy.²⁸

If this analysis is correct, the implications could be simply expressed as follows. Kant believed:

CI: All persons should be treated with respect, where

GLOSS: "Person" is a technical term, a term of art, signifying beings of a certain level of intelligence and capacity for moral maturity, and on this planet,

28. Eze, *Achieving Our Humanity*, pp. 104-105.

whiteness is a necessary prerequisite for being a person in the full sense.

(Whiteness is not sufficient, because of the parallel feminist case with respect to gender.)

Now this, to say the least, would obviously be a radically different way of thinking of the categorical imperative, and insofar as the categorical imperative is central to Kant's moral and political philosophy, Kant's views on race *would* indeed have major and central philosophical implications. The case could then be buttressed by (b), specific negative passages on blacks and Native Americans, for example (see handout) that they are savages and natural slaves, that Native Americans are completely incapable of moral education, while blacks need to be educated through flogging (and with a specially-constructed split bamboo cane), that race mixing leads to the degradation of whites and is contrary to nature, that only the white race is destined to survive, and so forth. (Kant's vision of the ultimate destiny of the globe has not been sufficiently publicized. Kant had no fear of a black, or any other kind of nonwhite, planet, since it turns out that "All races will be wiped out, except for the white."²⁹ Kant does not shed any tears over this prognosis—if he does not condone it, he does not condemn or deplore it either—since history is made only by whites, so that history will go on regardless. So this is an interesting 18th-century anticipation of what would later, in the 19th century become a routinely-discussed possibility. If, as Mark Larrimore has suggested, Kant regarded nonwhite races as an example of natural "waste," then such a development could arguably be seen as positive.³⁰) It would be contended that these passages constitute obvious *prima facie* evidence that Kant did not envisage blacks and Native Americans as fully included in his kingdom of ends, equal participants in the polity, beneficiaries of the cosmopolitan order toward which the planet is evolving, etc.

Finally, (c), on textual silence, Robert Bernasconi makes the valuable point that, so far as he knows, *nowhere* in Kant's writings (and remember these comprise numerous volumes) does Kant offer an unequivocal condemnation of African slavery.³¹ (Note that one can condemn the *cruelities* of slavery, as some reformers did, while still being anti-abolitionist. Obviously, the ethical desideratum is the principled condemnation of the institution as such.) Yet a more flagrant violation of the prohibition against using one's fellow-persons as mere means to an end could hardly be imagined, and it was not as if the Atlantic Slave Trade was in its infancy at the time he wrote. Whence this puzzling silence, even when the subject of slavery came up in his writings? Obviously, one simple solution to the mystery would be that Kant did *not* see blacks as

29. Cited in Bernasconi, "Unfamiliar Source."

30. Larrimore, "Sublime Waste."

31. Bernasconi, "Unfamiliar Source," pp. 150-52.

fellow-persons, even if they were fellow-humans.

However, we must now turn to the case for the defense. Above, I distinguished extreme and moderate positions among Kant's defenders. The work of Malter, Wood, and Loudon seems to me to fall toward the more extreme end of the spectrum, insofar as it is being denied that Kant's racial views have any implications for his philosophy at all. Wood's recent book, *Kant's Ethical Thought*, for example, begins by saying that "Kant's views about gender and race offend us not merely because we now see them as false ... but rather because we see them as demeaning to the *human dignity* of women and nonwhites." But he goes on to insist that "The most influential philosophical articulation of these values is Kant's theory of moral autonomy, grounded in the dignity of humanity as an end in itself," and claims that Kant "conspicuously declines to infer from [his] racialist beliefs ... that there is any difference in the human rights possessed by different peoples."³² Similarly, Robert Loudon's *Kant's Impure Ethics* draws a contrast between Kant's *theory* and Kant's *prejudices*, denying that the latter should be taken to modify (what we think of as) the former:

Kant's writings do exhibit many private prejudices and contradictory tendencies.... But Kant's theory is fortunately stronger than his prejudices, and it is the theory on which philosophers should focus. We should not hide or suppress the prejudices, but neither should we overvalue them or try to inflate them into something they are not.... The prejudices are not centrally connected to the defining features of his theory of human moral development.³³

So we are being presented with a conceptual partitioning of the philosopher's discourse, on the one hand, (a), the THEORY (morally egalitarian), and on the other hand, (b), views assigned some lower epistemic category—if not quite what P thought when he was having a bad day, then at least not something that rises to the level of the THEORY: unthinking prejudice, bigotry, preconception, etc. (I am speaking generally here, since I think the moves being made with respect to Kant are not limited to him, but exemplify a broader pattern of response to feminist and critical race theorist arguments.) The THEORY is egalitarian and is taken to be unaffected by these embarrassing views, safely quarantined, protected by a conceptual cordon sanitaire.

Now the question is why we should accept this partitioning. I think there are three possible ways of defending this move: one can claim that the egalitarian THEORY (henceforth T) is what P *actually* thought, and the racist views do not affect T because of being (by some criterion) in a different epistemic space; one can claim that T represents the *essence* of P's views; and one can claim that T can be *reconstructed* as a sanitized version of P's views.

32. Wood, *Kant's Ethical Thought*, pp. 5, 7.

33. Loudon, *Kant's Impure Ethics*, pp. 105, 177.

But each of these moves faces problems of its own.

The first would seem to be the most vulnerable, since it runs up against the obstacle of what X *actually* said. Nevertheless, it will be argued that these racist remarks do not rise to the status of a theory, and as such should be taken as overridden by T (construed as egalitarian and non-racial). However, in the light of my discussion above, we immediately appreciate that the obvious reply should be to ask by what non-question-begging, non-circular criterion, this determination of inferior epistemic status is made. It cannot be supported by simply invoking T's apparent race-neutrality as manifested in its vocabulary of "men" or "persons," for, as I have argued, the very question is whether we have independent reason to believe people of color are numbered among those persons. (In other words, humanness is being taken, without argument, as sufficient for personhood—which is precisely what is at issue.) Nor can it be supported by the general claim that racism can *never* rise to the level of a theory, for this assertion has already been rejected. If X made pronouncements about nonwhites which are in seeming contradiction to his general pronouncements about "men"/"persons," then we do have to at least entertain the possibility that he did not mean "men"/"persons" to include them.

The second is a fallback to another line of defense. The idea here turns on a subtle distinction—of the kind a J. L. Austin would have been happy to parse—between what P *actually* said and what P *really* or *essentially* meant. So we are to assume that there is a gap between the two, and that when P (actually) denied the equality of nonwhites, he (really, essentially) meant something else. But again, the problem here should be obvious. What non-question-begging reason is there to think that P did indeed mean something else, unless it is the aprioristic principle that T could not be racist? Moreover, there is an ambiguity in "essential." It could mean "essential" for the utilitarian purpose of *our* use (we, later, non-racist philosophers), or it could mean "essential" by criteria intrinsic to the theory itself. The first shades over into option three, to be discussed below. The second has the problem of articulating an independent non-circular rationale for what is deemed incidental and essential in the theorist's own eyes. The fact that *we* do not take P's racist views as essential to his theory does not prove that *he* did not.

Finally, the third alternative faces the simple challenge that—however useful it may be—it does not represent P's actual views. If Kant did not think of nonwhites as full persons, then to reconstruct a theory in which all persons should be treated with respect, and for which "persons" extends to nonwhites, cannot be said to be Kant's theory. Whether it is an admirable theory, or a useful theory, or a theory we should endorse, is not the point—these are all separate questions. The point is that it is not *Kant's* theory. Some of the crucial terms—respect, the kingdom of ends, the categorical imperative—are the same, but insofar as "persons" is not the same, does not have the same denotation, it cannot be said that it is Kant's theory. Now one can enclose it in scare-quotes

and claim that it is still in some sense "Kantian," but for the specific purpose at hand—that of determining what Kant actually thought on the question of racial egalitarianism—this is clearly inaccurate. So while this is certainly defensible as a reconstructive move, developing a useable theory for contemporary audiences, the aim of asserting that this was P's *actual* theory has been abandoned.

Consider now the more plausible moderate position. This position does not deny that Kant's racial views affect his philosophical claims, but it denies that they affect the *central* ones. I take Hill and Boxill's recent joint paper to be a good statement of this line of argument:

Our position, then, is that, while it is important to notice and block the influence of aspects of Kant's writings that reflect or might encourage racism, the charges of racism do not reach Kant's deep theory.... [T]he texts do not in fact support the extreme form of racist beliefs that Eze attributes to Kant, e.g. that some races are not human.... Eze succeeds in showing that Kant saw his racial theory as a serious philosophical project, that it was not an offhand, unreflective set of conjectures, and that it deserves philosophical attention.... But these concessions do not imply that Kant's central philosophical principles are tainted with racism.³⁴

So the presumption is that we have at hand a principled, non-question-begging criterion for distinguishing the deep and central from the shallow and peripheral, and that by this criterion it can be shown that Kant's key theses emerge untouched. A different kind of conceptual partitioning is proposed, which concedes philosophical status to Kant's racial views (they are not just "prejudices"), but relegates them to a subordinate status in his thought, and maintains the unaffectedness of what are taken to be the key principles. (My replies to the second and third alternatives above will obviously be pertinent here also, but I will not repeat them, since the extrapolation is easily enough made.)

One way of defending this claim is to emphasize the differential status of Kant's moral claims. Kant famously thought that there were synthetic a priori truths, and that the categorical imperative was one of them. So the reformulation above could be stated as:

CI: All persons should be treated with respect. Status: (supposedly) synthetic a priori truth. → CENTRAL

Auxiliary claim: Whiteness is a prerequisite for personhood. Status: empirical a posteriori claim. → PERIPHERAL

On this basis, then, you could concede that Kant's racial views affect his philosophy, while denying that they affect it *centrally* (deeply, basically, in its key tenets, etc.). For you now have a principled demarcation, a conceptual wall,

34. Hill and Boxill, "Kant and Race," pp. 449-52.

to separate the central from the peripheral. And at least part of Hill and Boxill's defense of Kant rests on partitioning things in this way. So our repugnance at Kant's racial views need not affect our admiration for Kant's central/deep/basic etc. moral philosophy. (Note that for the extreme position among Kant's defenders, by contrast, the race-inclusiveness of "persons" *is* an a priori truth, so the auxiliary claim is known to be false not empirically but *by pure reason*.)

Opponents of this line of argument have (at least) two moves that could be made in reply. One would be to claim that race also is a transcendental. Whether or not his motivation was to establish centrality by this criterion, this, as we have seen, is Eze's move. But Hill and Boxill argue against this claim, and to my mind make some good points: the inferiority of non-Whites seems (to us, obviously, but more to the point, to Kant) more a matter of an empirical a posteriori claim than something that could be determined by pure reason, or as a condition of experience.³⁵ And Robert Loudon, both in his book and in his paper on Eze on a recent APA Author-meets-Critics panel, is similarly skeptical.³⁶

Perhaps Eze has a reply that will vindicate his position. But whether he has or not, I wonder whether he is not setting himself an unnecessarily onerous task in trying to defend his crucial claim, which I take it is the assertion of the centrality of racial views (in Kant and others) to modern Western philosophy. For the alternative move is to *deny* that being a synthetic a priori truth is a prerequisite for being central/basic/deep, etc. for Kant, and to make a case by other, arguably non-question-begging and uncontroversial, criteria of "centrality." Certainly for moral and political theory in general, which is our focus here, the auxiliary claim *is* absolutely crucial, since it demarcates who/what is included in and who/what is excluded from full membership in the moral/political community. And it seems odd to think of this as a minor matter, just a peripheral claim. The boundaries and internal differentiations within the theorist's map of the moral community are usually regarded as quite central to characterizing his/her thought.

Consider our moral duties toward non-human animals and the environment. As we all know, non-human animals, trees, plants, etc. have no moral standing for Kant; his is a classic statement of an anthropocentric moral theory (though *anthropos* here is broader than human, including intelligent aliens). But recently some environmental ethicists have argued for an expansion and modification of the Kantian notion of "respect" to accommodate respect for the earth and other living things. Now wouldn't it seem very peculiar to say that this was *not* a major modification of Kant's theory? This expansion of the scope of beings to which respect is supposed to be extended would make all the difference in the world, and would have major repercussions for how the theory is applied, and

35. Hill and Boxill, "Kant and Race," pp. 453-55.

36. Loudon, *Kant's Impure Ethics*.

how we think of it—if it even counts as the "same" theory any more. So even if it is not a synthetic a priori truth that non-human animals should be entitled to respect, it still seems central in the way it modifies Kant's theory. (Moreover, it could be argued, many—probably the vast majority—of the ethicists who consider themselves Kantians today would reject the putatively synthetic a priori status of these moral truths. What is important is the content of the claim, not its epistemic status.) Kant's own Kantianism and this non-anthropocentric "Kantianism" are worlds apart in their implications for what is obligatory, prohibited, and permissible for us to do as moral agents.

But it could be replied that even if this is true, this is not a legitimate comparison, since extending "respect" to non-human animals obviously requires us to dispense with rationality and the capacity for autonomy as the bearers of moral status, so that Kant's basic principle *is* altered. In the case of race, however, even if it were true (and this has not been established) that non-whites count as sub-persons for Kant by virtue of their inferior rationality and diminished capacity for autonomy, de-racializing the theory just requires getting rid of a false factual claim, *not* modifying the basic moral principle. So extending "respect" to non-human animals, wilderness, etc. *is* a profound alteration of Kant's theory and his conception of the moral community (we are changing the prerequisites for "respect") in a way that extending "respect" to non-whites is not (we are correcting mistaken beliefs about the class of entities entitled to "respect" in his own sense).

I would have to concede that there is something to this objection. However, it seems to me that the claim of centrality can still be made. Consider the following example. A well-known 20th century figure, whose views (unlike the vast majority of philosophers) actually did touch the lives of millions, had a moral philosophy whose terms could be reconstructed (admittedly in a somewhat idealized way) as follows: group G should flourish, are owed respect, should be protected by the state, have their rights respected, and so forth. I'm sure everybody will agree that this all sounds very good and commendable. Now suppose I reveal that the thinker I have in mind is Adolf Hitler, and group G are the Aryan race. "Oh, that's quite different!" you'll exclaim in horror. But wait, I say, the *central principles, the essential points*, of his ethical theory are very attractive. It's just—a minor point, this—that because of his empirical beliefs, he only wanted to apply them to a restricted set of the human population. However, surely we can lightly pass over this minor empirical mistake, and argue that his basic views remain untouched, since the ideals of flourishing, the respect for rights and so forth, are the really important thing, even if in his own formulation, not everybody was included. So couldn't we say that Hitler's moral theory is, at its core, at the deep level, a non-racial one...?

Now I am not comparing Kant to Hitler. But the point I am trying to bring home is that there is something very strange about dismissing the issue of who gets counted in the moral community as merely a matter of incidental detail. We

rightly think that the whole burden of Hitler's moral theory, if it deserves the name, is that it is racially exclusionary, and that once you extend it beyond "Aryans," then obviously it is not the same theory. Even if Hitler had never gotten into power, even if *Mein Kampf* said nothing about what should actually be done with the Jews, we would still see this fact of racial restriction as deeply pernicious, and profoundly shaping the theory. How then can it be denied that—whatever their epistemological foundation—these claims about the scope of the populations to which the principles are supposed to extend *are* indeed philosophically "central" (in theory, and unquestionably in practice)?

So this would be my friendly amendment to Eze's project: that even if the "transcendental" claims can't be sustained, the thesis of philosophical "centrality" can still be defended on other grounds. And the case is made all the stronger, of course, by the fact that in the case of Kant at least we are not really talking about a mere "empirical" belief, but a sophisticated and elaborated *theoretical* position. Both Eze and Bernasconi see Kant as one of the founders of modern "scientific" racism. So if this is right, then what is involved, while weaker than transcendental necessity, is stronger than empirical fortuitousness: it is a nomological, causal necessity, according to which humanoids of a certain color cannot achieve the basement-level intelligence to be fully moral beings. The color of the skin is a surface indicator of the presence of deeper physico-biological causal mechanisms. If we think of the "ontological" as covering what an entity *is*, then the physical makeup of a dog will have ontological implications (its capacity for rationality, agency, autonomy, etc.), and so similarly will the makeup of these inferior humans: race does not have to be transcendental to be (in a familiar sense) metaphysical.

The other friendly amendment I would offer—in response to Hill and Boxill's other criticism of Eze, that it is false that Kant regarded non-whites as non-human—is, as discussed earlier, that the case for diminished moral status can be defended (through the "sub-person" category) without making such a strong assumption. One does not have to claim that for Kant non-whites are non-humans; one just has to assert that for him (and others) humans come in different sub-categories, and that not all humans make it to the "person" level.

This, then (with variants in [a]—Eze's version is not the only possibility), would be the case for the prosecution: when Kant urged on us the overwhelming importance of respecting *persons*, he was really talking (on this planet) about whites (more precisely, a subset of whites).

III. Objections and Replies

Let us now consider the long list of objections that could be made to this case from the defense.

1. For Kant, morality is a priori, not empirical, so the full personhood of

nonwhites is guaranteed as a synthetic a priori truth.

This seems to be the argument of Malter, whom I cited above (from Larrimore) as a representative of the extreme position. I confess that I have not actually read his essay, but the quotations suggest that Kant's *anti-racism* is being taken as an a priori truth following from his a priori commitment to human equality: "The *equality* of all individuals of the human race is for Kant knowable by pure reason."³⁷ But this seems to me to be a basic confusion, or, more charitably, an elision of "human" and "person" of the kind I warned against. What is a priori is that all rational beings are deserving of our respect; it's *not* a priori that all humans are rational beings (in the requisite full sense). Louden points out in his book that we need to distinguish the aprioristic and the "applied" elements of Kant's theory, and that philosophers have paid insufficient attention to the latter.³⁸ I agree, and would claim that Louden himself is guilty of his own charge, since having drawn the distinction, he then downplays the significance of the sexist and racist passages he cites, and does not give serious enough consideration to the possibility that they preclude full female and full nonwhite personhood.

2. Kant's moral theory speaks explicitly of "humanity"

A variant of the above; this just begs the question, by assuming without argument that all humans are full persons, which is the very point at issue.

3. The writings in anthropology and physical geography are separate from, and irrelevant to, the writings in ethics and political philosophy.

Again, this just begs the question. Since the case for the prosecution rests crucially on the claim that Kant made internal differentiations in the category of human beings, and since it in these very writings that we find the evidence for the differentiations, they can't be rejected in advance. This would be to assume that we *knew* that when he was speaking of "persons," he fully included nonwhites within the category. But we don't "know" this—we're just assuming it, in keeping with the orthodox view, which is precisely what is being challenged. Moreover, Eze makes the useful point that, just in terms of his lecturing history, Kant gave far more courses on these subjects (72) than on the moral philosophy (28), which would seem to constitute *prima facie* evidence that he considered them important. Nor could it be replied that these were well-established required courses of the kind familiar to all of us as academics—"Oh God, do I have to teach PHIL --- again?! Can't the adjunct or the TA's do it?" These subjects were new at the time, and Kant was himself the person who introduced both of them to German universities, drawing on his own research.³⁹

37. Cited in Larrimore, "Sublime Waste," pp. 99-100, n. 3.

38. Louden, *Kant's Impure Ethics*.

39. Eze, "Color of Reason," p. 104.

4 Kant's moral community is famously clear-cut in its geography, being starkly divided between *persons* (with full moral status) and *non-persons, things* (with zero moral status). So there is simply no conceptual room for your "sub-person" category.

The "sub-person" category is, admittedly, a reconstruction of the normative logic of racial and gender subordination in his thought, which is certainly not openly proclaimed in the articulation of his conceptual apparatus, and may seem, *prima facie*, to be excluded by it. Nonetheless, I would claim that it is the best way of making sense of the *actual* (as against officially represented) logic of his writings, taken as a whole, and accommodates the sexist and racist declarations in a way less strained than the orthodox reading. Note that the orthodox reading has to explain how it is, that, if (by hypothesis) women and nonwhites are supposed to be full persons, Kant is nonetheless able to say the kinds of things he says about them. Feminists have been working on these issues longer than critical race theorists, so the arguments with respect to gender are better developed. Consider, for example (especially since, by happy non-coincidence, Prof. Kleingeld is right here with us today), Pauline Kleingeld's article from a few years ago on the use of gender-neutral language in glossing male philosophers' views.

Kleingeld points out that gender-neutral translations of Kant's use of *Mensch* are particularly misleading.⁴⁰ Kant supposedly "asserts both the equality and autonomy of all human beings." But as Kleingeld reminds us, he simultaneously "regards men as naturally superior to women, and women as unfit for the public, political and economic domain," implies that women, being guided by "inclination," are incapable of autonomy, asserts that women "have to be legally represented by men," "are under permanent male guardianship," "have no legal competence, cannot go to court," and "lack the right to citizenship," being merely "passive citizens" who do not have the attributes of lawful freedom, civil equality, and civil independence. In addition, nowhere in Kant's writings does he condemn women's social status.⁴¹ Given this consistent gender dichotomization, Kleingeld concludes, it is misguided, and a fundamental misrepresentation of Kant's real views, to simply bracket his sexism—the practice "almost universally chosen in mainstream contemporary Kant scholarship"—and write as if he were talking without qualification about *all* humans, male and female. Instead, she recommends, commentators and expositors should make this tension explicit, drawing it to the reader's attention, and forcing us to think about what the gender-differentiated implications are for his moral/political theory.⁴² (My use of the term "sub-person" is, of course, an analogous attempt to do exactly this for race.) See also # 8 below.

40. Kleingeld, "Problematic Status."

41. Kleingeld, "Problematic Status," pp. 135-38.

42. Kleingeld, "Problematic Status," pp. 140-47.

5 Even if women and nonwhites are "persons" in a somewhat different way, they are nonetheless still *persons* for Kant, and not "sub-persons."

It seems to me that anybody making this objection is faced with the following simple dilemma: either (a) you are conceding the point in all but terminology, so the difference between us becomes merely verbal and not substantive (though I would claim that my vocabulary, formally divided, signals the real differentiations in reference, and so is superior to yours, which obfuscates these differentiations), or (b) you are so weakening the concept of a "person," so evacuating it of significant normative content, that it loses most of the moral force supposedly associated with it. If a sub-category exists within "persons" of somewhat-differently-constituted-persons, and if this difference in constitution is (as it is) one of *inferiority*, precluding the full array of rights, entitlements, and freedoms of full persons, then what is this but to concede in all but *name* the category of sub-personhood? On the other hand, if it *is* still possible to be a person in some full-blooded, 24-karat, 100% sense, and yet (as with women) to be denied basic moral and political rights, or (as with blacks and Native Americans) to be judged to be natural slaves, then what is this "personhood" worth?! Would you raise the flag of liberty, man the barricades, prepare to sacrifice your lives, for this "personhood"? Would you even take 15 minutes off from watching MTV for it? I don't think so. But this is supposed to be the concept that sets humanity's heart aflame, the normative vehicle of the modern epoch. What would be left of it after such a denaturing? So if personhood is supposed to be a robust notion linked with moral egalitarianism, and an associated bundle of moral rights and freedoms that translate into juridical and political equality, then this concept clearly isn't it.

6 Kant was an orthodox Christian, and as such a believer in monogenesis; so he could not possibly have accepted such a radical differentiation in the human race.

See the last 500 years of global history. Who do you think has been responsible for the origination and implementation of the most important variants of racism over the past half-millennium if *not* orthodox Christians?! The opening chapter of George Fredrickson's recent book, *Racism: A Short History*, is in fact explicitly titled "Religion and the Invention of Racism"—and he's not talking about Buddhism.⁴³ And the two most unqualifiedly racist governments of the 20th century, Nazi Germany and apartheid South Africa, were both Christian regimes, as was, of course, the American Old South. In general, Christianity's ostensible universalism has never constituted more than a weak, easily overcome barrier against racism. Nor could it be retorted that such a differentiation is in principle impossible, because it is certainly not *logically* ruled out that creatures of such low intellectual capacities might have existed.

43. George M. Fredrickson, *Racism: A Short History* (Princeton, N.J.: Princeton University Press, 2002), pp. 17-47.

Even as an orthodox Christian upholding monogenesis, committed to humans all having one origin and being one species, Kant could have thought that in the same way that dogs come in radically different breeds, with hugely differentiated traits (compare your pit bull to your neighbor's Pekinese), humans are similarly variegated, and that some varieties just do not have the wherewithal to become fully developed moral beings, even if they do rank above the other animals. After all, Kant was writing a century before Darwin, without the benefit of modern science's anthropological and biological claims about human uniformity, and he could have just believed that the range of humans was really tremendous. And a century later, Social Darwinists had no problem in reconciling monogenesis with the view that some races, though of the same origin as Europeans, were "lower," less evolved, and destined for permanent inferiority and/or extinction. (For that matter, Darwin himself expressed such sentiments at certain places in his writings—it is a mistake to think of him as a quite innocent non-racist figure, whose work was simply distorted and misused by others.) So it does not seem to me that such objections are at all insuperable.

7. If Kant had had the views you impute to him on people of color, he would have explicitly said more about them in the ethical and political writings.

Not necessarily, considering that Germany was not at the time a colonial power, so that he did not have to deal with a racially subordinated population as part of the responsibilities of empire, and may well never have seen a person of color in his life. His primary if not exclusive focus in the ethical and political writings is the white population, and he does explicitly talk about (white) women, stipulating, as numerous feminists have pointed out, that they can only be passive citizens. My claim obviously has to be that had nonwhites been more of a focus for him in the normative writings, he would have issued parallel (or even more constraining) restrictions for them.

8. Your reading of Kant is implausible if for no other reason than that it would tie him up in contradictions, simultaneously affirming and denying personhood.

You mean, as against the contradiction-free record of other leading Western philosophers...? Such as Plato, putting forward conflicting images of cognition (Sun, Line, Cave) in the *Republic*, or Descartes announcing he is going to doubt everything and then pulling God out from up his sleeve, or Hobbes prescribing natural laws which sometimes do and sometimes don't seem to be derivable from constrained self-interest, or Locke managing to be an empiricist in one book and a natural law theorist in another, or Rousseau's vision of radical, self-legislating, participatory democracy being initiated by an authoritative guy with a beard coming down from the mountain bearing tablets, or Mill the utilitarian making liberty a near-unqualified value, or Marx morally condemning capitalism while condemning morality, or Sartre seeking to marry existentialism and Marxism...? Let's face it; the writings of the canonical figures are full of

contradiction after contradiction—and of course we love them for it, since this ensures that subsequent generations of interpreters can be kept employed by arguing against one another. (I don't want to seem to be harping on this issue; doubtless it's the fact that I'm now the UIC Department Placement Officer which is shaping my concerns.) So I see this as more of a problem for Kant than for me, a consequence of his not having fully worked out and reconciled the implications of his different views on these different subsets of humanity. In other words, it'll be a general truth for *any* philosophical theory above a certain groundfloor level of sophistication that it's going to be difficult to anticipate all the implications and work all the bugs out. And once one is partitioning humanity, universalizing and particularizing at the same time, the complications are doubled (if not more).

Writing specifically about slavery, but I would claim with more general implications for the paradoxes and dualities resulting from taking some humans to be less than human, David Brion Davis points out:

[T]he concept of man as a material possession has always led to contradictions in law and custom ... laws that attempted to define the slave's peculiar position as conveyable property, subject to rules respecting debt, descent, and taxation; and as a man who might be protected, punished, or prevented from exercising human capacities.... Everywhere [these laws] embodied ambiguities and compromises that arose from the impossibility of acting consistently on the premise that men were things.⁴⁴

So to a certain extent these problems just arise from the initial assumptions, and should be seen not as a refutation of the thesis, but as a consequence of the starting-point. Again, the feminist case is better developed, and can illuminatingly illustrate what could be reconstructed for race. Consider Hannelore Schroeder's blistering indictment of the implications of Kant's assumption of natural female inequality:

These irrational, yet for Kant self-evident premises, serve him as a basis for the legitimation of two quite different relations. First, relations of "Mensch zu Mensch," which must be translated here as male to male [I would, of course, insert "white male"], where contractual relations are based on freedom, equality, and reciprocity, through which only males are persons and citizens. Second, relations between these patriarchal citizens and their subjected women (noncitizens). The men are at the same time lord and master over reified female human beings (*verdinglichte Menschen*) where legal relations are based on total lack of freedom and lack of rights securing the injustice of male dominance imposed on women whom God and Nature wish to see, once and for all, as nonpersons and noncitizens.... Kant wishes to integrate this actual antagonism

44. David Brion Davis, *The Problem of Slavery in Western Culture* (1966; New York: Oxford University Press, 1988), pp. 223, 248.

in his system, equal rights among men as well as unequal rights between men and women; as a consequence his *Rechtslehre* is a hodgepodge of contradictions, inconsistencies, paradoxes, and ambiguous definitions.... The whole female population has thus been eliminated from Kant's notion of humanity and from his definition of members of society or population.... He turns male persons and citizens into the legal owners and users of these (human) things.... So this is the legal double status of women as object and yet as person, which is completely illogical and self-contradictory.... So if they are not 100 percent things, to what percentage are they persons? Two percent?.... [Kant states] it is legitimate for female *Untermenschen* to be excluded from human rights a priori and that it should stay so.... He does not recognize that he is sabotaging his own claim that his maxims are universal.... So Kant gets entangled in a chaos of self-contradictions. Claims he makes in one sentence are contradicted in the next.... Women are both things and persons.... Such beings have no end of their own. So he reduces half of the human population as means to the ends of his sex. This is taking his categorical imperative *ad absurdum*, canceling it himself.⁴⁵

The contradictions go with the conceptual territory. And if personhood can so easily be both given and taken away for (white) women, who are, after all, the necessary domestic half of the superior race, wouldn't we expect it, *a fortiori*, to be even more evanescent for the non-necessary and expendable population of inferior nonwhites? How could natural slaves ("[Amerindians] and negroes cannot govern themselves. Thus are good only for slavery") be anything but sub-persons, especially in a theory for which autonomy is the central notion? Insofar as "personhood" has implications for moral standing, juridico-political treatment, and location in a teleological theory of history, how could humans with these traits possibly be covered by the same set of normative rules as whites?

9. The simple refutation of your thesis is that Kant explicitly condemned European colonialism, and urged that Europeans make contracts with Native Americans.

If, as I claim, people of color, especially blacks and Native Americans, were sub-persons for Kant, then how could he have condemned their colonization, and demanded that treaties be made with the latter? This is probably the strongest argument in the arsenal of Kant's defenders (it is emphasized by both Wood and Loudon), and I'll admit that I don't have any definitive refutation of it. Here is a set of possible moves, which I'm still working on.

First, one needs to distinguish condemnations in principle of colonialism

45. Hannelore Schroeder, "Kant's Patriarchal Order," in Robin May Schott, ed., *Feminist Interpretations of Immanuel Kant* (University Park, Penn.: The Pennsylvania State University Press, 1997), pp. 285, 287-89, 294, 296.

from condemnations of specific aspects of it. At least some of the passages seem to be focused on specific colonial atrocities, and insofar as, given my analysis, nonwhites (unlike animals) *do* have a nonzero moral status, it is not inconsistent with my reading that there should be moral constraints on how people of color are treated. Over the history of European imperialism, there were, after all, many European reformers who deplored its cruelties while still endorsing it in principle, and who proselytized for a reformed, enlightened colonialism. So Kant could be one of those people. (And note, as already mentioned, that nowhere does he seem to condemn slavery in principle.)

Secondly, Robert Bernasconi has argued that even where he does seem to condemn colonialism in principle, he is really denying the validity of *one kind* of justification of colonialism, leaving open the possibility that other kinds of justification could be developed.⁴⁶

Finally, there is the fallback position that such passages are simply inconsistent with the theoretical implications (i.e., on the sub-person reading) of his work, and that rather than concluding it is the theory which must give way, we should take the opposite tack and conclude that it is these passages which must give way. In other words, rather than claim that there is complete unity and consistency in all his writings, it would be contended that some are inconsistent with others, so the decision has to be made as to which are better supported by the overall logic of his thought. Insofar as we should privilege a theoretically-based claim over one which seems lacking in such support, the theory should dominate. This is Eze's own solution in the opening pages of the Kant chapter of his book, where he argues that Kant is *not* entitled, given the assumptions of his own theory, to such condemnation.⁴⁷ Obviously, however, there is the danger of circularity here, since defenders of Kant will claim that no such theory has in fact been established, so that where the condemnation is uncontroversial and the putative theory is contested, greater adjudicative weight has to be placed on the specific passages than on question-begging theoretical claims.

With respect to Native Americans in particular, though, a book manuscript I was fortunate enough to encounter recently—Maureen Konkle's *Unbelieving Indians: Treaties, Colonialism, and Native Historiography, 1827-1863*—has provided me with some illuminating insights, from real-life history, on the possibilities for reconciling equality and inferiority, and the naivety of simple-minded philosophical syllogisms (treaties are only made with those seen as equals; treaties were made with Native Americans; therefore, Native Americans were seen as equals) in dealing with the far subtler minds of colonial jurisprudence, for whom the affirmation of *A* & $\sim A$ is a routine matter. Konkle (who endeared herself to me immediately by citing my work) begins by pointing

46. Bernasconi, "Unfamiliar Source," pp. 152-54.

47. Eze, *Achieving our Humanity*, pp. 77-80.

out that “no other instance of European colonization produced as many or as significant treaties” as in U.S. relations with Native Americans. But this by no means implied unequivocal recognition of their equality:

The complex political and epistemological effects of treaties made with Indians can be seen in the *Cherokee Nation* cases of 1831 and 1832, which are often referred to as the fundamental cases of Indian law, even today. These cases demonstrate the collision of the social contract and the racial contract characteristic of U.S. relations with Indian nations.... The Supreme Court held that treaties entered into between the U.S. and Native peoples confirmed that Native peoples formed sovereign nations over whose internal affairs the U.S. could not claim dominion, and that Native people were citizens of those Indian nations. The court further held that land could be acquired from Indian nations only if they freely consented to the sale. Chief Justice John Marshall’s concept of “domestic dependent nations,” however, which was and is generally accepted as the [principal] legal holding of the case, attempted to reconcile the republican political and legal philosophy of the U.S. government—based in social contract theory—with the necessity of colonial control. Indians form *nations*, he posited, but because they are *Indian* nations, and Indians can be characterized by their essential difference from and inferiority to Europeans, they are in a permanent state of “pupilage” to the U.S. Though their consent is necessary for the legitimate transfer of land, because they are Indians and cannot long survive the onslaught of a superior civilization, that consent is only a matter of time.... [I]f Indians are not somehow ontologically different from whites, then the agreements made with them—which effectively concede their free will and autonomy—must be recognized as legal in the way that agreements between whites are legal. None of these Justices could abandon the notion of Indians’ *consent* to give up their land: that hypothetical consent to enter into a contract, social or otherwise, is the trace of the treaty’s legitimating function for U.S. authority. Indians’ essential difference is the way out of a significant political problem then. In the two *Cherokee Nation* rulings, therefore, the Justices refer to the Cherokee and Native peoples generally as a “race of hunters,” and, indeed, as the legal historian G. Edward White writes, none of the Justices recognized Native peoples as fully human persons.... The racial contract operates in the production of knowledge required to counter the legal, political terms of the treaty relation. Faced with Native resistance to their authority, Europeans wrote themselves into a problem in the treaties; they must then write themselves out of the problem through the production of knowledge about Indians that positions Indians as ontologically different.

The fact that American Justices saw Native Americans as inferior while making treaties with them does not, of course, prove that Kant did. But I think the actual historical record here demonstrates the mistakenness of the smooth and unproblematic inference from treaty-making to the commitment to moral egalitarianism, and should alert us to the resources of colonial discourse in its ability (as with gender ideology) to take away with one hand what is given with

the other (European givers?).

10. Your attempted critique runs aground on the following simple dilemma: either, (a), you are arguing, absurdly, that we must now throw out Kant’s moral theory, or, (b), you are forced, more reasonably, to wind up conceding (somewhat anti-climactically) that we should keep it, in which case your whole critique has been much ado about nothing.

If my analysis is correct, then we certainly *should* throw out Kant’s moral theory, since Kant’s moral theory makes whiteness and maleness prerequisites for full personhood!

But of course when people make this rejoinder, they don’t mean *that*. What they mean is “Kant’s moral theory” in the racially- and gender-inclusive sense, which (if I’m right) is not Kant’s moral theory at all, but an idealized and sanitized reconstruction which draws on crucial Kantian concepts but, in its inclusivity, violates Kantian principles. Nonetheless, it will be insisted, that’s just a quibble. So this could be thought of as the “So what?” challenge, raised not merely against this analysis of Kant but against parallel analyses of other canonical philosophers. The claim will be made—the claim *is* made—that from a philosophical point of view, Kant’s, or P’s, racial views are irrelevant (even if conceded), either because they don’t affect his philosophy at all, or because even if they do, even if (it may be grudgingly admitted) the argument of my paper goes through, it is in ways that can easily be purged from the theory. So even if P’s pronouncements about “men” or “people” were actually only about males and whites, the extension to all humans can readily be made. Rather than wasting a lot of time and printer cartridges on these questions, then, we should just be getting on with the really important issue, viz. trying to adjudicate competing interpretations of what Hobbes or Hume or Locke or Kant or Mill said, tracing genealogies of influence, and deciding how well whatever interpretation is chosen stands up to critique by our views on fact or value. This kind of exercise is just sensationalism, “tabloid philosophy,”⁴⁸ muckraking, and muckraking without much or any theoretical payoff either.

I think this view is fairly widespread in philosophy, and as I have argued elsewhere, I think it is mistaken. I want to list at least two reasons why I think it’s wrong.

To begin with, if it is indeed the case that Kant, or more generally P, was just describing whites, or was morally and politically prescribing just for whites, then surely this is an important fact about his thought which needs to be known and made explicit. Even if P’s thought can be easily sanitized, it is still a fundamental misrepresentation to talk as if P were giving race-neutral theories when he is really giving racially-differentiated theories. As argued above, there is something deeply troubling and profoundly misleading about racially

48. The phrase, though not the sentiment, is Robert Bernasconi’s.

sanitizing Kant's views and then representing them as if they *were* the views of the pre-sanitized Kant. Who and what makes the cut in a moral theory is central to what kind of theory it is. Obviously the principle of respect for persons can be extended in a racially indifferent way to include all races. But this *is* an extension; it's not a minor technicality which is somehow "already" (essentially, really) implicit in the theory. At the basic level of doing an accurate history of philosophy, then, it would mean that the official narratives need to be rethought and rewritten. So there are meta-theoretical implications, in terms of how we think of the development of philosophy. As the discipline standardly presents itself, matters of race are unimportant to its development; Western philosophy is supposed to be universalist and inclusivist. Now it would turn out that matters of race *were* indeed important to its evolution, at least in the modern period. The doubly internalist account standardly given—internalist in the sense of the parthenogenesis of ideas, in somebody's phrase (I've forgotten whose), largely separate from accounts of structures of power and privilege, and internalist in the sense of intra-European, ignoring how expansionist Europe in the modern period is both shaping the world and having those externalities "blowback" internally—would have to be modified in favor of a contextualized analysis. The colonial dimensions of the thought of, and in some cases actual colonial roles of, Hobbes, Hume, Locke, Kant, Mill, etc. would become a legitimate part of the history of modern philosophy.

If this analysis is correct, then insofar as, in articles, encyclopedia summaries, and classroom presentations, we continue to depict modern Western philosophers as if they were arguing in a racially inclusive fashion, insofar as we continue to utilize the framework of "anomaly," "contradiction," and "inconsistency" in talking about their racism, we are fundamentally misrepresenting their thought, and blinding ourselves both to the real architecture of their theories and the corresponding real architecture of the world their theories helped to bring about and rationalize. We are also endorsing a fictive moral/political topography, which by taking as *already* accomplished, part of the moral/political territory, the presumptive normative personhood of all humans, independent of race, profoundly distorts the actual moral economy of the past few hundred years. The political struggles around race, conquest, slavery, imperialism, colonization, segregation; the battles for abolition, independence, self-government, equal rights, first-class citizenship; the movements of aboriginal peoples, slaves, colonial populations, black Americans and other subordinated people of color; and the texts of all these movements, vanish into a conceptual abyss papered over by the seemingly minor, but actually tremendously question-begging, assumption that all humans are and have been recognized as equal persons. The formal acknowledgment of the category of the sub-person not only brings these embarrassing realities into the same discursive universe as mainstream Western political theory, but overturns the sanitized and amnesiac assumptions of that universe, by forcing the admission that—at its foundational origins, its modern genesis—*this category*

was its own, that Western political theory's liberalism, humanism, and egalitarianism were generally racialized.

Secondly, it could well be that these exclusions *do* in fact affect the thinker's thought in other ways whose ramifications need to be worked out. In the case of gender, the connection is easier to make, in part because feminists have been laboring on these questions longer than critical race theorists. If you've been generalizing about humanity on the basis of one-half of it, then there will obviously be vast areas of history and experience that need to be brought in to correct for these omissions. Political theorists such as Susan Moller Okin have argued against a merely "terminological" gender-neutrality, which contents itself with a self-conscious alternation of "he's" and "she's" without considering how the originally sexist theory's basic conceptual apparatus, assumptions, and pronouncements may have been shaped by these gender exclusions.⁴⁹ Do crucial concepts such as "autonomy" need to be given a different spin, if a case can be made that a tacitly masculinist experience has grounded its formation? Is the disdain for "inclination" linked with its identification with the body and the feminine? It could be argued similarly that genuine race-neutrality requires careful attention to the possible rethinking of white philosophy's content in the light of racial domination. If "savagery" is the negative antipode against which civilized humanity is going to define itself, then obviously the interlocking conceptual relationships are likely to shape how these concepts of "civilization," and what it is to rise above nature, develop. Both in the descriptive realm, where full humanity is conceptualized in Eurocentric and culturally loaded terms, and in the prescriptive realm, the implications could be far-reaching. How is "respect" to be cashed out, for example, for a population who have historically been seen as less than persons? Should it be reconceptualized in group rather than individualist terms, given that white supremacy has stigmatized entire races as less than worthy of respect, as appropriately to be "dissed"? What corrective measures would be required of the *Rechtsstaat* to redress racial subordination? How is cosmopolitanism to be realized on a globe shaped by hundreds of years of European expansionism? Even if we still want to call the theory "Kantianism," it would be a Kantianism radically transformed by the challenge of addressing the moral demands of the sub-person population.

In short, the moral and political agenda of those persons not originally seen as full persons will be significantly different from the agenda of those whose personhood has traditionally been uncontested, and we need concepts, theories, and narratives which register this crucial difference. So that's what.

49. Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989), pp. 10-13.