

Bridging Critical Race Theory and Lockean Social Contract Theory:

Derrick Bell's "The Space Traders" as Proto-Racial Contract Theory

ERIK NOLAN

The paper below was written for a course that focused on non-realist literary works by authors of the African diaspora, framed within a larger diasporic tradition known as Afrofuturism. Afrofuturism, as Lisa Yaszek explains, is a "term . . . generally credited to [Mark] Dery," who defines it as "'speculative fiction that treats African-American themes and addresses African-American concerns in the context of 20th century technoculture — and more generally, African-American signification that appropriates images of technology and a prosthetically enhanced future' to explore how people of color negotiate life in a technology intensive world" (Yaszek, "Afrofuturism, Science Fiction, and the History of the Future").

As Erik Nolan points out in his work below, however, Afrofuturist work can also deploy science fiction tropes to analyse social and political structures beyond the "technology intensive world." As Nolan argues, Derrick Bell uses the standard science fiction trope of alien abduction specifically to explore the problems of the legal system in the US: a system that purports to be unbiased but is, in practice and theory, built on the exclusion and exploitation of Black people.

— Dr. Jason Haslam

The principal foundations of political and social reciprocity in America are founded on the tenets of the social contract, generally imposing on the state a duty of care to its citizens and likewise imposing on citizens a duty to uphold and support the state. Derrick Bell's "The Space Traders" puts these reciprocal expectations to the test, but finds them utterly lacking in substance, revealing in

their shortcomings the machinations of an idealized system that in reality demarcates a qualification of citizenship, security, and care along racial lines. To expand this critique, I will first define critical race theory (CRT) and apply it to “The Space Traders” to reveal its overlying themes: the hopelessness of legal remedies and the futility of racial equality. I will then adopt social contract theory, and demonstrate the way in which it features in the story. I will argue that by synthesizing Bell’s CRT and social contract criticisms, “The Space Traders” signals the beginnings of a new form of contact theory, what Charles Mills would eventually call racial contract theory, as the core of its underlying theme.

CRT is an oppositional form of legal scholarship that champions the idea that racism is a normalized, systematic, and structural component of American society, built upon the supremacy of white people and the deliberate, yet obfuscated disenfranchisement of people of colour, particularly black people (Taylor 122-23). For white people, the obfuscation of their own supremacy occurs through the normalization of racist behaviours and practices, which makes racism look “ordinary and natural to a degree that oppression no longer seems like oppression to the perpetrators” (123). Factors that contribute to the normalization of white supremacy are the entrenched mechanisms of false neutrality, such as colour-blindness (through the erasure of race and racial history) and meritocracy (through the implementation of seemingly objective standards to positions of power and privilege)

Critical Race Theory & Lockean Social Contract Theory

(123). These mechanisms, and others, trace their roots back to liberalism and liberal ideology, at which the main body of CRT scholarship takes deliberate aim (Delgado 462). CRT criticizes liberalism for pushing the idealization and implementation of abstract, egalitarian principles through various legal means, while simultaneously abusing or acting in direct defiance of these means to consolidate or facilitate white supremacy (462). These means include civil rights, legal remedies, affirmative action, and antidiscrimination laws, which CRT identifies as being inadequate or even counterintuitive to the progress of racial equality (462). Only during instances of “interest convergence” are the “interests of blacks in achieving racial equality accommodated” (Taylor 123); black people achieve progress only because white people are in conflict with other white people or because white people stand to gain more than black people (Taylor 123; Bell, “Bakke” 10). However, when racial equality poses a perceived cost to white people (be it to their privilege or power), white people suppress black people and forego racial equality to guarantee their social, political, and economic superiority (Taylor 124).

CRT frequently disseminates its critiques through stories and parables giving voice to black people and other people of colour excluded from mainstream legal scholarship, revealing their perspectives of lived prejudice at the hands of white people, and describing the reality of racism and how it can be adequately challenged (Brown 154; Taylor 122; Delgado 462). Bell’s “The Space Traders,” is unquestionably a CRT narrative. The larger collection that it belongs to,

Bell's *Faces at the Bottom of the Well*, is aptly named for it gives voice to the "faces" that are "stranded at the bottom of society's well" ("Will Not Be Saved" 1358), and as Brown highlights, to the "faces" of "exclusion [...] 'from the bottom' [of] mainstream legal scholarship" (513). The futile belief in the success of the civil rights movement, the veneration of symbols thereof, and the denial of black voices in the articulation of racial issues all feature heavily in the collection ("Will Not Be Saved" 1359). When told by Bell in the first chapter that many white and black people "rely on symbols to support their belief," that they have made significant progress towards racial equality, that "the laws protecting our rights" and the "holiday recognizing one of our greatest leaders" are proofs of this progress, Semple, the taxi driver, simply and ironically answers, "'They all dreamers, man [...] And stupid dreamers at that'" (Bell, *Faces* 20).

I will first use CRT and Bell's extensions of it to reveal some of the interconnected, overlying themes of "The Space Traders" such as the futility of relying on the hegemonic legal system, and the preeminent motivation of white people to exploit and subordinate black people not only in the pursuit of economic and political self-interest, but in the interest of stability. By exploring these overlying themes, which rebuke liberal ideology, I will set the ground for a subsequent investigation of the story's underlying themes, informed by CRT but extended by proto-racial contract theory.

Critical Race Theory & Lockean Social Contract Theory

While the narrator and Gleason Golightly repeatedly stress the futility of relying on the legal system and legal remedies to stop the proposed trade, the story's anti-trade groups and characters defiantly pursue legal remedies as they cling to the moral imperative of liberal idealism. The narrator frames the failure of the legal system to maintain civil rights not only as the eventual outcome in the story, but also as the context to the story's setting. The narrator states that the "race problem" has worsened, and a severe "retrogression of civil rights protection" has occurred: "long dead [is] the dream that [the] black underclass [can] ever 'overcome'" (163). Yet this dream appears to persist among the story's anti-trade interest groups and characters, including Golightly. In his arguments to the President's Cabinet against the trade, he resorts to "morality" and an assumed "willingness on the part of the President and the cabinet to be fair" (171), believing that "due process or judicial review" (167) will overturn the Attorney General's proposed plan to implement the trade. But after the Cabinet ignores him, and after realizing that white people will never "do right by black people" simply because it would be "right that they do so" (171), Golightly attends the Anti-Trade Coalition assembly to attempt to convince them that "[their] plans for legislation, litigation, and protest cannot prevail against the tradition of sacrificing black rights" (174). He argues that the coalition "rel[ies] on the [liberal] assumption that whites really want to grant justice to blacks" (174-175). His alternative, to dupe white people into making the constitutional challenge instead, is rejected by

the coalition after Reverend Jasper extols moral “integrity,” condemns the country’s “evil,” and declares his willingness to sacrifice his body if it means holding on to his moral “soul” (177). The coalition then quickly adopts its plan to pursue legal remedies, confident that the legal system and its alleged dedication to liberal morals will support them. Contrary to expectation, however, the legal system not only fails them but turns on them as well. The Supreme Court dismisses their litigation, and the law is used to suppress black people and their supporters. In the end, the referendum passes, forcing black people back into to slavery on the “last Martin Luther King holiday the nation would ever observe” (194). Despite the black population’s faith in legal remedies, legal remedies fail them in turn.

The pursuit of racial equality is futile in “The Space Traders” because the costs of upholding it are too great for most white people in the story: the economic and political costs, alongside concerns of stability, take primacy over any liberal or moral considerations. With the nation on the brink of bankruptcy and collapse, the narrator describes the Space Traders’ offer as coming “just in time to rescue America” (162), highlighting that from the beginning, many white people “expres[s] the view that what the nation would give up – its African-American citizens – [is] as worthwhile as what it would receive” (163). Golightly echoes this reality when he addresses the Anti-Trade Coalition, stating, “we all know that black rights, black interests, black property, even black lives are expendable whenever their sacrifice will further [...] white needs or preferences” (174). Indeed,

Critical Race Theory & Lockean Social Contract Theory

whenever white people in the story debate the trade, the issue of cost is always central to that debate. When Helen Hipmeyer considers the “pluses and minuses” (164) of the trade, her focus is on the alleviation of the national budget and the “severe psychological toll” (165) to white people. When the corporate leaders of America discuss the trade, their concerns center around “losses in sales” (181), the lost market share, and the potential shock to the money supply. The story’s white people altogether ignore the issue of racial equality. However, a larger concern than profits plagues the story’s corporate leaders. They understand that black people serve as a distraction to the “ever-increasing disparity between the incomes of rich and poor,” and as “comforting insulation of [the rich’s] privileges and wealth” (181). Without black people, poor white people would no longer be ignorant of “their real enemy” (181), the rich, and potentially revolt against them. Golightly alludes to this possibility when addressing the Cabinet, stating that black people’s inferior status “provide[s] [the] nation an essential stability,” which, in the absence of black people, would bring “confrontations and strife that could cause the eventual dissolution of the nation” (169). The corporate leaders therefore choose to support racial equality, but only because it benefits them, as the costs otherwise would be too high. Throughout the story, the survival of white supremacy takes precedence over racial equality. Though the majority eventually vote to banish black people in exchange for the economic benefits promised by the Space Traders, they risk paying a higher, psychological and

socioeconomic price than they bargained for: the stability and future of their nation.

At the heart of “The Space Traders” is a critique of the social contract and how it fails black people and other people of colour. I will first provide a brief definition of social contract theory, apply it to the story, and then repeat this process with racial contract theory to uncover the story’s underlying theme: the totalizing ascendancy of structural racism.

Social contract theory is founded on the idea that citizens regulate their political and moral obligations based on a collective agreement formed between them and the government (Friend). The incentive to enter into such an agreement stems from the pressures individuals face in the state of nature, a hypothetical state that pre-empts the foundation of society (Friend). According to Locke, the state of nature is pre-political (without government) but not pre-moral (Friend). He argues that in the state of nature all men are free and equal, bound by the law of nature, the source of all morality (as dictated by God), not to harm, kill, steal, or limit the freedom of others (Friend). However, this state is far from ideal. Self-defence is condoned when the law of nature is breached by an individual, but self-defence may entail the killing of said individual, giving rise to retributive action and leading to a state of war that is unlikely to end in the absence of a civil authority (Friend). Thus, to avoid a state of war, individuals are incentivized to come to a collective agreement and form a government, forfeiting to it their power to punish (Friend). Locke is the first social

Critical Race Theory & Lockean Social Contract Theory

contract theorist to introduce the idea of a reciprocal agreement between the government and its citizens (Friend). While citizens are obligated to serve the nation-state and abide by its laws, the government in turn is expected to objectively reciprocate this service by guaranteeing the equal liberty and security of its citizens, particularly in regards to their property (Friend). This expectation is rooted in the constitution, from which the government derives its legitimacy and thus its “accountab[ility] to the community” (Ward 797). If the government reneges on its duty of care to its citizens or their property, thus acting in tyranny, then its citizens are justified in rebelling against it by re-entering a state of nature to formulate a new, reciprocal agreement (Friend).

In “The Space Traders,” the predominantly white government and its pro-trade allies invoke the social contract as their method and justification for approving the trade. The Secretary of the Interior is the first person to invoke the social contract argument, stating before the Cabinet that if he were willing to sacrifice himself for the country’s prosperity, then “every red-blooded American with an ounce of patriotism would as well” (Bell, *Faces* 165). His statement prompts the Secretary of Defense in turn to compare such a sacrifice to military service, “a call a country makes on the assumption that its citizens will respond,” which then leads him to suggest that the country should have “its citizens of African descent [...] step forward and serve” (165). Duty, military service, and patriotism together form a vocabulary of citizen-government obligations

anchored in social contract theory. The cabinet members assume (or pretend) that the country has offered the same care, security, and liberty that white people enjoy to black people. Because the country has provided this service to them, they should, as “citizens” (165), serve the nation in return and save it from bankruptcy and collapse, even if the cost includes their lives or freedoms. As the pro-trade advocates put it, “[a]ll Americans are expected to make sacrifices for the good of their country. Black people are no exceptions to this basic obligation of citizenship” (189). The social contract argument as justification becomes quite clear in this moment. By implementing a constitutional amendment and a referendum to guarantee legitimacy, the government manipulates the social contract and abuses its principles to guarantee the trade. If the constitution allows for the drafting of its black citizens, which it does by the end of the story, then the pretense for rebellion (by virtue of tyranny) is negated, and the social contract is maintained. On the surface then, the government and its pro-trade allies appear to be successful in using the social contract as their method and justification for satisfying the trade.

While the “‘ideal’ social contract has been a central concept of Western political theory for understanding and evaluating the social world” (Mills, *Racial Contract* 6), Mills argues that his proposed “*Racial Contract* [...] is the *truth* of the social contract” (64, emphasis original). According to Mills, the racial contract establishes a polity, state, and juridical system that secures the privileges and advantages of its white citizens while maintaining the subordination of

Critical Race Theory & Lockean Social Contract Theory

nonwhites (13-14), allowing for the “exploitation of their bodies, land, and resources, and the denial of equal socioeconomic opportunity to them” (11). The racial contract “restricts the possession of natural freedom and equality to white men” while nonwhites are “appropriated to a lower rung on the moral ladder [...] born unfree and unequal” (16). This differentiation between whites and nonwhites creates a split in social ontology between (white) persons and racialized subpersons (16, 55), between citizens eligible for benefits and noncitizens who are not. The racial contract is maintained by the divergence of the “officially sanctioned reality [...] from actual reality” (18), creating an “epistemology of ignorance” in which white people are incapable of understanding the “reinvented delusional world” they have created (18), as they have structured it around themselves (76). Through “misunderstanding, misrepresentation, evasion, and self-deception on matters related to race,” which form a structural blindness that props up the white polity, white persons have been able to justify a history of conquest, colonization, and enslavement (19). Mills identifies, however, that in the present moment the racial contract is not as explicit as it once was and thus demands the concealment of differences between persons and subpersons, generating the illusion of social contract neutrality (83): “whereas before it was denied that nonwhites were equal abstract persons, it is now pretended that nonwhites are equal abstract persons who can be fully included in the polity” (75). The unfortunate result is that “[r]ace is made to seem marginal when in fact it has been

central” to the polity’s function, revealing an “illusory color blindness that actually entrenches white privilege” (77). The illusion of racial equality, however, has not been accepted by those denied the full status of personhood. In the eyes of black people and other victims of the white polity’s hypocrisy, the racial contract has always been seen as the true contract of society (110-111).

“The Space Traders” is a story that traces the degeneration of the racial contract from its implicit, self-hidden, de facto state back to its explicit, honest, de jure state. Mills describes the implicit, de facto state of the racial contract as being the state in which the racial contract “has written itself out of formal existence” (73, emphasis omitted), extending the illusion of liberal, egalitarian principles of social contract personhood to everyone, but in truth privileging white people and white interests (73). During the rising action, the story’s various interest groups and individuals operate under the tenets of the implicit racial contract. Black people and anti-trade liberals buy into “the pretence that formal, juridical equality is sufficient to remedy inequities created on a foundation of several hundred years of racial privilege” (Mills 73). White characters and interest groups obsess over the costs of racial equality rather than the ideal itself. Concurrently, black people are misleadingly qualified as “citizens” by government members and pro-trade groups (Bell, *Faces* 165, 189), preserving the illusion of the social contract. The President, the Cabinet, and pro-trade advocates further enact the implicit racial contract by denying the

Critical Race Theory & Lockean Social Contract Theory

involvement of race or racist attitudes in their arguments, by pretending to listen to black peoples' opinions (only to dismiss them), and by rewriting racial history, thus "obfuscat[ing] the nonideal history of white oppression and racial exploitation" (Mills, "Racial Liberalism" 1386). The implicit racial contract in the rising action of the story operates on illusion, obfuscation, and ignorance, which most of the characters, if not all, demonstrate through their actions and dialogue.

By the end of the story, the open use of force, racial transparency, and the reinstatement of slavery signals the return of the explicit racial contract, the state of "de jure white supremacy" (Mills, *Racial Contract* 73). Force is applied both against black people after the amendment passes and Jewish people during their protests against its ratification. Mills posits that "physical violence [is] [...] the dominant face" of the explicit racial contract (83) - the police, the penal system, and the army become its enforcers, maintaining racial order and destroying challenges to it (84). The use of force against Jewish people in the story is worth noting. It reveals the application of the Racial Contract against a multiethnic group, which includes visibly white people, as a stop gap measure to instability (103), establishing them as the potential successors of subpersonhood after the departure of black people. Racial transparency, as another indicator of the de jure racial contract, reveals itself through the increasingly racist dialogues of the Pro-Ratification groups. Towards the end of the story, they state, "our survival today requires we

sacrifice the rights of blacks in order to protect and further the interests of whites” (Bell, *Faces* 188). Here, “white supremacy [is] openly proclaimed” (Mills, *Racial Contract* 73, emphasis omitted) not only to the public, but by its majority. The most concrete representation of explicit white supremacy, however, is the 27th amendment and its ratification. Its intent to enforce the conscription of all black people through the deliberate eschewing of their rights amounts to the reimplementing of slavery. Bell is overt with his use of slave imagery and allusions at the end of the story. The 27th amendment, ratified by 70 percent of the population, writes the racial contract back into formal existence. Its effects, furthermore, extend beyond those who are inducted. The black people who remain behind are openly forced to “accept a subordinate status with ‘suspended citizenship’” (192), signaling the totalizing completion of the explicit racial contract. Through the implementation of slavery, dialogues of racial transparency, and the use of force to enforce the racial contract, “The Space Traders” tracks the retrogression from the implicit, de facto racial contract to the explicit, de jure racial contract, forming the underlying theme of the story.

Though I have argued that racial contract theory features prominently in Bell’s “The Space Traders,” it is important to reiterate here that the theory only exists in its primitive form, as proto-racial contract theory. While there are many overlapping features between CRT and racial contract theory – Mills calls his book on racial contract theory an example of CRT (Mills, *Racial Contract* 126) –, key differences

Critical Race Theory & Lockean Social Contract Theory

still exist. CRT generally condemns liberal values for their hypocrisy and facilitation of racism, urging black people towards non-compliance and the pursuit of alternative ideologies. Bell goes so far as to advocate for the acceptance of black peoples' subordinate position, as such a move would enable more meaningful and organized action against systematic racism (Bell, "Racial Realism" 377). Racial contract theory, on the other hand, criticizes the misapplication of liberal values and not the values themselves. Rather than pursuing alternative paradigms, racial contract theory advocates for the realization of universal personhood, the true realization of liberal values (Mills, *Racial Contract* 129). "The Space Traders" is undoubtedly a CRT story: it ends with the reenslavement of the story's black population, which was unable and unwilling to find a viable alternative to liberalism. Nevertheless, I have shown that by bridging CRT and social contract theory in "The Space Traders," a proto-racial contract reading is both possible and constructive, exposing an underlying theme of structural, racist norms that trace the corruption of liberal idealism to the totalizing influence of white supremacy in American society.

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Erik Nolan

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Critical Race Theory & Lockean Social Contract Theory

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