The Egalitarian constitution: modern identity in three moral values
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Introduction: 'the immovable keystone'

Imagine you, an ordinary member of a contemporary North Atlantic democracy, are installed on a long flight. The man in the seat next to you is Jewish and quite observant—with simple black attire, a skullcap, the curls dangling by his ears, and tassels at his side to remind him of the Commandments. You begin chatting, and after a while you get to talking about 'religion'. You ask him, 'So, why are you religious?'. His answer is that his parents had him circumcised into the Covenant and instructed him in 'the Law'. He is observant of the Law because he trusts the words of his fathers. He sees his life patterned on the ways of those fathers. He hopes his children's lives will be similarly patterned. It is because of that hope that he has so many children, seven in all.

You might think that such trust is an odd reason for 'being religious', for 'choosing an identity'—a demanding and 'archaic' identity such as Hasidic Judaism, to boot. You notice how different his choice is from your own experience with what is called 'faith' (or 'faith traditions' when one is trying to be very politic about it). 'Faith' in the common sense involves personal 'religious experience' and personally-justified conviction in truths, which are purportedly your own witnesses to the veracity of that experience. Looking at the man in the seat to your left, you are struck by the total claim on his being that his religion makes, as well as by the total gift of his loyalties that he gives to Hasidic Judaism.

In all this, you are struck by how 'unmodern' his whole way of life is. He is more like a traveller from somewhere unrecognizably long past than like a compatriot of modernity.

Nevertheless, what do you mean that he is 'unmodern'? After all, he *is* travelling willingly in an airplane, presumably taking advantage of modern sanitation and medicine, and he speaks a contemporary language that you understand. Well, you could mean that the man's religion—meaning, his whole way of life—is in some important sense 'unfree'. Forget for the moment the etymological irony of '*religio*' (perhaps from '*ligere*', implying 'unfree' *per definitionem*), and recall that 'personal faith' is what is now commonly implied by a phrase like 'he is quite religious'. For this Jew, someone else determined the contents of his religion for him. He gets no vote—not then, not now, and not in the future—that is, besides the vote of his continued adherence. He follows the decisions of 'patriarchs' long dead, and some still living, all the while understanding such following to be morally

obligatory. Consent is still present; meaning, he is not forced to remain in this severe tradition. But it is a particularly passive form of consent, more like assent or submission, much less robust than what you understand to be an active, free choice. It might remind us of the contract-law principle that 'silence implies consent'. Freedom of choice is not obliterated within his religion, but neither is it highly prized.

But there is more than just curbed consent that makes this observant Jew seem unmodern. The relation between him and his religio-social order is heteronomous. He is looking to others, certain long-dead men, for his guidance. He calls them his 'fathers'. Inseparable from this is the great inequality endemic in his religious practice. One need not even mention the fact that 'fathers' are looked to rather than 'mothers'. That fact places one half of the historic community beneath the other. One hundred percent of the living is also subservient to a few chosen dead, from whom *they* (namely, the men of the community) receive instruction. Such instruction is then used to channel, train, and discipline the community. It is always 'they' that do this, rather than any single 'he'. For, in determining identity, the community is also set above the individual person. And 'they', the fathers, are constitutive of the community.

In short, that which sets such traditionalist Judaism apart from a 'modern' faith is at least threefold. First is its deficiency in consent as *the only* legitimate basis of moral obligations. Second is the lack of any leading role for personal autonomy as the goal of (moral) life. This presupposes the lack of the autonomous person as the guiding principle and cornerstone of human moral life. The absence of equality of persons as the purported starting point of human relations, and destiny of mankind, should, thirdly, go without saying. That is chiefly what disqualifies it as 'modern'.

These differences not only set forms of traditional religion apart from modern religion, but they also divide traditional ways of life throughout the world from what could broadly be called the 'modern' way of life. The 'modern way of life' is a basic and general cultural identity shared by most persons in contemporary North Atlantic lands. It also has many hundreds of millions of adherents—perhaps a couple of billion—in the rest of the world. These persons are culturally modern insofar as they are consensualist, autonomous, egalitarians. Insofar as they are anything else, they are unmodern or non-modern, as the case may be.

Persons, natural and corporate

Consent, equality, and autonomy are essential to the modern cultural identity of persons, whether natural or corporate. Both psychological self-understanding and institutional self-understanding, as the case may be, are mapped onto these values. Natural and corporate persons aspire to fulfil these values as standards of what is good and right, naturally *mutatis mutandis*; and as examples of the Right and the Good, insofar as relevant. They also measure success against standards derived from these values.

As with any moral values, some persons fulfil them better than others. But even bad actors attempt to bill their activity in terms of these values. Hence, the official name of certain modern countries. 'The Democratic People's Republic of the Congo' (DPRC, henceforth) declares itself to be a modern form of autonomous corporate personhood, the democratic republic. Republics themselves exist as peers among other nations, that is, as sovereign moral equals, even as some are smaller, some larger, some richer, some poorer. Nevertheless, each counts for one vote in international institutions and treaties or contracts in international public and private law. This could be otherwise, and it was very different before the modern sovereign nation-state became the model of corporate personhood. Think of the model of the empire or of the satellite (client) state that is in orbit around another superior political communist. In each case, the peerage of political communities, which includes the sovereignty of states, would be denied—meaning that equality would be precluded, consensual relations rendered unnecessary (i.e., a decline in contractualism), and sovereignty (i.e., political autonomy) denied.

With corporate persons, the knock-on effect of their modern self-identity is the promise of a modern constitution for the natural persons who are citizens. Declaring that the DPRC is 'democratic' is a byword for government of equals. It is often also shorthand for government within the bounds of human rights. Much of the content of contemporary human rights is meant to bolster the autonomy of natural persons, by instilling equality and consensual relations in place of inherited hierarchies and ascriptive statuses that had been formerly given by society, religion, family, clan, or government, and often recognized in law (or at least not forbidden by law).

I will not directly defend the implied claim of the previous paragraph, namely that corporations are persons, although below I do point the reader to other authors who defend the claim. But, here, I should dispel the most common criticism of corporate personhood: that corporations cannot be moral, since they are mere 'artifices' or 'constructs' without minds (centres of

consciousness) of their own. Personhood is both a natural and a social category. As a social category, it attaches and is attached to individual human persons and to corporate entities *that are deemed to be personal* for any number of reasons. These might include holding moral or legal obligations, or being a responsible actor in the world. We treat other human beings of a given level of maturity as if they are moral agents, whether or not we have seen evidence of that fact. As a result, if a person offends a law or moral imperative, we call her to account. We do not regularly say 'her brain did it', unless there is really something wrong with her brain that overwhelmed her will or her reason. We are comfortable with personhood that consists in parts, but that is exercised 'corporately' (literally 'through the head' atop the shoulders) of the natural person.

Similarly, when a chemical corporation poisons one's river, one does not say 'Damn you Board of Directors of So-and-So Chemicals'. One says, 'Damn you So-and-So Chemical Corporation'. We can identify the part that routinely makes the decision, for instance the CEO, but we do not confuse that part with the whole. Just as with the defective brain in a natural person, a corrupt CEO can be identified independently of the corporate person as the cause of a grave ill. However, when one goes to the store to buy toilet cleaner, one might think, 'I am glad So-and-So Chemicals still make these great solvents'. One is appealing to intention, reason, will, activity in the world, toward a known end, and with some good in mind: one is referring to what persons do. Other creatures or machines might be able to do some combination of these activities, but only persons do them all together as one discrete act. Only persons act for discernible ends in the world as the *reason* of their action (rather than just the *cause* of their action). This is so whether the action be a man agreeing to a loan, or a corporation promising to build a factory according to planning ordinances.

Thus, the sort of language that identifies a corporate actor as the doer should be taken to indicate the speaker's real apprehension of a moral person in the corporate form. I shall take it to mean just that. For now, I begin with the position that modern moral values are possessed by persons in natural and corporate forms. These are possessed similarly, but with the necessary variations made for the form. For instance, personal autonomy is spoken about as 'sovereignty' when considering the activity of the modern political corporate person called the (nation-)state.

Modern values

The term 'values' has a thinness to it that belies the importance of autonomy, equality, and consent to modern persons. More than functioning merely as 'values', in a constellation of other possible values, they are transformed in the daily life of modern persons into dispositions, practices, law-like structures, and beliefs about proper and right behaviour. They come to function as virtues, *nomoi*, first principles, and dogmas. In this way, these core values provide the very contours of the world that modern persons inhabit, both collectively and individually. Since I do not have one perfect term for all that they are and do—'values' is a catch-all term—I will use the term that seems most appropriate for the function of the value in each case. Sometimes it will be spoken of as a virtue and at others as a nomos.

Autonomy, consent, and equality illustrate for all attentive persons what it is like to be modern. They also direct action toward realizing the Good, namely, the thriving of the modern personhood as an autonomous, consensual, egalitarian. Thus, they function as both means and ends.

Because of their range of usage, clear and stable definitions of these values are hard to come upon. This is especially the case as the same terms or concepts behind them are routinely invoked in ordinary personal interactions as well as in scholarly discourse. The range of use and meaning of, say, 'equality', is both deep and wide. These are values for persons, which introduces a further complication to defining them. The underlying theories of the self on offer are often both diverse and unclear. That holds whether the theory forms a sophisticated 'philosophical anthropology' or is one of the mundane ideas of the self that are deployed in daily life.[1] *Omnis definitio est exclusio*, there is no way round it. Nevertheless, 'the belief that we can somehow step outside the stream of history and furnish a neutral definition of such words as *libertas*, freedom', or autonomy, equality, consent, person, 'is an illusion well worth giving up'. For terms that are so normative, indeterminate and, as the same commentator puts it, 'so extensively implicated in such a long history of ideological debate, the project of understanding them can only be that of trying to grasp the different roles they have played in our history and our own place in that narrative.'[2] One of my tasks in this book is to limit the definitions to uses of the terms as modern moral values of persons.

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[1] Martin Hollis, *Models of Man*, 13.

[2] Quentin Skinner, 'A Third Concept of Liberty', 265.

We might still ask ourselves how we know when we have reached the 'real reading' a definition that is not manifestly untrue. In some ways, we will never know for sure. But the ground can be cleared of many misreadings, beginning from as good a starting point as can be discerned. For instance, that which is convincing to those who self-identify as 'modern'. From there we can work to clarify what is meant by their core values. Such a method mixes a phenomenological and conceptual approach to modern values. The question of how we know what these values are means: 1) how they are routinely come upon, and (2) how one can discern their boundaries once they are come upon. My implicit position is that both the genealogical and the conceptual, as well as the experiential aspects, are more usefully studied together, insofar as it is possible. The success of my analysis turns on this being so.

Thus, knowing where to place limits on a shared approach is key. One example is the difference between natural kinds and artificial kinds, which can make all the difference in some analyses, but which is of very little interest to others. If, say, a value is experienced as a natural kind, it often makes slight difference whether that factual for the analysis of it as experience. Another is the truth that taxonomic and conventional divisions of things tend to diverge. The convention of moderns will be the route into my analysis. Once the convention is sufficiently established (description), say in a high valuation put on a specific understanding of autonomy, that understanding will be interrogated on standard philosophical accounts of it (explanation and analysis). Finally, interpretation. That is where I will test the substance for its strength: What is the value of these values for persons? Can they be relied upon as a constitutional order? Does the centre hold?

The alter-conscience

This anthropology of the present begins where persons are most present: in their self-conscious experience. Being also a phenomenology of the present, I start *in* the axiological experience of self-consciously 'modern' persons. From that 'place', '[t]o be modern is to find ourselves in an environment that promises adventure, power, joy, growth, [and] transformation of ourselves and the world'.[3] Here and now, the new is good. But some parts stick out as self-evident goods, without which we could not have such transformative hope.

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[3] Marshall Berman, *All That is Solid Melts into Air: The Experience of Modernity*, 15.

Equality is the key that unlocks all that potential. So, the highest hope is placed in the value of 'equality'. This hope persists—and at times becomes synonymous with 'modern liberty', either politically or socially. It informs ways of life that are *broadly* egalitarian (although not always equalitarian), rather than 'ancient' or 'aristocratic'.[4] Our freedom in equality is compared positively to the 'slavery' of all who came before us, who were in some way bound to polity, family, or Church.[5] There is obviously much more freedom for more persons, overall, to enjoy individual self-determination under the conditions of modern values. This gives individuals more reason to flee toward the bosom of modern values and away from the angry pitch forks of the patriarchy.

Nevertheless, to be modern also 'threatens to destroy everything we have, everything we know, everything we are.'[6] How so? Firstly, it threatens to destroy all that has been passed to us by way of history—all, that is, which is not reconcilable with the totalizing value of equality. Any cultural practice, institution, custom, habit, thought, or prerogative that impedes equality must be reformed or removed. Corporate and natural persons are in no way excepted from this purging of history. Hyper-equalitarian regimes of national and international socialism have put paid to the lie that 'equality' is a respecter of persons.

Equality, secondly, threatens to extinguish prerogatives of personal identity. Excellence, unicity, biography, honour, merit—all must go, unless they can be made compatible with the perfect order and ordering of relations that equality is establishing in the world. Equality sometimes extends to extinguishing the persons themselves who have some such prerogatives. That is, when a class of persons is considered by their very existence to threaten equality, they must go.[7]

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[4] For political equal liberty, see Benjamin Constant, 'The Liberty of the Ancients Compared with that of the Moderns' (1819), in *The Political Writings of Benjamin Constant*, 309-28. For the social reception of this sort of egalitarian liberty, see Tocqueville on the women of America, *Democracy in America* (1899[1835/1840]), Vol II, Sec. III, Ch. XII.

[5] Hegel's analysis of the master-slave dialectic looms large. But Marxists and liberals imported implicit suspicion of established authority into the analyses of the broad transformation from what we were to what we are.

[6] Berman, *All That is Solid Melts into Air: The Experience of Modernity*. 15.

[7] Since Rousseau, 'bourgeois' has been an insult in Western intellectual circles, and with the reception of Western socialism abroad, it became a global term of contempt. Marxist socialists, taking the hatred of the bourgeoisie as an article of faith, proceeded to attempt to extirpate that class wherever they came to power; the goal was a 'dictatorship of the proletariat'. Their ostensible

This very imperative to equalize has becomes the alter-conscience of modern persons. It is constantly sharing the moral knowledge—the scandal—of inequality. Now, how could one not be outraged that life's goods, liberty, and property are realized differently in one place than another?"[8] The alter-conscience points to the most efficient ways by which said inequality can be purged. It is a well-directed urgency derived from a pure vision of moral order, and applied to perfect social, political, and personal orderings. That moral certitude in the service of 'equality' shows the final recurring danger. For, 'equality' is an empty set. 'Equality of…' all turns on what follows the 'of'. Is it equality of resources or equality of torture, of love or of death, that are meant to be evenly distributed? This itself has warned some off overreliance on 'equality', particularly in political life.

For, equality is discovered to be the fire that provides the warmth and light in the modern soul. It is also the flame that can consume nearly all the furniture of the self or society as fuel. Equality is not only no respecter of persons, but it is not allied to any person's interests, no matter how modest or lowly she might seem. The modern person is thus left in a suicide pact with the value that, she is told, is at the heart of her identity. That which guarantees her freedom could cost her life. Thus, the 'equalitarian problem'.

The egalitarian mind

So, she might ask: How can I channel the force for change that equality brings into the world, so that we might also maintain the moral, social, and political gains that equality brings? One answer is to contain the alter-conscience. The equalitarian problem is resolved for the time being in the formation of the 'egalitarian mind'. It is: (1) a habit *preferring* equality before any other moral considerations, but not (2) to the exclusion of the prerogatives of the person. Those prerogatives include values which contribute to individual, life-long well-being of body and mind, as well as to the realization of harmless (to others), self-chosen desires. The egalitarian mind is in no small part a bulwark against the over-extension of the imperatives of equality. By encompassing the alter-conscience in personal considerations, it keeps that exacting moral knowledge from attempting to equalize at all costs. The egalitarian mind functions so that modern persons

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goal—and Rousseau's before them—was 'equality'. See *The Black Book of Communism*, ch 21, for more than four score pages on Mao's bloody-soaked levelling.

[8] I owe this insight to Hans Eicholz.

might enjoy equality in good (alter-)conscience, while remaining unmolested by the fruits of the never-ending urge for its ever-greater realization.

The egalitarian constitution

The egalitarian mind is, in turn, the personal aspect of the 'egalitarian constitution' (and the answer to the question: What is it like when many egalitarian minds try to live together in a political community?). A 'constitution' is a form of government and governance of political, personal, and social life. It is based in shared claims about the Good, and the Right, goods, and rights, among other things. This primarily involves how that the Good should be implemented in the daily lives and shared life of persons, corporate and natural. Classical types of constitutions are: democratic, monarchical, and aristocratic. Thinkers from Plato and Aristotle in the ancient world, to Rousseau and Tocqueville nearer to the modern end of history, have made use of these terms to describe the matched social and psychological orders and orderings that together form a 'constitution' ('regime' or '*politeia*' are other words for the same thing). Ideally, the souls or selves, who are ruled by a group with, say, a democratic constitution, also share the same constitution in their own self-rule and regulation. Constitutional commonality inclines toward peace.

'Constitution' is a recurring theme of this introduction, as well as a motivating theme of the entire book before you. For the ancient science of politics, 'constitution' was a conceptual tool used to analyse the political community, how it and its members were constituted, and the relation between all those so constituted, as well as their individual and group-based relations to the political community so constituted. I take a lead from Jean-Jacques Rousseau in beginning with a more limited sense of constitution, which broadens to most areas of life upon reflection.

Rousseau presents constitution as a form of law within a political community, with branches that stretch above and roots that extend below the ground of that community. Of the four kinds of law, the final and 'most important of all', according to Rousseau, is:

> not graven on tablets of marble or brass, but on the hearts of the citizens. This forms *the real constitution of the State*, takes on every day new powers, when other laws decay or die out, restores them or takes their place, keeps a people in the ways in which it was meant to go, and insensibly replaces authority by the force of habit. I am speaking of morality, of

custom, above all of public opinion; a power unknown to political thinkers, on which none the less success in everything else depends.[9]

For Rousseau, the constitution is in the heart. But it is not limited to personal psychology. Much of the general sense in which Rousseau—and in following him, I too—will use 'constitution' implies the ever-present material extensions of what is cherished in the heart. This involves habits, custom, public opinion, morals, values, and evaluations of the world in line with what the heart loves. In actual constitutions, 'feeling rules', in the sense that when one is well socialized into a given constitutional order, one will feel what one should—one values things properly and judges accordingly. And one then acts in accordance with that 'line of feeling' without needing another law. This is the unenforced that is nonetheless heeded. This can never be absent from the actual governance of a people or society.

However, it is rarely part of the science of politics (or the art of politics for that matter) to elucidate it. Nevertheless, in actual politics, those whom we call statesmen, just as those whom we call prophetic, operate with a sense of that shared feeling. Rousseau says, 'the great legislator concerns himself in secret [with the constitution], though he seems to confine himself to particular regulations; for these are only the arc of the arch, while manners and morals, slower to arise, form in the end its immovable keystone.'[10] The study that follows could just as well have been billed as 'the immovable keystone of modernity'. But that would have taken the image for the thing itself. I am here to describe, explain, and interpret the egalitarian constitution. Visions are for the poets, prophets, seers, and, notably, charlatans.

Division of the study

In order to describe and explain and interpret what it is like to be modern, the conceptual chapters rely on a comparative analysis of three elements or partitions of modern cultural identity to their ancient counterparts. So, there are three conceptual divisions: autonomy, consent, equality. I lean heavily on the argument that personal autonomy is in fact the most important of the three. It is the lynchpin, if you will, providing the logic (moral reasoning) and

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[9] Rousseau, *On the Social Contract* (1920 [1782])*,* 2.12. [emphasis mine]. Also of interest is Leo Strauss's commentary on why *politeia* is routinely translated as 'constitution', when 'way of life of a society' might be a more fitting rendering of its full meaning at *Natural Right and History* (1953), 136-138. He, however, prefers 'regime' as the rendering.

[10] Rousseau, *On the Social Contract* (1920 [1782])*,* 2.12.

content for what can become consensual moral obligations. Since equality itself is an empty set, autonomy also determines just which goods are subject to equalization. Equality and consent get a substantive chapter each.

Autonomy ultimately gets the lion's share of the attention. But I track towards autonomy, beginning with equality and then adding consent, which, when missing from equality, leaves it to become dangerous to persons. I finally add autonomy, which completes the set. Modern personal identity cannot be sustained in a world of persons based only on its own exacting standards of consent, equality, and autonomy. Since autonomy is both the lever and the lynchpin, the success of modern personal identity will turn on it. But it must remain fixed in order to be a lynchpin.

The reasons for affirming personal autonomy in this role are not self-evident in the concept of 'autonomy'. It is easily betrayed by the other two values, if not carefully construed and enacted. I demonstrate this, anyway, with examples that push each other value *toward* its logical conclusion. From there each betrays its own purported ends, requiring a return to reliance on a particular kind of personal autonomy to secure the moral system.

Modern values might be sustainable if some extra-systemic actor—God or a very powerful alien—had set some boundary conditions for autonomy (and to a lesser extent for equality and consensualism). Unfortunately, it was mostly Rousseau (and Locke) playing God in this romantic narrative.[11] Modern human-rights regimes have attempted to make up for this failing of modern values. They were too little, too late. The values had already shown their teeth.

Structure of the argument

The structure of the argument that leads to that negative assessment of modern personhood runs as follows. The concepts of equality, autonomy, and consent explain the experience of 'being modern'. They answer the question: 'What is it like to be modern?' as a cultural identity for persons as a constitutive way of life. 'Persons' are understood to be both natural and corporate. Hence, individual human beings and certain groups. States, companies, non-profits, or other such groupings, each of which acts for unified ends in the world, are moral persons. This matches our legal and

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[11] Successful regimes of rights always assume an extra-systemic actor: an 'endower' that gives humans the privileges of rights. Cf. *Preamble* to the *UDHR* and the *US Declaration of Independence*.

moral understanding of those entities. Nevertheless, natural persons remain the type and model of personhood.

Equality, autonomy, and consent, when rightly understood, comprise both the values and an evaluative framework that is self-consciously 'modern'. This evaluative framework manifests itself in society and personality as: modern virtues, dogmas, first principles, customs (*nomos*), and habits (*habitus*).

Equality, autonomy, and consent are shorthand for universal equality, personal autonomy, and consensualism. The three values imply one another in practice. For instance, personal autonomy is unrealizable outside of conditions broadly based in consensual moral obligations, which must be those of universal equality of persons (try to have one of these values while denying any other). The implications lead from each of the three to the others. They do so for many reasons, including an underlying philosophical anthropology.

Taken together, a phenomenology of the present is presented, wherein 'being modern' is a way of life for persons, both natural and corporate. Within that culture, certain things obtain, and others are precluded. Universal equality provides the single shared status of persons; consensualism determines the sorts of relations permissible between equals; and personal autonomy provides the content. It does not do this *qua* personal autonomy. Each person fills in the content as an autonomous agent, within the limits of consensualism and equality. This provides the dynamism and the limits of modern personhood.

A note on pronouns

The cold civil war about pronouns rages on, with many ugly and grammatically incorrect phrases replacing the traditional 'he', 'his', 'him', which although grammatically male, was democratic and large enough to 'contain multitudes' in Walt Whitman's famous phrase. That tolerance to 'otherness' has not saved it from the levelling impulse; and now it is all but *verboten*. In this study I hope to skirt round the issue by employing grammatical gender in the service of the distinction I am hoping to draw between that which is modern and traditional ways of life. When I speak of the generalized modern person, I shall use 'she', 'her', 'hers'; in speaking of the generalized traditional person, I shall use the male equivalents. All newer pronouns that attach to other ways of being in the world are foregone in the single-minded goal of clarifying the main point of this study. However, the romantic personhood that I argue to be the basis of the value of personal

autonomy has recently fully flowering in 'trans' issues, preferred pronouns, and in the mainstreaming of performative understandings of gender. Those are merely extensions of latent possibility in the doctrine of the 'true inner self' that is at the heart of self-understanding. Thus, in themselves, they warrant less mention than their ultimate source. The reader can perform the extrapolation.

Ancient vs Modern

As to the question of the *historical* division between the modern and everything else that came before, I reject the tripartite division of ancient/medieval/modern, wherein the Renaissance is the breach in the ancient and medieval consensus that brings about the modern.[12] I hereby also reject the conceptual pattern as normative, namely, that these are the stadia that cultures, say, Islamic ones, must pass through in order to modernize. The Renaissance cannot be ignored. But it plays a leading role only under Whig interpretations of history, wherein one 'studies the past with reference to the present'.[13] Or even more, where the value of the past is indexed to the present. Telling the story of historical movement as a progressive flight from ignorance and the 'dark ages' to the enlightened modern age – the grand *now* – is untenable and generally to be avoided. It does violence to the character of history in order to ensure that it all *had* to lead to now. And 'now' is conveniently indexed by the person making the argument. For instance, when the Bad Old Days are decried in contemporary social commentary, it is often with the division of 1968. *Now* women have liberty, blacks have the vote, etc.; *then* it was all dark and wicked. Before 1968, the progressive historian looked perhaps to 1789 or 1848 or 1948, when Eleanor Roosevelt invented human rights. One literary example is from Bram Stoker's *Dracula* (1897), which illustrates that this indexing is nothing new: 'It is the nineteenth century up-to-date with a vengeance. And yet, unless my senses deceive me, the old centuries had, and have, powers of their own which mere "modernity" cannot kill.'

The bipartite distinction between the ancient and the modern seems to align better with the continuance of the classical and Christian inheritance in intellectual life, until relatively recently, than the tripartite distinction would.

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[12] Heinz Heimsoeth, *The Six Great Themes of Western Metaphysics and the End of the Middle Ages*, wherein he presents the bipartite division.

[13] 'The Underlying Assumption' in Herbert Butterfield, *The Whig Interpretation of History*.

For example, in the uninterrupted education of elite boys in classical military history from time out of mind until the generation immediately following the First World War. Lately, that education was aimed at producing 'Homeric Christians'.[14]

The bipartite division also aligns with the self-conscious experience of being modern, as compared to the unselfconscious experience of being any of a variety of pre-modern existences. For, pre-modern Europeans would have understood themselves through many other categories, none of which maps directly onto the geography that is 'modern(ity)' or any other 'meta-' way of being in the world. Being Christian or being Jewish, being the servant or master of a person, being a descendent of a family, tribe, denizen of a region or land, farmer, baker, knight, or wife—none of these are corollary to 'being modern'.

Much like early Protestantism, the modern age—and the modern wherever it appears—should be characterized as a protest movement. In that it is also a *reactionary* movement, and one that helped to (re)define the thing it is reacting against, ostensibly by adhering to the roots. 'The modern', rather than being an aspect of the world that is always eventually found by those who would but seek, or a long-intended destination finally arrived at after nearly interminable suffering and toil, is a negation. In its rejection of the ancient – wholly or partially – it is a rejection that usually includes at least the older cosmological and epistemological orders. In taking this attitude toward that which comes before, modern partisans help turn 'the ancient' into a distinct body of doctrines with its own Canon. Otherwise, what constitutes the Canon would perhaps have (always) just remained a common, ever-evolving, cultural inheritance of a certain civilization, in this case North Atlantic Christendom. Instead it came to be seen as an ossified collection of sources.

The bipartite historical divisions into modern and pre-modern, or modern and ancient, coincides with conceptual binary divisions of modern and non-modern culture, or, in the same way, modern and ancient culture. When modernity is understood not only as an epoch but also as a culture, either post-modern or non-modern cultures can be opposed to it. It can float

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[14] A. A. M. Kinneging, *Aristocracy, Antiquity and History: Classicism in Political Thought*, details not only the role of Classical patrimony in education up to the cultural watershed of the First World War, but also how guiding political notions were by-and-large Classical in their make-up. 'Homeric Christian' was William Gladstone's personal ideal. See Melvin Schut, 'The Homeric Christian: Gladstone's Politics of Prudence', *The Clarion Review*.

independently of the age it defined. Such opposition may be in the character of one or the other culture's self-understanding. But a given culture need not be 'post-modern', just because its forms are defined in reaction to modernity. Think of the Amish in this respect. Many non-modern cultures have nothing whatsoever to do with modernity: for instance, uncontacted tribes of the Brazilian Amazon. So, there is the historical division of ancient/modern, and the standing division between modern and everything else. To be clear, it is not only the party of the modern that has set up this opposition, but also the character of the content of modern values, which, when taken together, are exclusive, exacting, and incommensurate even with the values that gave birth to them. More on that in the following chapters.

Direct opposition in a bipartite division is most useful to this study in defining what it is like to be modern. Having two terms to compare simplifies the discourse, making differences easier to spot. It should therefore allow for better understanding of them, than if I were trying to compare three general forms. There is precedent in this sort of didactic and dialectical simplification. Louis Dumont's *homo hierarchicus vs. homo aequalis*, Henry Sumner Maine's status vs contract, Alexis de Tocqueville's democratic and aristocratic regimes. All of these are shorthand for changes that could be described just as fairly as civilizational, epoch-making, constitutional, and anthropological.[15]

The comparative approach operates at the level of the leading conception, but it will also be carried down into the chapters about the cardinal modern values. To know the nature of something, one ought to know what specific difference makes the thing what it is. Knowing what sort of thing it is helps one to look for the appropriate types of differences that might indicate its nature. Culture, ages, identity, values: these are all notably fuzzy areas of discourse. Philosophers do not venture into them expecting to emerge with great clarity. However, they do hope to clarify and distinguish what they can. In that hope, I present in each section a composite of modern understandings of equality, autonomy, and consent. I have also chosen a composite description of a non- or un-modern corollary—usually an opposite in some way—of consent, equality, autonomy, in order to come to what is distinctly modern about them. Whenever the concept was anachronistic as applied to

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[15] Louis Dumont, *Homo Hierarchicus: Essai sur le système des castes*; Maine (1966), *Ancient Law, Its Connection with the Early History of Society and Its Relation to Modern Ideas* (1861); Tocqueville, *Democracy in America* (1835). Steven B Smith, in the chapter abstract to *Modernity and Its Discontents* (2016), makes a bipartite division, with modernity as 'a mentality that celebrates scientific progress, constant change, and universal ideals of national sovereignty and human rights'.

antiquity, for instance in the case of 'autonomy', I have chosen a near-equivalent opposing concept, such as 'the virtuous citizen'. Sometimes a concept such as equality does not have conceptual opposites that function as values. There is no culture that treats inequality or hierarchy as a value per se. Ancient Romans did not argue for its intrinsic goodness in the way that contemporary egalitarians argue for the intrinsic goodness of equalized relations between persons. The Romans would argue from tradition, appealing to values of nature, service, duty, and so on. But when composed as a vision of order, they do form an appropriate opposite to that which moderns mean by equality, including all that they imply.

De-sociologizing the conversation

There is only one academic discipline dedicated to understanding what modernity is. It bears the misleading name of 'sociology'. Making sociological sense of modernity is thus a tautology.[16] It could be said that sociology is distinguished from other disciplines by asking (or at least answering) the questions: 'What are the salient notions of inequality and why do they exist?' and 'What are the salient notions of social change and why do they exist?'[17] A discipline could also be set apart, perhaps uncharitably, by the questions which cannot be asked. Those set one-sided boundaries on enquiry, and thus serve to define the blind spots of the discipline. 'Can sociology address the reality of the person as moral entity?' is one such question. If not, why should its terms and concepts, obsessions and blind-spots, taboos and fetishizations, stand in judgment and condemnation of the rest?

Our age is heavily politicized, ever more so since we were told by a generation of cultural Marxist scholars that the 'private is political'. We are political, but we do not generally obsess over constitutional principles such as the *Trias Politica* or the proper role of executive power. Rather, we have

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[16] Representative books are: Max Weber, *The Protestant Ethic and the Spirit of Capitalism*; Peter L. Berger, *The Sacred Canopy*, *The Homeless Mind,* and *Facing up to Modernity*, which combines sociological essays and personal reflections on preserving traditional institutions in spite of modernity, esp. 'Marriage and The Construction of Reality'; Daniel Bell, *Cultural Contradictions of Capitalism*; Jacques Ellul, *The Technological Society*; Philip Reiff, *The Triumph of the Therapeutic*.

[17] From my private conversation with American sociologist Michael Kennedy in Warsaw. Robert Nisbet's *The Sociological Tradition* (1966) invigorates the view of the golden age of sociology between occurring 1830-1900 with the main areas of interest being community, authority, status, the sacred, and alienation. That would partially counter Kennedy's understanding of the problematizing of inequality by sociology. The distinction could be between a golden age and the eventual decadence of the discipline.

learned to think about all human relations by borrowing notions of human relations from Marxism, and late nineteenth-century social thought, especially ironic borrowings from Nietzsche. Weber, Durkheim, Freud, and Mill, as well as a separate set of, now long-forgotten, second-rate thinkers' ideas fill our heads. When feminists of the 'Second Wave' tried to make the private/personal political/public, they were inserting borrowed language from sociology and social theory into the conversation, which had been passed into our time by the likes of Jean-Paul Sartre and Herbert Marcuse. Feminists also introduced their own neologisms for relations which they were interested in destroying: 'the patriarchy', 'the problem that has no name', the 'male gaze'.[18] In politicizing our age, we have taken into our various and sundry relations the language and concepts of a discipline obsessed with the causes of inequality and social change. Now, like a soldier whose damaged ears permanently hear the ring from the blast that damaged them, we find it hard to hear anything else, no matter where turn our ear. In doing so, we have over-sociologized our understanding of change, power, the sources of (in)equality, identity, and human motivation. We measure everything with a ruler, even the sea.

This sociological language has played well with modern values of consent, equality, and autonomy, for it shares most modern anthropological assumptions. But it has been expressive of our prior convictions to those values, rather than indicative of a new way of organizing social life and society. Take hyper-sensitivity about inequality. It comes out of the dogma that equality is the original position. Equality should thus be the default position as far as possible. A theory of social order that promises to (re-)enforce equality or decrease inequality is a fitting friend of egalitarians. And much of the sociology and social theory has been just that, a complement to modern values, firmly held. Sometimes it serves as a more sophisticated statement of what the world should look like when autonomous egalitarians form societies and governments (in its Marxist forms, it excludes consent during the transition to the stateless state). But usually it is a mere handmaiden of modern values.

Modernity teaches particular ways of being a person. I stand against Leo Strauss's interpretation, that modernity has meant positivism, historicism, and

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[18] Cf. Simone de Beauvoir, 'Myths', in *The Second Sex*, esp. 163ff for her Marxist *mythos* about patriarchy. See also Betty Friedan, 'The Problem That Has No Name', in *The Feminine Mystique* (2013 [1963]), 57-78.

nihilism (i.e., that all is power), a complete fact-value distinction.[19] Modernity is bound up with the values and virtues of autonomy, consent, and equality, as what Voegelin would call a 'political religion', which is political but also really a religion.[20] Sociology informs us of some of their outworking; however, it has so far failed to provide us either with an account of how they emerged (preferring 'salient notions of social change' to psychological or nomatic change), or with an account of why they continue to compel and obligate modern persons (preferring instead to focus on 'salient notions of inequality' and their genealogies). Said differently, sociology lacks a sound philosophical anthropology. It does not even realize its need of one in order to explain modernity. That its categories are still the go-to ways of understanding our age is an unfortunate historical by-product that I seek to help overcome. In the conclusion of this study, I offer a modern anthropology based in the three values, which applies both to natural and *mutatis mutandis* corporate persons. This is a philosophical answer to the received culture of sociology, which imagines it has explained all of Shakespeare after having lopped off the final scene of *Hamlet* and examined it. The person of modern values is another way of speaking about the modern constitution. And once it is exposed for examination, its relative merits can be assessed.

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[19] Leo Strauss, *The City and Man*, 6-11.

[20] Cf. *The Political Religions*, in *Modernity without Restraint*, 7, wherein the editor, Manfred Henningsen, claims Voegelin 'rejects the conceptual nominalism that equates religion with the institutional churches and politics with the modern secular state...all political order is justified and legitimized through symbolic narratives that connect the respective society or movement with a larger order of things.'