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The Egalitarian constitution: modern identity in three moral values

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Citation

Price, J. D. (2018, September 18). *The Egalitarian constitution: modern identity in three moral values*. s.n., S.l. Retrieved from <https://hdl.handle.net/1887/65565>

Version: Not Applicable (or Unknown)

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Issue Date: 2018-09-18

Chapter 4: Universal Equality

The purpose of this chapter is to explain that to be equal is not merely to value and adhere to 'equality'. The concept working behind the value has no content of its own; in its use, it is not stable (except tautologically); it is thus always contextually defined. Moreover, despite having dynamic meaning, it tends to act as an exacting and 'total' value. Its range of application is great, potentially touching all things everywhere in the life of moderns. Since the value is so constituted, as a virtue, levelling has no necessary relation to implementing the good; or only as a direct relation as the value behind the virtue has. Evil could equally be valued and thus routinely pursued through levelling by way of equality. Being natively directionless, equality could be made to move in any direction. It can and has been destructive even of its own valuer and its own levellers. Not only is it no respecter of the Good, but neither is it a respecter of the Right. It is certainly no respecter of persons.

Equality of 'persons'

Over the past few hundred years the value of 'equality' has been modified with the word 'universal'. 'Universal equality' is a value related to persons. Persons may be natural or corporate. You and I are natural persons. Groups that involve natural persons can also be considered persons themselves, corporate persons. Ordinary examples include: political parties, states, trade unions, churches, as well as for- or not-for-profit corporations. Recently moral and legal philosophers have tried to extend the natural category of 'person' to include non-human animals. In some countries, Spain and Switzerland, laws have been passed to partially include great apes in the protections afforded to persons. Although 'universal' is limited to 'persons', there is no reason that 'person' may not also be extended beyond the boundaries of the human race, so that equality could be universally offered to them as well—whether 'they' be animals, robots or space aliens, we will have to wait and see. It can even be that the whole ecosystem or biosphere is included or all things in it.¹

The question of how 'universal' this personhood could become is taken up in the final part of this book. If it is taken too far, it loses its moral

¹ Arne Naess offers 'biospherical egalitarianism in principle', which affirms the equal right to live and flourish for all things. 'The Shallow and the Deep: Long Range Ecology Movements'. This is a pro-equality and anti-humanist position that worries about 'mammalian crowding' of the biosphere.

significance for human persons. But the tendency is to extend equality to its logical limits despite costs to some or all human persons. In Chapter 5 and part of Chapter 6, I approach the modern fixation in politics, personal psychology, and society on equality as a standard of justice—‘justice as fairness’ as it is most famously called. This is also treated as the destination of human social and political order. In my reading, socialism—and its safe-for-the-West form called ‘social democracy’—is a quintessentially modern political doctrine. Not only does it analyse injustice in terms of individual deserts, as when labourers do not have access to their own products or means of production—referred to as ‘alienation’—but it also sees equality as the measure and remedy of the situation. In consistently reaching first for equality as the means and ends of social engineering, it has routinely self-destructed and destroyed those it set out to protect.

Universal equality as value and virtue

Three interrelated questions spring to mind when universal equality is presented as a core value of social and personal life: 1) Why universal equality? 2) Equality of what? 3) Equality of whom? An answer to any one of these questions delimits or sometimes even determines the (possible) answers to the others. This partially turns on the definition of ‘universal’, which is contextually indexed. The set could include: all humans, all sentient beings, all creatures, all individual things in the cosmos or even the cosmos itself. Equalitarians are committed at least to the three-fold, ideal meaning of all human beings, always, and at all times. That ideal will be returned to below, especially its conceptual difficulties. However, I begin with *Equality of what?*, as it is the most open-ended of the questions.

Equality of what? involves what might be called the ‘the *goods* subject to distribution’. Often that means (re-)distribution by some central authority. In most modern imaginings it is the state that fulfils this role, but it need not be. Families, churches, insurance companies, lotteries: all could do it. But it is taken for granted that there are many things which we are perfectly happy not to have (re-)distributed in a more equalitarian fashion: contagious disease, early death, tax audits, and paper cuts immediately come to mind. Equalitarians are not usually in the business of distributing harms simply because it would be fairer that all suffer, say pestilence, rather than just leaving the misery to the unfortunate few. We are, then, speaking about (re-)distributing things considered ‘good’, rather than just ‘goods’ in the sense of material necessities. Mere equality—or ‘simple equality’—is a relation with no

possible content in itself, even if it is routinely used with regard to obvious social goods (wealth, land, education, healthcare). That was a conceptual point that I return to immediately below. The cultural point is that the choice of the goods to which simple equality is to be applied must be provided by the culture in which the relation is active. Or this must at least be provided by the person considering equality's levelling activity.² And no *persons in a position of choosing* are cultureless or neutral, no matter what John Rawls has suggested.³

Some goods are good everywhere and at all times wherever biological creatures persist, such as clean drinking water. Others are good in circumstances appealing to rational animals, such as receiving moral consideration.⁴ Others, again, such as a dapper suit or a prize for achievement, are good only where certain conditions obtain—where they have a certain meaning, where such-and-such values are held.⁵ They can thus vary greatly in their relative evaluation, just as easily being seen as goods or bads. Think of a chic 1970s polyester leisure suit in contemporary Berlin. What is good everywhere can be called an absolute good, bearing in mind that it is only 'absolute' in relation to human beings. In most cases such absolute goods will gain the status in relation to a biological or physical fact of suffering and death, and the undesirable psychological states that attend (the anticipation of) pain, suffering, and death.⁶ The reverse case applies in that

² Some have tried to get away from the tyranny of 'simple equality'. Michael Walzer has developed 'complex equality'. However, he adds a number of other considerations, including the fact that choices of distribution always relate to the cultural meaning of that which is to be distributed. Moreover, related to meaning is the principle by which things are distributed, which differs not only per culture but within differing spheres within each culture (e.g., strict equality for basic rights, merit for higher education, need for welfare, harm for recompense, etc). There cannot be one, simple equality for all everywhere. He also offers eleven basic goods that complex equality would distribute. So, the problem returns again to the goods themselves rather than remaining focussed on equality. 'Complex Equality' in *Spheres of Justice: A Defense of Pluralism and Equality* (1983), 3-29.

³ Immature humans and humans who are alive but not cognizant are in no position to choose. They are, however, human persons and also human beings.

⁴ John Kekes, *The Illusions of Egalitarianism*, 1-2, where he identifies egalitarianism by way of the statement: 'all human beings should be treated with equal consideration unless there are good reasons against it.'; Michael Walzer, lists eleven goods: membership, security and welfare, money and commodities, office, hard work, free time, education, kinship and love, divine grace, recognition, and political power. Each gets a chapter-length treatment in *Spheres of Justice*.

⁵ Walzer, *Spheres of Justice* (1983), 6-13.

⁶ This might be considered overly utilitarian, but with most basic goods the value they have is evaluated in relation to human life. Fire is considered a good up to the point that it burns human flesh. If we had the skin of elephants, it might be held as a good for a little longer before being tossed away in pain.

severe physical pain and the like are never absolute goods. This is also the basis of many utilitarian ethics, which also assume methodological and metaphysical individualism.⁷ It is no wonder that equalitarian politics—even when purportedly grounded in deontological claims about the worth of the person—tends to be couched in utilitarian justifications. A shared vision of the human chiefly as an ‘individual’ binds them, in place of older visions of moral order that casts man chiefly in the role of a particularized ‘person’. Below I detail how this generalized ‘individual’ serves to negate the truly personal aspects of the individual so as to avoid anything intruding on justice as fairness. For equality is no respecter of persons. But justice once was that very personal form of respect.

Nevertheless, absolute goods are not always considered by equalitarians as appropriate or *prima facie* objects of equal distribution. In such enlightened places where one can procure an abortion (nearly) at will, one still does not enjoy the right to use a toilet wherever and whenever one wants. One will look in vain at the founding documents of universal human rights for the basic right to use a toilet when nature calls. Some goods fall under the equalitarian moral calculus, others do not. The reasons vary, and the justifications differ, from place to place and time to time. Yet, certain obvious necessities and other greatly desirable things for a happy life (almost) never seem morally necessary to attempt to re-distribute. Some examples: personal or physical affection, sex⁸, children⁹, friends¹⁰, beauty¹¹, health¹², access to

⁷ See ‘Average happiness versus total happiness’, 27ff and ‘Utilitarianism and justice’, 67ff, in J J C Smart, Bernard Williams, *Utilitarianism: For and Against* (Cambridge 1973).

⁸ There has been talk in the Netherlands of allowing the handicapped access to brothels at the state expense. Otherwise, they might be denied the good of sex. But aren’t many of us some of the time and most of us in the twilight of our adult lives handicapped by ugliness? Don’t the less attractive suffer because of lack of access to sex? Why should the luck of birth determine who gets to have that pleasure? That meaningfulness?

⁹ Some can have many; others can have none, being either barren or undesirable. Adoption is one option, but both costly and not yet justified at the level of social policy as *a form of egalitarian re-distribution*, namely, for the ‘right’ to parenthood (although the gay adoption debate almost goes there). In the history of the human race men have had, on the whole, a much more difficult time reproducing than women. Women are much more selective about whom they allow to become a father of their offspring. Shouldn’t we rectify this injustice for the sake of equality? Don’t we have the right to be parents? Everyone who wants to become a father should be helped to do so.

¹⁰ There are some absurdities in attempting to redistribute friends and the like. Are these, however, more absurd than equalizing certain ‘opportunities’? Many such opportunities nowadays come through friends. Hobbes saw this, listing friends as an instrumental power, alongside wealth and reputation. *Leviathan* X.

¹¹ I expect that healthcare in the Western world will increasingly include sponsoring aesthetic surgeries and treatments for the sake of equalizing the playing field. Orthodontics have nearly

nature or animals or the sea or trees, or an environment free of undesired stimuli...the list lopes on. Reasons for excluding these goods from equalitarian calculus are rarely enumerated. Reasons are usually given, however, for those things that should be included.

At the societal level, moderns err on the side of placing more goods into the redistribution mill than the societies that they have replaced ever did. This is especially true of goods that are considered 'basic'. It is also true of that category of goods which are grossly difficult to procure, especially when they are not yet institutionalized, without great personal expense, such as elementary education. One of the few articles of the Universal Declaration of Human Rights that reads like a commandment is Art. 26.1: 'Elementary education shall be compulsory'. The purpose of education, in Art. 26.2, is related to what could be called the 'freedom to be treated equally'. As it says: 'Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.' Hence, the growing preference for the welfare state by increasingly modern populaces of the North Atlantic nations, ever since Otto von Bismarck began the project in the latter half of the nineteenth century.

Nevertheless, that which is considered good, and why, will always need to be determined. Equality itself only gets us part of the way in understanding why some goods are nearly always up for redistribution, and others nearly never are, and others sometimes are and sometimes are not. Equality itself, when acting as a measure, often points out the problem of inequality of a purported good. By way of an equalitarian ethic, it points in the direction of complete equality by means of less unequal (re-)distribution. But it does not indicate which goods should fall under its moral jurisdiction.

From mathematical relation to cosmic truth

As we have seen, equality, since it is necessarily relational, needs content and context for it to mean anything but the scarcest mathematical or geometrical truth. 'Equality' on its own is a mere factual description of that relation

become that in American private healthcare plans, along with teeth whitening. Fashionable glasses are also routinely covered in the US, rather than just a minimum that would be necessary to restore bodily function.

¹² As distinguished from healthcare. This is now changing. For instance, a recent bill presented to Dutch parliament would make it obligatory to opt-out of organ donation. If one does not, then, upon death one's organs will be redistributed to others awaiting transplants. Could these also be used more generally for 'science' or 'art' even? and justified along egalitarian lines.

obtaining in nature, for better or worse, without any necessary value or moral imperative attached. When 'equality' becomes a value, it must be transferred from the world of maths to that of moral aspirations. 'Universal' is the indicator of that happening, since it carries with it a vision of order that stands above any person, above all individuals, above anything that was or could be chosen or denied. 'Universal' marks equality out as having cosmological import.

This import, however, is not sublime. It does not extinguish the significance of all other entities simply because of its grandeur. Like number for the Pythagoreans and Plato, it orders all that participates in it, gives it identity and form. Once equality is universal, there is nowhere in the universe that one could go where one would not be equal to those one met! What that means for our relations can differ as much as *one* egg differs from *one* idea, with both still being instances of the universal number 'one'. Equality will negotiate its own participation in the life of man once it has installed itself in his mind as the standard of righteousness. From there it seeks to bring all to enjoy its perfections. It would massage itself into the politics of reform, as part of a vision of justice with a divine mandate to make the lives of all as adherent to equality as possible. Instead of becoming the cornerstone of the constitution, it would have to become the framework of social life, just as it is the framer of the moral life of moderns.¹³ Moderns consider equality a good in itself, despite the impossibility of intrinsic goodness of that kind of relation (it is a category mistake). They want it to be spread throughout the world. Moderns are not equalitarians, although they do recognize equality in the nature of things. They are egalitarians. Just why can be seen in a discussion of justice, which I return to after going deeper into problems endemic of the concept of equality.

¹³ Bob A Hepple, *Equality: The New Legal Framework* (2011). The trend according to Hepple is away from discrimination law as a sufficient means of enforcing equality. He is writing as 'the leading academic authority in equality law' (as stated in the Foreword) on the occasion of the comprehensive Equality Act 2010 (UK). A new overarching branch of law is called 'equality law', 'of which discrimination law is an essential but not exclusive part.' *Viz.*, Chapter 1: 'The Aims of Equality Law'. For discrimination law's place in the enforcement of equality, see 'Equality: Concepts and Controversies', the confused and confusing introduction to S Fredman, *Discrimination law* (2002). The move is against negative law-making such as removing inequality (discrimination law) and for positive implementation of equality at all levels.

Problems of 'equality'

Equality, again, is exactly what we moderns ask for, what we hope for, and what we never quite get. Except, that is, when we get more 'equality' than we ever asked for. In which case it is frequently destructive of the goods that it was meant to distribute more widely. For instance, socialism routinely destroys the markets and the social trust that had together produced the surplus it wanted to re-distribute equally. Being fundamentally a mathematical relation that is borrowed into human relations, the concept of equality itself calls for an unrealizable goal. When are we really 'equal'? How can we ever tell? How can we make it static in a dynamic world (must we assume, against the facts that the world is static)? And when is it completed? When are we equal enough?

There is a story of monastic life, almost certainly apocryphal but nevertheless *true*, in which all is equal amongst the religious except the pens with which the monks copy the sacred manuscripts.¹⁴ All their moral righteousness and resentment are thus directed at either extinguishing the use of better pens or benefitting personally from their use. The quest for full equality, rather than the eventual leadership of a few 'holy' monks, ends in the dissolution of the monastery. The truth of the story is not new. As Tocqueville remarks: 'When inequality of conditions is the common law of society, the most marked inequalities do not strike the eye; when everything is nearly on the same level, the slightest are marked enough to hurt it. Hence the desire for equality always becomes more insatiable in proportion as equality is more complete.'¹⁵ Equality in this way can be understood as a permanent revolution, religious-like zeal that counterposes the truth of a new founding with the wicked customs it seeks to supplant.¹⁶ It needs those customs and traditions like a parasite needs a host, but as it progresses it needs less and less of them to incite violent revolt, as Tocqueville pointed out above. Without inequality to rail against, it is a weak relation of equation.

Equality, then, when taken seriously in human action, becomes a sacred social tie.¹⁷ Definitionally, it necessitates totality, and thus necessitates extremism. Otherwise it could never actually even be approached in the world. Because it takes on a character that is neither personal nor civic, but

¹⁴ This is partially adapted from Umberto Eco's *Il nome della rosa* (1980).

¹⁵ Alexis de Tocqueville, *Democracy in America* (1899[1835]), Volume II, Sec. II, Ch. XIII, 'Why Americans are so Restless in the Midst of their Prosperity'.

¹⁶ *Ibid.*

¹⁷ Edward Shils, 'Primordial, Personal, Sacred, and Civil Ties'. *British Journal of Sociology* 8, (1957).

sacred, the commitment to equality should be total. That alone satisfies both its definitional and its sacral meaning. Like a half-truth, which is not in fact a truth, but in the most important way an untruth, equality is also total: something either is or is not equal. For that reason, when the ideal is brought to bear on the real, equality is totalitarian in the sense that ‘democracy’ also is: anything undemocratic subverts the claim of ‘democracy’.¹⁸ It is also total in the sense that it precludes opposition, and seeks to subdue and recast the world in its own image.¹⁹ Worryingly for equality, ‘[d]omination is transfigured into administration.’²⁰ For, equality, especially in its tame forms such as ‘justice as fairness’, pretends to be a theory of the Right. Thereby it insists on the inclusion of its vision of the Good to the exclusion of all others. If administration of the Right is controlled, little more needs to be said about the Good. Yet, equality alone has never been enough to secure modern constitutional order. In its revolutionary register, brotherhood and liberty had to be present as moderating influences on it. Both the temptation to extremism in thought and action against inherited inegalitarian institutions and the impotence of ‘equality’ *on its own* to secure any but the most meagre goals, recur politically and psychologically.

These and other problems of equality exist for ‘equalitarians’, whom I wish to distinguish from egalitarians. Equalitarianism, in the words of one critic, ‘would by design sweep away the built-in inequalities of family, of inheritance, of luck, and of individual ability and aptitude.’²¹ It is the problems related to ‘equality’ that lead most equalitarians to encumber equalitarianism with all sorts of qualifications, placing its energy at the centre of the more moderate position as egalitarians. It is not simply the abandonment of one position for another. It is the replacement of a hammer with a whole set of tools; a single ideology is replaced by a mindset with that ideology as its tenor. The next chapter details this Egalitarian Mind which attempts to preserve as much of the equalitarian urge to total equality as is can without destroying the very beings that the alter-conscience was intending to equalize or the goods that are meant to be distributed fairly. For the Egalitarian Mind, the quest for

¹⁸ ‘When this point is reached, domination—in the guise of affluence and liberty—extends to all spheres of private and public existence, integrates all authentic opposition, absorbs all alternatives.’ and ‘Democracy would appear to be the most efficient system of domination.’ Herbert Marcuse, *One-Dimensional Man* (1991[1964]), Chs. 1 & 2, respectively.

¹⁹ This is one mark of totalitarian regimes listed by Hannah Arendt, ‘Ideology and Terror’ in *Origins of Totalitarianism*.

²⁰ Herbert Marcuse, *One-Dimensional Man* (1991[1964]), Ch 2.

²¹ Nisbet, ‘The Pursuit of Equality’.

equality is noble and paramount, but its realization must be tempered. But what are some of the problems with ‘equality’ that make it both too strong to be taken straight into the system and too impotent in itself to use as the cornerstone of any society or self-understanding?

Firstly, there is the ‘Pythagorean problem’. Equality is not a stable political or ethical concept. It is, rather, a mathematical definition of the relation of sameness, which has been borrowed into politics, ethics, and everyday life.²² Originally, it was in terms of numerical sameness rather than of numerical identity. Saying ‘1 equals 1’ is not an example of equality. Saying that ‘2 equals 1 plus 1’ is. This relation is logical and tautological. And it is not very interesting as far as things go. Saying that there exists a relation between two different things such that they are in some way equal is not a statement about the type of relation. It is about the means by which the two things can be considered equal. Equality is always equality *in something*, that is *of something else* than equality.²³ With numbers, the numerical set provides the content and measure of relations. Numbers are equidistant from each other on the same line, counted in the same unit, and share a base (of ten or whatever distance is chosen), etc. The statement that ‘x equals y’ is about that *thing or concept* shared between them (for, x is not the same thing as y). It is not about the relation of equality itself, which is always and everywhere the same relation. When numbers are not used as the set and base, something else must be or else no relation can obtain.

Once outside of the perfect world of discrete numbers, we should always remember that nothing is in fact ever precisely equal to anything else. No two drawn lines are the same length. It is easier to affirm equality in things that are difficult to measure precisely, or which are in principle unmeasurable. Saying that two persons are of equal height will never be able to be true. Saying that they are equally human is true enough. Saying that they are of equal moral dignity is beyond measure, and thus might pass muster. So, if ‘equality of persons’ is going to be a claim that is neither manifestly untrue at some level

²² The relation between the mathematization of the understanding of the world in Descartes, Hobbes, De Metrie, et al, and the rise of one particular mathematical relation, equality, as the central way of relating man to man and man to the world, and man within himself, deserves to be chased to ground.

²³ William E O’Brian, ‘Equality in Law and Philosophy’, both continues the argument of Peter Westen in ‘The Empty Idea of Equality’ that ‘equality’ is an empty set and adds arguments about when it is a ‘non-empty but mistaken value that should be rejected’. Other considerations, ‘such as alleviating poverty and distress, promoting accuracy and substantive justice, avoiding arbitrariness, and other values’ might actually achieve what many mistakenly think is the province of ‘equality’.

of examination (even if it is seen to be functionally true at the level of everyday life) nor beyond interrogation, then it would need to claim equality of some quality or virtue that is more like number than like the physical body.

The relation of 'equality' as inherited from math is useful only as an exemplar. But it is a dangerous standard, as it always demands a level of precision that can only be reached in the changeless intelligible world of number. It is applied secularly by equalitarians to the world of flux. Aristotle warns about applying unfit standards of proof to different areas of knowledge. Only a fool looks for, say, mathematical precision in moral reasoning. The analogy to this shift of equality from maths to morals should be borne in mind. Obsession with the changeless as the object of reverence is one way of casting the early history of mathematics. The Pythagoreans were well known as religious cultists *because of* their holistic teachings on the cosmological meaning of maths. It was the centre of their belief system. A whole way of life for self and society flowed from their basic assumptions about number. (Plato was even said to have been a follower of Pythagoras.) It is not hard to see the parallel, long hidden by anti-clericalism amongst equalitarians, that a new religion is formed when equality is affirmed as the relation without which all justice fails—even cosmic justice. The affirmation is made to become both a political and a social imperative because it is believed to be cosmologically true.

The second problem emerges heuristically wherever equalitarian dogma must be put into practice on its own terms. I call it the 'me-too complex'. The difficulty of doing anything worthwhile and lasting with so thin a concept as 'equality' alone—such as founding a society—becomes immediately clear. If contemporary students learn nothing else about the modern world during their education, they will certainly learn one truth: 'All men are created equal'. This will mean many things, but chiefly it will mean that no serious and lasting distinctions can be made between themselves and their classmates, certainly none that are based wholly on innate qualities, rather than on preference and on habit. And even then, it must be remembered that such distinctions are merely incidental, not essential. Imagine that these children were thrown onto an uninhabited island, *Lord of the Flies* style, and decided to make a society based on one principle, '*sola aequalitas*'. Society would be guided by a 'sugar and salt principle'. The 'sugar' is care offered for the victims of inequality. The 'salt' is 'fairness as equality' extended to all.²⁴

²⁴ For this usage see Jonathan Haidt, *The Righteous Mind*, 157ff. Besides care and fairness, loyalty, authority, and sanctity could have been used to found society. Those latter three, however,

The principle represents the underlying equalitarian dogma. Betrayals of this dogma excite the passions of envy, resentment, and anxiety, since it is a special sort of personally relevant dogma. With equality, moral righteousness is tied to self-interest. It might not be so with an older dogma that was betrayed by sacrilege, that is, where the offense was felt on behalf of a god, the community or one's ancestors. The dogma of equality in practice returns our psychology to a nearly instinctual form of self-preservation. This is the 'me-too'-ness that equality relies on for its force. Each person fighting not to be deemed 'unequal', not to lose out on the benefit presumed to be conferred by equality, the place with the wolfpack at the carcass. Resentment, envy, jealousy, constant comparisons of oneself with others and one's lot to others', all become the driving engine of social and political change. In all this, note that it does not matter much what is being distributed—its quality or value—so long as it is in some way *considered* a good or *its conferral is considered a good* (e.g., as a form of respect, recognition, affirmation). The dogma will get monks fighting about pens or children fighting about gold star stickers just the same.

The previous example was about children, but it need not have been. There is a notable puerile tone to the moral language in which claims to equality are commonly expressed, appealing to 'fairness' and not much further. 'It's not fair!' says the child; 'Me too' cry children of all ages.²⁵ Childish it is, but there is also something basic, fundamental, and related to our most inbuilt human sense of justice about native appeals to equality as fairness.²⁶ Said more sympathetically: calls for 'equality' can be considered

immediately betray an anti-equalitarian sentiment. According to Haidt, the Equalitarian ('liberals' in his usage), being a 'two-foundation morality' thus appropriates the other moral values merely as Trojan horses for furtherance of equality (care and fairness). They do so against the 'five-foundation morality' of conservatives. Think of the 'sanctity of the Constitution' in contemporary American discourse. When used by two-foundation moralists, an appeal is made to the Constitution's guarantees of equality and basic rights, rather than also making an appeal to loyalty to a specific sacred Constitution as authoritative—penned in one place, by certain Founding Fathers, for historically-situated reasons.

²⁵ John Rawls, *Justice as Fairness: A Restatement*. (Belknap Press, 2001) offers both a limiting and a sharpening of the post-Kantian sentiment, with a heavy dose of Rousseauian egalitarianism. Rawls restates the basic feeling of the harm of unfairness as a positive political truth of 'justice as fairness'. In this he foregoes all that has been done to moderate that insistence throughout the history of philosophy. See *A Theory of Justice*, for his update of Kant, making him a disciple of Rousseau: 'Kant's main aim is to deepen and to justify Rousseau's idea that liberty is acting in accordance with a law that we give to ourselves.', 256.

²⁶ This has been borne out in recent research. Although those who are more traditional ('conservative' in the author's words) appeal to a larger set of moral values, which include sanctity,

childlike rather than just childish. They are the beginnings of moral reasoning that are elementary in the sense of being fundamental. It may be even more elementary than we realize. Not only children but even our great ape cousins would seem to recognize some inchoate form of ‘injustice’ in unequal distribution of food, rewards, praise, etc.²⁷ They at least express disapproval when they end up on the short end of the stick. As one study of primates notes, ‘[p]eople will sometimes invest in extremely costly behavior to achieve fair outcomes for themselves and others.’²⁸ Equality—or the reduction of (gross) inequality—is important, perhaps even essential, to our moral reasoning. Affirming that truth is different from insisting that it be the essence of our moral reasoning, as well as the test of the justice of our society. There are reasons for this greater than the baseness of psychological life that a single-minded focus on inequality produces.

When implementing abstract notions of equality becomes a social imperative, both its pettiness and violence come to the fore. That is in part because of the unreality of its achievement when compared to the obviousness of the injustice. These together produce frustration and anger in the cognitive dissonance, when inequality is an obvious blight that is intractable. If one seeks inequality, one finds it; nearly any situation can be accused justifiably of some form of ‘inequality’. And if one agrees to the plaintiff’s terms that all inequality must be justified by its uses for eventual equality, it certainly would be unfair and thus unjust and thus wicked not to attempt to fix the unequal situation. According to the equalitarian, the plaintiff is not here pointing to trifling matters.

These appeals to fairness as the whole of (political) justice even sell the matter short. Fairness was formerly thought enough, sometimes being too little done, and often being too much done—or the wrong sort of action—to mend a moral failing or make the world better. In the insistence of universal equality, the principle of fairness reaches its nadir. The equalitarian is pleased

authority, and loyalty, both the ‘very liberal’ and the ‘very conservative’ are still committed to fairness and care. *The Righteous Mind*, 158.

²⁷ See following footnote for a survey study of recent findings in animal prosocial behaviour relating to ‘justice’ and ‘fairness’. With all the terms used, caution must be exercised about translation of results from non-human to human groups. Again, seeking to diminish inequality seems more universal than seeking equality itself. Only rational creatures could seem able to hope for equality, by way of understanding the concept and applying it analogically. Great apes of many kinds seem at times to seek more equitable *distribution* of rewards and choice vitals; but this sense is less pronounced regarding punishment and other negative stimuli. For instance, would an ape balk at a whole group of apes being punished for the errors of a single member?

²⁸ Sarah F Brosnan, ‘Justice- and Fairness-Related Behaviors in Nonhuman Primates’ (2013).

with the phrase, its ostensible meaning, and the possibilities it portends for moral progress. The equalitarian *knows* it is a universal principle, inhering in the cosmos in the same way that the Pythagoreans believed number did. And the alter-conscious insists that the ideal become the real in a total vision of equality.