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The Egalitarian constitution: modern identity in three moral values

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Conclusion: Sounding out the egalitarian constitution

I conclude this book with a rational reconstruction of the egalitarian constitution, by answering the question: What is it like to be governed by the egalitarian mind? After that cursory synthesis is completed I proceed to ask whether this constitution is fit for purpose. Can it provide convincing and reasonable answers to the ethical problems presented in the two thought experiments above? If yes, and I do argue that the answer is yes, then the further question is about foundations. The egalitarian constitution will seem to have solved difficult ethical and moral problems of modern life, at least on its own terms. Meaning: a satisfactory enough approach to equality has been made that the alter-conscience is quelled for a moment, the mind is at rest in its autonomy.

However, the more pressing question for any philosophy of modern axiology is not whether the system works on its own terms – its validity – but its soundness: Can it demonstrate itself to be true? This need not take the form of a formal demonstration on neutral, rational grounds—say, an Enlightenment proof. It might, rather, show itself to be a superior form of moral reasoning in solving problems that emerge within its own system. This could be called a ‘MacIntyrean proof’, after the tradition-bound forms of proof that MacIntyre suggests are the only sound ones.¹ My question is whether there is anything obviously deficient in the egalitarian constitution that could render any such proof in principle impossible, especially on its own terms.

I believe there is such an Achilles heel in the armour of the egalitarian mind. I call it the ‘Godot problem’ in my analysis of what is missing. Put simply, the autonomous self has been made the metaphysical centre of moral values, needing to be both anchor and foundation of the mind and of the constitution build atop it. But there is no *there* there, no ‘self’ – either in particular cases or in general – in the way it would need to be to serve perpetually in that metaphysical role. Or at least there is no *argument* for such a *there* being there. ‘The wise man builds his house on a rock’, we have been told on good authority. But the self is shifting sand when considered only in itself. The egalitarian mind needs a metaphysical centre – a god. It can neither create one nor can it itself be or become one in anything but pretence.

¹ The third version of moral enquiry in Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry* (1990).

Ironically, it must even deny such a god's existence in order to be or become what it says that it is: personally autonomous. The self retreats to the canopied agora within, where it finds only a recently minted golden calf.

Reconstructing the egalitarian constitution

In that which has preceded, we have come to understand the moral values of: universal equality as perpetual equal moral consideration, consensualism as self-imposed moral obligations, and personal autonomy as being an end-in-itself-for-itself. Together they form the egalitarian mind, which is the self-sovereign end-in-itself. In relation to others, this mind—being a byword for the truly modern person—can be described as a consensual autonomous egalitarian. The moral knowledge of the egalitarian mind retains both the conscience given by nature and the conscience acquired by convention. However, these consciences are now dominated by a conventional conscience, which I name the alter-conscience. The alter-conscience is the advocate solely for equality, and thus against anything that falls short of it. Being single-minded and certain of its clear and distinct ideal, it is much more insistent than the consciences of nature or convention, which are sophisticated, soft, and easily stilled. The lust for equality that is the alter-conscience, however, is single-minded, and never sleeps at its post.

The alter-conscience continually fuels the life of modern values. But the alter-conscience also gets away with itself. It becomes a danger to *its self*, and a danger to others. And it always necessarily inhabits a self—a person—as its host; for, conscience cannot exist outside of a mind. The twofold danger of the alter-conscience is: first, it has no native content, which, second, means it relies only on the purity of its concept of equality as mathematical sameness. Because 'equality' is an empty set, the alter-conscience, which seeks equality, can be employed in any direction that fills in the empty space in the set. The mind that is constantly agitated by the sleepless alter-conscience realizes that whereas equality can be a means, it cannot determine its own ends or appropriate means. If equality is to serve to bring about the good of equal moral consideration, another way of determining ends and respective means must be found.

To do that, one needs not only to route the levelling impulse away from harming those whom it is meant to serve, but one also must control, moderate, and at times still that impulse by some psychologically and socially realistic means, under conditions broadly acceptable to the alter-conscience. Namely, with the assumption of methodological and metaphysical

individualism, never losing sight of equality as goal and measure of success. Consent is then appealed to as an open-ended way of determining ends individually, which also serves to manage the levelling impulse, and to appease the alter-conscience.

But, the quest for equality is not ended by relying on consent alone. For, humans are bad judges in their own causes, and consensualism requires that they follow their own judgments. Human persons regularly agree to that which disadvantages them, and they fail to agree to that which is to their own advantage. And such poor judgment, from an equalitarian standpoint, is not just limited to those who don't know better. The altruism of many women leaves them in a state of greater inequality than if they chose what was in their true self-interest—or if it was chosen for them. Moreover, humans will often consent to that which they actually don't desire, and even that which is additionally harmful to them in the most acute ways. Voluntary death for the sake of others or voluntary slavery are two extreme cases. Nevertheless, onerous interest rates, wretched labour practices, and even professional blood sports, also make the point stick.

Even as it controls the alter-conscience's exacting excess, total reliance on consent introduces two problems that are insoluble when equality alone is the only other value that one can appeal to. Technically *anything* could be consented to on an individual level. Under the doctrine of consensualism, consent can render even the worst acts morally harmless: violent rape becomes role-playing, murder becomes euthanasia, battery becomes boxing. It all turns on consent; everyone is equally her own arbiter of harms and goods. On the other side, any of the benefits that equality might otherwise bring could just as easily be rejected by each person. Because of the individualistic confines both of universal equality and of consensualism, there is nowhere to appeal to for moral authority outside of each individual person whom these values are meant to serve. And each person is understood socially to be knowable as nothing more than the manifestation of her will in consensual activity.

To solve the problem of moral solipsism, what is needed is a moral centre that can neither be violated nor forfeited *especially* by she whose centre it is. This centre must be made into the chief value, which is also personally and socially respected as a moral authority. Any third person or institution attempting to serve that role, and making the decisions for others, would be arbitrary. That is, unless consented to in advance. We talk about such imagined or historical agreements as 'social contract'. Yet all social

contractarian models still assume that the moral centre is within the contractors themselves rather than within the group that is contracted into existence. The group is the result of the contract, historically or logically, and thus logically subsequent to the antecedent contractors. That moral centre point should be at the centre of the beings that equality is meant to serve. From there, it should also serve to bind consent to its own good, so that consent too serves this being, as consent simultaneously limits the its alter-conscience and that of others. The only place to go for that moral centre is 'within' each of the persons who are meant to consent to their own equality.

This self-serving centre is what we call personal autonomy. At first, we look for that moral authority to be perfect both in the senses of complete and of pristine. But we do not discover in each individual a being the nature of which could put perfect limits on the ends that could be chosen. We find no being that could be counted on to curb the freedom, that is assumed in the quest for equality and consent in human relations, so as to allow even for its own good to emerge. We find, rather, a limited and weak consciousness inclined to self-love, but not able reliably to make decisions in its own self-interest. There are clear general limitations, which can be clearly laid out. However, since we are not privy to anything specific that goes on within this other self, aside from what she tells us, we do not know what is the true good for her. In order to play the role of a bulwark against excesses of equality and misdirection of consent, we must assume the inner place is inviolable. Even our desires to beneficent heteronomous rule should not try to minister to the needs uninvited. We also know that the inner space is epistemologically closed to us, unless its 'owner' shares what happens within (when she herself knows). These two positions combined will serve to open up a space of indeterminacy in the moral life of modern persons for the value and virtues of personal autonomy to fill, as well as to allow the inner space within the person with the psychology of autonomy. Persons can then be protected by others (both from others and from themselves) without a charge of intrusion or paternalism—all while the privacy of that agora within is protected.

By positing the inviolable place to be fully knowable only by way of each individual consensual being, and also to be the place where the real self lives, two things are accomplished. First, others cannot presume to know what any other person wants or needs (outside of basic bodily and social needs) or by asking about specific desires. And then it is always second-hand knowledge. The possibility of full knowledge is necessarily left to the person who alone is able truly to know herself. Second, the possibility of self-

knowledge is always abutted by the reality of imperfect selves. The autonomous person can be mistaken, or not yet informed, or in principle never fully informed about herself. Thus, some things that she might want to consent to can be curbed by others, forbidden socially, or proscribed legally, without betraying her personal autonomy. In fact, these limits can serve to protect autonomy, especially her internal autonomy of enquiry. If she, say, wishes to be in a relation that she could never in principle extract herself from – such as an eternal marriage – it could be forbidden. Not because it is known to be uniquely bad for her, but because her identity primarily as an autonomous being would be forfeited in practice by an eternal bond. Or, in a lesser case of the taking of extreme debt, some waiting period could be introduced to allow her to make sure that she really wants that sort of relation. Certain debt levels could even be forbidden without charges of paternalism emerging. These are exactly the measures that modern consumer protection law introduces in order to have a free and non-paternalistic market that also ultimately respects the declared autonomy of persons, insofar as neither she nor anyone else are able to curb her autonomy going forward.

The hiddenness of self-knowledge to all but the self, and the need to communicate it before others can know it, along with the belief that it is only the self who gets to determine her own ends and moral obligations, presupposes the need for consensual relations between equals in all but those which could harm or seriously inhibit the person who is doing the choosing. And, thus, the egalitarian mind, the self-sovereign end-in-itself. For, what else could we call a being that gets to determine its own ends as the source of its own moral authority? It is the vessel that makes equality safe and tenable for the good of the being whom it energizes for its consensual moral activity in the world.

The egalitarian constitution *consists in* the governing of persons and institutions by egalitarian minds. The egalitarian constitution *consists of* all that emerges when such minds relate in community according to their own values as consensual autonomous egalitarians. I enumerate some of what it *can potentially* consist of below. But briefly, the history of modern politics has given some examples, especially in places where the external vestiges of our historic and natural consciences have fallen away. In those places the prerogatives of the alter-conscience have been allowed to take over, more or less. I enumerate their general character in a list of items below.

Mainlining the egalitarian mind

The egalitarian mind remained for hundreds of years mostly the possession of an elite, who was educated to oppose traditional culture, society, and institutions. These include everyone from the nineteenth-century utilitarians to twentieth-century Marxist socialists to the latter-day linguistic deconstructionists. But with the generation of 1968, the egalitarian mind was democratized through North Atlantic lands. Today, the last generation raised without the alter-conscience as part of their identity are dying off, with their institutional and cultural influence waning every day.

The celerity of change from traditional morality to the egalitarian morality is thus increasing. This is in part why ancient social institutions that have never had substantial challenges to their identity, such as marriage, have fallen with little more than a whimper, for instance, to 'marriage equality'. Think also of the catch-all of 'discrimination', with the response of 'anti-discrimination law'. Whereas until yesterday a distinction could still be made between discrimination as a harm, with tangible effects that could be, say, enumerated in a legal brief, now the term is employed to look for 'disparate effects' of systemic actions that result in group-delineated differences in outcomes (inequalities). This is an attempt to eradicate inequality in principle as the original sin. If it is not yet the leading legal and cultural framework in North Atlantic lands, it is quickly set to become so.² The only way that discrimination formerly was parsed into acceptable forms of judgment and unacceptable forms of, say, racism, was with a cultural knowledge that was clear and broadly shared. Dividing up society into so many parts, and judging justice only based on fairness, ensures that terms such as 'prejudice' and 'judgment' lose their innocent meanings, and always thereafter indicate the unjust exclusion of someone from some good.

The egalitarian constitution has been with us for a long time. But now that it is nearly everywhere, its reflection is harder to see. Non-western cultures persist, and their compatriots often form permanent classes of resistance to modernization in European cities. But they do not pose serious moral threats to the egalitarian constitution, which has a blind spot to those that it believes are (historically) discriminated against. For now, those groups get a pass on the strictures of equality because of their 'culture' or 'heritage'.

² Bob Hepple, *Equality: The New Legal Framework* (2011) focusses on the English law. See chapter: 'Respect for Equal Worth, Dignity and Identity as a Fundamental Right' for the merging of these considerations of equality, autonomy (dignity), and consensualism (identity). It is in fact a misnomer to call it 'equality law', as it is so much more.

Eventually, however, the egalitarian constitution won't be able to tolerate permanent dissent within its realm. They too will be treated as equals and required consensually to submit to personal autonomy—to be compelled into a free community of equals.

As to the markers of the egalitarian constitution, I suggest seven chief features that emerge once the egalitarian mind becomes the *phronema* at least of the elites. These features are based on the actual political-moral life of contemporary North Atlantic nations. Another volume would need to be written that connects the egalitarian mind to the constitution that emerges from its collective activities. I have only suggested what one would look for in order to identify the egalitarian constitution 'in the wild', so to speak. As space is short more focus is on the formal and institutional elements than on the social-psychological elements of the constitution.

In primis: constitutions should be non-teleological. The modern state is in some ways a corporate modern person, a self-sovereign end-in-itself. But this item is about the content of actual state constitutions, which should provide for proleptic discovery of one's own ends and moral obligations, and guarantee protections and privileges only to *modern* persons, or to groups insofar as they serve the interests of such persons. Either the rights will be directly appealable to by the individual (in natural, civil, political, or human rights, and equal protection clauses), or the individual person will have the protection of a group-identity from harmful, negative, or even undesired treatment (anti-discrimination and equality laws). The former is more often expressly stated in the constitutions, which are now nearly always written. The latter emerges in the enforcement of the constitution, either by legislation to enforce its principles or by judgments of courts or ministerial administration meant to guarantee the rights enumerated in the constitution (or found in it, as the case might be with judicial review processes). In any case, the ideal is positing of (human) rights to the autonomous person that is considered to be logically prior to the state that guarantees its rights.

Item: The group is only the sum of its parts. As the really real substance is the individual natural person, any organization deliberately created by those persons must be presumed to be contingent and thus less real than the persons who so constituted it. Freedoms must be provided for easy exit from undesirable relations, up to and including renunciation of membership in a political community for any reason or for no particular reason at all. For, the reasons that an autonomous person might have relate to her own happiness, which only she is privy to. Laws will be made so that this freedom is

minimally disruptive or harmful to others, but whilst giving the largest berth possible to the movements of self-sovereigns.

Item: Happiness and deep meaning are formed from ‘within’ the self-sovereign ends-in-themselves. Public meaning and a shared moral grammar are called into question for all but the necessary things. For instance, consent—and especially the denial of consent—is still thought to be communicable between such sovereigns. But nominalism is presumed about higher orders of speech, especially about hard categories or transcendentals such as, truth, goodness, beauty, unity, happiness, and about the probable conclusions of practical reason, namely, that which is best or worst, that which is to be preferred or avoided. The result in social and political life is the removal of restrictions on all but the most extreme speech. In the more modern lands there is a fundamentalizing of free speech, not only in the institutions of government but also in social relations and also the within one’s own mind. One not only speaks with candour to the magistrate, but also to friends, to lovers, to parents, to oneself, and to God. But as the individual person is the judge of what it all ultimately *means*, this is not meant to be taken as a per se rejection of the (social) meaning of any of those relations.

Item: Constitutions are to be written. They can thus be interrogated by even the simplest and most disconnected persons from any historical community, or by third-parties, by international (oversight) organizations. This is meant to level the playing field by the pretence of taking the public law out of the hands of a self-selecting elite of lawyers and judges. Compare the vehemence with which attacks are made on the ‘English constitution’ (which is said to be a fiction merely because it is not written down) to the reverence given to the US Constitution.

Item: Private law, and particularly contract, should be the model for governing and moral governance. All lawmaking, public and private, should either directly incorporate characteristics of contractualism or indirectly justify their existence on such grounds, with equality or anti-discrimination—fairness—as arbiters of justice. Insofar as possible decision-making should be consensual in all parts of life, particularly in moral life. Except in the direst of circumstances, a military draft should be impossible in North Atlantic nations under such a constitution. All-voluntary military service is a great marker of the change from traditional to modern values. In case a draft were required, talk would then be of the benefits that one had received from the state which therefore imply an obligation to defend it. There would be little talk of any

natural obligation to *patria*. That is a model of relations to the state, but in family and personal relations, the calculation of benefits and the question of consent become more relevant than ever in the psychological and social enumeration of obligations. If you have benefited from something, such as parental care, then you might have implicitly contracted a moral obligation to care for your parents or more generally for ‘the elderly’, probably through taxation. If you promised something to another, then you might have expressly contracted a moral obligation. Thinking about moral and ethical life becomes far more procedural and legalistic than it was under non-contractarian values.

Item. Singular identities are suspect, because either ascribed by others or self-ascribed (presumably in bad faith). Multiple or dual citizenships, identities that bridge or participate in various social or group identities, are all encouraged. One is meant to be ‘trans’ in as many ways as possible. This again emerges from allowing one’s true self to emerge from within oneself. It also pushes toward as direct a relation as possible between the self-sovereign and the political or social sovereign. Smaller spheres of authority that make total claims on persons are obviously the first that must fall to the self-sovereigns, as they are the most limited and limiting. And since the guarantees of the rights and privileges are thought to be most secure the more universal they are, the push is toward government that is transnational or world-wide, and a common culture that is international. Neither of those categories should in any way be construed to necessitate a ‘nation’ or ‘state’. The state is no more than the sum of its parts, and the parts can depart at will. They should go where they are best served in their quest to remain ends-in-themselves.

Item: All groups which are not governed *internally* by the egalitarian mind must be subsumed by a group that is; or they should at least be shepherded by persons who are so governed. Usually, the state dominates these groups of family, church, voluntary or charitable organizations, granting them legitimacy, and either maintaining heavy influence by directly funding them (the European model) or by controlling their financial models through tax incentives and special charitable statuses which can be withdrawn at any time, thus rendering them unable or unlikely to persist (the Anglo-American model).

Item: The family is to serve as the seedbed of autonomy, and it should do nothing more or less. Of all the ancient institutions, besides maybe the university, the family has been most resilient to the caesaropapism of the

modern state. This is so even as the family is now a shell of what it formerly was. It has diminished greatly as a social and psychological form of identity. What is seen in modern constitutions is that the family is construed more and more on contractarian grounds, for the mutual benefit of the members, who can exit or be made to exit at any time if their needs are not met or if harm is brought on them. Since one is meant to be raising future self-sovereign ends-in-themselves, rather than merely one's own kids, parenting takes on a stewardship role. One is meant to raise the children only for *their* own sake, to 'bring out their best', 'help them to become happy' (meaning to discover what happiness is for themselves); one should not want them to be anything that they really do not want to be. Parenting is only necessary so long as they are particularly unacquainted with their true selves. As those selves are developing, parents remain a necessary evil. Ever since Plato philosophers have imagined that the removal of the partiality of biological parents could bring about greater *societal* happiness. The egalitarian constitution imagines that the removal of biological parents could bring about more *personal* happiness. But, the technology is simply not yet present that would allow child-rearing to be liberated from its chains to the past. It is, however, only a matter of time.

That necessarily incomplete list is merely a tasting of the egalitarian constitution's potential for institutional and social change. I would now like to illustrate how it functions by returning to the two thought experiments that I presented in this book, asking whether the ethical and moral problems within them can be satisfactorily solved merely with the values provided by the egalitarian mind, and synthesized into the egalitarian constitution. These values will be imagined to have manifested themselves in a full egalitarian constitution, the specific imaginary details of which I shall provide as needed.

Can it solve the thought experiments?

A test of the viability of the egalitarian constitution is its ability to solve the ethical problems that equality or consent alone failed to solve.

Fairer science

When we left Suzy the Scientist, there was some suggestion that consensualism could provide a shield for her against the moral claim that it is only fair that she shares cold fusion with all. It is true that the need for her consent could be construed to forbid any such detention, and to preclude

coercion of knowledge useful to the state in normal circumstances. However, this would assume that the state understands knowledge of cold fusion to be more like a piece of private property, which it can take an interest in but not generally appropriate without the permission of the owner; and not something like food commodities, which might be owned by this or that person, but in case of need, can be appropriated nearly at will by the state. The example of farmers threatening to burn all their crop is one such example. No doctrine of consensualism would save such farmers from being deprived of their grain. Likewise, in the case of famine.

The moral question again returns to, and turns on, the goods in question, rather than the person whose consent must be sought. While consensualism might be able to provide a positive model of acquiring moral and legal obligations under normal or common circumstances, it is not the shield that is needed to protect Suzy from being held hostage for her knowledge.

But what if we added to her moral armour a Rousseauian doctrine of inviolable personal autonomy. This, too, would now be assumed to be taken up in the laws and institutions of the state. Suzy is now a self-sovereign end-in-herself in a community in which all other persons are similarly situated. The state is no more than the sum of these parts, meant to negotiate their peaceful coexistence and quests for individual happiness. It will be characterized at least by the items listed above as part of the egalitarian constitution. In such a moral-political world, eventually the will of the state to push against her would be met by the rights and guarantees of equal treatment and non-discrimination (enumerated in so many rights and their judicial outcomes), that would in principle preclude her detention without due process. Unlike under conditions of mere equality, or equality plus consensualism, the state could not assume it was seeking the happiness of each person by extracting from Suzy her rumoured cold fusion formulas. And there again is another aspect: Suzy's and each other citizen's highest or important ends are only known to them in advance of asking them. IT is the same with the cold fusion formulas, which she might not even have or be able to produce. Again, only she could reveal them to society or the state. For they too are protected in the same inner place as her desired ends. She had nether affirmed nor denied their existence when she went on hunger strike; she merely opposed being forced to produce something on equalitarian principles and against her will.

The state would be stuck in a position in which it had to bargain with her in the hopes that she would find it in her heart to attempt at the formulas. This might include incentives regarding her intellectual property or wealth, or other honours or honorifics that it could confer. But it is clear that a state that is constitutionally freed from agreed-upon ends, and thus had no common good greater than the collected goods of the persons who constitute it, cannot engage in coercive means to arbitrary ends. If the law was bent so as to permit this form of personal autonomy, it is unlikely that the public would tolerate being told at once that they are free to determine their own ends and that if such ends don't line up to the state's predetermined means to particular ends, they might be imprisoned.

Group autonomy

iNo presents two problems that the egalitarian constitution emerged in order to combat: heteronomous determination of ends by a self-appointed group, and the persistence of non-consensual, ascriptive moral obligations in important areas of life. Both of these non-modern practices preclude universal equality in all of its normal senses. It is true that all of the members of *iNo* receive the same treatment, *mutatis mutandis* for the age or capacity of the person. But no member is provisioned to make a life outside of the community should that be what she wishes. In a way the problem is made more acute for ex-members of *iNo*, as the egalitarian constitution is not designed to establish ends for anyone. Should a person arrive at the proverbial doorstep of the egalitarian constitution without a sense of needing to choose his own ends and with no real means of determining licit means for achieving ends that are chosen, then there is not much help that can be provided. For this practical reason, at least, the egalitarian constitution must stand against any group which leaves its members vulnerable to being unprepared to be ordinary adult human beings, who by definition are self-sovereign ends-in-themselves.

If personal autonomy were not the value ultimately securing the egalitarian impulse at the core of the egalitarian mind, then consent could render cults like *iNo* completely acceptable. Imagine especially if everyone were part of such a cult, say if the state itself became such a cult. Nothing would exclude that end from being chosen as a fitting good that all should be encouraged to participate in, perhaps excluding those who wished to opt out. Again, it is personal autonomy that provides the inviolable centre that is able

to ground the individualism necessary for a sustainable equality, exercised in consensuality.

Thus, the egalitarian constitution seems to have solved the problems that plagued equality alone, and those that plagued equality plus consent. The secret lies in the open ends, which are left to each person to self-determine, plus the character of the ‘inner life’ of the person, which can even remain unknown to herself for a time. These together seem to allow for enough certainty about who should be deciding, whilst permitting protections in law and society. Those protections would limit personal choices to those that allow personal autonomy to persist, unmolested either by other autonomous persons or by the naked power of (one’s own) alter-conscience. By promoting the egalitarian mind as the psychological model of its ‘person of law’ (the ideal person for whom the legal order is made), the egalitarian constitution skirts around the major pitfalls of moral life for individual persons living outside of the protections of traditional communities. It is therefore no wonder that this mind, along with its attendant constitution, has become the compelling form of cosmopolitan cultural identity amongst the elite of the North Atlantic nations, as well as that of members of traditional cultures who aspire to join the ranks of our cosmopolitans.

Does the centre hold?

Shouldn’t we all be egalitarians, then? It is so good at solving ethical problems. It serves as a compelling metaphysical dream of the world for the elite of the most successful lands that the world has ever known. On the first account, we must remember the problems the egalitarian constitution solves are often problems that are equally solvable under various traditional forms of moral reasoning. It is not as if Thomists, Aristotelians, or indeed Confucian thinkers do not have viable answers to these moral quandaries. However, the egalitarian constitution itself is an answer to a deeper problem created when various and sundry traditional moral values and virtues were disposed of, ostensibly with ‘equality’ or ‘freedom’ left standing alone in the ruins, where they claimed to be all that was needed.

Taking the second point on the unprecedented worldly success of modern lands, I respond that success means *something*, but unless it is connected back to the good and the true by some other mean than merely equating it with the good and true—this is the utilitarian fallacy—then it is worse still than correlation posing as causality. The successful happen to have

modern values as their cultural identity. How those values relate to their success is much more difficult to say with any certainty. Claiming that there is no relation would be fatuous, as would be the ascription of all the success to a few moral ideals put into practice.

Another way to think about success is what could be called the ‘evolutionary approach’. Has something survived, or lasted, because it is the most fit? And might it continue, or as one scholar has put it: ‘Is the Autonomous Person of European Modernity a Sustainable Model of Human Personhood?’³ This again is a way to talk about the matter in ostensibly neutral terms. But the fact of persisting tells us little about whether a thing *should* persist if there were an opportunity for it not to persist. We can choose to terminate that which is very sustainable because we find it harmful. Very successful diseases might well be better off gone, at least from the human or humane perspectives. And, so, a different question is more to the point: Can the egalitarian constitution justify itself? If it can do that, we might have a moral reason to emblazon it on our lives.

So far in this book I have followed the phenomenological lead, tracking equality through consensualism to autonomy. For the constitution to work, the reverse must also be true, namely, that: ‘egalitarian’ means autonomy of a certain kind; those who are autonomous are consensual; and those who are consensual are equal. This seems also to track. Although the work in tracking it has not to my knowledge yet been done. Be that as it may, phenomenological analysis does not dig into the centre of the claim about personal autonomy, on which the egalitarian constitution ultimately rests. The anthropological centre of the egalitarian mind is the ‘end-in-itself’, which is only knowable in any sustained way to itself. There is at heart a faith in autonomy that autonomy itself cannot justify.

Here is the epistemological problem of self-knowledge only ever being knowable by one person, like a private language. And, then, there is what could be called an ‘optimism bias’ involved in building social life on full faith in the beneficent power of so many selves, self-determining their ends. For this, we must imagine that most selves are more like harmless Suzy the Scientist than wicked Stalin the Socialist. We must deny original sin both *a priori* and *a posteriori*, in perpetual trust that wickedness only emerges when

³ This is the question of Michael Welker in his essay of the same title in *Human Person in Science and Theology* (2000) 95ff. He, however, identifies that person with Kantian autonomy, and in that only asks a question relevant to ethicists who are blind enough to believe that Kantian autonomy is present much more broadly than in the ideal ethical persons of their thought experiments.

impediments are placed in the way of full self-realization, that 'man is good, society makes him evil'. The self is a sort of known unknown in Rumsfeldian epistemology. To all others, it is an unknown unknowable, which we must presume is able to be known by itself; we trust the good character of it, nonetheless.

But there is a deeper metaphysical problem: What if the centre does not hold because there is no centre? I am not saying that there is no centre. But I am challenging the defenders of modern values to demonstrate that it is there, and that it exists as they describe it. The metaphysical position of the self as the centre of modern values assumes that our phenomenological experience of ourselves is translatable into a metaphysical certainty. This would make it unlike any other form of experience permissible in modern secular empiricism. We are meant to believe that a deep, never-fully-known, and perhaps never-completely-knowable being lives within each of us, and has always been there since our being began, before we were even self-aware, which because of its nature deserves to be put at the centre of moral, political, social, psychological, and indeed religious life. We are meant to believe this in a world that is otherwise said to be devoid of spirit and spiritual substance, and which is merely material—in which God is dead. Listen to the author of the sacred text on the prerogatives of personal autonomy. Try to reconcile it with the tale that evolutionary science began to tell us in the very same year about the species life and its true needs. Mill tells us in the introduction to *On Liberty* (1859):

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. ... In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

Mill cleverly posits this without reference to anything existing between the ears of the sovereign, who has no heart, soul, inner desires, secret envies, love, resentment, memories...in short, no reason whatsoever for any action in the world that Mill wants him to be completely at liberty to commit, so long as he harms no other. When it is not ignored as in Mill, the kind of intellectual work that needs to be done to demonstrate the reality of even a thin version of Rousseau's or Augustine's understanding of the reality and dignity of our inner life, very quickly either ascends to theology or descends to personal anecdote.

In short, the egalitarian constitution finds a solution for the problem that its central ideal of universal equality perpetually creates. It does so by positing a sacred place inside each person, the existence of which it does not even attempt to defend. One can believe that the centre is there and that it also holds. But it would be honest to confess that such belief is an article of faith primarily sustained by one's own experience, and untranslatable between the phenomenological to the metaphysical. It is unable to be communicated from person to person in any but the most meagre representations—more like one of Picasso's nudes than a Pre-Raphaelite.

Such candour about the moral source of the egalitarian mind might introduce a modicum of intellectual modesty into the defence of the egalitarian mind, and save us from the tyranny of autonomy in many areas of life.⁴ Its centre is shrouded in mystery, in fact, in as many mysteries as there are persons. Modesty would help especially when the imperial sentiments kick in, and ever more of the world must be 'modernized'. The party of equality, consent, and autonomy need not repeat the mistakes that the party of God, country, and family made when they too were immodestly confident and secure in their moral values and virtues. Nor need they repeat the mistakes of the earlier party of modern values, who made heads roll to chants of 'fraternity, liberty, and equality'.

⁴ Charles Foster argues that western medicine and large areas of law are already given over to a consensualist doctrine of autonomy. *Choosing Life, Choosing Death: The Tyranny of Autonomy in Medical Ethics and Law* (2009).