

Why Political Equality I?

INTRINSIC EQUALITY

Many people will conclude that the advantages of democracy discussed in the last chapter may be enough—perhaps more than enough—to justify their belief that democratic government is superior to any alternatives that are realistically attainable. And yet, you just might wonder whether it is reasonable for you to assume, as a belief in democracy seems to presuppose, that citizens ought to be treated as political *equals* when they participate in governing. Why should the rights necessary to a democratic process of governing be extended *equally* to citizens?

The answer, though crucial to a belief in democracy, is very far from obvious.

IS EQUALITY SELF-EVIDENT?

In words that were to become famous throughout the world, in 1776 the authors of the American Declaration of Independence announced: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of happiness.” If equality is self-evident then no further justification is needed. None can be found in the Declaration. Yet for most of us it is very far from self-evident that all men—and women—are created equal. If the assumption is not self-evidently true, can we reasonably justify adopting it? And if we cannot, how

can we defend a process for governing that seems to assume it to be true?

Critics have often dismissed assertions about equality like that in the Declaration of Independence as nothing more than empty rhetoric. If a claim like that is supposed to state a fact about human beings, they insist, it is self-evidently false.

To the charge of falsity, critics sometimes add hypocrisy. As an example they point out that the authors of the Declaration ignored the inconvenient fact that in the new states they were now declaring independent, a preponderant majority of persons were excluded from enjoying the inalienable rights with which they were supposedly endowed by no less than their Creator. Then and long thereafter women, slaves, free Negroes, and native peoples were deprived not only of political rights but of many other “inalienable rights” essential to life, liberty, and the pursuit of happiness. Indeed, property was also an “inalienable” right, and slaves were the property of their owners. Thomas Jefferson, the principal author of the Declaration, himself owned slaves. In important respects women, too, were the property of their husbands. And a substantial number of free men—on some estimates about 40 percent—were denied the right to vote; in all the new American states the right to vote was restricted to property holders into the nineteenth century.

Neither then nor later was inequality at all peculiar to the United States. On the contrary. In the 1830s the French writer Alexis de Tocqueville concluded that in comparison with Europe one of the distinctive characteristics of the United States was the extraordinary degree of social equality among that country’s citizens.

Although many inequalities have diminished since 1776, many remain. We need only look around us to see inequalities everywhere. Inequality, not equality, appears to be the natural condition of humankind.

Thomas Jefferson was too experienced in human affairs to be

unaware of the self-evident fact that in many important respects human capacities, advantages, and opportunities are not distributed equally at birth, much less after nurture, circumstance, and luck have compounded initial differences. The fifty-five men who signed the Declaration of Independence—men of practical experience, lawyers, merchants, planters—were hardly naive in their understanding of human beings. If we grant that they were neither ignorant of reality nor simply hypocritical, what could they possibly have meant by the audacious assertion that all men are created equal?

Despite so much evidence to the contrary, the idea that human beings are fundamentally equal made a great deal of sense to Jefferson, as it had to others before him like the English philosophers Thomas Hobbes and John Locke.¹ Since Jefferson's time many more persons throughout the world have come to accept, in some form, the idea of human equality. To many, equality is simply a fact. Thus to Alexis de Tocqueville in 1835 the increasing "equality of conditions" he observed in Europe as well as America was so striking that it was "a providential fact, and it possesses all the characteristics of a Divine decree: it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress."²

INTRINSIC EQUALITY: A MORAL JUDGMENT

Equalities and inequalities can take an almost infinite variety of forms. Inequality in the ability to win a marathon race or a spelling bee is one thing. Inequality in opportunities to vote, speak, and participate in governing in other ways is quite another.

To understand why it is reasonable to commit ourselves to political equality among citizens of a democratic state, we need to recognize that sometimes when we talk about equality we do not mean to express a factual judgment. We do not intend to describe what we

believe is or will be true, as we do when we make statements about winners of marathon races or spelling bees. Instead we mean to express a moral judgment about human beings; we intend to say something about what we believe *ought* to be. One such moral judgment might be put this way: “We ought to regard the good of every human being as *intrinsically* equal to that of any other.” Employing the words of the Declaration, as a *moral* judgment we insist that one person’s life, liberty, and happiness is not intrinsically superior or inferior to the life, liberty, and happiness of any other. Consequently, we say, we ought to treat all persons as if they possess equal claims to life, liberty, happiness, and other fundamental goods and interests. Let me call this moral judgment the principle of *intrinsic equality*.

The principle does not take us very far, and in order to apply it to the government of a state, it helps to add a supplementary principle that it seems to imply: “In arriving at decisions, the government must give equal consideration to the good and interests of every person bound by those decisions.” But why should we apply the principle of intrinsic equality to the government of a state and obligate it to give equal consideration to the interests of all? Unlike the authors of the Declaration, the claim that the truth of intrinsic equality is self-evident strikes me, and no doubt many others, as highly implausible. Yet intrinsic equality embodies so fundamental a view about the worth of human beings that it lies close to the limits of further rational justification. As with factual judgments, so, too, with moral judgments: if you pursue any assertion far enough down toward its foundations you finally reach limits beyond which reasonable argument takes you no further. In Martin Luther’s memorable words of 1521: “It is neither safe nor prudent to do aught against conscience. Here I stand—I cannot do otherwise. God help me. Amen.”

Although the principle of intrinsic equality lies close to these

ultimate limits, we have not quite reached them. For several reasons, intrinsic equality is, I believe, a reasonable principle on which to base the government of a state.

WHY WE SHOULD ADOPT THE PRINCIPLE

Ethical and religious grounds. First, for a great many people throughout the world it is consistent with their most fundamental ethical beliefs and principles. That we are all equally God's children is a tenet of Judaism, Christianity, and Islam; Buddhism incorporates a somewhat similar view. (Among the world's major religions, Hinduism may be an exception.) Most moral reasoning, most systems of ethics, explicitly or implicitly assume some such principle.

The weakness of an alternative principle. Second, whatever might be the case with other associations, for governing a state many of us find every general alternative to intrinsic equality implausible and unconvincing. Suppose Citizen Jones were to propose the following alternative as a principle for governing the state: "In making decisions the government must always treat my good and my interests as superior to those of everyone else." Implicitly rejecting the principle of intrinsic equality, Jones asserts what might be called a principle of intrinsic superiority—or at least Jones's intrinsic superiority. The claim to intrinsic superiority could be made more inclusive, of course, and it usually is: "The good and interests of my group [Jones's family, class, caste, race, or whatever] are superior to those of all others."

It will come as no shock to acknowledge at this point that we human beings have more than a trace of egoism: in varying degrees we tend to be more concerned with our own interests than those of others. Consequently, many of us might be strongly tempted make just such a claim for ourselves and those to whom we are most

attached. But unless we ourselves can count confidently on controlling the government of the state, why should we accept the intrinsic superiority of certain others as a fundamental political principle?

To be sure, a person or a group with enough power could enforce a claim to their intrinsic superiority over your objections—literally over your dead body. Throughout human history many individuals and groups have used—or rather, abused—their power in just that way. But because naked force has its limits, those who have laid a claim to being the embodiment of an intrinsic superiority to others have invariably cloaked their otherwise transparently feeble claim with myth, mystery, religion, tradition, ideology, and pomp and circumstance.

Yet if you were not a member of the privileged group and could safely reject their claim to intrinsic superiority, would you freely and knowingly consent to such a preposterous principle? I strongly doubt it.

Prudence. The two preceding reasons for adopting a principle of intrinsic equality as a basis for governing a state suggest a third: prudence. Because the government of a state not only confers great benefits but also can inflict great harm, prudence dictates a cautious concern for the manner in which its unusual capacities will be employed. A governing process that definitely and permanently privileged your own good and interests over those of others might be appealing if you were confident that you or your group would always prevail. But for many people that outcome is so unlikely, or at least so uncertain, that it is safer to insist that your interests will be given equal consideration with those of others.

Acceptability. A principle you find prudent to adopt, many others will also. Thus a process that guarantees equal consideration for all, you may reasonably conclude, is more likely to secure the assent of all the others whose cooperation you need to achieve your ends.

Seen in this perspective, the principle of intrinsic equality makes a great deal of sense.

Yes, despite the claim to the contrary in the Declaration of Independence, it is indeed far from obvious why we should hold to the principle of intrinsic equality and give equal consideration to the interests of all in governing the state.

But if we interpret intrinsic equality as a principle of government that is justified on grounds of morality, prudence, and acceptability, it appears to me to make more sense than any alternative to it.

Why Political Equality II?

CIVIC COMPETENCE

It may now come as an unpleasant surprise to learn that even if we accept intrinsic equality and the equal consideration of interests as sound moral judgments, we are not necessarily bound to endorse democracy as the best process for governing a state.

THE COUNTERCLAIM OF GUARDIANSHIP

To see why this is so, let us imagine that a member of a small group of fellow citizens says to you and others: “Like you, we also strongly believe in intrinsic equality. But we are not only deeply devoted to the common good; we also know better than most how to achieve it. As a result we are much better fitted than the great majority of people to rule. So if you will only grant us exclusive authority over the government, we will devote our wisdom and our labors to serving the general good; and in doing so we will give equal consideration to the good and interests of all.”

The claim that government should be turned over to experts deeply committed to rule for the general good and superior to others in their knowledge of the means to achieve it—Guardians, Plato called them—has always been the major rival to democratic ideas. Advocates of Guardianship attack democracy at a seemingly vulnerable point: they simply deny that ordinary people are competent to govern themselves. They do not necessarily deny that human beings are intrinsically equal in the sense that we explored earlier. As

in Plato's ideal Republic, the Guardians might be committed to serving the good of all and, at least by implication, might hold that all those under their guardianship are intrinsically equal in their good or interests. Advocates of Guardianship in Plato's sense do not claim that the interests of the persons chosen as guardians are intrinsically superior to the interests of others. They contend that experts in governing, the Guardians, would be superior in their *knowledge* of the general good and the best means to achieve it.

The argument for political guardianship makes a persuasive use of analogies, particularly analogies involving expert knowledge and competence: a physician's superior knowledge on matters of sickness and health, for example, or a pilot's superior competence to guide us safely to our destination. Why not therefore allow those with superior competence in governing to make crucial decisions about the health of the state? To pilot the government toward its proper destination, the public good? Surely we can't assume that all persons are invariably the best judges of their own interests. Children obviously are not; others, usually parents, must serve as their guardians until they are competent to take care of themselves. That adults can also be mistaken about their interests, about the best means to attain their goals, is demonstrated by common experience: most of us come to regret some of our past decisions. We were, we admit, mistaken. What is more, almost all of us do rely on experts to make crucial decisions that bear strongly and directly on our well-being, happiness, health, future, even our survival, not just physicians, surgeons, and pilots but in our increasingly complex society a myriad others. So if we let experts make decisions on important matters like these, why shouldn't we turn *government* over to experts?

Attractive as it may seem at times, the argument for Guardianship rather than democracy fails to take sufficient account of some crucial defects in the analogy.

To delegate certain subordinate decisions to experts is not equivalent to ceding final control over major decisions. As an old adage has it, experts should be kept on tap, not on top. Experts may possess knowledge that is superior to yours in some important respects. A good physician may know better than you how to diagnose your illness, what course it is likely to run, how severe it will be, how best to treat it, and whether it is in fact treatable. You may reasonably choose to follow your physician's recommendations. But that does not mean that you should cede to your physician the power to decide whether you should undertake the course of treatment she or he recommends. Likewise, it is one thing for government officials to seek the aid of experts; but it is quite another for a political elite to possess the power to decide on the laws and policies you will be compelled to obey.

Personal decisions made by individuals are not equivalent to decisions made and enforced by the government of a state. The fundamental issue in the debate over guardianship versus democracy is not whether as individuals we must sometimes put our trust in experts. The issue is who or what group should have the final say in decisions made by the government of a state. You might reasonably wish to turn certain personal decisions over to someone more expert on those matters than you, like your doctor, accountant, lawyer, airplane pilot, or others. But it does not follow automatically that it would be reasonable for you to turn over to a political elite the authority to control the major decisions of the government of the state, decisions that would be enforced if need be by coercion, imprisonment, perhaps even death.

To govern a state well requires much more than strictly scientific knowledge. Governing is not a science in the sense that physics or chemistry or even, in some respects, medicine is a science. This is true for several reasons. For one thing, virtually all important decisions about policies, whether personal or governmental, require

ethical judgments. To make a decision about the ends that government policies should be designed to achieve (justice, equity, fairness, happiness, health, survival, security, well-being, equality, or whatnot) is to make an ethical judgment. Ethical judgments are not “scientific” judgments in the usual sense.¹

Then, too, good ends often conflict with one another and resources are limited. Consequently, decisions about policies, whether personal or governmental, almost always require judgments about trade-offs, a balancing of different ends. For example, achieving economic equality may impair economic incentives; the costs of benefits for the elderly may be imposed on the young; expenditures on generations now living may impose costs on generations to come; preserving a wilderness area may come at the price of jobs for miners and timber-workers. Judgments about trade-offs among different ends are not “scientific.” Empirical evidence is important and necessary, but it is never sufficient. In deciding how much we should sacrifice one end, good, or goal in order to attain some measure of another, we necessarily move well beyond anything that strictly scientific knowledge can provide.

There is another reason why decisions about policies require judgments that are not strictly “scientific.” Even if the ends of policy decisions can be agreed on in a general way, there is almost always considerable uncertainty and conflict over the means: how the end may best be achieved, the desirability, feasibility, acceptability, and likely consequences of alternative means. What are the best means of taking care of the poor, the jobless, the homeless? How are the interests of children best protected and advanced? How large a budget is needed for military defense, and for what purposes? It is impossible to demonstrate, I believe, that a group exists, or could be created, who possess “scientific” or “expert” knowledge that provides definite answers to questions like these. Would we rather en-

trust the repair of our car to a theoretical physicist—or to a good automobile mechanic?

To govern a state well takes more than knowledge. It also requires incorruptibility, a firm resistance to all the enormous temptations of power, a continuing and inflexible dedication to the public good rather than benefits for oneself or one's group.

Because experts may be qualified to serve as your agents does not mean that they are qualified to serve as your rulers. Advocates of guardianship make not just one claim but two. A ruling elite can be created, they contend, whose members are both definitely superior to others in their knowledge of the ends a good government should seek and the best means to achieve those ends; *and* so deeply dedicated to pursuing the public good that they can safely be entrusted with the sovereign authority to govern the state.

As we have just seen, the first claim is highly dubious. But even if it could be shown to be justified, that would not by itself support the second claim. Knowledge is one thing; power is another. The likely effects of power on those who wield it were succinctly summed up in 1887 by an English baron, Lord Acton, in a famous statement: "Power tends to corrupt; absolute power corrupts absolutely." A century earlier William Pitt, a British statesman of vast experience in political life, had made a similar observation: "Unlimited power," he said in a speech in Parliament, "is apt to corrupt the minds of those who possess it."

This was also the general view among the members of the American Constitutional Convention in 1787, who were not lacking in experience on this question. "Sir, there are two passions which have a powerful influence on the affairs of men," said the oldest delegate, Benjamin Franklin. "These are ambition and avarice; the love of power and the love of money." One of the youngest delegates, Alexander Hamilton, concurred: "Men love power." And one of the

most experienced and influential delegates, George Mason, concurred: "From the nature of man, we may be sure that those who have power in their hands . . . will always, when they can, . . . increase it."²

However wise and worthy the members of a ruling elite entrusted with the power to govern a state may be when they first take power, in a few years or a few generations they are likely to abuse it. If human history provides any lessons, one surely is that through corruption, nepotism, the advancement of individual and group interests, and abuse of their monopoly over the state's coercive power to suppress criticism, extract wealth from their subjects, and insure their obedience by coercion, the Guardians of a state are likely to turn into despots.

Finally, to design a utopia is one thing; to bring it about is quite another. An advocate of Guardianship confronts a host of formidable practical problems: How is the Guardianship to be inaugurated? Who will draw up the constitution, so to speak, and who will put it into action? How will the first Guardians be chosen? If Guardianship is to depend in some way on the consent of the governed and not outright coercion, how will consent be obtained? In whatever way the Guardians are first selected, will they then choose their successors, like the members of a club? If so, won't the system run a high risk of degenerating from an aristocracy of talent into an oligarchy of birth? Yet if the existing Guardians do not choose their successors, who will? How will abusive and exploitative Guardians be discharged? And so on.

THE COMPETENCE OF CITIZENS TO GOVERN

Unless advocates of Guardianship can provide convincing solutions to the problems in their prescription that I have just described, prudence and reason require, in my judgment, that we reject their case. In rejecting the case for Guardianship, in effect we conclude:

Among adults no persons are so definitely better qualified than others to govern that they should be entrusted with complete and final authority over the government of the state.

But if we should not be governed by Guardians, by whom should we be governed? By ourselves.

On most matters we tend to believe that unless a highly convincing case can be made to the contrary, every adult should be allowed to judge what is best for his or her own good or interests. We apply this presumption in favor of personal autonomy only to adults, however, and not to children. From experience we assume instead that parents must act as guardians to protect the interests of their children. If the parents fail, others, perhaps the government, may need to step in.

Sometimes we also reject the presumption for persons of adult age who are judged to lack a normal capacity to look out for themselves. Like children, they, too, may need guardians. Yet unlike children, for whom the presumption has been overruled by law and convention, with adults the presumption cannot be lightly overridden. The potential for abuse is all too obvious. Consequently, we require an independent finding, a judicial process of some kind.

If we assume that with few exceptions adults should be entrusted with the right to make personal decisions about what is in their best interest, why should we reject this view in governing the state? The key question here is no longer whether adults are generally competent to make the personal decisions they face daily. The question now is whether most adults are sufficiently competent to participate in governing the state. Are they?

To arrive at the answer, consider again some conclusions we reached in the last several chapters:

Democracy confers many advantages on its citizens. Citizens are strongly protected against despotic rulers; they possess fundamental political rights; in addition, they also enjoy a wider sphere of