

Agnostic Egalitarianism

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Liberal democracy is a set of interlocking and partly conflicting values and practices and yet behind all this complexity can be detected a general stance of amazing coherence. I can think of no better name for this stance than agnostic egalitarianism. This egalitarianism is agnostic in that it pleads a conscientious ignorance as to whether people are equal or unequal, in what respects, to what degree, and so on. Despite appearances, this egalitarianism has not given up nature as a point of reference and has no time for luck egalitarianism beyond philosophical speculation. Poised between nature and convention, it rejects any claim to knowing who are fit to rule, who are more deserving of the better places in society, and what the good life is. The first ignorance provides a rationale for electoral politics based on universal suffrage, the second for equality of opportunity, and the third for a certain understanding of liberty. These upshots of the ignorance of nature are egalitarian in a sense, yet the resulting egalitarianism is capable of generating very serious inequality of outcome, even in the name of equality. This inconsistency has its source in a lack of conviction about what people are like in relation to one another in the most natural state of affairs and in a corresponding egalitarianism of sorts that serves as a convention or discovery procedure to reveal nature. But there is no way for this nature ever to be adequately revealed, and thus for all its rigor and conscientiousness agnostic egalitarianism ends up with neither truth nor equality. It is possible to think of a more plausible and more attractive approach to equality and I will say something brief and tentative about it toward the end. The main aim of my present inquiry, however, is to spell out (part of) the inner logic of liberal democracy and to show how far it can go and how far it must fall short.

1. Tocqueville versus Weil

We moderns are passionate believers in equality, in one way or another. Yet we also accept—nay sometimes even affirm—inequality, in various guises, provided that it is of what we consider the right kind and hence an inequality we do not have to call by its real name. What exactly is the equality we thus espouse such that we can also accept and affirm inequality? And what exactly is the inequality we are able to accept and affirm such that we are also able to believe in equality, indeed do so in some deeper sense, or so we think? How do our twin attitudes toward equality add up? And how do the twin realities that correspond to our attitudes

and which these attitudes help create and sustain add up? How does the whole thing add up? What sort of egalitarians are we, if at all?

Tocqueville, reflecting on equality in a much less egalitarian ethos than ours, would already have us believe that democracy is above all a matter of equality, that is, a general equality of conditions. Thus understood, democracy is a type of society that contrasts in its entirety with all other types of society inasmuch as the latter are marked by a general inequality of conditions. Indeed, this contrast is so fundamental that all societies that derive their character from inequality of conditions in one way or another can be lumped together under “aristocracy” in the exceptionally broad sense Tocqueville gives the term. To be sure, Tocqueville allows for the possible emergence of an industrial (or manufacturing) aristocracy in democracy. But he finds this prospect entirely compatible with democracy, in that an industrial aristocracy would be largely confined to the realm of private pleasure and luxury and would not undermine the general equality of conditions, including the operation of popular sovereignty and of social power. Once we are in a democracy, therefore, we live in an unambiguously, decidedly equal society, and we take up egalitarian values in keeping with such a society. We are given to understand that hierarchy is a thing of the past—hierarchy in the sense of thinking, valuing, and feeling in terms of high-and-low.¹

Simone Weil, writing slightly over one hundred years after Tocqueville, had a rather different idea. According to her, commenting on what Tocqueville would call equality of conditions: “A mobile, fluid inequality produces a desire to better oneself. It is no nearer to equality than is stable inequality, and is every bit as unwholesome. The Revolution of 1789, in putting forward equality, only succeeded in reality in sanctioning the substitution of one form of inequality for another.”²

Tocqueville and Weil are each compelling in their own way and so it seems advisable to proceed on the hunch that the truth lies somewhere in the middle. Weil is certainly correct that the advent of (modern) democracy has not quite removed the high-and-low as a stubborn feature of human society. Although equality is somehow ensconced as the cornerstone of public morality, politics, and the law, this equality is fully compatible with hierarchy, or inequality, as long as the latter is mobile. That is to say that *equality* must be mobile, too, and thus is nothing

¹ See Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence (New York: Harper Perennial, 1988).

² Simone Weil, *The Need for Roots*, trans. Arthur Wills (London: Routledge, 2002), p. 18.

but the possibility of continuous movement between equality and inequality. Some, like Weil, may see in this possibility brought about by democracy merely a variation on the theme of high-and-how that is inescapable in any class society. It is nevertheless a highly distinctive variation, a variation in which for the first time inequality is rendered continuous with equality, and vice versa, and finds its *raison d'être* and justification in equality. This is momentous enough a transformation to warrant Tocqueville's description of democracy and aristocracy as marking "two distinct kinds of humanity."³

Yet what justifies inequality is not so much the equality from which it supposedly derives as the motion that is part and parcel of equality itself. This perpetual motion renders equality no more stable than inequality and ultimately makes equality and inequality one and the same thing, ever-changing temporary resting-places within the same universal motion. Because the motion is universal, it allows, indeed compels, everyone to join the endless race that will determine one's place in it, a place that is never fixed but always subject to motion. All that approaches equality is poised to melt into inequality again. It is this universality of motion, or the understanding of comparative status and achievement in terms of universal motion, that we call equality. Thus, at least this much seems to be true: that despite the advent of democracy we still live in a hierarchical order, that (to anticipate) the hierarchies involved go beyond mere private comfort and pleasure (contrary to what Tocqueville says about industrial aristocracy), and yet that the hierarchies, ever mobile, are both shaped by their mobility and understood in terms of this mobility, and, crucially, that the very understanding of hierarchies as subject to mobility is made possible by a revolutionary idea of equality.

2. Equality as sameness, liberal and democratic

This idea of equality is essentially a matter of *equality of qualification*: the qualification to join a competitive form of life—social, economic, political, cultural, and so on—that is open to all and whose outcomes involving each and all are not known in advance and can never be fixed once and for all. The qualification itself, as distinct from what one makes of it and in practice from the advantages of family background, is the same for everyone. This sameness in turn bespeaks and embodies the sameness *of* everyone, a kind of *qualitative* likeness much commented on by Tocqueville and others after him. Although nothing seems simpler than sameness, the sameness we are talking about is what Nietzsche would call a semiotically

³ Tocqueville, *Democracy in America*, p. 704.

complex concept, that is, a concept whose precise meaning and significance reside in the history of its emergence and subsequent evolution (as well as its future course). As it happens, this history of the concept has been a process of abstraction whereby all differences among human beings are stripped away until only the *requisite* sameness (which is not to say any sameness at all or sameness as such) is left.⁴ In this process liberalism and democracy have each made its distinctive contribution and they have combined to give the resulting concept of sameness the meaning and import it has today.

The liberal contribution to this process has taken the form of what Carl Schmitt very aptly called *neutralization*. When today's liberal egalitarians argue among themselves over the precise substance of equality ("equality of what?"), they do so, as we all know, on the shared premise that persons are equal at some fundamental level. This shared premise is taken for granted as setting the normative parameters of modern liberal moral and political philosophy. It is seldom asked, however, how the shared premise originally came about and especially how this may shed light on its current character and motivation. A notable exception is the later Rawls, who, in explaining the important shift in his position from *A Theory of Justice* to *Political Liberalism*, singles out the religious wars of sixteenth-century in Europe and the desperate need to secure peace as the background and indeed the most immediate cause of the distinctively modern, liberal approach to politics.⁵ Rawls sees his revised position, favoring a suitably neutral, political liberal conception of justice over any comprehensive liberal doctrine, as a logical extension of the process that was first set in motion in the Reformation and its aftermath. It is equality in this political liberal sense, or something close to it, that gives the most accurate expression to the shared premise of liberal egalitarianism. The accuracy lies above all in Rawls's clear-sighted conception of the modern liberal notion of equality as standing in a relation of mutual definition with the no less important modern liberal notion of neutrality.⁶ What we find in the political liberalism of Rawls is the endpoint of a historical trajectory of ideas, several hundred years in duration, whose primary action, according to Carl Schmitt, is that of neutralization.⁷ Neutralization is a matter of making a neutralizing move in

⁴ There is a good account of how this works in Christoph Menke, *Reflections of Equality*, trans. Howard Rouse and Andrei Denejkine (Stanford: Stanford University Press, 2006), chap. 1.

⁵ John Rawls, *Political Liberalism*, paperback edn. (New York: Columbia University Press, 1996), pp. xxiv-xxviii.

⁶ Neutrality of aim as distinct from procedural neutrality and neutrality of effect or influence. See *ibid.*, pp. 192-93.

⁷ Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 2007). See the article "The Age of Neutralizations and Depoliticizations" appended to this book, pp. 80-96. A somewhat

the interest of conflict-reduction, thus always only a relatively neutralizing move serving a definite purpose in a specific context, in what has turned out in the modern West to be a series of progressively neutralizing moves, as well described by Schmitt, and therefore what is thereby achieved is never strict neutrality. Nevertheless, at the temporary yet somewhat durable endpoint so far reached, a relative neutrality has become such a crucial element (though by no means the only element) in the modern liberal notion of equality that it will be a useful reminder of what liberal egalitarians mean by equality if we capture this all-important fact in terms of *equality as neutrality*.

What the idea of equality as neutrality brings out is that equality has come about, in large part, through neutralization—the neutralization of all those conflict-causing differences among human individuals and groups through the relegation of such differences to the less important category of religious, cultural, or simply individual particularities, and the corresponding emergence of a peaceable domain comprising a diversity of values. What is left in the foreground is the abstract humanity that all people have in common, say, in the shape of what Rawls calls the two moral powers, and it is in terms of this shared abstract humanity that people are equal (as well as free).⁸ Because all the conflicting values, or comprehensive doctrines as Rawls calls them, are supposedly removed from the new conception of universal humanity, there is no longer any value left of a kind that can serve as a legitimate basis for judging some people to be essentially better or worse than others. Neutralization thus not only paves the way for the modern liberal notion of equality but also gives this notion its distinctive meaning: it is only as suitably neutralized individuals that people are considered equal, and this means that people are equal because they are the *same* in relevant respects (while being different in other respects as captured in terms of pluralism), and thus we can say that equality is a function of sameness. In this sense, people are *qualitatively* equal, with plenty of room left for both quantitative inequality and the so-called diversity of values. While the neutralization itself is informed by substantive liberal values, as Rawls makes clear, and is entirely compatible with the pursuit of class-based agendas that are anything but neutral, it is a genuine enough response to the need for pacification and, to this end, does an honest enough job of conceptually stripping human beings of all qualitative differences until it is possible to think of

similar story covering mainly the seventeenth and eighteenth centuries is told in Albert O. Hirschman, *The Passions and the Interests* (Princeton: Princeton University Press, 1977).

⁸ See Rawls, *Political Liberalism*, p. 19.

them as fundamentally equal. According to Rawls, for example, it is a sufficient condition for the fundamental equality called entitlement to equal justice that all people are moral persons in two relevant respects (or possess two moral powers) up to a minimal yet defining point, and whatever lies beyond this point is either a matter of degree or, as is made explicit in *Political Liberalism*, a function of reasonable pluralism.⁹ If this sounds like a stipulation, it *is*, but this is the kind of stipulation that constitutes the moral horizon of liberal egalitarianism. It is the liberal answer to a question *prior to* that of “equality of what,” and the prior question concerns “equality among what sort of persons,” or, more precisely, how human beings can be conceived such that they are equal. It is only when this prior and more fundamental question is settled that the intra-familial quarrel over the substance of equality can arise. Today, the latter, secondary question has taken center stage, and what this shows is that the neutralization embodied in the liberal answer to the prior question has come to be taken so much for granted that it is now viewed as a straightforward fact—rather than as the function of a particular, liberal conception of what constitutes a person—that people are equal. Rawls’s *Political Liberalism* provides a salutary reminder that a (political) liberal conception of the person lies behind the (political) liberal notion of equality.

Distinct from the liberal move of neutralization is a democratic transformation of society that sometimes goes by the name of “leveling.” Now, neutralization may be said to create equality, in the sense of sameness, by reducing the importance of differences that are more or less *horizontal* and lend themselves to evaluation in terms of good and bad, or good and evil. Leveling, as the name itself suggests, brings about equality by applying a very different mechanism to a very different fact of human society. This fact is the rigidly hierarchical organization of presumed human differences, conceived in terms of high and low, superior and inferior, into what Tocqueville calls an aristocratic order in its broadest sense. Accordingly, the mechanism required is nothing less than a revolution, as exemplified above all by the French Revolution (although we are drawing more on Tocqueville’s reflections on the consequences of the American Revolution), whose aim is the permanent eradication of fixed *vertical* differences within society. Simone Weil, as we have seen, finds the achievement of

⁹ For Rawls’s views on “the basis of equality,” See his *A Theory of Justice*, revised edn. (Cambridge, Mass.: Harvard University Press, 1999), pp. 441-47. As is apparent from the title of this discussion as well as its location in *A Theory of Justice*, the contribution of the two dimensions of moral personality to the basis of equality is not confined to the original position but is important more generally.

such a revolution wanting, in that only vertical differences that are fixed as in aristocracy are meant to be removed. Weil no doubt has her point, a very important one, but one must not underestimate the importance of the revolutionary conception of all members of society in terms of a fundamental sameness or likeness.

Insofar as this sameness is what marks a democratic *social* state, it is somewhat ambiguous in its scope, unlike the liberal notion of sameness that is meant to be universal in its reach. When the sameness is understood in a narrower, *political* sense as a constitutive requirement of “sovereignty of the people,” however, it clearly sheds all pretensions to universality and becomes positively exclusionary of all those who in one way or another do not belong to “the people” and in this sense are not “the same.” This characteristic of democratic sameness finds its natural embodiment in the quintessentially modern nation-state with its gradually achieved universal suffrage, while liberal sameness has gravitated toward human rights. And it is only natural that each nation-state of this kind has gone about positively creating this sameness by accentuating its difference from other nation-states, democratic and otherwise, although this natural tendency of the nation-state is contained to one degree or another by the increasingly strong liberal component of liberal democratic regimes.

We see a certain structure, then, in the liberal democratic notion of equality. In the liberal contribution to this notion, what is operative is the neutralization of values (resulting in a neutralized conception of the person) rather than the equalization of persons. Insofar as the equalization of persons also takes place in this context, it is in large part a byproduct of the neutralization of values, the latter motivated by the need to terminate or prevent violent conflict fought in the form (and name) of incompatible values. As for the democratic contribution to the notion of equality, what is operative is the direct equalization of persons, but this equalization is essentially confined to the political sphere, leaving ample room for inequality in the social and economic spheres. It should come as no surprise, as we shall see shortly, that the equality that results from the combination of liberal neutralization and democratic leveling is fully compatible with significant inequality.

3. Inclusiveness and fairness

There is considerable difference, indeed tension, between liberal sameness and democratic sameness as these come together in a liberal democratic regime. Liberal sameness neutralizes horizontal differences while valorizing reasonable pluralism; democratic sameness overcomes

vertical differences to create a homogenous citizenry; consequently, liberal sameness is (potentially) universal while democratic sameness is essentially state-bound; and so on. Despite these and other differences, however, liberal and democratic sameness converge, especially within a domestic society, on an overarching morality of sameness that gives everyone the same dignity, the same worthiness of respect, and, thanks to liberalism, the same human rights, however minimal and formal these generic entitlements may turn out to be. It is this *morality* of sameness that sublimates the equal qualification for participation in competitive social, political, and economic life into a *right* and underwrites that right.

Distinct from sameness, strictly speaking, yet closely related to it and thus part of the larger morality of sameness is a certain tendency toward *inclusiveness*. Although sameness by itself does not tell us whom and how many it covers, it nevertheless strongly favors inclusiveness. This is because the sameness in question, whether democratic or liberal, is created to serve as a normatively guiding *common* denominator, one might even say lowest common denominator, for citizens (of a nation-state) in one case and for human beings (potentially of the whole world) in the other. All must be included, all who belong under the common denominator in question. Even more important, all who have the remotest claim to inclusion must be permitted to press, and do very frequently press, their claims. And thus the common denominator itself, given the very logic and purpose of liberal democratic sameness, must be conceived as inclusively as possible.

What this inclusiveness makes possible is access to the sameness of qualification. It does not promise anything else: it is an inclusiveness of participation rather than of enjoyment of positive outcomes. A defining feature of liberal and democratic sameness is that they each leave a great deal open, the former not caring very much whether vertical differences persist as long as they do not run afoul of the neutrality-maintaining priority of the right over the good, the latter whether differences remain in society, horizontal or vertical, as long as they do not stand in the way of political equality and homogeneity. That is to say that liberal and democratic sameness agree in leaving open—open to the possibility of *inequality*—highly consequential *outcomes* in the overall scheme of human life that they combine to shape with their amalgamated notion of equality.

Given this openness to unequal outcomes, equality of qualification, however inclusive, is no longer sufficient by itself. Something else must be introduced to mediate equal

qualification and potentially unequal outcomes and thereby render inequality compatible with equality, and that is the all-important requirement of *fairness*. That is fair which allows unequal outcomes, even serious ones, to be regarded as morally acceptable by the standard of equality. Thus bridging equality and inequality, and doing so in the name of equality, fairness is the true meaning of liberal democratic equality, equality in the most integral and comprehensive sense as the “sovereign virtue” of a liberal democratic society. It is the most accurate and honest name for an equality that unabashedly produces inequality by its own logic.

Inclusiveness and fairness thus together represent the moral limits of the morality of sameness: equal qualification plus equal subjection to fair rules of competition. For better or worse, they render inequality of outcome not only predictable from the start but also supposedly morally unexceptionable. It is only by acknowledging the remaining inequality (of outcome) as an intrinsic part of liberal democratic egalitarianism that we can avoid the naïve mistake of treating as paradoxical a situation in which most people seem to believe in equality and yet have together created a social reality that is full of inequality. Once we are clear that the equality aimed for is equality of qualification coupled with fair competition while much of the inequality in our society or our world is inequality of outcome, we cease to marvel at the inequality and begin to understand it as a natural consequence of the prevailing notion of equality and to take our commitment to this notion to stand in a causal relationship to it and thus to hold ourselves responsible for it, whether or not we think the worse of ourselves for it. To be sure, the society and the world we live in may fall some way, even a long way, short of our belief in this equality, especially if we have a reasonably stringent understanding of fairness and inclusiveness. But we are here talking about the liberal democratic notion of equality, not its implementation, and for this purpose it suffices to note that even if the world can be made to fully conform to this notion, it will remain true that the notion of equality in question shall leave outcomes open to nontrivial inequality in many areas of life.

4. Agnostic egalitarianism: valorizing fairness

To be thus compatible with inequality by leaving outcomes open to inequality is not in itself to promote inequality. Nor is it, however, to promote equality, that is, equality in some appropriately summative sense and hence an equality that must give far more importance to outcomes than fairness can be stretched to allow. In the final analysis, fairness is the virtue of procedures rather than outcomes. When we speak of outcomes being fair, we do so imprecisely,

meaning in fact that the outcomes have issued from procedures that are fair. We care about outcomes, to be sure, and want to make them morally acceptable, but as long as we see fit to achieve this via fairness, we are bound to fall short of equality all things considered. For fair procedures lead to fair outcomes; they cannot not be counted on lead to outcomes that meet the independent standard of equality. In relying on fairness to approximate to equality, we are thus debarred from valorizing equality.

We are *valorizing fairness* instead. But what exactly are we valorizing when we are valorizing fairness? Since fairness is only a property of procedures, we would be making a fetish of procedures if we were to say that we value procedures for their own sake without caring to look beyond them. On the other hand, since fairness leaves wide open the possibility of nontrivial unequal outcomes, whatever underlies fair procedures as their *raison d'être* cannot be equality. It is under this dual pressure that a hypothesis presents itself, namely, that if fair procedures are not meant to deliver equality, then it seems plausible to suggest that they can only find their underlying moral purpose in serving as procedures for discovering the truth of the matter at hand. The matter at hand is what is due—differentially due since equality of outcomes is ruled out—to all those who enjoy the same qualification and the same entitlement to fairness. And the truth of the matter is what people are *naturally* like relative to one another in their ability to succeed in the competitive form of life over which the virtue of fairness presides. Fair procedures are discovery procedures for revealing nature and they are fair to the degree that they reliably serve this purpose.¹⁰ Fairness is thus closer to nature than to equality. In valorizing fairness, we are actually valorizing nature. This is not to say that fair procedures can in fact serve the purpose that gives them their *raison d'être* (more of this later). The important point is just that unless they can be assumed to be more or less fit to serve this purpose, they will cease to make any sense upon reflection. Some such assumption, I dare say, is an important part of what informs our everyday, intuitive sense of what fairness is, why it matters, and, especially, why the consensus that “that’s fair” can be definitive when it comes to so many issues of political contestation and distributive justice.

Thus understood, fairness has no interest in letting moral considerations override the morally arbitrary natural lottery. Rather, it takes the natural lottery for granted and sees its role

¹⁰ In this vein, Tocqueville speaks, for example, of “inflict[ing] the same tests” on everyone (*Democracy in America*, p. 731).

as that of revealing it without distortion from unjust practices. If fairness at its best may be conducive to solidarity, it is not primarily motivated by solidarity. It is rather a virtue shot through with the divisiveness and competitiveness that are part and parcel of the activities whose unequal outcomes this virtue serves to make morally and psychologically acceptable. If fairness can seem to come very close to equality, this is because fairness, especially when stringently conceived and scrupulously implemented, pits itself firmly against the social lottery and other forms of injustice that are manifest obstacles to equality. After all, fairness is a crucial plank of the morality of sameness and that morality derives nothing less than equal dignity and worthiness of respect from the sameness it prizes.

But none of this need commit fairness to rooting out inequality insofar as unequal outcomes are more or less accurately reflective of natural differences in the competitiveness of the people involved. This does not mean that fairness valorizes inequality as such, for it does not pretend to know whether people are naturally equal or unequal, and if the latter, how unequal. All it knows and cares to know is that all outcomes, equal or unequal, are subject to the perpetual motion that defines equality and inequality alike. Fairness is agnostic, and to the extent that its integrity as fairness has something egalitarian about it, the resulting position should perhaps be called *agnostic egalitarianism*. This egalitarianism of sorts pleads a most conscientious ignorance as to whether people are by nature equal or unequal, in what respects, to what degree, and so on. Despite appearances, this egalitarianism has not given up nature as a point of reference and has no time for luck egalitarianism beyond philosophical speculation. Humbly relying on discovery procedures to reveal nature and treating their results in turn as but temporary stops in the ceaseless unfolding of liberal democratic life, it rejects any claim to knowing who are fit to rule, who are more deserving of the better places in society, and what the good life is. The first ignorance provides a plausible reason for equality of political rights, in the form of electoral politics based on universal suffrage, the second for equality of opportunity, and the third for an otherwise very puzzling understanding of equality of liberty and especially of liberty itself.

5. Equality of political rights

The question of who are fit to rule seems to receive an unequivocal answer for a democratic society, and the answer is, needless to say, “sovereignty of the people.” A social state marked by equality of conditions calls for nothing less when it comes to regime type. What this means

is that birth and strength, even wisdom, competence, and virtue are no longer titles to rule. If wisdom, competence, virtue, and the like command any attention at all, they do so only as reasons to be accepted or rejected by a popular sovereignty that defers to no prior, independent title to rule.

But sovereignty of the people, whatever that may mean, is one thing, and government quite another. Government, as Jacques Rancière reminds us, presumably such government as is required in any class society, is always the rule of a minority over the majority.¹¹ This is true not only in the sense that equality of power, as distinct from equality of political rights, is impossible, but also because the minority in power will tailor its manner of ruling more to its own interests than to those of the majority, thus giving the lie to all talk of representation and of ruling in the interest of all. Thus government is oligarchic by nature, as is unsurprisingly and amply confirmed by experience, and this makes “democratic government” an oxymoron. What we mean by this strictly illegitimate term is the selection of government through free and fair electoral politics based on universal suffrage. If this method of selection has something democratic about it, this is only because it is made necessary by the equality of conditions that prevails in the social state. It is the least objectionable response to such societal conditions and provides the closest approximation to the political principle of sovereignty of the people that most naturally follows from such conditions.

Precisely for this reason, however, electoral politics based on universal suffrage cannot change the fundamental fact that in a democratic society no one has the title to rule. To change this fact would be to render what is made necessary by it no longer necessary. Accordingly, to be true to its meaning as popular sovereignty, democracy must take literally the sameness of all members of a democratic society and follow this sameness to its logical conclusion, namely, that absolutely no one, either person or group, has the title to rule. The title to rule is predicated upon inequality of conditions: those who are superior, who are high and above, have the title to rule over those who are inferior, who are low and below. Democracy at its core means nothing but the removal of such inequality and hence the disappearance of the superiority that creates the title to rule. Thus, democracy, far from materializing in a form of government, consists rather in the steadfast acknowledgment, backed up with whatever it takes to give effect to this

¹¹ See Jacques Rancière, *Hatred of Democracy*, trans. Steve Corcoran (London: Verso, 2006), esp. chaps 3, 4. See also John Dunn, *Breaking Democracy's Spell* (New Haven: Yale University Press, 2014), pp. 18-21, 136-37.

acknowledgement, that such materialization can never happen. As Claude Lefort puts it, democracy means that the seat of power has become permanently empty, or power forever disincorporated, as dramatically symbolized by the fate of Louis XVI.¹²

But the need for government requires the empty seat to be filled, or power to be reincorporated.¹³ This can legitimately happen only through selection from among equals all of whom, in their very capacity as equals, are devoid of the title to rule, and this lack of title, as distinct from the seat of power itself, is a void that *cannot* be filled. This creates what may be called the paradox of democracy.¹⁴ Sovereignty rests with the people, but the people cannot occupy the seat of power for the purpose of government. The seat of power must therefore be filled by a subset of citizens, but because they are only a subset, typically a very small subset, they possess no more title to rule than any other subsets of citizens. Hence the seat of power is to be filled with those who are without the title to rule—those who nevertheless alone enjoy political *power* while others in effect only possess political rights (in reality the right to select the naturally more powerful people for political power and thereby make them even more powerful).

It is this permanent gap that is meant to be bridged, in a necessarily inadequate fashion, by the selection of government through free and fair electoral politics based on universal suffrage. What is electoral politics but, at its best, free and fair competition to temporarily occupy the empty seat of power? And what is universal suffrage but such competition made maximally inclusive? In this competition, as in all other competitions, fairness and inclusiveness are desirable properties of a process that leads necessarily to unequal outcomes. And it is precisely because the outcomes will be unequal, and the stakes high, that such properties are so desirable, indeed indispensable. Since in this way equality of outcome is ruled out from the outset, what political equality can mean for most people in effect is just that they have at best a fair chance to make a difference in politics, either narrowly construed as the electoral process or more broadly understood in terms of the formation of public opinion and will. It also means, but for most people only in theory, that every citizen has the right to run for the empty seat of power. In this light, political equality is, more precisely, a matter of fairness

¹² See Claude Lefort, *Democracy and Political Theory*, trans. David Macey (Minneapolis: University of Minnesota Press, 1988), chap. 1.

¹³ It is in sense that one can best understand why, as Tocqueville puts it, “in the eyes of democracy, the government is not a blessing but a necessary evil” (*Democracy in America*, p. 237).

¹⁴ Or, as Rancière says, the “paradoxical condition of politics” itself (*Hatred of Democracy*, p. 94).

and inclusiveness in the competitive determination of unequal political outcomes. Fairness and inclusiveness presuppose knowledge only of the equality of conditions, which forever separates the seat of power and the title to fill it, but otherwise a complete ignorance as to who are fit to assume temporary, strictly undeserved occupancy of that seat of power.

What electoral politics does is to lift that ignorance for practical purposes of government. But the ignorance cannot be resolved once and for all and therefore, strictly speaking, it is only suspended (until the next election). What is known as consent is precisely to this suspension. Although consent is typically said to impart so-called legitimacy to those who end up being selected for temporary, fixed-term occupancy of the empty seat of power through so-called free and fair elections, the legitimacy in question does not change the fact that the rulers do not possess the title to rule and therefore do not come to occupy the seat of power by acquiring such title. Such legitimacy is no more than a certain moral and procedural acceptability—the semblance of title, if you will; what fills the gap is only a stopgap. For it comes entirely from the fairness and inclusiveness of the process of selection and, as we have seen, the need for fairness and inclusiveness, indeed for the democratic method of selection itself, shows precisely the absence of title. Thus, the semblance of legitimacy comes, ultimately, from the honoring of that very absence, and of the fundamental and principled ignorance that is the logical consequence of this absence. This respect for ignorance alone is what creates the semblance of title that we call legitimacy.

But precisely for this reason, legitimacy is always on the verge of being undermined by the very same ignorance, as is likely to happen whenever a “democratically” elected government behaves too manifestly as the oligarchic entity it always is. For no sooner is this ignorance suspended, in however free and fair a manner, than it sees the popular sovereignty underlying it turn into the inequality of government. Electoral politics based on universal suffrage represents an inherently unstable compromise between the democratic principle of sovereignty of the people and the oligarchic nature of government—or between popular sovereignty understood as equality of power, which is impossible, and understood as equality of political rights, which is too weak. Through this compromise, power disincorporated by democracy is reincorporated against democracy, with popular consent playing the self-contradictory and in this sense the maximally democratic role of sanctioning this very reincorporation.

It also helps, of course—and this is part and parcel of electoral politics—that the kind of oligarchy produced through the democratic means of consent is a more or less mobile one, and mobile in large part because it is more plutocracy than aristocracy.

6. Equality of opportunity

What is most immediately obvious about equality of opportunity is that it rules out equality of outcome, for all practical purposes, and what is almost as obvious about the debates among liberal egalitarians over “equality of what” is that almost all parties to these debates agree in rejecting any relatively strict notion of equality of outcome. Thus, to pin down what the rejection of equal outcome in favor of equal opportunity exactly amounts to is a key to understanding the idea of equality that all liberal egalitarians have in common. As it happens, equality of opportunity is only one of three principles of equality, each governing a distinct domain of human life, that serve in one way or another both to take the place of equality of outcome and to make up for the adverse effects of its absence. The first is the domain of human beings as biological beings, and the corresponding principle is that of *equality of access to some basic level of welfare*, as exemplified by the modern welfare state. The second, which we have just looked at, is the domain of human beings as citizens with a claim to some share in political power, and the corresponding principle is that of *equality of political rights*. It is supposed to serve as the most basic embodiment of the sameness that underwrites a generic dignity and worthiness of respect for all. The third is the domain of human beings as social beings with a need for recognition accorded to differential qualities and achievements beyond the shared worthiness of respect, and the corresponding principle is that of *equality of opportunity*. For the purpose of understanding how equality works in a liberal democratic society, I do not find it necessary to treat the economy as a separate domain but see it as cutting across the biological and the social and, of course, as having an impact on the political as well.

The first principle, addressing human creatures with material needs, does its work in a manner and spirit that is essentially remedial. The remedy is a response to failure to provide for oneself, and yet the failure tends to involve a shortfall in two dimensions at the same time, that is, both welfare and recognition. While the remedy chiefly addresses the shortfall in welfare, not recognition, what nevertheless justifies this remedy and dictates its appropriate form of delivery is some set of moral considerations that includes the human need for recognition. This dimension of the principle thus lifts the material remedy beyond the merely material. Yet it

remains the case that the principle exists mainly to cater to the material needs of human beings. Given the very nature of the domain in question and the very function of the principle, shortfalls in recognition as such cannot be resolved here; only the worst material manifestations of such shortfalls are meant to be avoided.

The second principle, aimed at political equality, is a principle we can interpret more or less radically. But even the more radical interpretations of this principle, as long as the principle itself remains distinct, presuppose some distinction between the public and the private, the political and the social. The idea here is that whatever inequality of outcome exists in the domain of the private or the social, it is made significantly less important, or even rendered innocuous, by equality in the domain of the public or the political (although, as we have seen, political equality necessarily falls short of equality of power, as distinct from equality of political rights).

Whether this idea is true, and to what extent, depends on the importance of the public relative to the private, of the political to the social, in the constitution of individual identities in the modern world. Given Benjamin Constant's classic account of the liberties of the moderns versus those of the ancients, it is hard to deny that the private or social domain plays a vastly more important role in the making of the modern self, and hence in sustaining the kind of recognition most crucial for this self, than the public or political domain does. What the principle of political equality directly and chiefly addresses is sovereignty more than recognition, just as what the principle of equal access to minimal welfare directly and chiefly addresses is welfare more than recognition. It is true that political equality is widely, and rightly, regarded as a necessary condition for recognition of a certain generic human dignity, just as equal access to minimal welfare is. But this does not change the fact that, among the conditions for the constitution of the modern individual, the domain of the public or the political, with its equality of political standing, yields pride of place to the domain of the private or the social, with its equality of opportunity that entails inequality of outcome.

Indeed, as Hannah Arendt shows, the very distinction between public and private has largely ceased to apply to modern societies, inasmuch as the public has become a space for collectively addressing what are in effect the shared wants and needs of private individuals as part of the life process. In place of this distinction we have the more precise category of the

“social.”¹⁵ It is principally within this domain of the social that modern men and women go about their daily life, acquire recognition, and become who they are. Thus whatever principle of equality operates in this domain is the most important for modern men and women, and whatever inequality of outcome obtains in this domain is likewise the most consequential for them. And it follows that equality of opportunity is much more than a principle of distributive justice. It is the principle that governs the most important domain in which modern lives succeed or fail, and, as such, it is more revealing than the idea of political equality, or anything else for that matter, of the true spirit, the aspirations as well as the limits, of liberal egalitarianism.

Social struggles in our time revolve around realizing equality of opportunity and, even more important, around redefining the very notion of equality of opportunity. In this spirit, equality of opportunity construed on the model of negative freedom, that is, in terms of sheer absence of overt obstruction or discrimination, is easily found wanting, and what is put in its place is a notion of equality of opportunity designed to filter out any factor that systematically gives some people an unwarranted advantage over others. The name of the game is what Rawls calls *fair* equality of opportunity. Everything hangs on what “fair” should mean, and while social struggles have pursued ever fairer equality of opportunity in practice, egalitarian political philosophers have left no stone unturned in their attempt to ferret out hidden traces of unfairness.

It cannot have escaped the notice of such conscientious egalitarians, however, that equality of opportunity, no matter how fair, finds its concrete meaning and function in the domain of the social, in activities that are not themselves meant to produce equality, that is, equal outcomes, or even relatively equal outcomes. Rather, agents avail themselves of equal opportunity to do well in activities that are essentially competitive in character. In this sense, inequality of outcome is not only the predictable consequence but indeed the very point of equality of opportunity: it is because the activities involved are competitive and inequality of outcome is the intended and accepted outcome of such activities, not merely an unintended byproduct, that equality of opportunity is needed to regulate the competition and to justify the outcome. Equality of opportunity thus stands in a mutually defining relationship with inequality of outcome.

¹⁵ See Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), chap. 2.

Just as in the case of equal basic welfare and political equality, what motivates the principle of fair equality of opportunity is twofold. The need for stability in a competitive society is best satisfied through the smoothest and most unimpeachable “molecular passage” (to use Antonio Gramsci’s suggestive expression) of the more capable and hardworking members of society (as defined in a particular type of society) from lower social classes into higher. The fairer the equality of opportunity, the less room there is for resentment and complaint by those who fare badly in the competitive activities. This prudential consideration makes particularly good sense from the standpoint of the more successful members of a society, especially the ruling class. But the very quest for fairness, for ever fairer equality of opportunity, is a moral quest and, as such, finds its strongest ground in the appeal to the same humanity in every human being. It is this abstract humanity, itself the upshot of liberal neutralization and democratic leveling, that makes the principle of fair equality of opportunity seem *morally* inescapable.

Thus understood as rooted in the morality of sameness, equality of opportunity exists to give everyone a fair shot in the competitive activities that make up the social domain and thereby to render just, and to publicly justify, the inequality of outcome that is predictable from the start. That is why equality of outcome is something that all liberal egalitarians must agree in rejecting, and that is also why it is so important to define and refine the notion of fairness in fair equality of opportunity and to struggle for its implementation. Only fair equality of opportunity can justify inequality of outcome: if the equality of opportunity is fair, then the inequality of outcome is fair, too. Fair equality of opportunity transforms the very nature of inequality of outcome, and we can indeed speak of *fair inequality of outcome*.

In this context, even the fairest equality of opportunity has inequality of outcome built into it. Inequality is its twin. Whatever one may think of the inequality (of outcome) that is an intrinsic part of the equality (of opportunity), it is important to register this inequality (of outcome) clearly and unflinchingly so as not to skew one’s understanding of the notion of equality (of opportunity). In this connection, Ronald Dworkin’s notion of equal concern, for example, would be quite misleading unless we take it to mean, chiefly, fair (or the fairest possible) equality of opportunity as guaranteed by government, and the notion of fair equality of opportunity itself would be quite misleading unless we clearly and unambiguously mean by it fair equality of opportunity *along with* fair inequality of outcome as brought about by

individual choice. It is this combination of equality (of opportunity) and inequality (of outcome), not equality alone, that is the full upshot of Dworkin's notion of equal concern.¹⁶

In treating all citizens with equal concern, government need not seek to ensure relative equality of outcomes. Its only imperative is to follow what Dworkin calls the principle of equal importance, which is in part a principle of governmental ignorance—ignorance of outcomes, ignorance as to which members of society are more deserving (although the term “deserving” is often avoided like plague) of the better places in a kind of society that remains hierarchical for all its mobility. It is left to individuals, under what Dworkin calls the principle of special responsibility, to turn government's principled ignorance of outcomes into a fair reality of unequal outcomes. In this way Dworkin's two principles operate with a perfect division of labor, the first establishing fair equal opportunity (with the equality of concern proportional to the rigor of the fairness), and the second allowing individuals to fulfill their nature through choice (what else is choice for?) and, in so doing, to produce outcomes whose inequality, if it comes to that, is as natural as it is fair. This, rather than any egalitarian end-state, is what the agnostically egalitarian principle of equal opportunity is meant to achieve.

But this principle is of course not the only one that is designed to promote equality in a liberal democratic society. As we have seen, two other principles also play this role—the principle of equal access to a basic level of welfare and the principle of political equality. The nature and extent of the equality that is meant to be realized in modern liberal democracies is a function of the simultaneous operation of all three of these principles. One principle takes care of basic welfare, another sovereignty, and the third recognition. Thus the three principles are complementary and between them accomplish a good deal more than each does on its own. Moreover, what all three principles share, apart from a prudential concern with stability, is a moral interest in achieving a minimal level of human dignity and wellbeing that is dictated by the liberal democratic recognition of a basic human sameness. Some might say that, taken together, the three principles, if fully realized, will make human beings as equal as they could reasonably and justifiably be.

The fact remains that equality of outcome is not part even of this composite notion of equality. This is most evident in the case of equality of opportunity. But it is also true of

¹⁶ See Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2000).

political equality, in that, as we have seen, modern electoral politics is a competitive activity in which only some, a small minority, end up acquiring and exercising political power. Thus even here equality of outcome is ruled out from the outset, indeed necessarily, much as in the domain of the social. The principle of political equality is, more precisely, an agnostically egalitarian principle of fairness and inclusiveness, just as the principle of equal opportunity in the social domain is. The same cannot be said of the principle of equal access to basic welfare but then this principle is, strictly speaking, not a principle of equality, to begin with. I have included it in our composite notion of equality only because it serves to mitigate the negative effects of whatever inequality of outcome is generated under the agnostic egalitarianism of fairness and inclusiveness, and because it has in common with the other two principles a moral concern that covers every citizen, even potentially every human being. For this reason, we will get a more adequate picture of the agnostic egalitarianism of fairness and inclusiveness if we take it to operate in the context of the composite notion of equality. In this way we can be more certain that this really is as far as the agnostically egalitarian principle of equal opportunity can go.

7. Equality of liberty

It is less immediately obvious how agnostic egalitarianism can help give rise to our modern notion of equal liberty, especially of liberty itself. But there is little doubt that it does, and this can be best appreciated in the distinctive relationship in which liberty stands to the good. If I am to name one defining feature of our modern notion of liberty, I will be inclined to say that it is a certain freedom *from the good*. It is not that the good is no longer an important notion but that, however else the good may be regarded, it is no longer conceived as in any way transcendent and thus as antecedent to and independent of freedom (not least the primordial freedom to enter into contracts and conventions), say, in the manner of some supernatural principle or cosmological order. In this sense there is no longer the possibility of shared, public knowledge of what the good is for everyone, beyond the most neutral “primary goods,” indeed no conceivable object for such knowledge. The most important upshot is that there is no transcendent, objective good that is publicly regarded as fit to serve as a store of reasons for pushing, even persuading, people to use their freedom in certain ways rather than others. Just as democracy has no transcendent good to embody and is entirely a matter of collective agreement,

so modern freedom has no transcendent good to realize and is entirely a matter of individual autonomy.¹⁷

As shared certainty about the good gives way to public ignorance, so freedom—the freedom somehow to decide for oneself what the good is for oneself—cannot but take priority over the good, to the point where it may be said that the good is nothing but the function of the exercise of individual freedom within such legal parameters as are agreed upon to ensure equal freedom for all. What gives our modern notion of freedom its unique character is above all this relation to the good. It is a relation characterized by public, political ignorance, a relation in which individual freedom does not take its necessary and potentially coercive bearings from any publicly affirmed or certified good and in which the good is no longer viewed as external to our freedom and fit to provide guidance for its exercise.

Whence this relation between freedom and the good and hence our modern notion of freedom? Just like the sameness that lies at the heart of our modern understanding of equality, our notion of freedom is also a semiotically complex concept, indeed part of the larger concept of sameness. Thus, the key to grasping the precise meaning and import of our notion of freedom is to understand the effect of the semiotically complex notion of sameness on the relation between liberty and the good and hence on liberty itself. The concept of sameness in question is arrived at, as we have seen, via the two distinct processes of liberal neutralization and democratic leveling. When we looked at neutralization and leveling earlier, we focused on how they each helped produce a certain idea of human beings that emphasizes their sameness. We must now take another look at neutralization and leveling to see how they both demote the good, the first in one way, the second another.

Neutralization is nothing but the removal of what is threatening about the good—not the good as such, to be sure, but the kind of importance that is attached to conceptions of the good and hence to differences among such conceptions, and the consequent kind of intensity that is attached to conflicts among people who subscribe to different conceptions of the good.

¹⁷ See Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, Mass.: Harvard University Press, 1989). As Taylor writes, “The ancient notion of the good, either in the Platonic mode, as the key to cosmic order, or in the form of the good life à la Aristotle, sets a standard for us in nature, independent of our will. The modern notion of freedom which develops in the seventeenth century portrays this as the independence of the subject, his determining of his own purposes without interference from external authority. The second came to be considered as incompatible with the first” (p. 62). For an account of what it means for the good to be transcendent, see Iris Murdoch, *The Sovereignty of Good* (London: Routledge, 1970).

Neutralization works by making such differences less important and, crucially, it cannot do so except by making the good itself less important, too, so that the good ceases to be something to die for and kill for (although fighting and dying for one's country was and to some degree remains a different proposition, but this belongs more to the story of the nation-state and democracy). In this way the good in all its specificity and difference is no longer so intensely lived and felt, and at the same time it becomes possible to construct and valorize a certain sameness of the conflicting parties, and potentially of all human beings, as having moral, political, and indeed factual priority over whatever differences in conceptions of the good life may set people at loggerheads.

The result is what has come to be known as the priority of the right over the good, with the attendant liberal virtue of tolerance, among other things. Psychologically, the priority of the right over the good is, in fact, the priority of the desire for peace and life over the desire for the maximal intensification of the experience of pursuing the good. There is no doubt that intense conflict among people who hold different conceptions of the good life raises the stakes of the good for all concerned and intensifies the experience all of them have of the good. By the same token, neutralization lowers the stakes, reduces the intensity, and thereby changes completely the experience of the good. It is this changed experience of the good that was first brought out and then perpetuated through its moralization and codification as the priority of the right over the good.

The democratic process of leveling contributes to the demotion of the good in a way that is no less profound and far-reaching. What leveling destroys is the social division of people as intrinsically higher and lower. In this irrevocable stroke, it also destroys once and for all the *social basis* of a paradigmatic understanding of the nature and place of the good in terms of high-and-low. Just as "the death of God" means, as Nietzsche tells us, devaluation of the highest values, so the demise of aristocracy (supposedly the social embodiment of the good however imperfect) must mean devaluation of all *higher* values. The space of values that results from such devaluation can still have width (variety, plurality), but no longer height, just as the death of God had eliminated the height stretched between Heaven and Hell. In the absence of height, of the possibility of high-and-low, nothing is particularly good and nothing particularly bad. It is all a matter of choice within the limits of reasonable pluralism. And hence nothing *is* good—until it is made so by choice, by an exercise of individual freedom without

determination by any independent and objective good. With the disappearance of aristocracy, we are all equal, and because all persons are equal, all values are equal. This logic of democratic equality is reinforced, from the opposite direction, by the logic of liberal equality according to which, as we have seen, all values are equal and therefore all persons are equal. What is this but the priority of equality over the (higher or highest) good?

All persons are equal and all values are equal—this is what equality of conditions means. Under such conditions, values predicated upon height and expressive of inequality are simply ruled out. Their eviction from all but the strictly private sphere of innocuous preferences is a natural consequence of democracy, quite apart from the existential and epistemic conditions that according to Nietzsche once made invention of the highest values, and later their devaluation, necessary and possible. When it comes to the good, then, we no longer look up, for nothing is there to be found. We look instead to ourselves, into ourselves, and that means looking sideways to public opinion, as Tocqueville tells us.¹⁸

Our modern notion of freedom must be understood in the context of this twofold, liberal democratic demotion of the good. This demotion signifies a radical transformation of the relation between members of society (through leveling), between conceptions of the good (through neutralization), and, as a result, between freedom and the good. These fundamental changes find one crystallization in the idea of nihilism—nihilism as a historical thesis (as meant by Nietzsche)—and another in the notion of the priority of the right over the good. What is nihilism but the axiological component of the historical paradigm-shift to the liberal democratic regime through neutralization and leveling? And what is the priority of the right but the priority of freedom over the good under conditions of nihilism, that is, of the demotion of the good? Rather than determining ends, the right serves only to guarantee the equal freedom of all to choose ends for themselves now that ends can no longer be prescribed on the basis of higher or highest values. It is this freedom made necessary by nihilism and made equal by the right that takes precedence over the good—over the good as it has been changed beyond recognition by nihilism. And what is this precedence but a freedom ultimately from the good?

The freedom of us moderns, as Tocqueville tells us with the example of American democracy (and as social contract theorists claim in a more hypothetical fashion), is a function

¹⁸ See e.g., Tocqueville, *Democracy in America*, vol. 2, part 1, chap. 2.

of our equality, just as our equality is a function of our freedom.¹⁹ By the same token, just as equality means the obliteration of high-and-low and of everything that is high and above, so liberty must mean freedom from any requirement to live according to higher values, let alone the highest values. No longer “high” and “above” as a result of leveling, and no longer so intensely and intransigently embraced as a result of neutralization, the good has lost its obligatory and exclusive character. It has become instead a matter of public, political ignorance and hence of individual choice and pluralism on a peaceable egalitarian plateau, a function of the exercise of freedom within the limits of a regime of right that guarantees not the good but only equal freedom for all.

8.a. Agnostic egalitarianism and inequality (I)

There is, to be sure, a sense in which the three normative upshots of the ignorance of nature we have been looking at are egalitarian, as we have noted. Yet what should give us pause is that this agnostic egalitarianism is capable of generating inequality of one kind or another to which conscientious egalitarians may not find it at all easy to respond. This is true of all three cases. With regard to government, inequality of power, as distinct from right of participation, may be considered unavoidable. Since such inequality is unavoidable even in the case of democracy, all that we can sensibly do is to continuously keep such inequality of power in check and, to this end, it is essential that we not allow what is in fact equality of political rights (to the degree that it is achieved) to pass for equality of power. Beyond this, it seems, little more could be said on the subject.

With regard to the domain of social life that is subject to equality of opportunity, it is obviously impossible to have equal opportunity and equal outcome at the same time and thus the embracement of equality of opportunity as a moral principle already contains within itself the moral acceptance of inequality of outcome. The question is whether equality of opportunity is good enough or general enough an *egalitarian* principle, that is, whether egalitarianism requires assigning much greater weight to equality of outcome, beyond what is already achieved to one degree or another by equal citizenship and the welfare state.

I do not think we can quite answer in the affirmative, and, not surprisingly, one important reason has to do with the nature and consequences of the fairness that is the spirit of equality of opportunity. Fairness, as we have seen, is meant to be a feature of activities in the

¹⁹ See Tocqueville, *Democracy in America*, vol. 2, part 2, chap. 1.

social domain in which people compete to outdo others in the quest for scarce goods, often positional goods, and thus the outcomes of such activities are bound to be, indeed intended to be, unequal. Insofar as people are motivated to join such competitive activities and attach a lot of importance to faring better or worse in them, the reason must be that the goods at stake, beyond a relatively easily achievable level of subsistence and reasonable comfort, are things that carry symbolic significance as indices of the relative value of the individuals who possess them. Otherwise one would be at a loss to explain why the competition is so intense and why fairness is so important. In this way we are led to see what inequality of outcome really amounts to. Given the preeminence of the social domain in constituting modern individual identities, inequality of outcome in this domain means inequality in those things that represent nothing less than the value of individual identities. This is a deep and damaging inequality, well beyond inequality of a merely or largely distributive kind. The fact that believers in the ideal of fair equality of opportunity must therefore confront is that this deep and damaging inequality—inequality in the value of individual identities and hence a fundamental human inequality—is, at bottom, precisely what people compete for under the principle of equal opportunity.

This very consequential inequality is mitigated to some extent, to be sure, by political equality, however truncated and nominal, and by equal access to welfare, however minimal. But the fact remains that individual identities are formed chiefly in a social domain governed by the principle of equality of opportunity. As long as this is the case, inequality of outcome will mean inequality in the value of individual identities and there is no equality or assistance outside the social domain that could remotely make up for this inequality. This clearly amounts to a significant inequality of status, its mobility notwithstanding. Whoever insists that a more “basic” equality of status remains intact must explain why this is so, especially given the sheer primacy of what Arendt calls the “social” in the modern world, or else admit that one’s talk of “basic” equality of status rests on mere stipulation.

One could, of course, turn this around and say that, because the equality of opportunity is fair, the inequality of outcome is also fair and therefore something we must accept. Before we decide whether to go along with this line of response, we must pause to consider what it means to accept inequality of outcome as fair if it results from fair equality of opportunity and then, especially, to accept this attribution of fairness first to opportunity and then to outcome as settling the question of whether we should find anything amiss with the fact that people end up

being unequal in the value of their individual identities. It should not be difficult to see that it means accepting all of the following: that people are *naturally* unequal in one reasonably attributed ability or another, at the very least in the ability to make good choices and increase the likelihood of positive option luck; that it is largely unproblematic if they fare unequally on account of this properly revealed natural inequality; and that fair equality of opportunity exists precisely to allow such inequality, despite its alleged morally arbitrary character, to translate unimpeachably into inequality of outcome—to make sure that the inequality of outcome matches or tracks some relevant natural inequality. In short, it means allowing one relevant natural inequality or another to run a fair course and lead to fair social hierarchy and fair social mobility.

In this light, what Dworkin calls equal concern turns out to be little more than the concern that each person, as conceived in distinction from his or her circumstances and as aided by an initial equality of resources, be given a fair chance to show how good he or she naturally is as a chooser, in competition and comparison with others, and be rewarded with a fair place in what cannot but be a hierarchically organized social domain. That the hierarchy in question is mobile does not make it any less hierarchical but only renders the competition all the keener, the participants all the more anxious and insecure, and the special responsibility for oneself all the more onerous and potentially self-incriminating. Even if it is still arguable that the concern for all—all competitors—remains equal, it is doubtful that the spirit of this concern is egalitarian in a very deep sense. It may well be that Dworkin's insistent ethical individualism stands in the way of any egalitarianism in which solidarity plays as crucial a part as competition.

8.b. Agnostic egalitarianism and inequality (II)

When it comes to liberty, it may not be immediately obvious how our modern notion of liberty, informed as it is by public or political agnosticism about the good life, is nevertheless vitiated by a deep inequality. To bring this inequality to light, we need to examine more closely how the priority of the right over the good actually works. This priority exists to prevent any conception of the good from overriding or pre-empting the exercise of freedom by individuals and groups in a society marked by what Rawls calls reasonable pluralism. In other words, the priority of the right is meant to make it impossible for any single, fixed conception of the good to serve as the politically mandated social causality in human life—to serve as the social law of motion, if you will. It is thus meant to make it possible for different conceptions of the good,

none politically mandated, to play this causal role. What should be obvious is that the right, taking precedence over the good in this way, is not itself the law of motion, beyond standing as an obstacle to any politically mandated good monopolizing that role. Thus the right is not causal in a positive, substantive sense: it does not give ends to freedom or dispose people to exercise their freedom in one way or another; it serves only to make freedom equal for all. As far as ends are concerned, the priority of the right over the good is in fact the priority of *freedom* over the good. Modern liberty is just this priority.

When the priority of the good is thus replaced by the priority of freedom, what seems to have happened is a fundamental change in the social law of motion: where some transcendent good in the form of supernatural or cosmological principles used to be deemed the predominant causal power, the *will* now plays this role under the rubrics of freedom or autonomy for the private individual and of democracy for the citizenry. But the will is not, and cannot be, causal in the way that the transcendent good is meant to be. Whereas the transcendent good is causal in what must be thought of as a comprehensively and truly efficient sense, the will can be causal only in a partially and apparently efficient sense, for human will (as opposed to God's will), understood empirically rather than as an idea of reason, is by nature heteronymous rather than autonomous. That is to say that the will, having seemingly freed itself from the (transcendent) good, must still be heteronomously determined, that is, by some good or other that impinges on it and moves it from the outside. This is true of all *experiential freedom*, that is, freedom as it is understood in the everyday sense, as here.

It follows that the priority of freedom over the good can be true only in a limited sense, which it is important for us to pin down. Freedom can have priority over the good, or be free from the good, only in the sense of not being subject to any good that is fixed in advance and to which and nothing else the will must conform. Thus understood, the priority of freedom over the good is freedom from determination by any transcendent good and the consequent freedom—and necessity!—to be determined by some non-transcendent good to which the will has the choice to assent or not because it is not politically bound to assent. It is in this choice—choice regarding the heteronymous determinants of the will—that modern freedom consists.

The idea animating this priority of freedom seems to be that the resulting freedom will allow people to be, as it were, freely, if heteronomously, determined. Because subjects are freely determined, they will be determined in accordance with their own (empirical) nature.

Furthermore, since there is reason to see diversity in human nature (against the backdrop of liberal democratic sameness), they will be determined by different natures. If this is so, then all will be well, for we may expect to end up with true experiential freedom, the flowering of human nature in all its diversity, and true equality of freedom with no individual or social force acting disproportionately as the causal determinant of freedom in the way some transcendent good used to. There is no reason to think that something like this could not be true.

Yet this is clearly not true in the kind of democratic society we know today. In a democratic society, as Tocqueville reminds us, we are overwhelmingly shaped by public opinion, which is supposedly marked by a rough equality of influence among members of society all of whom contribute to it while falling under its sway. As we have been able to learn from experiences unavailable to Tocqueville, however, it matters crucially if a democratic society happens also to be a capitalist one, because in a capitalist democracy public opinion, like everything else, is predominantly shaped by the capitalist class. This means that public opinion is shaped very unequally and hence against the spirit of democracy. Thus it is one thing to talk about the priority of freedom over the good in the abstract, and something else to do so given what we know about the nature of the type of society in which this priority of freedom actually operates. As far as the latter is concerned, there can be no doubt that modern democracy is capitalist democracy. Within the parameters of such a society, there is likewise no doubt that the priority of freedom over the good actually translates into the priority of the capitalist good—the endless accumulation of capital for its own sake—over any other good, including any other transcendent good. Behind the appearance of the priority of freedom over the good lies the capitalist substantive rationality that enjoys hidden priority.

The fact remains, however, and this is a fact of the utmost importance, that no politically mandated good is allowed to ride roughshod over individual freedom. Thus, according to the letter of the concept, the priority of freedom over the good remains intact, and therefore, formally, freedom still takes precedence over all conceptions of the good, including the capitalist one. But this only goes to show that the priority of freedom, and of the right by implication, over the good is entirely compatible with the overwhelming de facto power of capitalism to determine freedom—at least if such priority is understood according to its letter. Indeed, it is just this compatibility that has allowed capitalism to replace all other substantive conceptions of the good life, transcendent or otherwise, with the no less substantive capitalist

conception and to do so in the guise and name of freedom. And, of course, this same compatibility renders more opaque, and hence psychologically more acceptable, the great inequality that capitalism perpetrates against democracy and against the specifically democratic freedom that Tocqueville rightly treats as defined by approximate equality of (lack of) influence.²⁰

It is worth adding that the disproportionate influence of the capitalist class is also at work in the inequality of political power. The inequality of power inherent in government is one thing, and not all such inequality need be a cause for concern. But the specific inequality of political power that tends to develop in a capitalist society is something else altogether, for plutocracy under the cover of democracy and in the absence of effective check by democracy could reproduce many of the ills of the old aristocratic regime without some of its benefits while its relative mildness, a function largely of the formal separation between economic and political power, is at best a mixed blessing given its deceptiveness and resistance to real reform.

Not surprisingly, equality of opportunity cannot escape the disproportionate influence of the capitalist class, either. While equality of opportunity is a normative principle governing a wide range of activities, these activities make up a game that is predominantly capitalist. It is therefore only those whose endowments and predispositions make them fit for such a game who can really flourish without having to wage an uphill battle. All those who lack such endowments and predispositions are disadvantaged from the start by the very nature of the game, no matter how otherwise equal the opportunity. As John Dunn puts it, “A world at last fit for capitalism will be a world in which those whose talents, good fortune and energy equip them to trade profitably profit handsomely, irrespective of where they happen to have been born. It will be a world in which property rights are highly secure, but other human claims have force only insofar as they fit comfortably with the security of property rights. In this sense, it will be a world of increasingly pure power, where the strong take what they can get and the weak endure what they have to.”²¹

9. Agnostic egalitarianism and nature

In response to the inequality that accompanies political equality, equality of opportunity, and equality of liberty alike in a capitalist democracy, the ultimate defense available to agnostic

²⁰ See Tocqueville, *Democracy in America*, vol. 1, part 1, chap. 3.

²¹ John Dunn, *The Cunning of Unreason* (New York: Basic Books, 2000), p. 332.

egalitarianism is recourse to nature. Suppose that opportunity and liberty are made truly equal, that is, rendered as fair and formally unhampered as they could be within the parameters of the capitalist game itself. Under this supposition, whatever inequality results from people availing themselves of equal opportunity and liberty will be a roughly accurate reflection of what people are *naturally* like in their relative ability to succeed or exert influence. So the inequality is more or less unimpeachable according to the rationale of equal opportunity and liberty.

The problem, of course, is that the capitalist game itself rests not on nature but on convention. This is a serious objection. Moreover, although fairness is possible within the convention, the convention itself cannot be fair to all in view of their vastly different natural endowments and predispositions. This is another serious objection. Of course, these objections are implicitly demanding the impossible, but this is precisely why they are so unanswerably strong. The truth of the matter is that human beings are naturally unequal in their potential for preeminence or success. On the one hand, no game itself, as distinct from what happens once it is established, can be either natural or fair. On the other hand, it is nevertheless the case that whatever happens to be the dominant game in town, some people will be better at it than others and being better will always translate into having greater power of one kind or another. Thus, although people are naturally unequal in their potential for greater power, there is no convention for giving expression to this inequality that is itself natural (or fair). Because of this, equality of opportunity cannot serve as a reliable procedure for discovering what people are naturally like in their relative ability to succeed and exert influence. By the same token, given the less than natural inequality in how freedom is shaped in a capitalist democracy, liberty cannot serve as a reliable procedure for discovering what people naturally want.

It is doubtful that we can get much closer to nature or fairness by maintaining what Michael Walzer calls spheres of justice.²² Whatever partitions among spheres are dictated by well established social meanings, some people would be better able to break through the partitions and achieve dominance, if only because they are better able to succeed in those spheres, such as political power and money, that are the easiest to turn into dominant spheres. Why would they be so strongly motivated to succeed in these spheres if the latter were not already dominant, or to succeed in potentially dominant spheres if they could not make them actually dominant to one degree or another? Unfortunately, spheres of justice cannot be

²² See Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983).

counted on to lead to a supposedly diffuse or pluralistic natural equality, if only because the social meanings that support the partitions are no guarantee against their violation.

It seems that inequality of power is irrepressible, but even this does not change the fact that while such inequality has its basis in nature it always finds expression through some convention or other but for which those who have ended up more successful could well not have done so in the context of a different convention. Inequality of power thus always falls short of a justification on the basis of nature (or fairness). It loses its claim to nature further still in the face of the fact that people are also *naturally equal* in important respects, if not in power. They are naturally equal at least in the sense that they can be made equal, such as through liberal neutralization and democratic leveling, in a way that they will come to regard as natural such that they can think and act accordingly without the least trace of being bent against their nature. If equalization is a convention, any successful equalization is a convention that reveals nature. Moreover, the natural equality that is achieved in this way can be mobilized to modify the natural inequality in power, and there need be nothing unnatural about such modification. Thus equality and inequality are both natural. It is impossible to say which is more natural, and there is no way of balancing them or giving relative weight to them that is natural. In the end, we must decide the issue by convention, and although the attempt to set up one convention rather than another cannot but be a struggle for power, the latter in turn is a struggle over fundamental values and hence a struggle in which it is both natural and fair to put forward the most compelling normative considerations one can find.

10. Suspending agnosticism about the good

It is normative considerations, then, that I want to bring to bear upon an assessment of capitalism with regard to equality. And this means giving up the ignorance of the good that is part of agnostic egalitarianism.

The principled ignorance of the good on the part of liberal democracy (and, at the level of philosophical reflection, of political liberalism) is perfectly understandable, especially in view of the historical rationale for neutralization. This stance is deeply problematic, however, because liberal democracy is part of a larger order within which the most powerful determinant is capitalism, though not without serious tension with both liberalism and democracy. Against this background, the agnosticism regarding the good that is humbly and wisely exhibited by liberal democracy has provided the perfect occasion for capitalism to make its own good, its

own substantive rationality (or irrationality) dominant without appearing to do so. It is an important feature of the liberal democratic capitalist organization of society that capitalism pursues its substantive, capital-centered rationality under the cover—one may say the best possible cover—of the liberal democratic principle of the priority of the right and freedom over the good. Although things could be otherwise in principle, as a matter of fact liberal democratic agnosticism and capitalist dominance have gone hand in hand, the former creating a vacuum necessary for freedom and the latter rushing in to fill it with its own dominant good, to the ever greater exclusion of all social forces that are at odds with the substantive rationality of capitalism.

This means that, if we want to push the cause of equality further than capitalism permits, then as our very first step we must give up political liberalism's agnosticism about the good. If we are not prepared to have capitalism fill the vacuum left by political liberalism with its good, its substantive rationality, we ourselves have no choice but to take a stand on the good, on substantive rationality. To use Max Weber's terms, we must come up with an alternative, egalitarian "value-rationality" and stop proceeding, against our better judgment, as if capitalism only promoted an "instrumental rationality" and did not itself embody a value-rationality that forecloses within its own system the possibility of other value-rationalities. The priority of the right as it is conceived within liberal democracy is, even in principle, too thin and too shy of the good to amount to an alternative value-rationality, that is substantive rationality, to that of capitalism. In bending over backward to avoid the dominance of any monolithic, especially coercive conception of the good and the struggle for such dominance, it ends up leaving society at the mercy of the relatively invisible conception of the good represented by capitalism. If we nevertheless consider it desirable to continue to maintain some priority of the right for those historical liberal and democratic reasons that still hold today, it will be necessary to do so in a very different way. We would do well, that is, to consider placing this priority on the avowed basis of a substantive rationality while making sure that this substantive rationality is large and broad enough to make room for diverse conceptions of the good and yet substantive and specific enough to prevent capitalism from monopolizing the place of the good. This is necessary if we do not want the liberal democratic principle of the priority of the right to serve as the pretext for the de facto priority of the capitalist good. And unless we believe that the substantive rationality of capitalism is most compatible with pluralism, we need have no

qualms about putting the priority of the right on a new substantive foundation. Ultimately, this is not about sacrificing the priority of the right but about replacing one (capitalist) substantive rationality with another as its basis.

11. Capitalism and inequality: valorizing inequality

I am not concerned here to take issue with the substantive rationality of capitalism in general but only to do so with regard to equality. To this end, it will be helpful to revisit the impact of liberal neutralization and democratic leveling on equality, this time with capitalism's intervention as our focus.

Whether or not capitalism played any part at all in setting in motion the historical process of neutralization, there can be no doubt that it has proved extremely successful at turning the sameness brought about by neutralization into a lowest common denominator fit for the spread of the capitalist way of life among all humans. In this process, it has created an extraordinarily high (even unprecedented, as some suggest) level of inequality, but it has done so in a unique way. It has done so, that is, not through exclusion but through the greatest possible inclusiveness. Thanks to neutralization, the capitalist good is able to become the predominant *de facto* content of freedom in the guise of the priority of the right. Also thanks to neutralization, the capitalist mode of competition in both production and consumption that inevitably leads to great polarization can nevertheless be open to all, at least in principle, and it matters, politically and ideologically, that this is the case in principle. In this sense, capitalism may even be said to be egalitarian in principle: it should have no trouble accepting equality of opportunity and liberty and could have no need for discrimination or blatant coercion. In practice, of course, things may be different and often are different, but this is so for reasons (such as the influence of tradition or culture) that need not be attributed to the nature of capitalism itself. This makes possible, and to some extent helps explain, the historical progress in the fight against discrimination in favor of ever fairer equality of opportunity, whatever obstacles and setbacks along the way. Capitalism does not have any intrinsic incentive to aid this fight, to be sure, but it need not stand in the way, either, depending entirely on the consequences for the effective accumulation of capital. The affinity that capitalism has with the kind of equality (sameness, inclusiveness, and fairness) produced by neutralization also helps explain the *moral* and *ideological* staying power of capitalism in our world, quite apart from the economic and political power capitalism commands. Yet none of this can change the fact

that capitalism inevitably produces great inequality (of outcome) even as it makes very inclusive, and in this sense equal, the competition to become the beneficiaries of the inequality.

The extremely high level of inequality of outcome, much of it translating into inequality of power or influence, flies in the face of the democratic equality that is the result of leveling. It cannot be denied that capitalism has reintroduced aristocracy (in Tocqueville's broad sense), especially in the form of plutocracy, and this makes a mockery of the democratic revolution. But in the process of creating an aristocracy of its own kind (well beyond what Tocqueville calls an "industrial aristocracy"),²³ capitalism has introduced a fundamental innovation. If capitalism has turned neutralization to its own advantage by producing a lowest common denominator out of it, it has no less successfully domesticated democratic equality, in this case by making the new aristocracy *mobile*, as well as inclusive in terms of opportunity. It is this mobility that renders the capitalist kind of aristocracy seemingly compatible with democratic equality, at least vastly more so than the aristocracy of old could be, just as the inclusiveness discussed earlier allows inequality of outcome to sit as justifiably as possible with liberal equality. And because upward mobility happens on the basis of equal opportunity, it is an object of pride rather than embarrassment in a supposedly democratic age.

As a result, high-and-low, rather than eliminated, is flattened into a level playing field (at least this is the ideal) filled with upwardly directed tension; this is the true meaning of the so-called egalitarian plateau. A relatively stable, ascribed high-and-low is replaced by a mobile, dynamic high-and-low. The latter no longer bears the name of high-and-low: such naming is forbidden on the egalitarian plateau, except when it is used metaphorically (such use is rampant, and this in itself tells a powerful story). The new name is social mobility. No one is mistaken, though, about the nature of this innocuous-sounding mobility. Mobility means that high-and-low is no longer fixed so that competition for advantage now takes place on an egalitarian plateau supposedly accessible to all. This does not change the fact that the desired mobility is upward mobility. But because the playing field itself is leveled and in principle presents everyone with the possibility of upward mobility, high-and-low now carries a different meaning. We may say that the replacement of ascription with mobility means the replacement

²³ Tocqueville, *Democracy in America*, vol. 2, part, chap. 20.

of high-and-low with *higher-and-lower*.²⁴ Mobility also means that the resulting inequality in the new, democratic society is a *quantitative* one (of higher-and-lower), in contrast to the qualitative inequality (of high-and-low) that used to mark aristocracy. In this way, the replacement of high-and-low with higher-and-lower has the momentous consequence of creating out of the timeless existence of hierarchy a new law and *raison d'être* of motion: this is what social mobility ultimately amounts to. Those who succeed in the game of upward social mobility make up a new aristocracy. This new aristocracy is somewhat more mobile in admitting new members than in evicting existing ones, and definitely more mobile than the aristocracy of old in either direction. Yet it always remains very limited in number as in the past, and hence merits the name of aristocracy.

But this appellation, just like high-and-low, is banned on the egalitarian plateau—not only for political and ideological reasons but also, one suspects, on account of the very fact of mobility, which means that any member of this aristocracy could stop being one any time. Mobility is everything and no one is exempt from the relentless law of motion. And motion means equality in capitalism's books. While motion contains in itself the possibility of rising higher or sinking lower, it may nonetheless be said to be egalitarian in the sense that the same possibility exists equally for all and does so in an open-ended process. It is also egalitarian in the sense that higher-and-lower does not denote qualitatively different values but only more or less success in a game where the same values prevail. At the same time, the capitalist law of motion is anything but egalitarian in the no less important sense, already noted, that upward social mobility is always meant to be what Gramsci calls *molecular* passage, that is, the mobility of only some members of the lower classes into the higher, never such mobility *en masse*.

However one may fault capitalism with regard to equality, then, one cannot exactly say that capitalism entails the complete rejection of equality. Rather, it is precisely because capitalism is partially compatible with equality, that is, compatible with certain dimensions or manifestations of it, such as inclusiveness and mobility, that it has been accepted, if grudgingly, by many who believe in equality in one way or another. Where capitalism squarely invites egalitarian critique concerns what it does with the inequality that it systemically produces,

²⁴ Or, more precisely, *more-and-less*, except that the highest of the higher shows a haughtiness and an irresistible desire to set themselves apart that suggest that our democratic age is not entirely rid of vestiges of its aristocratic predecessor.

which includes both the inequality that constitutes the capitalist relations of production and the inequality that permeates capitalist consumerism in the form of a class-based hierarchy of individual identities. What is deeply inegalitarian about capitalism is not that it produces inequality, nor even that it does so systemically, but that it *valorizes* the inequality that is a necessary condition for capitalist production and consumption. Capitalism thus gives an inegalitarian meaning to inequality and this meaning in turn helps create the necessary incentive to maintain the inequality as a condition of capitalism's existence and operation. In other words, capitalism simultaneously creates its distinctive inequality and the distinctive meaning of this inequality and it perpetuates the inequality on the basis of its meaning as inequality.

Thus the crux of our objection to capitalist inequality is not inequality per se but its valorization—the fact that it matters and the way it matters. It is this valorization—along with the very necessity of such valorization—that maintains an inequality that would otherwise not be necessary or possible, would otherwise have no point. When Simone Weil makes the trenchant charge that what the French Revolution (or the American Revolution, for that matter) stands for fails to eradicate inequality instead of merely making it mobile, this charge has its greatest force in the fact that the inequality that remains happens not by default but through valorization.

12. Beyond agnostic egalitarianism: valorizing equality

We must therefore distinguish between three positions on equality: valorizing nature/fairness (liberal democracy), valorizing inequality (capitalism), and valorizing equality. The last—call it *strong egalitarianism*—must set itself apart not only from the anti-egalitarianism of capitalism but also from the agnostic egalitarianism of liberal democracy. Unlike the other two positions, it alone stands as an unequivocal affirmation of equality in the face of the fact that both equality and inequality are natural and given that it will never be possible to find out how people will fare relative to one another in the most natural state of affairs.

Agnostic egalitarianism has something to be said for it in attempting to stay true to our ignorance of nature and take it from there. But it would make full normative sense only if the practices informed by it (electoral politics, equal opportunity, priority of liberty) could serve as reliable discovery procedures for approximating to what nature is like. Such procedures are themselves conventions, however, and are necessarily skewed and unreliable, and it is small

wonder that the agnostic egalitarianism of liberal democracy ends up opening up an axiological vacuum into which capitalism has found it all too easy and seemingly fair to insert its anti-egalitarian substantive rationality.

It may appear that my characterization of agnostic egalitarianism does not quite fit liberal egalitarianism, especially as the latter is espoused by those who make no explicit appeal to nature, preferring instead to modify nature by channeling it through justice. Take Dworkin, for example, who draws a sharp line between a person and his circumstances and wants to make sure, with the principle of special responsibility, that citizens' fates are maximally sensitive to choices attributable to their person, and, with the principle of equal importance, that their fates are maximally insensitive to their circumstances, in both cases insofar as this is within the power of government. Much depends on what belongs under person and what under circumstances and here Dworkin makes a move that seems to go against what is normally understood as natural. For Dworkin sees fit to assign one's physical and mental powers (in addition to such normally expected features as gender and race) not to one's person but to one's circumstances, and this has the remarkable implication that how well a person does in life, at least his share of independent material resources, should have as little to do with his physical and mental powers as possible. The only features that belong under the person are those, such as tastes and ambitions, that directly inform and affect the choice of ends that a person makes. This is all part of a scheme of justice for preventing certain accidents of nature from determining how well people do in life relative to one another.

It is all the more striking, however, that Dworkin does not go all the way. After all, the *ability to make choices* is not among the factors to which outcomes should, according to Dworkin, be insensitive. From the whole range of natural endowments Dworkin singles out the ability to make choices as belonging to a person rather than his circumstances. This lone concession to nature is all that is needed to make it predictable that people will end up *unequal*, if only on account of differences in their ability to make choices, in combination with option luck. Given Dworkin's reasoning, such choice-sensitive inequality is not problematic and does not count, normatively, as inequality. Thus, for all his egalitarian moves, what Dworkin directly valorizes is not equality but nature, and to the degree that one defers to nature, one cares about fairness as distinct from equality. What produces an appearance to the contrary is only that, in keeping with his ethical individualism, Dworkin has an exceptionally stringent conception of

what belongs under nature and a correspondingly stringent conception of fairness. Nature stripped down to its bare minimum and fairness defined in the strictest fashion possible may take us a long way toward equality, but not all the way, and this is because equality is not what is valorized.²⁵

For this reason, strong egalitarianism is called for if one truly and deeply cares about equality. But strong egalitarianism is possible only if one gives up the agnosticism of liberal democracy and takes a leap of faith in favor of a substantive rationality that valorizes equality. It cannot shy away from treating equality as a value in this extremely strong sense and hence as a commitment beyond what is warranted by nature and has truth on its side. Ultimately, there is no other way to be egalitarian: egalitarianism is nothing but the *valorization* of equality.

Whether we are prepared to take the leap of faith required by strong egalitarianism is another matter. What is certain is that, if we do take the leap, we will be going well beyond the liberal egalitarian utopia. Rawls seems on the verge of doing just that when he rejects welfare-state capitalism, already possibly on its way to becoming a luxury under neoliberal hegemony, in favor of the even more demanding regimes of property-owning democracy and liberal (democratic) socialism on the grounds that only the latter have a real chance of meeting the requirements of egalitarian justice.²⁶

²⁵ See Dworkin, *Sovereign Virtue*.

²⁶ See John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, Mass.: Harvard University Press, 2001), part 4.