A few years ago, a powerful head of state was chided in private for his statist economic policies being in flagrant contradiction with his free-market convictions. Ever shrewd, he replied: "Everybody wants to go to heaven, but nobody wants to die". Professional politicians certainly do not; acting on unpopular principles is their rare luxury, but avoiding political suicide is a dire necessity.

Václav Klaus has come closer than almost any contemporary statesman to emancipating himself from this dismal rule. He is of the almost extinct species, the conviction politician. I first met him during the time when the Soviet Union was breaking into pieces, and I have taken much pleasure in following his career ever since. We have had few occasions to exchange views, but I have been an admiring, distant witness of his actions in the service of his country and the liberal principles we share.

Abstract. Some pairs of words self-evidently rank the worlds they describe, others do not. Just and unjust rank, but equal and unequal do not. Making equality superior by explicit axiom fails to achieve its purpose if axioms need plausibility. An alternative, representing equality as social justice, does not resist scrutiny. Arguing the merits of cases is apt to result in a draw and generates a presumption for inequality.

1. HIERARCHICAL ADJECTIVES

1a. "Recent economic developments in East and South Asia and Latin America have accelerated the rise of average incomes, but have increased inequality".
“University reform in France may enhance achievements in higher education, but it is bound to increase inequality”.

Were it not for the but asking to be remarked on by being in italics, such sentences might well have passed most readers without alerting them to the part of their meaning that is left implicit. Higher incomes and improved education are presented as good changes in the state of the world, greater inequalities as bad changes, the one being as self-evident as the other. A world where some characteristics, e.g. the incomes of different people, are equal is self-evidently superior to another world that is identical in all respects except for the characteristics in question, e.g. incomes that are unequal. The words “equal” and “unequal” rank them in a peremptory manner that assumes self-evidence, rendering any supporting argument redundant and out of place. The innocuous little word “but” accomplishes this feat. Were it replaced by “and”, the sentences above would leave the question of a more equal world being superior or inferior to a more unequal one, or being simply incommensurate with it, scrupulously open.

One may add that the use of the “but” is legitimate only if the question of the superiority of equal over unequal in any relevant respect had been decisively settled. If such is not the case, employing “unequal” as self-evidently signifying a bad thing that offsets some good thing, is at best sloppy and naïve, at worst a sleight of hand of doubtful honesty.

The power of words to establish a hierarchy between worlds will be looked at a little more systematically in Section 1b.


As it transpires from the example of the two sets of pairs of contrasting adjectives above, some of these pairs establish hierarchical ranks between the characteristics of worlds to which they are cet. par. applied, while others do not. The second of the two sets does not settle rank; if two worlds differ only in one having a characteristic that is long and the other that is short, whether one is superior to the other depends on the particular characteristic in question. Long life-expectancy may outrank short life-expectancy, but long working hours may be less agreeable than short ones: with-
out identifying which characteristic is meant, the issue cannot be decisively settled. At any rate, however, if such words determine cet. par. rankings of states of the world, they do so based on the merits of cases.

The first set of pairs is obviously of a radically different kind. A world where something is good is self-evidently better than one where it is bad. Demanding an explicit axiom stating that good is better than bad would be foolishly pompous.

2. PLAUSIBILITY

The reader will have noted that the word pair "equal — unequal" figures in our second set where one member of the pair is not self-evidently better, preferable or in some other relevant respect superior to the other. Putting the pair in the first set, as if it were in some way beyond dispute, and going without saying that equal ranks (morally and materially) above unequal, while in harmony with much current practice, would be begging the question. Failure to recognise that it did would, as we have argued above, be naïve or sloppy, if not a dubiously honest manoeuvre.

A formally less objectionable procedure is explicitly to adopt some axiom that raises equality above inequality. It is noteworthy to mention how rarely this is done and how general the practice of proceeding as if the superiority of equality were a matter settled a long way back which now stands unshakably against all objections has become.

However, the axiomatic treatment is safe only if we accept the axiom regardless of what it asserts as long as it suffices to make a deduction formally complete. If, however, the axiom must also be plausible, it leaves the argument for equality seriously vulnerable.

Egalitarian discourse employs a number of fundamental abstractions which, if they were convincing, would also serve to make an equality axiom plausible. Three seem to me to stand out.

One such is that God has created all men equal. Except for identical twins, this is manifestly untrue as a matter of empirical fact, for six billion men and women are unequal in innumerable characteristics. As a non-factual moral proposition, the phrase has no particular content and entails no consequence. An alternative foundation that would entail a normative consequence is that all human beings are worthy of equal respect. Introspection tells the present author that he holds some people in much higher respect than others, that he even holds some in contempt, that he re-
gards these inequalities richly deserved and that most of his fellow men distribute their respect in a similarly unequal fashion. Finally, it has become conventional wisdom among egalitarians that unequal distributions of good (and presumably also of bad) things that are due to unequal endowments are unfair, because the endowments themselves are "morally arbitrary". Since, however, there exists no known moral rule proscribing endowments such as talents and character, nor one that would admit them but only if they were equal among individuals, consequences of endowments are morally neutral. Neutrality is not arbitrariness; the latter is pejorative, the former is not. It would indeed be "morally arbitrary" to condemn the distributinal consequences of different endowments as morally arbitrary.

In sum, neither of these frequently invoked general arguments contributes much, if anything, to making an equality axiom look sufficiently plausible. This may well be the, albeit subconscious, reason why such an axiom is rarely, if ever, postulated — much as it would help to establish some logical structure for egalitarian theory. On the other hand, lacking and axiomatic fastening, the advocate of equality as self-evidently superior to inequality needs the power of the Indian fakir who throws a rope up in the air and proceeds to climb up on it.

3. EQUAL EQUALS JUST

The linguistic version of the Indian rope trick has been effectively performed under our credulous eyes in the last half-century or so. Its ever easier acceptance by the practitioners of political discourse and their public roughly coincided with the retreat of Benthamite utilitarianism and the advance of Kantian rightism and its popular outgrowth, the idea that justice entails "equal" liberty and a qualified equality of the distribution of "primary goods". "Equal" liberty has subsequently been expanded to "equal capability" to do, which must imply that in a just society, individuals' feasible sets are equal.

These abstract propositions of rightism are affirmations that gain credibility and more or less subconscious acceptance by virtue of relentless repetition and also of the favourable disposition of the public. This disposition may have various origins, one of which is no doubt the residual effect of several religions. However, a sufficient explanation is, simply, that "existence determines consciousness" and most people will readily believe affirmations that favour their interests. Anyone whose income, wealth or status is below the mean can expect to gain in a world where the relevant distributions are more equal, hence he will be well disposed to
agree that more equal distributions are more just or, in pure binary terms, that equal is just, unequal is unjust.

The essence of the Indian rope trick in ethics, then, is surreptitiously to identify "equal" — which may or may not be superior to "unequal" depending on the merits of the case, — to "just", which is self-evidently superior to "unjust" and never mind the case in point. The identification is rendered less brazen by appending "social" to "just". Social justice is said to be a sort of justice, but as it is not defined what sort, we have no other choice than either to accept it without further argument, or dismiss it because it deserves no argument.

"Social" justice may be a fudge and its use to promote equality as self-evidently superior to inequality as a linguistic version of the Indian rope trick, but it has gained for itself a vast public. Not all of this public is endowed with sharp critical faculties, and not all who are well endowed feel like exercising their faculties to oppose social justice and less still to be seen opposing it. However, if it were tried, how should critical opposition proceed?

4. JUDGING CASES ON THEIR MERITS

Pairs of such contrasting words as big and small or hot and cold do not place one world above another the way such pairs as good or bad, just or unjust do. They may promote or demote depending on the merits of the case. Hot signifies a better world if it refers to an oven, a greenhouse or breaking news, while cold is superior when it describes an icebox, drinking water or dispassionate reason. The words "equal" and "unequal" likewise change their roles according to cases, rather than one always conferring superiority and the other inferiority. When the two sides of a face are equal, the symmetry contributes to an impression of beauty that pleases. Isaiah Berlin in fact believed that the appreciation of equality could be explained by the love of symmetry. We need not share this diagnosis, but we may note that while symmetry is superior in some respect, asymmetry is better in others. The two sides of an automobile had better be symmetrical, but the front and the rear had best not be.

In some of these respects, there is a unanimously admitted superiority of one over the other. The two front tyres of a motor car ought to have the same pressure, while between the front and the rear pair of tyres unequal pressure is better. In some cases, the agreed superiority of the equal over the unequal, or vice versa, is due to a misunderstanding. It is widely and in some sense rightly held that equality before
the law characterises a better world than either randomness of judgments or systematic bias in favour or against defined parties. The misunderstanding lies in mistaking the rule that rules must be applied without exceptions, for equality before the law. Randomness would obviously violate this rule and would be a bad thing. On the other hand, there may be a system of laws providing privileges and exemptions for defined persons or classes and perhaps also discriminating against others, which may strike some observers as equitable and others as outrageous (the tax code of most countries is an example), but whose faithful application must pass as equality before the law.

The real battlefield where the two rivals must fight it out on the merits of cases is, of course, distributional equality. The latter refers to the way a divisible good or bad is divided among the members of a defined group. They may share it equally; simple equality is "to each the same" e.g. all employees of a corporation from chairman to doorman are paid the same. Compound equality is perfected "to each, according to..." Where the share of each person is the dependent variable in some function whose arguments may be time spent, effort, result, seniority, status, etc. Obviously, there are distributions that are unequal in both the simple and the compound sense, being at least partly determined by prior ownership, parametric market forces, or ad hoc bargains and often also by sheer luck. These are true inequalities in everybody's book.

If, as we argue, there is no self-evident superiority of equality, equal and unequal distributions must be ranked by the merits of cases and the merits must be instrumental.

The Instrumental merits of a distribution are of two main types. One argues as if wealth or income were the main criterion of a good distribution, the other as if happiness were the real object of it.

It is usually accepted that inequality serves wealth or income both because of its incentive effects and because it favours the accumulation of capital, hence the demand for labour, so that both the rich and the poor ultimately get richer. By the same argument, an equal distribution perpetuates poverty. Against this view, egalitarians could object that some very unequal distributions in feudal Europe or Central America have led to stagnation rather than capital accumulation, and that economic growth is promoted more by historical and cultural factors than by an unequal distribution.
The other main type of the on-the-merits argument is made by "happiness economic". Inequalities provoke envy, competitive stress, anxiety, while equality brings appeasement and non-rivalry. These claims are supported by people's oral declarations and as such, may be disbelieved. Objective data, too, are often cited in support. In societies with more unequal distributions, health, life expectancy and school results are worse than in egalitarian ones. This phenomenon may have two explanations: one, that some people are richer than others, and the other, that some people are poor. Happiness economics cannot tell which explanation is right and which distribution makes for more happiness.

In fine, however, all the "for" and "against" arguments alluded to above weigh more in some cases and less in others. If judgments about the ranking of types of worlds could be made on the mere strength of the words "equal" and "unequal", rather than on the merits of cases, one would simply have to accept a reminder that social justice is just, because this is self-evident in its name. The Indian rope trick would have to be swallowed.

5. A DRAW AND A PRESUMPTION

It would be underrating the tenacity of systemic partisans to expect every debate about the ranking of equality and inequality in a particular case to be decided one way or the other. In some, it is hopeless to search for the knockdown argument, and the last word keeps receding into the indefinite future. With the best efforts of socialists and liberals producing an intellectual draw, what is to be done?

There is a handful of very important contests where, pending a last word that may or may not be forthcoming, good sense and logic imposes an interim solution which allocates the burden of proof to one party and until it is discharged, imposes a presumption of what the case is. The presumption of innocence is one of these, the presumption of good title to possessions is another. Perhaps the most important and least well understood is the presumption of freedom. More precisely, it is the freedom of a defendant to engage in conduct a plaintiff claims is inadmissible and ought to be prohibited or circumscribed. The presumption prevails and the freedom is perpetuated if the plaintiff fails conclusively to prove that it ought not. In political systems where collective choice enjoys ultimate authority, its decision to forbid a given conduct may override the presumption of freedom, but does not invalidate its logic.
A draw between arguments for equality and inequality also generates a presumption that is partly, though not wholly, analogous with the three classic ones mentioned above. The burden of proof need not be assigned to one of the parties to the debate. In a draw, neither party could discharge it. Failing conclusive argument that it ought to be changed, the world of the status quo prevails. If the latter is in relevant respects unequal, it continues to be unequal. If, by virtue of past and present egalitarian policies, it is in relevant respects equal, and the draw leaves it undecided whether this is good or bad, superior or inferior to its alternative, the presumption calls for its being left well alone. There is no presumption in favour of continuing the maintenance of equalities by continuous redistribution and the other related measures meant to prevent inequalities from arising again.