

EQUAL LIBERTY VERSUS EQUAL VALUE



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ARE ALL HUMAN LIVES AND ALL CULTURES OF EQUAL VALUE?

There are those who cleave to what is often called the Principle of Equal Value: a principle which has, presumably, to be construed as implying that always and everywhere, and all actual superiorities or inferiorities notwithstanding, every human being and every human life ideally *ought* to be equally valued.¹ Yet this implication, surely, is one which, given a few moments of critical thinking, anyone must see to be preposterously paradoxical and utterly indefensible? It therefore gives us a welcome opportunity to quote a characteristic comment by the most acerbic of poet scholars: "Three minutes thought would suffice to find this out; but thought is irksome, and three minutes is a long time."²

For, if we say that, always and everywhere, every human being and every human life is exactly as valuable as every other, then we become thereby committed to saying also, for instance, that Lenin, Hitler, and Stalin, or Mao Tse-tung and Pol Pot, were each no less and no more worthy to be treasured than any of their myriad murdered victims. In order to preserve this grotesque and perverse conclusion we shall have systematically to devalue every possible human characteristic, action, or achievement. For if any type or token of any of these is allowed to be preferable to any other, then we can scarcely hope to show that all the actual and now admitted evaluative superiorities and inferiorities of individuals either just chance to cancel out or else are so guided by Providence as to ensure that always and reliably they do.

It thus becomes clear that 'the principle of equal value' is one to which adherents are attached: not because, in the light of careful and critical consideration, it appears correct; but because, however intrinsically implausible, it seems to them either to follow from or to be presupposed by some prior, absolute, inescapable commitment. In this 'the principle of equal value', as applied to individual human beings, resembles a parallel principle, applied to collective cultures. We can find a statement of that parallel principle coming as the

conclusion to a collection of polemical essays on *Race, Culture and Intelligence*: "And, finally, we cannot accept quality distinctions between cultures."³

Since it is clear that the word "culture" is being employed here in the comprehensive and value-neutral sense favoured by social scientists, and since this particular author was a Professor of Education, we have to allow that it must at least have crossed his mind that his cherished final contention cannot consist with any suggestion that it is better to be well rather than badly educated; a suggestion which one might have thought be demanded from his cloth.

No doubt it was some muddled and misguided conviction - a conviction that this refusal is imperatively required of every campaigner against racism - which nevertheless misled Professor Donald Swift to insist that "we cannot accept quality distinctions between cultures."⁴ Attachment to similarly fallacious assumptions explains why the Education Committee of the London Borough of Brent, overriding all the protests that this was inconsistent with its own simultaneous denunciations of the alleged institutionalized racism and sexism of the white British, issued an ukase to all teachers subject to its authority: "The recognition that peoples and cultures are inherently equal must be a constant from which all educational practice will be developed." It is obvious that acceptance of this fundamental is believed to be essential to a total and unqualified rejection of racism; which is why the Committee proceeded at once to emphasize that this "is not a negotiable principle."⁵

OPTION RIGHTS GROUNDED IN COMMON HUMANITY

Confronted by a situation in which urgent practical commitments appear to presuppose false or even incoherent theoretical assumptions, the rational first reaction is not, breathing heavily and sweating with conviction, simply to reaffirm those unconscionable assumptions. Instead it is to ask whether they really are presuppositions of those commitments. If indeed they are, then for that same rational person there is nothing for it but to review the practical commitments thus revealed as being ill-founded.

But in neither of the two instances so far considered is this in fact the case. Elsewhere I have shown that, in order to excoriate racism - the immoral, because unjust, advantaging or disadvantaging of (individual) human beings for no other or more relevant reason than that they happen to be members of one particular racial set and not another - it is by no means necessary to maintain that every (collective) culture, in either the broad or the narrow sense of that word, is equally good or equally 'valid'; whether intrinsically or instrumentally. (By Cantor's Axiom for Sets the sole essential feature of a set is that its members share at least one common characteristic, any kind of characteristic: it is a useful term to introduce when it is desired to eschew the implications of such words as 'class' or 'community'.)

The contexts in which some people insist upon this Principle of Equal Value are those in which others appeal to the Principle of Equal Consideration. So let us now call in evidence some famous manifesto commitments. One which is surely relevant is that essential but awkward addendum to "the Greatest Happiness principle" of classical Utilitarianism: "everyone to count as one and none as more than one". Then again no historically instructed Englishman could fail to seize an occasion to quote a claim made by the russet-coated Captain Thomas Rainborough during the Putney debates of the New Model Army: "And I do believe that the poorest he that is in England hath a life to live, as much as the greatest he." Yet perhaps the most suggestive and appropriate of such manifesto commitments is found in the American Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."

The central contentions of the present paper are: that we should replace the manifestly false and ruinous 'principle of equal value' by a much more defensible doctrine of equal rights; and that this can give both aficionados of that unconscionable principle and the rest of us, if not perhaps quite all that some might wish, then at least everything which anyone has any business to demand. In developing and defending such contentions the first two tasks are: to bring out what and all the Signers were here asserting; and to explain the distinction between option and welfare rights.

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FOR LIFE, LIBERTY AND PROPERTY



Several recent discussants seem to have mistaken it that the sentence quoted at the end of my last paragraph but one concluded with a full stop at “created equal”. But the Signers were not at this point anticipating the notorious falsehood in the *Encyclopaedia of the Social Sciences* during the twenties, that: “... at birth human infants regardless of heredity, are as equal as Fords.”⁶ For Mr Jefferson, who drafted the Declaration, was well aware of his own many and egregious talents, and could never have put his name to so infatuated an exercise in occupational blindness and bigotry.

The truth is that the phrase “all men are created equal” in that Declaration was at once glossed. It was glossed in order to explain that what was being asserted is an equality of rights; and of course a right is - in a happy phrase of the late Professor Stanley Benn - “a normative resource”. To say that all men have rights is to say something about how we *ought* to treat each other; while to describe one person as being, in this normative respect, equal to another is neither to say nor to presuppose that the one in fact now *is*, or at birth in fact *was*, equal to the other in either talent or temperament. The one actual equality which is essential to a doctrine of option rights is equality in our common humanity. For the equal option rights of all humankind are and must be grounded only and precisely in our shared status as humans: “A man’s a man for a’ that.”

OPTION RIGHTS AND WELFARE RIGHTS

The second task is to distinguish option from welfare rights: the former consist in claims to be left alone and unharmed; the latter constitute claims to be supplied with varieties of good. The rights to Life, Liberty and the pursuit of Happiness are all three of the first kind. One agreeably unhackneyed explication of the second element in this trinity is provided by the 1945 constitution of Kemalist Turkey: “Every Turk is born free and lives free. He has liberty to do anything which does not harm other persons. The natural right of the individual to liberty is limited only by the liberties enjoyed by his fellow citizens.” The practice, of course, presents every kind of problem. But the principle is luminous. About the third, the one thing which needs to be said here is that it is, of course, a claim to be left free to pursue, not a claim to be supplied with the means to achieve happiness.

The right to life also should be similarly construed. It is the right of individuals not to be killed against their wills. It is not a right to be supplied either with a subsistence income or even with an opportunity to earn an adequate wage. Neither Nature herself nor the rest of mankind owes any of us either a living or even an opportunity to make one; and everyone still needs to remember this before bringing children into the world.⁷

Again, just as any right of free association is at the same time and necessarily a right not to join, so any right to life must at the same time and necessarily be a right to end life if and when that is the right-bearer’s own wish. Nor is it to the point to object that few if any of the signers consciously intended to put their names to a demand for the decriminalization of suicide and of assistance to suicide. Maybe they did not, any more than many of them saw that their unqualified demands must apply also to women and to blacks. But what these or any other utterances actually imply is determined by their conventionally determined meanings rather than by the fleeting intentions of particular utterers.

As a final reflection on the nature and implications of the right to life let us ponder for a moment a short item culled from a recent issue of that doughtily libertarian magazine *Reason*: “Our second Doublespeak Award goes to Mr James Loucks, President of Crozer Chester Medical Center of Chester, Pennsylvania. Loucks got a court order allowing his hospital to give a Jehovah’s Witness a blood transfusion. The woman had requested in writing that the hospital respect her religious beliefs and not give her a transfusion under any circumstances. But Loucks says he ignored her wishes ‘out of respect for her rights.’”

AGAINST WELFARE RIGHTS

Like other major currencies the currency of rights has in recent decades been subject to inflation. And, just as money tends to lose value the more of it that governments print, so the more that it is asserted to be a matter of natural or universal human right the less force any particular claim of this sort is going to have. In the good

old days of the American Declaration of Independence the Founding Fathers of the United States mentioned only three supposedly universal, unalienable, self-evident, and necessary equal rights.

But since World War II such declarations - more frequent and much less eloquently written as well as, on the part of so many of the signers, totally insincere - have embraced ever-lengthening lists. In these lists all the new members, if not absolutely all the members, are welfare rather than option rights. In the most notorious, adopted in 1948 by the UN General Assembly, the table of specification covers, not one modest clause in a single world-shaking sentence, but six printed pages. In what would have appeared to the Founding Fathers of the American republic a crescendo of absurdity we are told: (Article 22) “Everyone ... has a right to social security”; (Article 24) “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family ...”; and then - for the moment - finally (Article 26): “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory”, and so on, through an oddly intrusive clause specifying that all education must “further the activities of the United Nations”, to the incongruous and inconsistent even if welcome conclusion that “Parents have a prior right to choose the kind of education that shall be given to their children.”

There is no good reason why such a list should ever end; no rationale either provided or available for including in it one claim and not others: and hence no justification offered for - to reclaim a recently misappropriated phrase - *taking rights seriously*. Again, if any rights are to be natural and universal, then they must be equally valid, although certainly not by the same token equally respected, at all times and in all places. If, however, we can take it that *ought* presupposes *can*, then there are no such rights to what is not, and cannot possibly be made, universally available. While everyone everywhere and always could have enjoyed the option rights of the 1776 Declaration, if only their neighbours had been prepared to discipline themselves in the appropriate ways, there have been many periods, and there have been and are many places, where the total available resources could not satisfy the half of these fashionably proliferating welfare claims.

The third objection to any claim that there are any natural and universal human welfare rights in this. All such claims can and should be challenged by putting Ayn Rand’s crucial question “At whose expense?”, followed by a more philosophical supplementary: “What is the basis of the obligation supposedly falling upon the unspecified prescribed providers of all these desired and desirable benefactions?”

With option rights it is different. There the obligation rests as equally and fairly on everyone as the rights: everyone equally both ought to, and can, respect everyone else’s equal rights to liberty and against injury. Let us, therefore, conclude the present section by quoting from a Sage it seems no longer - under the rule of the Small Helmsman - dishonoured in his own country. For a discipline once asked Confucius whether his rule of conduct - The Way - might be epitomized in a single word. The Master replied: “Is not ‘reciprocity’ the word?”⁸

NOTES

1. Often too the same principle is thought to be a consequence of Christian theology, since the Christian God is believed to place an equal and equally inordinate value upon every human soul. But contrast P. T. Geach who, in *The Virtues*, Cambridge University Press, Cambridge, 1977, pp. xx-xxi, allows that “The phrase appeals to sympathy with the broad masses; reject it and you write yourself down as an elitist”, yet nevertheless insists that “God has his own elite; and there is no reason to doubt that in this evil age the majority of responsible adults are lost ...”
2. A. E. Housman, *Juvenalis Saturae*, Revised Edition, Cambridge University Press, Cambridge, 1931, p. xi.
3. K. Richardson and D. Spears, eds., *Race, Culture and Intelligence*, Penguin, Harmondsworth, Middlesex, 1972, p. 156.
4. For sortings out of several of the commonest confusions, see both ‘The Jensen Uproar’ in my *Sociology, Equality and Education*, Macmillan, London, 1976; and ‘Three Concepts of Racism’ in my *Power to the Parents: Reversing the Educational Decline*, Sherwood, London, 1987.
5. *Book I: Education for a Multicultural Democracy*, Brent Borough Education Committee, 1983, p. 7.
6. Quoted by F. A. Hayek, *New Studies in Philosophy, Politics and the History of Ideas*, Routledge and Kegan Paul, London, 1978, p. 290.
7. For an examination of an Aristotelian source of the always more popular contrary doctrine, see my *The Politics of Procrustes*, Temple Smith, London, pp. 148ff.
8. *The Analects*, translated by W. Soothill, Soothill, Taiyuanfu, Shansi, 1910, XV, 23.