

***Upside-Down Equality:
A Response to Kantian Thought****

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- My belief is not just that all social and political arrangements so far devised are unsatisfactory. . . . But there is a deeper problem—not merely practical, but theoretical: We do not yet possess an acceptable political ideal . . . --Thomas Nagel, *Impartiality and Equality*
- Where, then, is it most appropriate to locate the cut-off point between a moral and an immoral life? --Kurt Baier, *The Rational and the Moral Order*

A Story from South Africa. Benjamin is a white South African. He was born, raised, and educated in South Africa. LT met Benjamin around 1994 while Benjamin was on a post doctorate fellowship in the United States. Upon finishing the fellowship, Benjamin went on to do some teaching at an American college. But he longed for his homeland. LT certainly had no trouble understanding this, though he grasped, however vaguely, that things

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could be difficult for a white in South Africa. Benjamin secured a position at one of South Africa's flagship universities; and LT had the pleasure of visiting him in 1997 as the Kovler Lecturer for one of South Africa's medical schools.

Naturally enough, Benjamin invited LT to give a lecture to his philosophy class. As LT walked into the class, he was caught completely off-guard. For this philosophy class was unlike any other that LT had ever taught at a major university: Of the 200 or so students, only a handful were white. So very many thoughts went through LT's mind as he found his way to a seat, but one of them was "So this is what Benjamin wanted to come back to!" He wanted to come back to South Africa and teach students the vast majority of whom would be black—or at least not white.

LT was not naïve about the racial composition of the country of South Africa. LT was well aware both of the fact that the vast majority of its citizens are black and of the fact that Apartheid had ended. Still, it never entered LT's head that the overwhelming majority of the students would be black. No doubt Benjamin deserves some credit for this. He never articulated his desire to return to South Africa in terms of some redemptive mission, or a wish to make up for past wrongs done by whites to blacks. Nor did he ever hint at concerns about adjusting to the New South Africa, one in which he is governed by blacks: upside-down equality (as I shall refer to it). Benjamin wanted to go home, and he articulated that desire as any person from a thriving and stable first-tier country (Germany or Japan, for instance) might have done. In any case, the one thought that immediately struck LT as both obvious and sublime is that Benjamin has a more profound sense of equality than he (LT) has.

I. The Parameters of the Argument

At the outset, two preliminary remarks are in order regarding the story from South Africa. First, I shall take Benjamin to be representative of the attitude of many whites who voluntarily chose to remain in South Africa under predominantly black rule, knowing that this would be the case, where their reason for staying is that South Africa is their home. I am thinking here of whites who could have gone elsewhere, owing to their having either the means, skills, or contacts to do so, but who refrained from doing so. Hence, I do not have in mind whites who begrudgingly stayed because, in terms of resources, they were too ill-prepared to leave.

On the other hand, I shall take LT's experience to be representative of a person born, raised, and educated in a society that is governed by whites. LT has the sensibilities of a typical American, in this instance, who believes in racial equality which, crudely put, can be characterized as follows: skin color or ethnic identity is morally irrelevant *per se* and, in any case, no race has a lock on intellectual talent or moral wherewithal; accordingly, insofar as there are differences along these lines that track this or that racial or ethnic group, these differences admit either of some social explanation or an explanation of personal choice (or some combination thereof). In fact, from an evolutionary point of view the very idea of race is intellectually bankrupt. It is human beings that have endowed skin color, and other physical features, with the

deep, deep social significances that they now have.

One might think that LT was simply not being logical enough in working through the information available to him regarding South Africa and Benjamin's teaching. After all, whom would Benjamin be teaching if not mostly blacks, a conclusion that simple syllogistic reasoning yields, since Apartheid had ended and the vast majority of South Africa's citizens are black? However, there are various reasons for why we do not think through things; and sometimes these reasons are a comment not so much upon our inferential powers or lack thereof, but the background assumptions that have a hold upon our lives. The way we routinely experience the world does not just yield a probabilistic set of expectations, it also yields at the very minimum a view about what is normal under the circumstances in question; and sometimes it yields a view about what is both normal and good.

Thus, many people think that it is only "natural" that a man should be president of the United States—and not just that it is statistically likely that a man will be president. Many people think this although some of the most impressive leaders in recent history have been women: Golda Meir of Israel and Margaret Thatcher of England. A major university with mostly black students simply does not exist in either Europe or North America. This truth could be merely a statistical point: most major universities have had mostly white students; therefore, it is highly probable and reasonable to suppose that *this* major university will have mostly white students. Or,

it could represent a deep visceral association, however unintended, between whiteness, major universities, and intellectual talent. For LT it is the latter, which may reflect something shameful about him. Just so, I hold that so it is for most people born and raised in either Europe or North America. For LT, equality comes with a certain configuration: equality in a world governed by whites. And this, I submit, is how most people similarly raised and acculturated think of equality.

The locution “a society governed by such-and-such Ethnic People” is to be understood here as purely descriptive and in the broad sense that these Ethnic People are the primary holders of most of the basic positions in all the basic institutions in society, including fiduciary ones. The exception would be familial and religious institutions. I shall simplify things by talking in terms of whites and blacks. But, of course, this is not the only color or ethnic divide over which issues of racism arise.

The second preliminary remark is this. I hold that in an unjust social context (*and only an unjust one*), a society governed by a given Ethnic People (EP) creates a visceral emotional resonance regarding the Good that favors the governing EP, where the Good ranges over numerous things including intelligence, strength of character, emotional stability, and so forth. So if in society S, the EP who govern are Xs, then a visceral emotional resonance between X-ness and goodness, which favors Xs, is inculcated in the lives of those born and raised in S, whether those born and raised in S are Xs or not.

And where a visceral emotional resonance exists, then so do expectations about suitability for holding a position. Thus, where a visceral emotional resonance exists a default mode is created in terms of suitability and expectations. So if Xs are the governing people, then certain behavior on the part of Xs will be seen as reasonable or reflecting becoming social posture simply because they are Xs, and the same behavior on the part of non-Xs will be seen as unreasonable or reflecting unbecoming social posture simply because they are non-Xs. For example, it was certainly true in the past that a certain amount of aggressive behavior on the part of high-powered men was taken as not only the norm but appropriate; whereas like behavior on the part of women equally positioned was seen as unbecoming. A no-nonsense man was strong; a no-nonsense woman was bitchy. Of course, in a society ruled by Xs, there can always be a Y who not only governs but who gains the admiration of Xs generally. However, as is well-known exceptions of this sort prove the rule.

Importantly, visceral emotional resonances may so define our default line and our conception of what should be (that is, what we take to be normal) that alternatives simply do not occur to us. An interesting example in this regard is the following. Although the population of Paris is extremely ethnically diverse, the vast majority of servers (*les garçons*) in the immensely popular Parisian cafés are white males ranging in age from their early 20s to at least their middle 50s. I do not know the explanation for this; and I do *not* think racism is the

explanation. I have never heard anyone complain about the matter. At any rate, with regard to the point at hand, what is most striking is that many Parisians who are extremely open-minded with respect to matters of race have failed to notice this; and are quite surprised when I bring it to their attention—initially thinking that I must be mistaken only to concur upon reflection. There are no malicious sentiments at play here, and so nothing that might be called unconscious racism. In fact, it was not until approximately 3 years ago that I had this realization. As a default expectation, this social phenomenon seems to be as parallel as any social phenomenon that I can think of to the expectation that one drives on this or that side of the road. (As an aside, the problem of a visceral emotional resonances favoring an EP is compounded mightily if the governing EP over many societies is the same group or can be readily seen as such from a certain vantage point.)

I shall not defend these remarks about visceral emotional resonance (VER).¹ They strike me as obvious. Indeed, the idea of visceral emotional resonance favoring the EP who govern is based upon the innocuous assumption that moral and social sensibilities are shaped by the cultural environment in which we live. VERs, taken in and of themselves, are neither morally good nor bad. Most

¹ This terminology, especially a false positive VER, was inspired by Lawrence Blum's wonderful book *I'm Not a Racist But: The Moral Quandry of Race* (Ithaca, NY: Cornell University Press, 2002). See, ch. 7 especially.

human beings have a VER with respect to their parents; and that generally speaking is a good thing. Some people have a VER with respect to Jews and money, holding that Jews somehow have an innate talent for getting money out of non-Jews; and that is a bad thing. This VER can, in fact, masquerade as a false positive: Jews are really good at handling money. But, as it happens, one holds that this is so only because they have an innately corrupt character. Or, to take a different group, someone could hold that no one can sing like blacks. But, then again, the person holds that singing is just about all that they can do well. Asians have been stereotyped as being good in mathematics, but in a way that all but invites one to turn a deaf ear to the Asian poet.

Returning to the experiences of Benjamin and LT: My view is that their respective experiences present a problem for Kantian thought. For if I am right that Benjamin has a more profound sense of equality than LT does, then precisely the problem is that Kantian thought cannot explain how this can be so. The reason for this is that when it comes to equality, subjective experiences are more important than Kantian thought seems to allow. What is more, the idea of equality is much richer than is generally allowed. Or so I shall argue in both cases.

Benjamin is a person of admirable moral character, with a firm commitment to racial equality; and LT would certainly like to think that the same holds for him. The relevant fundamental difference between Benjamin and LT regarding racial sensibilities is that

Benjamin is living the experience of being governed by blacks. Of course, all morally decent whites throughout the world believe in racial equality². But with the exception of those whites who chose to remain in South Africa after the end of Apartheid, most whites do not have the experience of being governed by blacks. More importantly, most whites do not even entertain this state of affairs when they think of racial equality. Nor, quite significantly, do most blacks who were born and raised, and who have remained, in a society governed mostly by whites. Take the United States, where there are lots of public and private institutions of higher education.

² As Monique Canto-Sperber remarked in *L'inquiétude morale et la vie humaine* (Paris: Presses Universitaire de France, 2001): "On observe, au sein de nos cultures occidentales, un très grande unanimité sur un petit noyau de principes moraux. Ces principes forment le cadre stable par rapport auquel il est possible de répondre à des questions normatives. Ils ont trait, en gros, au respect dû à la personne humaine, au refus de profiter de la faiblesse d'autrui, à l'obligation de traiter également les personnes, quels que soient leur race, leur religion, leur nationalité ou leur sexe . . ." (p. 89 [There exists, as a part of the very fabric of Western cultures, considerable unanimity surrounding a small nexus of moral principles, which form a stable framework for answering normative questions. By and large, these moral principles are concerned with basic respect for human beings such the impropriety of taking advantage of the weaknesses of others and the obligation to treat others equally regardless of their race, religion, nationality, or sex.]). She goes on to add that while we can endlessly debate the basis for the justification of these principles, it remains true nonetheless that ". . . ils soient considérés par l'immense majorité d'entre nous comme *des points fixes, intangibles, qui ne vacilent pas* . . ." (p. 89, my emphasis [. . . they are considered by the vast of majority of individuals among us as fixed and intangible points that do not change]).

When a black or white American thinks of a flagship university she thinks of a predominantly white university, where most of the students, faculty, and administration are white. And a white or black in pursuit of academic success will want to be at a predominantly white university.

So Benjamin knows by way of experience something that LT does not know about racial equality, namely that he, Benjamin, believes in and personally (as opposed to just intellectually) accepts upside-down equality. As I have said, this presents a problem for Kantian thought; and I shall use Barbara Herman's marvelous essay "The Practice of Moral Judgment" to illustrate this.³ This essay has struck me as particularly relevant because Herman introduces an important piece of technical apparatus in order to facilitate Kantian thought and which is very much in keeping with what I have called

³ *The Journal of Philosophy* 82 (1985): 414-436. Reprinted in her *The Practice of Moral Judgment* (Cambridge, MA: Harvard University Press, 1993). All parenthetical page references are to the pagination of the latter printing. See Herman's "Integrity and Impartiality" for one of the ways in which she defends Kant against the view that emotions can have no place in moral behavior. I wish to point out that in her Tanner Lectures, "Moral Literacy," *The Tanner Lectures on Human Values* (University of Utah, 1998), Herman extends her theory of Kant's moral philosophy by introducing the idea of a "new moral fact". Her aim, however, is not to revise the concept "Rules of Moral Salience" as she uses it in the essay under discussion. In fact, the concept is not all the center of her Tanner Lectures. Though I have reason to believe that she has some sympathy with the criticisms I raise regarding rules of moral salience, I cannot say how she would revise the concept were that her project.

visceral emotional resonance. In introducing this technical apparatus, one of Herman's aims was to make subjective experiences more relevant to Kantian thought than many would suppose is allowed. Most arguments against Kant in this regard have revolved around personal relationships. Her technical apparatus takes us beyond that. Still, the point that I wish to make is that at times more subjectivity is needed than even her argument allows, though her very aim has been to introduce subjectivity without compromising the Categorical Imperative procedure. There is a difference between moral knowledge in the ideal world—the Kingdom of Ends, if you will—and moral knowledge in the non-ideal world; and Kantian scholarship has not attended sufficiently to this truth, and so to matters of moral correction in the non-ideal world. In fact, moral philosophy in general has not. Everyone seems to be arguing about what we should do, without much thought to why it happens that we live in a world wherein so many fail to do what they should do. In his book *Equality and Impartiality*, Thomas Nagel seems to be at least mindful of this tension, likewise for Kurt Baier in his book *The Moral and Social Order* and Annette Baier in her work *Moral Prejudices*. Alasdair MacIntyre is also doing very interesting work in this regard.⁴

⁴ Respectively: Nagel (New York: Oxford University Press, 1991), e.g. ch. 3, "The Problem of Utopianism"; K Baier Chicago: Open Court, 1993); A. Baier (Cambridge, MA: Harvard University Press, 1995), see especially her essays on trust; and MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999).

The argument of this essay has an obvious kinship with the views of Bernard Williams, Michael Stocker, and Lawrence Blum.⁵ Just so, I do not know whether any of these authors would be happy with the particular line of thought that I develop here. These individuals have argued that the affective is an ineliminable part of the moral life, even when it comes to explaining the proper motivational structure of moral behavior. Essentially, I am interested in the role of the affective as it pertains to experiencing the other as having equal moral worth,⁶ and not what is constitutive of the proper motivational structure of moral behavior. Herman's essay, which no doubt was intended to deflect some of the criticisms of the three authors just mentioned, also provides a remarkable framework for the concern that I wish to raise.

II. Moral Salience

In "The Practice of Moral Judgment," Herman introduces the extraordinarily fecund idea of Rules

⁵ Respectively: "Persons, Character, and Morality" originally published in 1976 and reprinted in Bernard Williams, *Moral Luck* (New York: Cambridge University Press, 1981); "The Schizophrenia of Modern Ethical Theories," *Journal of Philosophy* 73 (1976); *Friendship, Altruism, and Morality* (Boston: Routledge, 1980).

⁶ I have drawn attention to this in two other essays: "The Moral Self in the Face of Injustice," in James Sterba (ed.) *Liberal Thought* (Routledge, 2001) and "Morality, Consistency, and the Self: A Lesson from Rectification," *Journal of Social Philosophy* 23 (2001): 374-381.

of Moral Saliency (RMS), as a way of explicating the employment of the Categorical Imperative. On her account, RMSs are not, themselves, part of the Categorical Imperative. She explicitly remarks that "the C[atategorical] I[mperative] procedure can function without RMS" (p. 78). What is more, she insists that RMS do not have moral weight (p. 77), although they let "the agent see where moral judgment is necessary" (p. 78). The Rules of Moral Saliency "enable [the agent] to pick out those elements of his circumstances or of his proposed actions that require moral attention" (p. 77). Our moral sensitivity, she tells us, is anchored by RMSs (p. 78). The Rules of Moral Saliency represent the background sensibilities that individuals bring to moral situations. I would say that RMSs are intimately tied to VERs, in that the former are the cognitive basis for the latter. RMSs, then, seem to bring much needed subjectivity to Kantian thought. Persons are not merely making *a priori* judgments using the CI-procedure, but judgments richly informed by her or his subjective experiences as delivered by Rules of Moral Saliency, as delivered by the moral education and socialization of the person's culture. Though I am doubtful that RMSs can be as shorn of moral weight as Herman suggests, I shall allow this point for the sake of argument.⁷

⁷ I have challenged Herman's claim in "Moral Weight and Rules of Moral Saliency" (unpublished ms.) In that essay I have distinguished between constitutive wrongs and phenomenological wrongs. Even if all wrongs are delivered to us by the Categorical Imperative, it does not follow from this consideration alone that we thereby understand

Let me illustrate her thesis about RMSs with an example. Take the moral imperative to tell the truth that the CI procedure is traditionally thought to require. As we all know, however, there are many ways to tell the truth. Indeed, one can be quite vindictive in one's truth telling. At any rate, telling the truth to a young adolescent dripping with insecurities is one thing; whereas telling the truth to a seasoned and successful middle-aged adult is quite another. The proper way to go about telling the truth in each case along with our sensibilities here are delivered by the RMSs society, although in each case the CI procedure yields the conclusion that we should tell the truth.

On Herman's view, it seems that we should think of RMSs as a means to the end of acting in accordance with the CI procedure. Hence, it is not so much that they give us moral knowledge as it is that they help to implement the moral knowledge that the CI procedure delivers to us. Thus, recall her remark, to which I drew attention earlier, that the Categorical Imperative can function without Rules of Moral Saliency. For Herman, then, what is significant about RMSs is that they allow us to employ our subjective experiences as delivered by socialization without corrupting, as it were, the

the nature of all wrongs. Some things, and not just wrongs, seem to require experience for their comprehension. Imagine someone claiming to understand fully the sex act owing to having read much that has been written on the subject. The person would strike us as woefully naïve.

source of our moral knowledge, namely the Categorical Imperative. Thus, a place is made for the affective in the Kantian scheme.

If RMSs allow a link between our moral knowledge and the affective, without corrupting the former, then a certain kind of on-going criticism of Kantian ethics, namely that it does not allow for the affective, is at least diffused, if not met entirely. The affective is an ineliminable part of our moral education, and so our grasp of what should be of moral concern to us; though, strictly speaking, the affective has no place in the actual application of the Categorical Imperative. That is, although acts of right and wrong are not determined by the affective, the affective rightly informs our behavior.

This is a philosophically beautiful move. One could debate whether RMSs give sufficient weight to the affective, or whether they allow for the affective at the right moral juncture. And so on. But that would be another essay. I need to introduce one more aspect of Herman's account. She tells us that Rules of Moral Salience may be erroneous in two ways: they may be reasonable and innocent, or they may be erroneous in ways that are neither reasonable nor innocent (pp. 89-91, including fn. 14); hence, we have culpability. She offers Nazi society as an example of the latter, writing "It is not as if individual Nazis were in no position to see (because of impoverishment of culture or upbringing, say) who was and who wasn't a person or didn't know ... what kinds of things it was morally permissible to do to persons" (p. 91). She does not offer an example of

the first way. But here is one. Contrast the view that many of us now have regarding dolphins--namely, they are quite intelligent mammals--with the view that the ancient Greeks, including the master taxonomist Aristotle himself, must have had regarding dolphins--namely, they are simply large fish. The ancient Greeks were in error, yet their error was reasonable and innocent. Given the best scientific evidence of the time, the conclusion that dolphins were mammals of some intelligence was highly unwarranted. The difference between these two views also entails a difference in moral attitudes, as we think that it is wrong to kill dolphins (as opposed to mere fish) merely for food consumption.

Additionally, Herman holds that between different societies, the RMSs may be non-identical, although the rules from each society may overlap in their content. In 1940, for example, the RMSs of Nazi Germany were not completely identical to the RMSs of either Canadian or American societies (the prevalence of antisemitism in these societies notwithstanding), since the society of Nazi Germany, unlike the latter two, was committed to exterminating the Jews. All the same, these three societies held similar moral views concerning marriage and child rearing. If so, then there would be overlap in the content of the RMSs of these societies.

Together, the considerations in the preceding two paragraphs entail that (i) RMSs may vary across societies and (ii) in any given society, RMSs may be (a) erroneous but reasonable and innocent or (b) erroneous without being reasonable and innocent.

In the case of (ii)(a), Herman holds that while agents who come to the Categorical Imperative with such RMSs are guilty of moral failure, they are not guilty of moral fault. Such individuals miss the moral mark, though through no fault of their own. She tells us that "not all ways of failing to act as morality requires (in a strict sense) are morally equivalent" (p. 89). And perhaps this is as it should be; for omniscience is not a condition of moral agency, as Herman notes (p. 89).

III. Moral and Personal Social Equality

As Herman observed, the Nazis could have hardly excused their behavior on the grounds that they did not grasp that Jews were human beings. Indeed, this point seems to hold with respect to any two human beings. As I noted in *Vessels of Evil*,⁸ no one has ever in an eye-to-eye encounter supposed that she or he was interacting with a person when, in fact, the being in question was an animal (or conversely).

Now, of course, the wrongs that the Nazis committed presupposed no other knowledge than that the Jews were human beings. The Nazis could not help but experience the Jews as persons. More precisely, the subjective experiences of Nazis made it unquestionably clear that the Jews were persons. This truth, though, does not entail another truth, namely that the Nazis could not help but experience

the Jews as thoroughgoing equals. The logic of personhood is *not* such that inescapably experiencing a person as a person thereby entails experiencing that person as a thoroughgoing equal. Experiencing another as a thoroughgoing equal entails experiencing the other *both* as having equal moral worth and as a personal social index (PSI) equal. Minimally, person Alpha regards person Beta as a PSI-equal if Alpha regards Beta as worthy qua individual of the quality of life that she, Alpha, lives or even a higher quality of life; and Alpha regards individuals qua members of a group as PSI equals if Alpha would think this way regarding individuals of the group randomly chosen, where nothing is known about the randomly chosen individual save that she or he is a member of the group in question. Hence, we can distinguish between individual PSI-equality (this or that person is my PSI-equal) and group PSI-equality (these belonging to that group are my PSI-equal). Ideally, one wants PSI-equality across racial and ethnic racial groups. Just so, there is no formal incompatibility at all in thinking of a group of people as having equal moral worth (*vis à vis* oneself), in the strict Kantian sense of that term, but not as one's social equal, just as there no formal incompatibility in thinking of two people as having equal moral worth but not as either intellectual equals or as physical equals. Thus, and this gets to the heart of the matter, it is possible to condemn egregious moral wrongs committed against a people without at all having the sense that these very same individuals are, or should be, one's PSI-equals. Presently, I shall say more about this in reference to Kant's own thought.

⁸ (Philadelphia: Temple University Press, 1993).

As I am understanding it, PSI-equality refers not so much to moral behavior but to lifestyle, accomplishments, and the viscerally desirous (the images, experiences, and hopes that resonate with one in a very positive way). The kind of person one dreams of marrying or career one dreams of having constitutes a part of the viscerally desirous. Thus, a person could be indignant over the murder of individuals who belong to a certain group, though the thought of marrying someone from this group simply cannot obtain a purchase upon his life. Nor does he believe that persons from this group are, on the whole, as capable as those from his group of socially and intellectually admirable pursuits. No-one has ever interpreted Kantian moral theory as requiring that we be open to marrying another regardless of the group to which the person belongs, or as requiring that we be open to seeing members of another group as equally talented. Kantian arguments show, perhaps with great clarity and force, that we must not wrong others and that we must come to the aid of others, regardless of their physical features or religious convictions. But this is, in fact, a long way from requiring that we want them to be a part of our lives personally or from requiring that we regard them as our intellectual or social equal. Indeed, there is sense in which one shows greater Kantian rectitude, if you will, in treating morally precisely those individuals whom one would never put on the same PSI-plane as oneself. After all, there is a fraternity that operates between equals that does not operate between unequals.

This brings us to upside-down equality. One might have thought that a person who is committed to equality would be indifferent to the racial composition of those governing just so long as they do their jobs competently. It is easy to deceive ourselves into thinking that we are indifferent because there is always the exceptional black, for instance—and most would not mind if that person ruled or if others blacks ruled just so long as they were sufficiently like this exceptional black. Unfortunately, this is just the point. In modern times, whites have governed in all first-tier societies; and lots of these whites—the vast majority, in fact—have been ever so ordinary, exhibiting poor reasoning and behaving in quite indefensible ways.

Most people, white or black, are not exceptional. There are the Winston Churchills, the Colin Powells, the Golda Meirs, the Margaret Thatchers, the Theodore Roosevelts, and the Nelson Mandelas. And most people, whether black or white, are not the equal of any of these in abilities realized. All the same, whites do not fix upon the exceptional white, and then intone that it is all right for whites to govern just so long as the other governing whites are like this exceptionally good one. To be committed to upside-down equality in the case of blacks and whites is to be committed to ordinary blacks with all their foibles governing. It is simply disingenuous to point to Mandela, say, as proof that one has no trouble with blacks governing, just as it is disingenuous to point to Albert Einstein as proof that one has no trouble with people not finishing high

school.

In particular, it should be observed that a commitment to treating people as having equal moral worth does not entail a commitment to upside-down equality, because it does not entail a commitment to PSI-equality. In terms of PSI-equality, upside-down equality essentially speaks to the conviction that we judge blacks to be worthy of being in charge of things, both tangible and intangible, that bear upon our lives in both foreseeable and unforeseeable ways. Well, just as a person who would never murder blacks, and who would abhor anyone who did, need not want them to be a part of her or his life, most people who would not murder blacks would be uncomfortable living in a social context of upside-down equality, where for the most part blacks are in charge of things that bear upon their lives. One can read what has just been written as a claim about whites. This, though, would be a mistake. That is the point of the LT story: It is also true of most blacks raised in Western societies that they do not envision upside-down equality when they talk about equality.

I have just a made claim regarding Kantian thought that many will regard as most counter-intuitive—so much so that many will think that there is a ‘not’ where one is not supposed to be. Not so, however. It is my view that in the non-ideal world equal moral worth in the strict Kantian sense of that term does not entail a commitment to upside-down equality. Herman is quite right in noting that we do not need experience as such in order to grasp that it is wrong

to lie or steal or kill another. But, alas, the judgment that someone is fit to govern our lives or fit to marry makes no sense independent of experience. So the judgment that we should not wrong another does not carry in its wake the judgment that we should accept being governed by that person or accept that person as our spouse. This cannot be the case by the very argument that Kantian scholars have advanced, namely that moral behavior must be such that it could be a universal maxim.⁹ This test was intended to show that the fundamental moral precepts flow from the very nature of our humanity.

Kant most certainly did not think it followed from the nature of our humanity that all persons were equally fit to govern or to marry one another or to form other ties with one another. Nor did he think himself committed to such a view on account of his argument about the moral worth of all persons. In his essay *Observations on the Feelings of the Beautiful and the Sublime*, Kant makes it clear that he takes blacks to be intellectually inferior, writing: ‘So fundamental is the difference between [the Negro and White] races of man, and it appears to be as great in regard to mental capacities as in color . . .’ I am not at all interested in whether Kant’s remarks should be an embarrassment or whether they admit of an exculpatory explanation. The only point I wish to make is that these remarks are consistent with his general moral theory. For presumably, intellectually

⁹ See, e.g., Onora O’Neil (aka Nell), *Acting on Principle* (New York: Columbia University Press, 1975) and Stephen Darwall, *Impartial Reason* (Ithaca, NY: Cornell University Press, 1983).

deprived individuals should be treated as having equal moral worth. It is just as wrong to steal from or lie to the intellectually bereft as it is to steal from or lie to anyone else. Surely, then, Kant himself could not have thought that treating all persons as having equal moral worth entailed a commitment to upside-down equality, since upside-down equality entails a judgment about who is fit to govern. Accordingly, Kant scholars are right to observe that Kant's moral theory is hardly felled by the remark quoted above. Nonetheless, they are wrong in failing to notice the poignant implication of this remark, when taken seriously: namely that equal moral worth à la Kant does not entail PSI-equality; hence, it does not entail upside-down equality.¹⁰ You may have Kantian respect for me without, on any number of fronts, thinking that I am your equal.

IV. Equality and Rules of Moral Salience

It will be recalled that according to Barbara Herman, RMSs fine-tune our moral sensibilities and give us

¹⁰ Fortunately, Lawrence Blum, *I am Not a Racist But* did not ignore Kant here. Nor did David Theo Goldberg, *Racist Culture: Philosophy and the Politics of Meaning* (Oxford: Blackwell Publishers, 1993). See also Charles Mills, *The Racial Contract* (Ithaca, NY: Cornell University Press, 1997). Kant's theory is not felled by his remarks quoted above. Yet, if I am right, then there are serious limitations to the "rational pull" for which Christine Korsgaard so eloquently argues in her *The Source of Normativity* (New York: Cambridge University Press, 1996). As a white, I may loathe the idea of killing a black man even as I loathe the highly educated, well-off black man who wishes to marry my daughter. There is no noose of formal inconsistency here to hang around my neck.

insight into how to implement our moral obligations. This sounds innocuous enough. We all need insight into how to live our lives and to do what is morally right. And it is quite obvious that so much of that insight comes from the lessons that were part of the fabric of our upbringing—not so much what we went to school to learn, but what we attribute to commonsense. Recall, also, that she holds that RMSs can be erroneous in two ways. We have an innocent RMS mistake when, owing to no fault of our own, we simply got the facts wrong and both our behavior and sensibilities reflect this. We have a culpable RMS mistake, by contrast, when we have practices that ignore important moral considerations. What I want to draw attention to is the idea that when it comes to equality RMSs may be erroneous by being substantially under-informed—not because one failed to be attentive to the relevant considerations, but because it would not have been possible to be attentive to the relevant considerations in the just the right way in the absence of being in the appropriate context.

Being under-informed is a factor in many areas of life. For example, everyone knows that rape is wrong¹¹. But it is women who understandably have

¹¹ Though males can be raped, the discussion of rape which follows focuses upon the rape of females. In a heterosexually oriented society, female victims of rape have a particularly poignant problem with normalizing sexual relations again. I am grateful to Marcia Baron and Thomas Wartenberg for insisting that I mention this. The sexual violation of children is a different matter entirely. See my "The Grip of Immorality: Child Abuse and Moral Failure," *Reasons*,

a special sensibility to rape. It is not so much that there are more facts to which men should attend or better attend, though this is undoubtedly true in some instances. Rather, it is that being a man generally precludes one from being in the relevant context. Both women and men may fear for their lives whilst walking down the street at night. However, with rare exception, it is only women who are warranted in having the additional fear of being sexually violated. No amount of empathy or sympathy will warrant this latter fear on the part of men. Being a woman is a defining feature of the context. Accordingly, there are sensibilities that women have regarding male behavior that men do not have.

So in the case of understanding the wrong of rape, there is a subjective element that is not captured by the rules of moral salience as Herman has envisaged them. This is why in the matter of rape men generally owe women what I have elsewhere called moral deference.¹² Without listening to women, most men simply could not grasp the angst of rape that concerns women. This would be so even if most men dressed like women and walked the streets alone at night. For even if *that* deception were convincing, there is the act of rape itself; and

Ethics, and Society: Themes from Kurt Baier (Open Court, 1996): 144-167.

¹² "Moral Deference". This essay was first published in *The Philosophical Forum* 24 (1992-3); and then reprinted with substantial revisions in Cynthia Willet (ed.), *Theorizing Multiculturalism* (Malden, MA: Blackwell Publishers, 1998).

the deception would be exposed soon enough by the biological facts; and this revelation would extinguish the desire to rape the man dressed as a woman, even if other forms of violence were occasioned by the deception.

Though sexual violence may be the most intuitive example of a subjective element not captured by RMSs, because these rules are under informed. However, it is not the only one. Another example is the devastation that often comes with a single instance of marital infidelity. The offending party did no physical harm to the spouse; and it often turns out that there was no emotional attachment, the proverbial one-night stand, to the person with whom the offense was committed. Yet, a few hours of adultery can entirely unravel a marriage, causing pain that only someone who has experienced the same kind of betrayal can fully fathom.

Now, equality would seem to be quite unlike any of the above examples. This is because ineliminable differences are ineliminably relevant in each of these cases. With equality, on the other hand, precisely what we hold to be true is that race and ethnicity are irrelevant—or at least not relevant in the way that they are now. What is more, in the ideal world, this would be the case. But none of us has ever lived in that world. And in the real world, blackness and whiteness are not just color options. Rather, they are imbued with all sorts of significance ranging across all aspects of life: from a look of innocence to the appearance of physical attractiveness; from default assumptions regarding intelligence to our

willingness to give the other a vote of confidence; and, in particular, from assumptions regarding moral wherewithal to assumptions regarding worthiness of one's subordination.

Following Herman's account, we can say that skin color came to have these unsavory significances shaping our moral sensibilities, owing to erroneous and non-innocent Rules of Moral Salience being in place. The problem is that the non-ideal world in which skin color is so profoundly imbued with unsavory meanings has ill-prepared us for the ideal one in which skin color is shorn of these meanings. For one thing, these unsavory meanings have an emotional imprimatur upon our lives in ways that are often imperceptible. For another, these unsavory meanings often define the norm and so do not, in the first place, strike us as a bias that needs to be addressed.

In other words, as a result of the erroneous RMSs, there is a set of visceral emotional resonances well in place. One consequence of these VERs is that often enough blacks are not "felt" to measure up to whites in terms of PSI-equality, even as the ideal of equality is embraced. There is no ideological commitment in place to holding that blacks actually are inferior. And one holds in principle that they are not. Rather, it is that one's subjective sense of them is such that one rarely experiences a black as equal to one. And in the name of wanting to do the right thing regarding blacks, what often happens is the following: one feels a reason to be cautious, to scrutinize further, all the while being completely

open to the possibility that *this black* shall be the right one; yet, no black in fact ever turns out to be the right one; hence, the status quo is maintained. The surprise, if that is the word for it, is that judgments here often reveal a bias.

As I have allowed, Kantian thought shows clearly and forcefully that one must acknowledge, at some level or the other, the humanity of other persons. This, of course, certainly seems to require some experience with human beings. A human being who never interacted with another human being, having been raised entirely by Martians (say), would not be very good at being responsive to the weal and woe of human beings. This seems to vindicate Herman's concern to give Kantian thought a very human face, as opposed to fixing upon the human self as a rational creature. And once this move is allowed, then certainly the details of society are relevant, which gets us to Herman's Rules of Moral Salience, in particular.

The problem, however, comes with *correcting* for the moral damage caused by erroneous RMSs and the visceral emotional resonances to which they have given rise. As I have indicated, it is a striking feature of Kantian scholarship that it pays next to no attention to the problem of correcting moral and social injustices. It is characteristic of Kantian scholarship to craft an example and then to argue that Kantian theory requires that we behave in a certain way. So far so good. But there is the painfully obvious truth that many people do not behave as they morally ought to behave. It is a truth

that cries out for an explanation. Regarding the matter of equality, this essay proffers at least a partial explanation.

The inappropriate VERs that result from morally bankrupt RMSs do not just dissipate; nor can one simply will into place the correct VERs. On other hand, I do hold that one can take steps that over time will result in the inappropriate VERs being replaced by more appropriate ones. And this is the subjective aspect to which Kantian theory, including Herman's novel idea, seems not to have given sufficient room.

It might be instructive here to offer a quite unrelated example. The Chinese consume dog meat; most people in European and North American countries do not consume the flesh of dogs, although they consume the flesh of lots of other animals. There is no defensible principle that would warrant the consumption of pig flesh (for example) but not dog flesh; for as far as animals go, pigs are held to be quite intelligent animals. Yet, for most European and North American denizens, consuming dog flesh goes way beyond being an option not to be exercised: it is downright repulsive. There are deep, deep VERs in place here tied to certain RMSs about dogs—so much so that most people would be reluctant to eat off plates on which dog flesh had been served. Nonetheless, a denizen of any of these countries could change. Undoubtedly, she would have to live in China for awhile, see dog and pig side by side, and perhaps witness “respectable” others consume such flesh. As a further step, she

might request that on some occasion a dish with such meat be served to her unannounced, and then that she be informed of this at a suitably later time. With concrete experiences, she could over time eliminate her old VERs towards the consumption of dog flesh. But it would certainly take concrete experiences, and not ratiocination alone. Specifically, there are not facts about either dog or pig that make the difference.

The point of the analogy is obvious. Why would anyone think erroneous attitudes regarding race can simply be willed away by way of acts of ratiocination? From an experiential standpoint, eating pig and dog are to one another as is any two ethnic groups are to one another in an unjust world in which it is part of the norm that one group is governed by the other group. And if overcoming deep VERs differentiating pig and dog requires concrete experiences, then surely the same holds for overcoming deep VERs differentiating two ethnic groups. That is, if for the former case experience is ineliminably necessary for the change, then so it is for the latter.

On Herman's view, experience is relevant merely because it fills in the necessary bits of information that are needed. However, that is not true in either case at hand: eating the flesh of dog or upside-down equality. That is, although experience is decidedly relevant, this is not because it merely fills in the necessary bits of information needed. In fact, from the standpoint of information it is not clear that anything needed is added. This is because the

problem of changing is not one of information at all. It is, instead, exclusively one of visceral emotional resonances delivered by the experiences of our culture. In either case, without resulting in new information as such, experience yields a knowledge about the other that no amount of ratiocination can possibly yield.

Now, the Categorical Imperative does not speak to the issue of which animals we should consume for food. On the other hand, although it unmistakably requires that we recognize the ultimate moral worth of all persons, the problem is that equal moral worth in the Kantian sense does not entail thoroughgoing equality, which on my view involves both equal moral worth and PSI-equality. So, although we do not need to experience one another in order to know that others are equal in moral worth to us, we do need to experience one another in order to know that others are our PSI-equals. In the Kingdom of Ends, by contrast, group PSI-equality would be a given.¹³ For there would be no deep, deep moral distortions of ethnic or racial groups to overcome with regard to judging them as worthy of governing.

¹³ The ‘Kingdom of Ends’ is a marvelous heuristic device. And while it seems to me clear that racism of all kinds would have no place in the Kingdom of Ends, there is no reason to think that all significant differences between human beings would disappear. What is more, a person need not be indifferent to whom her or his spouse might be or to whom her or his friends might be just because all persons are equally moral. If so, then it seems that there might be room even in the Kingdom of Ends for some instances of individual PSI-inequality. *Ex hypothesis*, though, these PSI-inequalities would not track race or ethnicity.

There would be no distorted VER default lines that needed to be removed; and PSI-equality would not track race or ethnic identity. However, in the non-ideal world, all these things are precisely the case.

It is for this reason that in the non-ideal world experiencing other racial and ethnic groups is transforming—not so much because we learn some new set of facts about ourselves or others, though that sometimes happens, but because such experiences turn our in-principle commitments into an experiential reality: one is engaged by the other and the other is engaged by one. A mere in-principle commitment to equality can no more substitute for this experiential engagement than can watching and listening to a DVD recording of a live concert substitute for being in the audience at the time the concert was taking place. The person who attended the concert and the person who saw the concert on DVD both have the same knowledge regarding what happened. They both hear the same music, see the same movements, and so forth. All the same, one was there when it happened, and witnessed things as they unfolded in real-time; and nothing can take the place of that.

In the non-ideal world, the belief—the sincere and genuine belief—that people of a certain race or ethnic kind are as trustworthy or as intelligent or as morally profound as “we” are is not the same as trusting that person, marveling at her or his intelligence, and being guided by the individual’s intellectual and moral wisdom. These experiences make the person who belongs to that race or ethnic

group a part of life and our personal history. And this yields knowledge about ourselves and the other that we could not otherwise have. The in-principle belief alone leaves us barren in this regard. After all, no matter how committed I am to Xs being equal, it is only in experiencing an X in the ways just mentioned can my life serve as a testimony to that equality.

V. Conclusion: The Ideal of Equality

The ideal of equality is easy enough to state; and in a fleeting moment, Martin Luther King captured that ideal most eloquently when he spoke of living in a nation where people “will not be judged by the color of their skin but by the content of their character”. When this ideal is realized, then (a) in a society with many ethnic groups there will not be one ethnic group whose members are the primary holders of governing positions in the basic institutions of that society and (b) the skin color and other markers of ethnicity of those who govern will be utterly irrelevant to those who are governed. The suggestion with (a) is not that the percentage of those belonging to any one ethnic group who hold governing positions in the basic institutions of society will be isomorphic to the percentage which the members of this ethnic group occupy within the population-at-large. That would be very contrived and artificial. Rather, it is that there will not be any VERs favoring any ethnic group in terms of its members holding such roles. Together, (a) and (b) are compatible with most individuals who hold

positions belonging to one ethnic group on one occasion and another ethnic group on another occasion *and* the population-at-large attaching no significance to this at all precisely because most (if not all) think that there is no reasonable significance that could be attached to such a state of affairs. Suppose, for instance, that 75% of the people in a room turned out to be left-handed. This would be quite a coincidence. But that is exactly what it would be—a coincidence and nothing more. Any attempt to attach any significance to this outcome should turn out to be ludicrous.

As an aside, I should mention why I have focused upon governing roles in the basic institutions of society. The idea is not that other aspects of life are irrelevant. Rather, it is that we are able to appreciate the cultural contributions (from example) from afar; whereas being governed directly touches our lives. In terms of PSI-equality, we do not have to believe that someone is our PSI-equal in order to believe that she or he sings or dances well. We may yet be uncomfortable with such a person marrying our children. By contrast, we do have to believe that someone is our PSI-equal in order to believe that this person is fit to govern us. Or, at any rate, we are more like to believe this regarding those whom we think fit to govern us. Moreover, we are much more likely to see this person as someone whom we would be pleased to have our children marry. It will be remembered that the basic institutions of society are wide-ranging. So if we have complete equality there, it is most likely that we will have it in other aspects of society.

Though most people (whether black or white) who live in a society governed by whites pay lip service to the ideal of equality as I have just articulated it, and so express indifference to upside-down equality, few (whether black or white) are prepared for upside-down equality. Or so it is if I am right about VERs and PSI-equality. All the same, the very circumstances of life fuel the delusion on the part of most that they are. Why? Because most people who live in a society governed by whites have no reason whatsoever to think that—know that it is highly improbable that—in their life time their very own society shall be governed by blacks; hence, their moral bluff is never called, even as their expressions of public commitment to this ideal massages the ego. This is rather like promising to do something where the promise is made conditional upon the promisee also doing something, where one knows all too well that the promisee does not have the wherewithal so to behave. One gets a bit of moral credit for committing oneself to so acting, although one is disingenuous from the start.

This brings us back to the experiences of Benjamin and LT. What Benjamin knows about himself is that he is actually accepting of upside-down equality. For this is the world in which he lives. Indeed, this is the world in which he freely chose to live, fully aware that he was choosing this world. And this is the world in which he continues to live as a matter of his own choosing. Insofar as self-knowledge is possible, Benjamin knows that he is accepting of

upside-down equality. This, however, is precisely the knowledge about himself that LT does not have. Thus, Benjamin has a most profound piece of moral knowledge about himself that LT does not have about himself. And Benjamin's moral knowledge is generated not so much by new information about blacks (which LT does not possess) as it is by experiencing blacks in an entirely different way, one completely foreign to LT's experiences. In the non-ideal world, this makes the subjective experience more important to a fundamental aspect of our moral knowledge than Herman's argument, and Kantian thought as represented by her, would seem to allow.

In the non-ideal world, moral knowledge about ourselves comes with a price, paid in the coin of experience. When it comes to equality, most of us living in Western societies continue to right write checks. Or so it is if I am right that most of *us* are open to the idea of upside-down equality because, after all, we know that we will never have to live it, let alone have to choose to live it.

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