The New Egalitarianism

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F. A. Hayek (1976) argued against social justice understood as distributive justice, especially in its egalitarian form. Among his many complaints was the idea that egalitarian morality was not suitable for a Great Society in which we regularly interact with strangers rather than only with a small group. Egalitarianism is an atavistic impulse from our evolutionary past in small tribes of hunter-gatherers (Hayek 1988). Our socially evolved morality, by contrast, enables us to interact with strangers by adhering to general and *abstract* rules. These rules allow us to expand social cooperation *to the extent* that they are simple rules that *apply to all* and do not require us to make detailed judgments about what we owe others. The *social morality* that facilitates cooperation with unknown strangers is distinct from the instinctual, small-group morality that still dominates our more intimate relationships.

Equality before the law or informal norms is a desirable quality of social morality, but concern with equality of outcomes would undermine the functionality of that morality. By creating a sphere of individual liberty within the boundaries set by abstract rules, social morality enables us to act on our individual knowledge. Hayek's work stresses the economic benefits of allowing individuals to act on their local knowledge of time and place. Mario Rizzo (2005) builds on this argument, claiming that there are important moral benefits as well. Regardless of the particular moral philosophy individuals follow, they can instantiate moral principles appropriately only when they are free to act on their beliefs about their particular circumstances. These beliefs might stem from individual conscience, Aristotelian judgment, or some other vision of individual moral capacity. This Hayekian approach to social morality makes room for both

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universals and particulars: general, abstract rules facilitate interactions with strangers but also enable the use of subjective individual knowledge and require the use of individual moral judgment.

A different form of egalitarianism has recently become a noticeable political force: egalitarianism focused on identity. This family of egalitarian views is often referred to by terms of abuse such as *political correctness,* and those who believe it are demeaned as *social justice warriors. Identity politics* is one manifestation of these ideas but predates them and is also a tactic used by other groups. To avoid the polemical and misleading connotations of these terms and to highlight what is truly distinctive about this strain of thought, I refer to it as "New Egalitarianism." The New Egalitarians are focused on eliminating inequality predicated on race, gender, sexual orientation, and other identifying characteristics of traditionally disadvantaged groups.

A distinguishing feature of the New Egalitarianism is its focus on *structural inequality*. This focus is distinct from a focus on pure material deprivation associated with luck egalitarianism and from the widely shared belief that bigotry against particular groups is unjustified. New Egalitarians argue that systemic inequality stems from deeply rooted social structures that do not rely on overt prejudice.[1] It is not correct to say that they focus exclusively on equality of outcomes, but they do tend to cite systematically unequal outcomes as evidence of inequality of treatment. But since New Egalitarians tend to believe that correcting these inequalities requires positive action (and not mere procedural equality), it is fair to say that they have a thicker vision of equality in mind than Hayek's classical liberal view.

Certain aspects of the New Egalitarianism are appealing. It asks how different groups can live cooperatively together, a question that all liberals should take seriously. Some New Egalitarian views sound like invisible-hand explanations of inequality rather than naive constructivism. Although these concerns are valid, New Egalitarians articulate them in terms of a peculiar set of tendentious social scientific claims that, upon reflection, have troubling implications.

The most distinctive feature of New Egalitarianism is the way it draws on critical theory and related schools of thought such as Marxism, structuralism, and postcolonialism.[2] Though there are differences between these schools of thought and between thinkers within them, there are important commonalities. Most notably, they all tend to emphasize functionalism, the belief that "social practices of the most varied kind can be explained by their tendency to maintain the hegemony of dominant groups" (Elster 2011, 162). The goal of theory in these schools is to shine a light on forms of domination, in contrast to existing ideologies, which try to excuse or cover up domination. Critical theorists in particular argue that the point of social theory is emancipation, not just explanation.

1. See Marcuse 1965, 83, and Bonilla-Silva 2013.

2. James Bohman (2016) provides a sympathetic view of critical theory. Kim Holmes (2016) is more critical, and Roger Scruton (2015) is extremely so.

New Egalitarians operate with an often implicit mental model of society drawn from critical theory. This essay argues that implementing the New Egalitarianism requires transforming social morality into an *obscurantist epistocracy*. The New Egalitarianism requires a set of moral experts to make judgments about right and wrong actions rather than to rely on either individual conscience or widely understood social rules. And this epistocracy, the rule of those with knowledge, is obscurantist in that it seeks to question the standing of critics rather than the substance of their claims.

I do not directly challenge the *substance* or the *truth* of New Egalitarian ideas but rather raise concerns about their implementation. As a consequence, I do not focus my critique on any one New Egalitarian thinker, for there are important differences in various thinkers' ideas. My argument parallels F. A. Hayek's (1944) description of how socialism creates a "road to serfdom." Hayek's critique does not depend on socialist moral ideals being mistaken; he merely points out what implementing central planning in a world of disagreement and imperfect intentions would require. Similarly, my goal is to sketch out some of the consequences of implementing the New Egalitarianism for the sorts of imperfect people that inhabit our world. If what we want is a social morality appropriate for beings like us, the aspirations of the New Egalitarians should be deeply troubling.

Epistocracy

Consider two definitions of racism, Racism 1 and Racism 2. One might draw parallel distinctions between Sexism 1 and Sexism 2 or Homophobia 1 and Homophobia 2. Everything I argue about conceptions of racism carries over to those issues and to others, but I use the term *racism* as a token for all issues surrounding group identity.

> Racism 1: Individual conduct that is motivated by either *(a)* antipathy to other races or *(b)* a belief that those races are inferior (cf. Blum 2002).
> Racism 2: Socially constructed, "invisible systems conferring racial dominance" (McIntosh 1989, 4).

Racism 2 is the idea that critical theory and related schools of thought have brought to debates about social equality. New Egalitarians differ in what account (if any) they give of *how* structures generate inequality, but this is the common thread that has gained prominence in recent years. Racism 1 is what the person on the street recognizes as racism. Those who think that Racism 2 deserves special attention—including proponents of the New Egalitarianism—acknowledge that Racism 1 is still the dominant definition and lament that it is so difficult to teach students about Racism 2 (McIntosh 1989, 4).

Racism 1 refers to intentions. Most individuals think that morally like cases should be treated similarly. What is morally troubling about Racism 1 is that characteristics that seem morally arbitrary, such as skin color, lead to differences in treatment. Conversely, if

differences in treatment arise for good reasons, they are not necessarily objectionable. If employers base hiring decisions strictly on the consideration of talent, Racism 1 is not in play, even if this practice results in patterns of racial inequality. Avoiding Racism 1 fits well within a Hayekian framework that stresses the generality of social rules. It also relies on individual moral judgment: individuals can evaluate their own behavior to determine whether they have acted in an objectionable way. There may be a tendency for these judgments to be incorrect or unconsciously biased, but that does not change the fact that Racism 1 is a moral category that can in principle be deployed by individuals to judge and improve their own conduct.

Not so with Racism 2. *Accurately* diagnosing Racism 2 requires *(a)* social scientific understanding of how social structures operate and *(b)* sufficient historical knowledge to judge how social structures have disadvantaged certain groups. Recall that Racism 2 refers to "invisible systems" that prop up members of some groups at the expense of others. There is nothing mystical about claiming that these social structures or the processes that they govern are invisible (cf. Hayek [1942–1944] 2010, 103). But although there is nothing intrinsically suspect about invisible causes of inequality, explaining *how* structures cause inequality requires social science. The causal effects of social structures do not reveal themselves to the senses or to our everyday experience but rather only through careful theorizing and the analysis of empirical evidence.

And if our goal is to right actual inequalities, it is not enough that our causal stories are plausible. It is not even enough that they are true. They must also account for a significant portion of the racial inequality that exists. In the real social world, many causes cooperate to produce broad-scale social patterns such as racial or gender inequality. New Egalitarians themselves recognize this factor, describing the "intersectionality" of how different forms of oppression—racism, sexism, and so on—are related to each other in myriad and subtle ways (Haslanger, Tuana, and O'Connor 2015). So a true account that explains only a small part of racial inequality is not terribly helpful when trying to correct that inequality. Ascertaining the causes of inequality, judging the relative importance of different causes, and understanding how these causes interact ultimately require a great deal of specialized knowledge, one that can plausibly be possessed only by *experts*.

Consider a partial list of technical terms that the New Egalitarians employ that are either not part of everyday parlance or used in a specialized way: *ally, appropriation, cisethnic, cissexual, domination, erasure, intersectionality, kyriarchy, lived experience, mansplaining, marginalization, microagression, patriarchy, rhizome, subaltern, tokenism, triggering, victim blaming, white supremacy, whiteness.* This list only scratches the surface. My aim in mentioning them is not to question their usefulness for discussing some important questions but only to point out how specialized they are. The development of this sort of terminology requires specialists, and learning it requires access to these specialists.[3]

3. Scruton discusses the importance of new terminology for the intellectual traditions that feed into New Egalitarianism (2015, 8).

The reliance on experts helps explain why the New Egalitarianism thrives at universities. Universities provide a forum where scholars trained in critical theory, feminist or postcolonial philosophy, multiculturalism, or structuralism can introduce students to this vast lexicon, in addition to retraining them to think in terms of Racism 2 rather than Racism 1. Consistent with an understanding of racism as structural, New Egalitarians usually speak of battling racism as a matter of *education*.[4] Moral persuasion—appealing to individual conscience—is adequate only as a tool for combatting Racism 1. But individuals require education to grasp the structural cause-and-effect relationships that constitute Racism 2. Such education consists not in an appeal to commonly shared moral sentiments but to specialized expert knowledge. It is more like physics or economics than it is like Sunday school.

Contrast this approach with Hayek's view of social morality. Individuals need rules precisely because they *cannot* know all the consequences of their actions. The broad contours of invisible-hand processes can be understood, but the specific ways in which individual actions interact to produce large-scale social patterns defies precise prediction. Most importantly for Hayek, this limitation extends to expert knowledge as well. Experts are incapable of designing a moral code that can underwrite widespread social cooperation among strangers. So the existence of genuine experts—those that have a correct understanding of how social structures operate—does not extinguish the need for abstract, general rules to govern individual conduct in an extended order.

It is beyond the scope of this paper to convincingly establish whether Hayek's critiques of constructivism and distributive justice are relevant for New Egalitarians. Hayek's understanding of social orders as largely spontaneous processes would probably undermine a great deal of New Egalitarianism, which tends to draw on very different social theories. Hayek's work would seem to indicate that the New Egalitarianism—by insisting on thicker forms of equality—is morally atavistic. New Egalitarians are animated by an ethos that focuses on substantively benefiting particular groups of individuals. This sort of morality is suitable for intimate orders such as families and organizations within a broader social context. Complex, richly detailed sets of social rules have their place in such small-group interactions, but when applied to entire societies and cultures, such a morality is nonoperational because it requires that individuals have far more knowledge than they can possess in order to evaluate the effects of their actions.

But even if Hayek is wrong that rationally designed social morality is a nonstarter, it does not change the fact that New Egalitarianism requires a class of social scientific experts to combat systemic oppression. Individual conscience is of little help if racism exists primarily due to invisible social structures. To know whether an action is racist or not—at least for as long as invisible systems of oppression continue

4. See, for example, Greenberg n.d.

to exist—an individual must ask someone who knows. The New Egalitarianism requires a moral epistocracy: those with special knowledge determine what morality requires.[5]

Obscurantism

Obscurantism is an intellectual style characterized by attempts to evade critical scrutiny. Jon Elster (2011) identifies precisely the sorts of critical theory that inspire the New Egalitarians as a form of "soft obscurantism." My aim here is not to attack obscurantism as a practice but to highlight the particular forms and functions of New Egalitarian obscurantism. Obscurantism can take many forms, including the use of vague or indeterminate terms. To the extent that New Egalitarianism relies on these terms, labeling it "obscurantist" would be redundant with labeling it "epistocratic." Components of New Egalitarian thought may be obscurantist in this sense by relying on obscure terminology. But important aspects of New Egalitarianism try to be comprehensible. New Egalitarians typically want to be understood (hence their calls for education).

New Egalitarian obscurantism evades criticism by denying the *standing* of critics. Critics need to "check their white (or male) privilege," the argument goes. By default, those who benefit from the invisible structures of Racism 2 have no epistemic access to oppression because they have not experienced it. I refer to this argument as the Knowledge Response. Alternatively, critics may be labeled "deniers" or "apologists" who prop up oppressive social structures. I refer to this argument as the Harm Response. These two accusations—the Knowledge Response and the Harm Response—can manifest in the "liberal intolerance" springing up on college campuses that many critics of New Egalitarianism have lamented (Holmes 2016, chaps. 4, 6).[6] The substance of a critique is secondary; what matters is the action of critiquing New Egalitarian ideals. If criticizing is inappropriate because of the speaker's epistemic or moral standing, then there is no reason to engage with the substance of the criticism.

Consider each of these obscurantist tactics in turn, beginning with the Knowledge Response. The concept of privilege may or may not be a helpful tool of social scientific explanation. But when applied to participants in a discussion, it removes any need to address the content of a privileged interlocutor's claims. The privileged person cannot access the "lived experience" of those who have suffered from oppression. This lack of access entails a lack of standing to object to New Egalitarian ideas. Privileged individuals

5. This concept of epistocracy may sound similar to ancient Gnosticism, on the one hand, or to Leninist vanguard, on the other, probably depending on whether one agrees with the core tenets of New Egalitarianism. I use the term *epistocracy* to remain neutral here.

6. This is not to say that only criticisms of New Egalitarianism elicit such responses; these obscurantist responses can also be used preemptively against individuals whose ideas *could* act as criticisms or that New Egalitarians see as perpetuating oppressive structures.

need to be educated about the invisible structures that generate oppression. But even if the critics in question are not white males, their disagreement is evidence of "internalized oppression," an expression indicating that oppressed groups come to accept and perpetuate the social structures that oppress them (Willett, Anderson, and Meyers 2016). If either the privileged or the internally oppressed persist in questioning certain New Egalitarian ideas, the argument goes, it is only proof that they need more education or that they are acting in bad faith.

Critics of New Egalitarians sometimes mistake the Knowledge Response approach for a naive, freshman-level philosophy brand of relativism. Although New Egalitarians may think that some statements that people take as fact are culturally relative, they also believe that there are objective truths about real forms of oppression. They seek to raise "awareness" about structural forms of inequality. The appeal to lived experience and privilege is more like the classic Marxist idea of false consciousness (Marcuse 1965, 110). Social structures condition how individuals view the world, including their perceptions of oppression. New Egalitarians are not dismissive of any concept of truth, but only of those ideas that deny or even challenge their own accounts of oppression.

The Harm Response is more severe in both its claims and its consequences. The New Egalitarianism rests on an often implicit set of social scientific claims, mostly imported from critical theory. Despite subtle differences between New Egalitarian thinkers, they employ some common themes. Most important is the idea that the interests of disadvantaged groups are *insufficiently articulated*. Oppression can persist precisely because it is invisible. The most famous article in postcolonial theory asks the question "Can the Subaltern Speak?" (Spivak 1988). The critical theorist's role is to reveal these invisible structures of oppression. Ideologies that support existing systems of oppression are forms of "epistemic violence" (Spivak 1988, 280) that undermine the emancipatory project of critical theory. Failing to recognize this set of background assumptions has led many critics to argue that the New Egalitarianism seeks to protect members of disadvantaged groups from being offended. But what New Egalitarians are really worried about is that the oppressed will continue *to be silenced*. Their interests will remain unarticulated, and so they will continue to be marginalized and oppressed.

A recent episode is illustrative. Commenting on the election of Donald Trump as president of the United States, political theorist Mark Lilla (2016) argued in a *New York Times* op-ed that "identity liberalism"—what I dub the New Egalitarianism—has gone too far. He maintained that attempts to lift up historically disadvantaged groups should be situated in a broader democratic ethos that emphasizes commonality rather than difference. Focusing on identity runs the risk of alienating those who are part of historically privileged groups and can provoke a resentful backlash. Lilla's Columbia colleague Katherine Franke (2016) responded to him on the *Los Angeles Review of Books* blog. Franke accused Lilla of enabling white supremacy, of "mansplaining" the women's rights movement, and of blaming disadvantaged groups for Trump's election.

Franke claimed that Lilla was not only wrong about identity politics but also wrong in a way that perpetuates oppression. Lilla's actions were part of the same "ideological project" pursued by the Ku Klux Klan.

The views that the New Egalitarianism inherits from critical theory generate a series of cascading harm claims. Bigoted motives are not a necessary condition for acting in a racist manner. Any action that reproduces or props up invisible structures of oppression is racist in its effects. Moreover, denying the reality or significance of oppression—for instance, by claiming that some observed inequalities are due to anything but white supremacy—serves to silence criticism of oppressive structures. Denialism is thus also a form of racism. But it does not stop there. Imagine that I have a critique of Racism 2 that will actually convince people to dismantle some structures of oppression. Imagine further that you agree that oppression exists but disagree with my diagnosis or my proposed solution. You are still being racist because it is effects and not intentions that matter. You have committed Lilla's sin, which was not to dismiss the reality of oppression but to disagree about how to achieve progress. Even *tolerating* criticism, it is thus argued, may reinforce structures of oppression (Marcuse 1965, 85).[7] If New Egalitarian social theory is right, the *act* of undermining an emancipatory critique—*even a false one*—must be oppressive.

New Egalitarian obscurantism is not dishonest in the traditional sense. It consistently applies a view of how oppression is generated and sustained in addition to the belief that theory should be emancipatory. Taken to the limit, instances of the Knowledge Response and the Harm Response can take the form of what Harry Frankfurt (2005) dubs "bullshit." Bullshit is distinct from deception or fraud in that the speaker is not trying to distract from the truth but rather is indifferent to whether what he or she is saying is true or not. The goal of New Egalitarian arguments is first and foremost emancipation from oppression. Although broad truths about historical forms of oppression matter, New Egalitarians advance particular claims because these claims serve definite functions in the process of emancipation. Insofar as oppression is propped up by bad ideology, shutting down that ideology is more important than appealing to standards of social scientific rigor (that themselves may be an ideological cover for oppression). The fact that the New Egalitarianism concerns itself with altering complex social structures—knowable only by experts—through collective action increases the incentive for bullshit: "Bullshit is unavoidable whenever circumstances require someone to talk without knowing what he is talking about. Thus the production of bullshit is stimulated whenever a person's obligations or opportunities to speak about some topic are more excessive than his knowledge of the facts that are relevant to that topic" (Frankfurt 2005, 63).

7. Conservative critics are not innocent of making these sorts of arguments. They often treat patriotism as a precondition for a functional social order, so, according to this view, anything that just sounds like a critique of one's own country—even if it is true—is harmful to the social fabric that secures other values. See Nowrasteh 2016.

Frankfurt goes on to argue that bullshit might be associated with a desire for signaling internal sincerity. This may be true of New Egalitarian speech, in which strong signals of sincerity help solve collective action problems. Mobilizing sufficient support to change practices, even at a relatively local level such as a university, requires overcoming the free-rider problem. Willingness to adopt habits of speech and action that are peculiar to outsiders may help serve as a filtering device for identifying willing participants in demonstrations, protests, and other actions meant to challenge existing practices.

Sustained solutions to collective action problems can also have a dark side: they often involve stigmatizing a common enemy group. Hayek argues that consistent mistreatment of minorities in collectivist societies is no accident (1944, chap. 10). It is necessary to motivate individuals to go along with the broader group. Recent work in evolutionary biology reaches similar conclusions. Humans' ability to band together is due in part to our ancestors' propensity for battling competing groups of other humans. The New Egalitarians have settled on White Males as an identifiable Other that needs to be overcome. It would be surprising if this approach did not engender a backlash because New Egalitarians have handed those who disagree with them a ready-made solution to their own collective action problems. The possibility of backlash again calls to mind Hayek's concerns about socialist morality: it is entirely functional in a world of small, violently competing tribes. But tribalistic morality, even when it is aimed at emancipation rather than at conquest, can undermine the generality that is the basis for extended social cooperation.

Another victim of New Egalitarian obscurantism is a sense of proportionality regarding the harms of actions construed as oppressive. Recall that an action is oppressive if it perpetuates, covers, or props up invisible social structures that generate systemic inequality. These structures are *historical* in the sense that individuals can be born into them. When we hold an individual morally responsible for Racism 1, we focus on the harm that his or her actions directly cause. By this standard, racist speech is emotionally offensive, a breach of civility and respect. Racist talk becomes a very serious moral issue only when it is joined to more concrete actions such as threatening or carrying out physical violence. But when we hold an individual responsible for perpetuating Racism 2, our gaze is drawn to the myriad historical injustices that disadvantaged groups have suffered. To contribute to Racism 2, even through mere speech, is to support *the same* social structures that underwrote slavery, genocide, and other moral horrors.[8] This difference in how we conceive of the harm perpetrated by individual actions helps explain why New Egalitarians react so strongly to speech and why their critics find these reactions hyperbolic.

8. A corollary is the idea that it is impossible to be racist against whites, who are not situated in such structures.

Conclusions

When put into practice, the New Egalitarianism—that which seeks a thick version of equality for members of various social groups—relies on an obscurantist moral epistocracy. New Egalitarians would probably object to this claim. But whether a pristine version of New Egalitarianism would be more democratic or not does not tell us how such a moral code will operate with human beings as they are.

Both epistocracy and obscurantism flow naturally from the substance of New Egalitarian thought. According to this school of thought, experts are needed to fashion a new vocabulary that reveals the invisible sources of oppression. Obscurantism is needed because the consequences of speech are momentous. Because the stakes are high, the response to those who perpetuate oppression—whether intentionally or not—must be salient, authoritative, and decisive. There is no shame in shutting down arguments, New Egalitarian thinking goes, just as there is no shame in outmaneuvering an enemy on the battlefield.

It is not clear how to respond to these argumentative tactics in a constructive manner. If disagreement is dismissed as epistemically or morally unwarranted merely because it is disagreement, there is not much room for a productive conversation.

Nonetheless, it is vital to understand the distinctive characteristics of this new phenomenon. By taking New Egalitarian ideas seriously, liberal social scientists and philosophers may be able to offer a constructive alternative that recognizes the reality of historical and cultural oppression but seeks to empower the disadvantaged through freedom of association and disassociation rather than through a reversion to our atavistic instincts.

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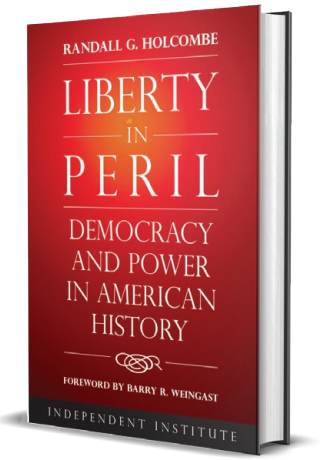
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