

LCB

TECH CONFERENCE

April 21-23, 1989

Comments on Postema's "Equality as Membership"

I want to do two things by way of responding to Professor Postema's paper, both designed to assist discussion of his striking and illuminating line of thought about egalitarian theory. One is simply to rehearse and compress the broad outlines of his paper, as a preparation for discussion.

The other is to suggest a way of developing a crucial part of his account: the egalitarian extension argument for membership.

Postema's overall argument is roughly this, in outline:

(1) that egalitarians and anti-egalitarian alike often go astray by focusing on the intrinsic and extrinsic values equality may have in various social settings rather than by focusing on the essential role it may have in various conceptions of social life. (2) that an essential role for equality is more likely to be found in communitarian conceptions of social life than in others. (3) that the most plausible candidate for explicating an essential role for equality is the concept of membership in a community or group. (4) that the notion of membership allows us to explicate and assess moral demands for equality in terms of what can be called the egalitarian extension argument, which has two components: an argument for membership (correlated with demands that individuals or groups be included in the community), and an argument from membership (correlated with demands that some members be treated in the same way as other members). (5) that the argument for membership need not be limited to the sort of reasons members can find, among their existing purposes and values, for extending membership to others. (6) and so that thinking of equality as membership need not involve us in an unacceptable form of historical relativism. And finally, (7) that the egalitarian extension argument can justify forms of equality as complex as the scope and varieties of (just?) memberships in a given social order.

This is an illuminating approach to the issue of equality, and while it provides us with a wealth of interesting topics for discussion, I want to use my few minutes to focus on just one of them -- the one I take to be the crux of the matter: the egalitarian extension argument, and in particular, the argument for membership. I want to explore the question of how we can get an argument of that sort going in the hardest cases -- the ones in which "outsiders" claim a right to become "insiders" against the wishes of current members of a group, and are without legitimate recourse to arguments of the sort Postema describes in the last few pages of his paper. That is, the situation I am imagining is one like South Africa's, in which extension of full membership to people of color would justifiably transform the social order into something that most of its current members believe would be intolerable, perhaps even unrecognizable.

Now as Postema makes clear, many arguments that seem to be arguments for extending membership to outsiders are actually arguments from one sort of membership status to a claim for another. If that is the true situation in South Africa, then I'll need another example. Slaves in the ante-Bellum period, perhaps, or Jews in the late stages of Nazi Germany, or American Indians in various times and places, or Southeast Asian boat people. For I want to imagine genuine outsiders, not simply less-than-full members.

And for similar reasons I want to avoid Postema's other response to the problem, which refers to our tendency to deny membership by denying the complex ontological and phenomenological fact he calls mutuality. It is of course true, and a very important and powerful truth, that if we can show members that their exclusionary policies are based on false beliefs about the world -- on false beliefs, for example, about the range of people who actually participate in and make essential contributions to the group's enterprise -- then we have the beginnings of an argument from fair play or reciprocity for extending membership.

But good as these arguments are, I think they leave out a set of considerations we may need in the hardest cases. After all, as Postema himself points out, communitarian arguments by their very nature depend on the recognition of the distinctiveness and unitary character of a given community, and so must recognize the possibility of the genuine outsider -- one not (yet) linked to the community by a shared history, purpose, or other elements of genuine mutuality. And

communitarians must recognize the possibility that extending membership to such outsiders may change the community so radically as to destroy it. It isn't difficult in principle to find non - communitarian arguments that would license this in a case such as South Africa. But if we are to stay within the frame of communitarian accounts we need a license from within, so to speak.

And this is not a simple task even when the outsider we are trying to imagine has interests and aims that are congruent with those of the community, and is willing to preserve the status quo.

Even those things do not quite add up to the sort of mutuality that could, by itself, get an argument for membership started. (One can imagine the club's membership committee saying "You are very well qualified indeed, old sport. Sympatico to a fault. But we are not accepting newcomers at the moment. Thank you for your interest." Or on a more elevated note, there is this disturbing little poem by Stephen Crane:

A man said to the universe

Sir, I exist.

However, replied the universe,

that does not create in me a sense of obligation.)

I want to know when existence should create a sense of obligation to extend membership to outsiders -- an obligation to make even a self-destructive extension of membership to non-members. And I want this egalitarian extension argument to meet three further conditions: First, it should not presuppose matters that are in serious dispute between communitarians and anti-communitarians --such as ontological premises about the separateness of persons. Second, the account of equality it generates should be sensitive to the wide variety of social groups to which an individual may simultaneously belong, and the complexity of the meaning of equality both within and across those groups. And third, it should provide a way of understanding how people can legitimately move in and out of membership in a community over time.

What I want to suggest is that we try to construct a line of argument to show how a community's own purposes and activities may unintentionally require it (morally) to incorporate

hostile outsiders as members. And I suggest that a plausible place to start thinking about this is with the concept of dominion.

To have dominion over others is to have control over some aspect of their lives; to dominate them. Domination can be as uncomplicated and clear as imposing a speed limit. That kind of dominion is frank, intentional, direct, coercive, and sharply limited to a single type of easily identifiable overt act. Violations, in our culture at least, carry no significant psychological penalty. At the other pole, however, domination can be as complicated and murky as it is an otherwise healthy love relationship. Such domination can be hidden from both parties, unintended, indirect, pervasive, organized in terms of compelling incentives rather than coercion, and addressed as much to thoughts or character as it is to acts. Violations may be difficult to identify as such. Perhaps impossible to avoid, as in a double bind. And they (or the fear of them) may impose oppressive psychological burdens.

Communities necessarily have dominion (dominate) at least some aspects of the lives of their members. Some social structures produce only limited conformity in overt behavior; others produce conformity in beliefs; still others produce solidarity -- ranging from uniform commitments (All for one and one for all) to univalent emotional responses (Your sorrow is mine also). Further, and perhaps inevitably, communities have dominion (intended or not) over the lives of some of the people on the periphery -- people who are defined as outsiders. Creating opportunities or incentives for members may have the effect of limiting the lives of these outsiders. Restricting the behavior of members may create irresistible opportunities for people beyond the pale. And this sort of connection, while I assume it cannot be described as mutuality, does raise the possibility of constructing an egalitarian extension argument for membership. As follows:

- 1) The first step is to show that, considered by itself, the dominion any group has over the lives of its members is a loss or burden for those who are dominated.
- 2) The second step is to show that such a loss, together with various principles of justice and right, creates an institutional obligation for the group to provide offsetting benefits for its

members. This must be shown in terms of the general grounds for promoting community life -- not necessarily in terms of the particular community's norms, but still from inside a communitarian account, as it were.

3) The third step is to show that, by extension, anyone dominated by the group's activities should be provided with offsetting benefits. (I presume, here, that the needed universalization principle can be found inside a communitarian account.)

4) And the final step would be to show that, for at least some outsiders, the group's domination is so great that only membership in the group itself (with the entitlements following from membership) is a sufficient offsetting benefit.

Thus membership (and the equality entailed by it) ought, in some but not all cases, to devolve simply from the group's domination of non-members, whether that domination is intended or not, avoidable or not, voluntary or not, and regardless of whether the extension will change the character of the group.

I don't know whether that argument will actually work when it is filled out. But it is intriguing, and in outline, at least, it appears to satisfy the conditions I wanted to impose. Those conditions were, recall, that in addition to being an argument from within communitarian theory, it should, first, not presuppose matters that are in serious dispute between communitarians and anti-communitarians -- such as ontological premises about the separateness of persons. I don't think the domination argument does that. Second, the account of equality it generates should be sensitive to the wide variety of social groups to which an individual may simultaneously belong, and the complexity of the meaning of equality both within and across those groups. Again, I think the condition is met. Dominion is multi-form, can vary widely in its extent, and can be imposed by many groups simultaneously on the same individual. And third, it should provide a way of understanding how people can legitimately move in and out of membership in a community over time. This condition is met, in part, by observing that groups can control the extent of their membership obligations by controlling the extent of their dominion, and individuals can (sometimes) refuse

to be dominated.

dominion --> nominal membership

nominal membership + universalization = equal consideration

equal consideration + scope of dominion = equal provision