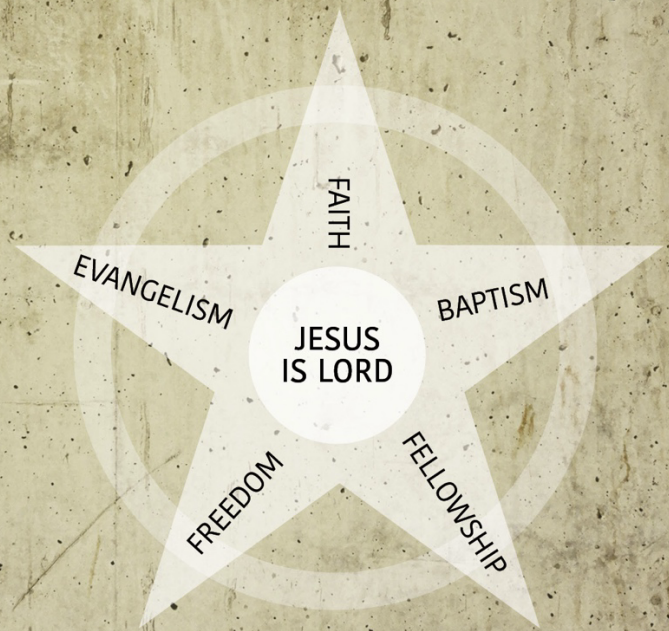


Journal of Baptist Theology

in context



Issue 12 (2025)

Equality: can it bear the weight placed upon it?

G. Michael Thomas

Equality, with its obverse, anti-discrimination, is one of the most influential ideas in the world. It is regarded as a necessary expression of justice and enshrined in national and international law. Amartya Sen's assessment is that 'there has...been an extraordinary consensus on [equality's] importance in the post-Enlightenment world...every normative theory of social justice that has received support and advocacy in recent times seems to demand equality of *something*'.¹ Churches have embraced it. Accordingly in 2022 the Baptist Union launched its *I Am Because You Are* equality and diversity resource. 'Engaging with the resource is mandatory for the majority of accredited ministers'.²

The widespread recognition of its importance is matched by general confession that it is not easy to say what equality means. Ronald Dworkin states, 'Equality is a contested concept: people who praise or disparage it disagree about what it is they are praising or disparaging. The correct account of equality is itself a difficult philosophical issue'.³

Peter Westen has pointed out the pervasive lack of precision in the use of the term: 'people fallaciously infer one equality from another...The most likely reason is that they are making the "category mistake" of confusing equality in mathematics with equality elsewhere...The effect

¹ Amartya Sen, *The Idea of Justice* (London: Penguin, 2009), 291. Cp. Oliver O'Donovan, *The Ways of Judgment* (Grand Rapids: Eerdmans, 2005), 33, 'the abstract principle that has most shaped the political conceptions of the modern world, *equality*.'

² Baptists Together (n.d.), *Equality and Diversity Training*, retrieved 23 September 2024 from https://www.baptist.org.uk/Groups/379594/Equality_and_Diversity.aspx

³ Ronald Dworkin, *Sovereign Virtue: the theory and practice of equality* (Cambridge Mass.: Harvard University Press, 2000), 2.

is to give advocates of equality an underserved rhetorical advantage...The category mistake enables such advocates to move from an existing equality to a desired equality without having to make an independent case'.⁴ More bluntly, George Orwell included 'equality' among 'words used in variable meanings' in political discourse, and belonging in 'a catalogue of swindles and perversions'.⁵ Similarly Oliver O'Donovan, 'equality arguments become the politician's alchemy, producing the gold of judgment from the straw of non-committal stances. They create the illusion of settling questions justly without needing to determine the truth of them'.⁶

There is much within their faith that predisposes Christians to view positively the power of egalitarianism in modern society, regarding it as at least consistent with, if not an expression of, the kingdom of God. As Groothuis claims 'secular culture got it right'.⁷ Hence the readiness of Christian churches to adopt with little or no modification the prevailing equality rules, and models of training and assessment. It is the contention of this article that current equality theory and practice lacks a theoretical basis adequate enough to justify its fundamental concepts or ensure its rational and consistent application; and that an appreciation of how a Christian understanding of equality differs from prevalent notions is important if Christians are to live and contribute faithfully in the current intellectual and social context. In the process it will be shown that secular equality theory tends, albeit inconsistently, to treat equality as an abstract principle which is able to determine absolutely the shape of social order and human relations, overruling all

⁴ Peter Westen, *Speaking of Equality: an analysis of the rhetorical force of "equality" in moral and legal discourse* (Princeton: Princeton University Press, 1990), 264-65.

⁵ Orwell, George, *Politics and the English Language* (Mumbai: Sanage, 2020), Kindle, 11-12. First published 1946.

⁶ O'Donovan, *Ways of Judgment*, 33.

⁷ Rebecca Merrill Groothuis, 'Equal in Being, Unequal in Role: exploring the logic of woman's subordination' in *Discovering Biblical Equality: complementarity without hierarchy* edited by Pierce, Ronald W., Groothuis, Rebecca Merrill and Fee, Gordon D. (2ndEd.; Downers Grove: IVP, 2005), 306.

other considerations, while the kind of egalitarianism proposed in the gospel does not aspire to function in this absolute way.

1. History of the Idea

The place equality currently occupies is generally considered to be a product of the Enlightenment.⁸ After years of violent conflict between different versions of Christianity, there developed from the mid-17th century a project to identify and rationally elaborate certain principles to act as a basis for society that all reasonable people could accept, without the need to appeal to authority, tradition or religion. While many Enlightenment thinkers consciously retained elements of Christian faith, confidence in reason was the dominant feature of the movement. Equality was one of the principles identified as being capable of rational elaboration to provide a basis for social and political relations.⁹

John Locke in his 1689 *Two Treatises of Government* used the idea to justify forms of government deriving their authority from the people: all people are originally or naturally in a 'state...of equality, wherein all the power and jurisdiction are reciprocal...without subordination or subjection'. However, people considered it advantageous, for the defence of their rights to life and property, to form themselves into 'politic societies'. Doing so 'puts an end to the state of nature', and modifies the original equality, for government entails a measure of

⁸ Paul Sagar, *Basic Equality* (Princeton: Princeton University Press, 2024), 9, '...throughout the vast majority of human history, the vast majority of people *have not* held basic equality to be true.' However, Darrin M. McMahon, *Equality: the history of an elusive idea* (London: Ithaca, 2024), Kindle, ch.4, points out that there is a longer history. He refers to ancient Greek thought, and claims (ch.5) that when the sixth century pope Gregory the Great wrote, "All men are created equal by nature", he was summing up centuries of Christian reflection'.

⁹ Alasdair MacIntyre, *Beyond Virtue: a study in moral theory* (3rd Ed.; London: Bloomsbury (2014), 136, '...the Enlightenment project of discovering new rational secular foundations for morality.' Cp. Terry Eagleton, *Culture and the Death of God* (New Haven: Yale University Press, 2014), 1-17.

authority and subjection. However, government must be aware that its power ultimately originates in the will of naturally equal persons.¹⁰

Locke's influential work was reflected in the 1776 American *Declaration of Independence*¹¹ and 1789 French *Declaration of the Rights of Man and of the Citizen*,¹² the former commencing, 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men'. The French *Declaration* used similar language.

In the 19th, 20th and 21st centuries egalitarian thought influenced anti-slavery movements, the rise of democracy, socialism, communism and anarchism, the establishment of the welfare state, decolonization and movements for women's, racial, homosexual, trans, disability, child and animal rights.

The United Nations 1948 *Universal Declaration of Human Rights*, Article 1, states, 'All human beings are born free and equal in dignity and rights'.¹³ The UN espousal of equal rights principles, considered as universal, self-evident and independent of religion, culture, history or tradition, laid a basis for a secular world order. It represents the high-water mark of the Enlightenment and has acted as a model for many

¹⁰ John Locke, *Two Treatises of Government*, 1764 edn., II.II.4, in *The Essential John Locke Collection* (Delhi: Grapevine, 2023), Kindle.

¹¹ National Archives (27 August 2024) *Declaration of Independence, a transcription*, <https://www.archives.gov/founding-docs/declaration-transcript>

¹² Article 1, 'Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.' Elysee (14 December 2022), *The Declaration of the Rights of Man and of the Citizen*, <https://www.elysee.fr/en/french-presidency/the-declaration-of-the-rights-of-man-and-of-the-citizen>

¹³ Francesca Klug, *Values for a Godless Age: the story of the UK's new bill of rights* (London: Penguin, 2000), gives the full text, 227-34.

other such statements,¹⁴ which in turn have been incorporated into national legislation.

Francesca Klug advised the Blair government on the framing of the 1998 Human Rights Act, which incorporated the European Convention on Human Rights into UK law. She sets this step against a background of multiculturalism and the decline of Christianity in the West, writing of the role equal rights can play in providing a broadly agreed basis for a tolerant, pluralist society, fulfilling the Enlightenment project¹⁵ ‘to establish a set of common values that are not intended to be exclusive to one religion or nation’.¹⁶ ‘In a country where there is no one unifying religious or ethical world-view, human rights values have an as yet untapped potential to bind and cement a diverse society. They are, I suggest, values for a ‘godless age’.¹⁷

2. Problems

In spite of the steady progress and current dominance of egalitarian thought, serious questions remain, indicating that equality remains an ‘elusive idea’, ‘complicated area’ and ‘unclear notion’.¹⁸

¹⁴ Gertrud Lenzer, ‘Children’s Studies and the Human Rights of Children’, 207-225 in *Children as Equals: exploring the rights of the child*, edited by Kathleen Alaimo and Brian Klug (Lanham: University Press of America, 2002), lists a selection on p.217.

¹⁵ Klug, *Values*, 68-9.

¹⁶ Klug, *Values*, 200.

¹⁷ Klug, *Values*, 18. Cp. Roger Trigg, *Equality, Freedom and Religion* (Oxford: Oxford University Press, 2012), 133. ‘The Language of equality, non-discrimination, and human rights in general fills the vacuum left, at least in Europe, by the decay of institutional Christianity.’

¹⁸ McMahon, *Equality: the history of an elusive idea. Your Rights at Work: a TUC guide* (5th Ed; London: Kogan Page, 2016), 149, ‘The principles behind the law on discrimination are easy to state. In practice, however, this is a complicated area of law.’ Kai Nielsen, *Equality and Liberty: a defense of radical egalitarianism* (Totowa: Rowman and Allanheld, 1985), 5, ‘As everybody knows, equality and egalitarianism are unclear notions.’

2.1 Basis of Equality

Locke's acceptance of the Christian insight that humans' worth and equality derive from their creation by God¹⁹ was reflected in the Declaration of Independence's use of 'created equal...endowed by their Creator'. The abandonment of such language in 20th and 21st century charters leaves equality lacking a foundation. This lack is crucial, for the logic of equality runs as follows: treating people equally is a moral consequence of their essential equality; all are equal, therefore all should be treated equally; 'descriptive' equality demands 'prescriptive' equality.²⁰ While some like John Rawls have attempted to define a basis for equality in terms of human capacities, without reference to a transcendent nature or purpose,²¹ it is now widely accepted that no characteristic of human beings is sufficiently universal and significant to provide such a basis. Nielsen asks, 'Instead of putting out "All people are of equal worth regardless of merit" as some kind of mysterious truth-claim which appears in fact to be at least groundless and at worse false, would it not have been clearer and less evasive of the human-rights advocate simply to remark that he starts with...a commitment to the treatment of all people as beings who are to have quite unforfeitably an equality of concern and respect?'²²

¹⁹ Jeremy Waldron, *God, Locke, and Equality: Christian foundations of John Locke's political thought* (Cambridge: Cambridge University Press, 2002), Kindle, 3.xii, 'Locke's equality claims are not separable from the theological content that shapes and organizes them.' Locke grounded the equality of man in the image of God consisting in man's nature as 'a corporeal rational being' capable of abstract thought (Locke, *Government*, II.II.5). 'for wherein soever else the image of God consisted, the intellectual nature was certainly a part of it.' I.IV.30.

²⁰ Waldron, *God, Locke, and Equality*, ch.3. viii, discusses the logic of the movement from 'is' to 'ought' in Locke's equality doctrine.

²¹ John Rawls, *A Theory of Justice*, (Rev. Ed.; Cambridge Mass.: Harvard University Press, 1999), 441-45: Equality applies to 'the moral persons who are entitled to justice. Moral persons are distinguished by two features: first they are capable of having...a conception of their good (as expressed by a rational plan of life); and second they are capable of having a sense of justice...at least to a certain minimum degree.' He seeks to address the problem that 'There is no natural feature with respect to which all human beings are equal, that is, which everyone has...to the same degree,' by appealing to the idea of a 'range concept'.

²² Nielsen, *Equality and Liberty*, 23.

According to Nielsen²³ and Sagar²⁴ equality has to be accepted as an axiom or basic commitment for which no rational basis can be provided. Sagar²⁵ even describes it as a necessary ‘fiction’, which can only be defended in such relative terms as, “in this context, where the available historical and psychological materials have been put together in this particular way, and now issue in this kind of practice, with people having this kind of robust disposition to treat each other in terms of basic egalitarianism, we have constructed matters such that each person is accorded the status of an equal, and for us now and around here, that is what they count as”²⁶. It hardly seems satisfactory that the equality project should rest on such avowedly ethically-subjective, relativistic and fictional foundations. If we cannot know what the nature of our equality is, how can we reliably build moral and legal obligations upon it?²⁷

2.2 *Opportunity or Outcome*

There is a conflict between equality of opportunity and of outcome. The former leads to meritocracy, which smooths the rise to the top of the strong. It is characterized by Tawney as ‘equal opportunities to become unequal’.²⁸ On the other hand, equality of outcome requires such extensive interventions, including ‘positive discrimination’, as to override the kind of equal competition envisaged in equal opportunities.²⁹ Advocates of ‘luck equality’ or ‘radical equality of opportunity’³⁰ argue that for opportunities to be truly equal the

²³ Nielsen, *Equality and Liberty*, 16-38.

²⁴ Sagar, *Basic Equality*, 11-15, 47-59.

²⁵ Sagar, *Basic Equality*, 85-114.

²⁶ Sagar, *Basic Equality*, 26.

²⁷ Westen, *Speaking of Equality*, 280, ‘The statement “all men are created equal” is incomplete without a specification of the descriptive or prescriptive respect in which they are allegedly equal.’

²⁸ R. H. Tawney, *Equality* (4th Ed.; London: George Allen and Unwin, 1952), 103.

²⁹ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity, 2001), 108, ‘Equal outcomes can be secured only by departing from equal opportunity, so as to impose equal success rates for all groups.’

³⁰ For example, Shlomi Segall in *Equality of Opportunity* (Oxford: Oxford University Press, 2013).

conditions of all must first be equalized to counteract the effects of 'bad luck' first. For example, equal opportunity of university admission requires prior equally good schooling. Since family life and genetic inheritance are key factors in the physical and mental development of each person, such interventions can only be partial, and many possible interventions might be considered infringements of liberty. Aleksandr Solzhenitsyn's paradox has to be confronted: 'in the life of society, liberty and equality are mutually exclusive, even hostile concepts. Liberty, by its very nature, undermines social equality, and equality suppresses liberty'.³¹ Some sort of non-absolutist compromise, in which some levelling is accompanied by an acceptance that full equality is an unobtainable goal, seems inevitable.

2.3 *Group Identities*

Since 2010, UK equality law has relied heavily on the notion of protected characteristics, of which there are now nine in UK law: age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex and sexual orientation.³² In this context it has become common to use the rather odd plural, 'equalities'. With equality legislated for as if it consisted of a range of distinct 'equalities', conflicts between different 'equalities' have arisen.³³ Currently there is acrimonious debate between 'gender-critical' feminists and advocates of trans rights, and a history of conflict between those asserting their equal right to 'religion or belief' and others asserting other rights. While all 'equalities' might be equal in

³¹ Aleksandr Solzhenitsyn, 'The Aleksandr Solzhenitsyn Centre (n.d.), retrieved 01 October 2024, from *A Reflection on the Vendée Uprising 25 September 1993*, <https://www.solzhenitsyncenter.org/reflection-vendee-uprising#:~:text=But%20in%20the%20life%20of%20society,%20liberty%20and%20equality%20are>

³² *Your Rights*, 149.

³³ O'Donovan speaks of the way 'the drift from a claim about the equality of persons to a claim about the equality of classes produces some of the more laughable examples of political prudery current today, such as the expectation that women and men must be equally represented in every trade or profession', *Ways of Judgment*, 51.

theory, the courts are left to determine which ‘equalities’ are to be more equal than others, and in what circumstances.³⁴

2.4 *Qualifications*

Some of the above difficulties are aspects of the wider problem of the plethora of exceptions and qualifications that seem necessary in equality theory and practice. The simple idea that everyone should be treated equally because everyone is equal soon runs into difficulties. For even though humans might be substantially the same, the differences between them are not insignificant.

It is nevertheless common to find it claimed or implied that equality demands absolutely the same treatment for everyone. Alan Wilson, advocating same sex marriage, writes, in a chapter entitled ‘Equality or bust’, ‘Equality demands...equal access to the same benefits for all... equality cannot be qualified...you cannot have too much or too little equality’.³⁵ At the very same moment as making the claim that equality must be unqualified, Wilson concedes that equality is ‘not sameness’, and goes on to say that equality ‘acknowledges the difference between things’.³⁶ It is hard to see how these two conceptions can be reconciled.

This sort of inconsistency appears at the highest level. The UN Declaration Article 2 asserts equal rights for all ‘without distinction of any kind’. However, Article 29.2 states, ‘In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of [protecting others] and of meeting the just requirements of morality, public order and the general welfare in a democratic society’. No explanation is given as to how the

³⁴ Trigg, *Equality, Freedom, and Religion*, explores the tensions around equality of religion and belief.

³⁵ Alan Wilson, *More Perfect Union? Understanding same-sex marriage* (London: Darton, Longman and Todd, 2014), 50-51.

³⁶ Wilson, *More Perfect*, 54.

absolute ‘without distinction’ can coexist with the vastly qualified ‘such limitations’.

In fact, there were always qualifications made in the pursuit of equality.³⁷ John Locke explained, ‘Though I have said above... That all men by nature are equal, I cannot be supposed to understand all sorts of equality’.³⁸ He specifies that his concern is with natural political equality, not with other natural inequalities such as husbands’ authority over wives and parents’ over children.³⁹ J. J. Rousseau, whose *Discourse on the Origin and Foundations of Inequality among Men* is regarded as one of the most influential works on political equality of the 18th century, argued for different roles for men and women on the basis of natural differences. Rousseau recognized ‘two kinds of inequality... one which I call natural or physical, because it is established by nature and consists in the difference of age, health, bodily strength and qualities of mind or soul. The other kind may be called moral or political authority’.⁴⁰ He maintained that ‘where sex is concerned, man and woman are unlike; each is the complement of the other... it is perhaps one of the greatest marvels how nature has contrived to make two beings so like and so different’.⁴¹ Rousseau pioneeringly applied the same logic of natural difference to the education of children.⁴²

³⁷ McMahon, *Equality*, ‘Manifold exclusions had always been central to... the republican tradition... A world where all men were created equal was a world where some nations prospered and other nations lagged behind... where men presided over women and masters over slaves, and where natural aristocrats vied to replace the aristocrats of old’, Ch.6.

³⁸ II.VI.54.

³⁹ III.2, II.VI.55, II.VII.82. Waldron repeatedly alleges inconsistency between Locke’s views on equality and on the subjection of wives to husbands, e.g. *God, Locke, and Equality*, ch.2, sections 1,3 and 4. Ch.2.3 ‘It’s pretty obvious that this position on marital authority sits uneasily with any principle of basic human equality.’ It is clear that Locke was both aware of the possibility of this charge, and careful to explain why he considered it invalid.

⁴⁰ In Jean-Jacques Rousseau, *Discourse on the Origin and Foundations of Inequality among Men*, 32-56 in *Equality* edited by David Johnston (Indianapolis: Hackett, 2000), 32-33.

⁴¹ Jean-Jacques Rousseau, *Emile, or Education*, 57-64 in *Equality*, 57.

⁴² ‘They are always looking for the man in the child, without considering what he is before he becomes a man.’ ‘Nature intends that children shall be children before they are

In the 21st century, though laws and attitudes regarding gender equality have shifted, it is still generally accepted that criminals do not have an equal right to liberty, murderous attackers can be resisted in disregard of any equal right to life, non-citizens are not equal with citizens in terms of access to state benefits *etc.* Typical of the way the principle of equality is restricted is the statement on the Baptist Union website on Baptist identity: ‘Equality of status, however, does not mean that all have the same role’.⁴³ A more ancient example may be sourced from the apostle Paul. The only passage in the New Testament where the term equality, *ísotēs*, is referred directly to human relationships, is 2 Corinthians 8.13,14. When appealing for famine relief, Paul says, ‘your plenty will supply what they need...Then there will be equality’, quoting Exodus 16.18: “‘He who gathered much did not have too much, and he who gathered little did not have too little’”. This not the absolute equality of all having the same wealth, but the qualified equality of all having enough.

Limitations and exceptions are particularly stark in the sphere of person-to-person relationships. No-one thinks he is required to treat every child equally to his own children, every woman equally to his own wife, all members of all churches equally to the members of his own church?⁴⁴ If equal treatment is a fundamental, universal, ethical obligation, why does it seem incapable of being applied to important contexts such as these?

Westen clarifies, ‘The statement “all men are created equal” is incomplete without a specification of the descriptive or prescriptive respect in which they are allegedly equal’.⁴⁵ Rawls, similarly, states

men.’ Rousseau, *Emile*, cited by Alaimo, Kathleen, ‘Historical Roots of Children’s Rights in Europe and the United States, 1-23 in *Children as Equals*, 10.

⁴³ Baptists Together (n.d.), *Who Are Baptists?* Retrieved 03 October 2024 from https://www.baptist.org.uk/Groups/220484/Who_are_Baptists.aspx

⁴⁴ Sagar, *Basic Equality*, 110-12, concedes that one of the areas where we are best not to immerse ourselves in the fiction of equality is personal relationships, an exception he justifies on the ground that such things are not of ‘fundamental value’.

⁴⁵ Westen, *Speaking of Equality*, 280.

‘egalitarianism admits degrees’.⁴⁶ Indeed, recognising the need to make distinctions goes back to Plato and Aristotle, pointing out that equality among equals is desirable, but equality among unequals is not: ‘justice seems to be equality, and it is, but not for everyone, only *for equals*. Justice also seems to be inequality, since indeed it is, but not for everyone, only *for unequals*. They disregard the “for whom”, however, and judge badly’.⁴⁷

3. Exceptional Children

3.1 *Stephen Versus* Mill

Different understandings of equality are illustrated by a 19th century debate between two penetrating thinkers. In 1873, journalist and future high court judge James Fitzjames Stephen set out, in *Liberty, Equality, Fraternity*,⁴⁸ some disagreements with the philosopher and member of parliament, John Stuart Mill.⁴⁹

Stephen’s view was that equality cannot and should not be achieved. In terms of social inequalities, ‘To try to make men equal by altering social arrangements is like trying to make cards of equal value by shuffling the pack. Men are fundamentally unequal, and the inequality will show itself, arrange society as you like’. In terms of political equality, ‘...establish universal suffrage if you think it proper...You are still as far as ever from equality...The result of cutting [political power] up into little bits is simply that the man who can sweep the greatest number of them into one heap will govern the rest. The strongest man in some form or other will always rule...In a pure democracy the

⁴⁶ Rawls, *Theory of Justice*, 471.

⁴⁷ Plato, *Republic*, 1-8 in Johnston, *Equality*; Aristotle, *Politics*, 9-17 in Johnston, *Equality*, 9.

⁴⁸ James Fitzjames Stephen, *Liberty, Equality, Fraternity* (New York: Holt and Williams, 1873), Legare Street Press Facsimile. On Stephen, see James A. Colaiaco, *James Fitzjames Stephen and the Crisis of Victorian Thought* (London: MacMillan, 1983), esp. 151-3.

⁴⁹ Alan Wolfe, *The Future of Liberalism* (New York: Knopf, 2009), Kindle, discusses this debate, ch.3, ‘Three eminent Victorians’.

ruling men will be the wirepullers and their friends'.⁵⁰ Since inequality in some form or another is in the nature of things, the society that tries to improve itself by working with it will be stronger and more at ease with itself than the one that embarks on a never-ending campaign to abolish it. Better to shape the shoe to the foot than the foot to the shoe.⁵¹

Liberty, Equality, Fraternity disputes Mill's call for equality for women in his 1869 *On the Subjection of Women*. Basic to Stephen's case is that both he and Mill are avowedly committed to Utilitarian philosophy, which assesses the justice of any given measure solely by the criterion of 'utility' or 'expediency', in other words, whether it achieves the greatest benefit for the greatest number. Stephen accused Mill of abandoning his Utilitarianism when he came to argue for legal equality of the sexes, for in that cause he seemed to assert that 'justice involves the notion that a presumption is in all cases to be made in favour of equality quite irrespectively of any definite experience of its utility'.⁵²

Mill did lay himself open to Stephen's charge of inconsistent Utilitarianism, in that he wrote about equality as if it were an overriding principle in its own right: 'the legal subordination of one sex to another is wrong in itself'; 'the social subordination of women...stands out an isolated fact in modern social institutions' in opposition to 'the progressive movement which is the boast of the modern world'.⁵³

In fact, Mill also offered arguments from expediency, asserting that equal legal status would benefit women by giving them a measure of independence from abusive husbands, enable women to lead a fuller life, and improve the quality of companionship within marriage. Stephen agreed that some better legal protections could be given to

⁵⁰ Stephen *Liberty, Equality*, 240.

⁵¹ Stephen *Liberty, Equality*, 209.

⁵² Stephen *Liberty, Equality*, 199.

⁵³ John Stuart Mill, *On Liberty and The Subjection of Women* (London: Penguin, 2006), 133, 153.

women but put forward considerations of expediency for maintaining legal inequality. He claimed that governing families would be rendered difficult or impossible, without the husband having final authority. He also predicted that the perception of marriage as a contract between legal equals would lead to a demand from men for easier divorce, leaving many women without means of support. The protectiveness that men naturally feel towards women would be eroded, since ‘submission and protection are correlative’, to be replaced by relations in which men exert physical strength to their own advantage.⁵⁴ Mill foresaw a world where gender equality would bring increased happiness and fulfilment; Stephen one of chaotic families, normalized divorce, increased male brutality and abandoned, single women struggling economically.

Beyond questions of Utilitarianism, Stephen understood Mill’s position ‘to involve the assertion, “That there are no inequalities between human beings of sufficient importance to influence...rights and duties”. I say there are such differences’. Here again Stephen alleged inconsistency, because, while relying on a concept of equality that required all to be allocated the same ‘rights and duties’, Mill excepted children. ‘Is not this a clear case of inequality of the strongest kind, and does it not...afford an instructive precedent in favour of the recognition by law of a marked natural distinction?’⁵⁵

3.2 Exceptional Children in the 21st Century

Mill died in 1873, so could not answer Stephen. The ‘instructive precedent’ of child inequality remains. The Preamble to the 1989 UN Convention on the Rights of the Child begins by restating the UN Declaration’s Article 1 and 2 assertions of ‘the equal and inalienable rights of all members of the human family...everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind’. The Convention then fails to implement its own Preamble

⁵⁴ Stephen, *Liberty, Equality*, 214-19, 237.

⁵⁵ Stephen, *Liberty, Equality*, 210.

because it does not grant children equal rights with adults. It does not give them the right to vote, it radically restricts their freedom by recognising (Article 5) ‘the rights and duties of parents’ and repeatedly puts the right to decide on ‘the best interests of the child’ into the hands of the state and parents.⁵⁶ Accepting the unequal treatment of children in this way not only produced a self-contradictory Convention but, as Stephen faulted Mill, undermines the logic of equality by accepting that being human does not in itself establish an entitlement to be treated in all respects the same as other humans.

The continuing force of the argument about children and equality is faced by Rebecca Merrill Groothuis.⁵⁷ She argues that those who justify differentiating gender roles on account of something inherent in our being (femaleness and maleness) thereby deny that men and women are equal in being. She recognises, however, that her argument is vulnerable to the critique that, if assigning different roles on the basis of inherent difference implies unequal being, then children must be unequal in being. Her defence is that children are an exception to the rule, because their difference of role is only temporary. Although temporariness of course has significance, it is difficult to see how it affects the logic of the argument. If ‘equality of being requires same roles’ is not true in the case of children, then it is not a universal truth: other exceptions cannot be ruled out, provided sufficient reason can be given.

The abundance of limitations, qualifications and exceptions in equality theory and practice, of which the case of children is a prime example, make it impossible to argue for universal equal treatment. The most that can be asserted is that equal cases require equal treatment, leaving

⁵⁶ The text of the Convention is reproduced in Alaimo and Klug, *Children as Equals*, 227-55.

⁵⁷ Groothuis, ‘Equal in Being’, 301-33.

the question of what is or is not an equal case to be determined by a wide range of considerations.⁵⁸

4. Equal Concern

In recognising that the demand to ‘treat everyone equally’ is fraught with difficulties, the case is made rather for ‘treating people as equals’, or ‘as having equal worth and dignity’, or ‘with equal concern’.⁵⁹ This adjustment seems at first sight to rescue equality from being applied in manifestly inappropriate ways. Nevertheless, the ‘equal concern’ interpretation faces at least two major challenges.

The first is that it does not accommodate all the exceptions, especially those entailing personal relationships. A claim that I should *have a concern* for all women and children equal to the concern I have for my own family is no more convincing than that I should *treat* all women and children equally to those of my own family. Equal concern is, in such cases, as inappropriate as equal treatment, unless it is made clear that the concern is to be equal qualitatively not quantitatively: the same sort of concern but not the same degree of concern.

The second challenge is that rejecting ‘equal treatment’, leaves us without the prescriptive detail many expect equality to supply.⁶⁰ ‘Equal treatment’ might be clumsy or absurd, but it is measurable. ‘Treating with equal concern’ is not. Dworkin, who advocates ‘equal concern’ concedes: ‘If equal concern does not mean that government must

⁵⁸ Tawney, *Equality*, 12, recommended assessing the legitimacy of an inequality by considering ‘the principles upon which it reposes, the credentials to which it appeals, and the sphere of life which it embraces.’

⁵⁹ Dworkin, *Sovereign Virtue*, 1: ‘Equal concern is the sovereign virtue of political community’; Nielsen, *Equality and Liberty*, 22: ‘an equality of concern and respect’; Groothuis, ‘Equal in Being’, 306: ‘equality of consideration.’

⁶⁰ Rawls, *Theory of Justice*, 444, criticizes the ‘equality of consideration’ position, which he regards as characteristic of those who can find no essential basis for equality and so advocate it as ‘a purely procedural principle’: ‘Equality of consideration puts no restrictions on what grounds may be offered to justify inequalities.’

insure that everyone has the same wealth, no matter what, then what does it mean? There is no straightforward or uncontroversial answer'.⁶¹ Similarly Nielsen, 'In treating with equal respect a baby, a young person, or an enfeebled old man out of his mind on his death-bed we do not treat them equally, i.e., identically or uniformly, but with some kind of not very clearly defined proportional equality. (It is difficult to say what we mean here)'.⁶² 'Equal concern' involves accepting what egalitarians often seem loath to concede, that few questions about social relations can be answered simply by an appeal to equality, for, as Sen points out, 'equality is itself not the only value with which a theory of justice need be concerned'.⁶³

Sometimes a simple pragmatic action, such as providing a ramp for wheelchair access, may overcome inequality, but often complex value judgments are unavoidable. To properly take into account both sameness and difference requires a frame of reference by which the significance of the innumerable possible differences between people is assessed. A broad ethical framework is needed. As Iain Benson explains, 'in the discussions about immigration or the nature of marriage or issues like abortion, different viewpoints on morality are prior to the application of abstract principles such as "equality"'.⁶⁴

5. Jesus and Equality

We now turn to the biblical material⁶⁵ limiting ourselves to the ministry of Jesus, as constituting the core of Christian belief.

⁶¹ Dworkin, *Sovereign Virtue*, 2.

⁶² Nielsen, *Equality and Liberty*, 48.

⁶³ Sen, *Idea of Justice*, 298.

⁶⁴ Iain T. Benson, 'The Necessity for a Contextual Analysis for Equality and Non-Discrimination', ch.5 in *Equality and Non-discrimination: Catholic roots, current challenges* edited by Jane F Adolphe, Robert L. Fastiggi and Michael A. Vacca (Eugene: Pickwick, 2019), Kindle.

⁶⁵ A brief survey of material from the whole Bible relevant to the issue of equality can be found in John Stott, *Issues Facing Christians Today* (Basingstoke: Marshall, Morgan and

5.1 *Jesus' Egalitarianism*

A strong egalitarian impetus is evident in the ministry of Jesus. He encouraged women to go beyond accepted social roles to learn from and witness to him.⁶⁶ Infants were welcomed and blessed in spite of the disciples' reluctance. Gentiles were held up as examples of faith and God's blessing, in the face of Jewish exclusivism. Tax collectors and sinners were befriended, scandalizing the Pharisees. Lepers were de-stigmatized by Jesus' touch. Jesus' model of servant leadership redefined the exercise of power. He insisted on the obligation of the rich to the poor. The fact that his words and actions provoked reactions of surprise or anger emphasizes how radical this equalising impetus was.

5.2 *Limits*

Although radical, it is not possible to characterise Jesus' moves towards equality as absolute, but rather to recognise that they were conditioned by various considerations alongside equality. He did not include women among the Twelve. It is not necessary to determine whether this was a matter of a permissible compromise with existing social norms, or whether some more significant motivation was operating,⁶⁷ to be able to conclude that there were considerations, whatever they were, that held Jesus back from practising absolute equality in this instance. Jesus blessed infants on the initiative of their mothers, thus recognising the inequality between parents and children.

Scott, 1984), 144-52. See also Robert L., Fastiggi, 'Human Equality and Non-Discrimination in Light of Catholic Theology and Magisterial Teachings', ch.1 in *Equality and Non-discrimination*; and O'Donovan, *Way of Judgment*, 31-51.

⁶⁶ On Jesus and women in the Gospels, see James Hurley, *Man and Woman in Biblical Perspective* (Eugene: Wipf and Stock, 2002), 79-114; Gilbert Bilezikian, *Beyond Sex Roles: what the Bible says about a woman's place in church and family* (2nd. Ed.; Grand Rapids: Baker, 1999), 79-118; Aida Besançon Spencer, 'Jesus' Treatment of Women in the Gospels', 1126-41 in *Biblical Equality*; Tom Wright, *Surprised by Scripture: engaging with contemporary issues* (London: SPCK, 2014), 70-71.

⁶⁷ Spencer, 'Jesus' Treatment', 136, claims, 'The twelve, who represent the twelve tribes, do so because they also represent the twelve patriarchs. Thus, the twelve could not have been other than Jewish free males.'

Jesus defended his welcoming of ‘tax collectors and sinners’ by explaining, I came not to call the righteous but sinners to repentance⁶⁸; there is no question here of promoting all lifestyles as equally valid. In making it clear that Gentiles have a place in the love of God, he did not deny Israel’s status as the chosen people and his own calling as primarily ‘to the lost sheep of Israel’.⁶⁹ In answering a centurion’s request to heal his *doulos*,⁷⁰ he praised his faith without expressing disapproval over his ownership of a slave. In modelling servant-leadership he did not cease to exercise authority over his disciples. While perhaps the most sweeping of Jesus’ equalising statements are those addressed to wealth, we lack grounds to assert that they imply that only an exact parity of wealth is acceptable.

It seems, then, that Jesus stood for a kind of equality, but that it was not an equality that treated everyone the same. Distinctions of age, gender, ethnicity, lifestyle, authority and social status were not allowed to override the essential humanity of all people, but nor were those distinctions treated as invalid. The recognition that the teaching and practice of Jesus had room for both radical equality and significant difference may provide a basis for claiming that the recognition of both equality and difference in the early church, as apparent in the epistles, represents substantial continuity with, rather than departure from, the ministry of Jesus.

5.3 Redemptive Trajectory?

William J. Webb has argued that drawing ethical guidance from the Bible requires an appreciation of its redemptive movement, a trajectory within the Bible which may point towards a practice superior to that found in the Bible overtly.⁷¹ Webb’s 16 scriptural criteria for

⁶⁸ Luke 5.32.

⁶⁹ Matthew 15.24.

⁷⁰ Luke 7.2.

⁷¹ William J. Webb, *Slaves Women & Homosexuals: exploring the hermeneutics of cultural analysis*, (Downers Grove: IVP, 2001). Cp. I. Howard Marshall, ‘Mutual love and submission in marriage’, 186-204 in *Biblical Equality*, ‘We must go beyond the letter of Scripture when

determining whether there is a warrant for ‘movement’ in relation to particular issues should guard against a cavalier application of his principle, but his appeal to a somewhat nebulous ‘spirit of Scripture’⁷² may tempt users of his hermeneutic to derive abstract ideas like freedom (with reference for example to slavery) or equality (with reference for example to gender), or inclusion, diversity or tolerance, from the Bible, cut them loose from the presuppositions of the original contexts and shape them in the image of contemporary attitudes.

The idea of a trajectory might encourage the assumption that an idea is always at its best when pushed to its furthest, that is, its most extreme, application, loosed from the restraint of a range of other appropriate considerations. Webb’s method is helpful in its appreciation that seeds found in Scripture may be able to grow into mature plants almost beyond recognition in new cultural contexts. In applying it, the important ethical distinction between ‘the ideal’, which may allow judicious compromise within existing structures, and ‘the obligatory’, which cannot be compromised without unfaithfulness, must always be borne in mind. It would be problematic for a Christian understanding of the person and authority of Christ, and revelation through him, if it were used in a way that implied that Jesus failed either to fully grasp, or live up to, an obligatory ethical imperative, such as respecting basic equality. Christian theology must assert that the kind of equality Jesus practised is the equality that is binding upon his followers, one that involves a radical reappraisal of traditional attitudes, without demanding sameness or the abolition of every uneven distribution of power, resources or praise. Such equality has ample scope for finding new expressions in ever-changing cultural contexts.

the trajectory of scriptural teaching takes us further than what Scripture explicitly say.’ 201.

⁷² William J. Webb, ‘A redemptive-movement hermeneutic: the slavery analogy’ in *Biblical Equality*, ‘Christians should have an ethical obligation based on the spirit of Scripture...to abolish slavery rather than simply...to treat slaves well.’ 394-95.

6. Ethical Framework Needed

Neither in the ministry of Jesus nor in the secular tradition is it possible to find a concept of equality that is capable, in and of itself, of determining right human relationships, even though it is common to speak as though such a concept exists. An ethical framework, within which the commitment to equality can sit, and which can give guidance as to how it should be practised, is therefore indispensable. As O'Donovan has pointed out, it is one thing to subscribe to the 'general norm that we should treat all persons at all times according to their infinite and equal worth', but, 'as for the specific norms of equalization that give shape to the general requirement...' we need to know 'how we may discern them'.⁷³

6.1 *Secular Tradition*

Alasdair MacIntyre has argued that the Enlightenment failed to devise a credible ethical system.⁷⁴ He maintains that early Enlightenment thinkers took over, broadly, the ethical content of the Christian tradition, while seeking to give it a new rational justification. According to MacIntyre the justifications offered by Hume, Kant and Utilitarianism were inadequate and in conflict, while the old ethical content became increasingly open to question.⁷⁵ Equal human rights were never provided with an adequate basis, prompting MacIntyre's claim that they are as fictional as unicorns and witches.⁷⁶ Nietzsche

⁷³ O'Donovan, *Ways of Judgment*, 41.

⁷⁴ 'The project of providing a rational vindication of morality had decisively failed . . . the failure of philosophy to provide what religion could no longer furnish was an important cause of philosophy losing its central cultural role,' MacIntyre, *After Virtue*, 58.

⁷⁵ MacIntyre, *After Virtue*, 43-59.

⁷⁶ 'By 'rights' I do not mean those rights conferred by positive law or custom on specified classes of person; I mean those rights that are alleged to belong to human beings as such . . . whether negative or positive and however named they are supposed to attach equally to all individuals, whatever their sex, race, religion, talents or deserts, and to provide a ground for a variety of particular moral stances . . . the truth is plain: there are no such rights, and belief in them is one with belief in witches and in unicorns . . . every attempt to give good reasons for believing that there *are* such rights has failed . . . Natural or human rights then are fictions...but fictions with highly specific properties .

proclaimed that no rational basis for ethics had been or could be discovered. God was dead; mankind needed the courage to acknowledge that the justification for conventional morality had died with him. Nietzsche's alternative of heroic self-assertion might be reprehensible, but MacIntyre maintains that his analysis of the state of ethics was correct.⁷⁷ Since Nietzsche, moral philosophy has retreated into relativism and 'emotivism'.⁷⁸ No possibility of reaching agreement in social ethics remains. Nielsen and Sagar's commitment to equality, while acknowledging philosophy's failure to provide a basis for it, as described earlier, serve as examples of such emotivism, relativism and fiction.

Klug does not share MacIntyre's negative assessment, believing that, in the absence of an ethical consensus, human rights can be our guide, with human dignity as an adequate basis for them. She concedes, however, that 'human rights values do not speak directly to many of the sexual and social issues'.⁷⁹ On top of this concession, it may be questioned whether 'human dignity' is really a rich enough concept to adequately inform moral judgements in the context of the huge scope and variety of human possibilities and dilemmas.

In the absence of a persuasive basis and interpretative ethical framework, the equal human rights project degenerates into a struggle for the rights of one's preferred group. What we get is what MacIntyre describes as the 'mock rationality of debate' concealing 'the

. . . they purport to provide us with an objective and impersonal criterion, but they do not,' MacIntyre, *After Virtue*, 82-3.

⁷⁷ 'For it was Nietzsche's historic achievement to understand more clearly than any other philosopher . . . not only that what purported to be appeals to objectivity were in fact expressions of subjective will, but also the nature of the problems that this posed for moral philosophy,' MacIntyre, *After Virtue*, 132.

⁷⁸ 'Emotivism is the doctrine that all evaluative judgments and more specifically all moral judgments are *nothing but* expressions of preference, expressions of attitude and feeling . . . moral judgments, being expressions of attitude or feeling, are neither true nor false; and agreement in moral judgment is not to be secured by any rational method, for there are none,' MacIntyre, *After Virtue*, 13-14.

⁷⁹ Klug, *Values*, 200, 'The idea of human rights as it is understood today does not require a belief in anything more than the dignity of each human person.'

arbitrariness of the will and power at work in its resolution’, accompanied by ‘the self-assertive shrillness of protest...the indignant self-righteousness of protest,’ characteristic of our age.⁸⁰ If MacIntyre is right about the current state of ethics, the confusions, contradictions and conflicts in current theory and practice of equality are not to be wondered at, nor should any resolution of them be expected soon.

6.2 *Christian Tradition*

Within the Christian community, however, the possibility of an ethical framework in which equality can be located still exists. O’Donovan asserts, ‘Morally significant equality...is a relation of relations. It supposes a description in which more than one person stands in a like relation to some other thing...the only relation which answers the point is that in which each human being stands to the creator’.⁸¹ In Christian thought, equality and dignity are derived from the shared image of God⁸² and the incarnation and the redemptive work of Christ for all humanity; humanity is seen not just as individuals but as community; human life is given a theocentric *telos* demanding an appropriate set of virtues; a long tradition of reflection on all aspects of human life is available, founded on a belief in special revelation and natural law and worked out in the community of the church.

7. **Richard Hooker: Equality and Love**

A search for a clearer understanding of equality than has emerged from the Enlightenment might start with the thought of Richard Hooker.⁸³

⁸⁰ MacIntyre, *After Virtue*, 85.

⁸¹ O’Donovan, *Ways of Judgment*, 41.

⁸² On the image of God, see J. Richard Middleton, *The Liberating Image: the imago dei in Genesis 1* (Grand Rapids: Brazos, 2005). Middleton asserts that the image should be considered primarily as a calling to act as God’s representative within creation, rather than as an attribute (as in the traditional interpretation, which tended to locate it primarily in human rationality).

⁸³ For Hooker, see Bradford Littlejohn, *Richard Hooker: a companion to his life and work*, (Eugene: Cascade, 2015).

Locke acknowledged his debt to Hooker's treatment of equality, giving it a specific application to government.⁸⁴ In his 1594 *Of the Laws of Ecclesiastical Polity* Hooker had analysed various kinds of laws. Arguing that there are divine laws known to us naturally, he refers to the command to love our neighbour as ourselves, and explains,

'It is [men's] duty no less to love others than themselves. For seeing those things that are equal must needs have one measure...we all being of one, and the same nature...My desire therefore to be loved by my equals in nature as much as possibly may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection. From which relation of equality between ourselves and them that are as ourselves...' natural reason has drawn several rules such as that we should do no harm, and abstain from violence.⁸⁵

Hooker's treatment of equality is not extensive, but it is significant in exploring the nature of the obligation implied by the fundamental equality of all. To him, equality is a matter of common humanity, 'we all being of one, and the same nature'. The 'one measure' that the equality of shared humanity requires is love, the love that treats others as I desire them to treat me. Hooker's insight is liberating, for love by its very nature is free to consider context, weigh up a range of competing demands, and draw from a wider ethical framework, in determining how to express itself. It has no inner necessity to suspect that something has gone wrong if unlike cases call for unlike treatments and produce unlike outcomes. Love is a way of treating others as 'my equals in nature' which is demanding, but labours under no necessity to collapse equality into sameness, threatening the variety

⁸⁴ Locke, *Government*, II.II.5, says, 'This equality of men by nature, the judicious Hooker looks upon as so evident in itself, and beyond all question, that he makes it the foundation of that obligation to mutual love amongst men, on which he builds the duties they owe one another.' He then quotes the relevant passage from Hooker at length, cp. II.II.15.

⁸⁵ Richard Hooker, *Of the Laws of Ecclesiastical Polity* edited by Arthur Stephen McGrade, (Cambridge: Cambridge University Press, 1989), I.VIII.7 (80).

and complementarity of human life. Hooker's interpretation of equality sits within Luke Bretherton's contemporary assertion that 'the character and form of a distinctively Christian vision of political life...are based on neighbour love'.⁸⁶ Furthermore, his promotion of divine law, natural and revealed, as well as his commitment to a gospel of grace, means that he has an ethical context within which equality-love must operate.

Hooker's views on the respective roles of men and women were typical of his age.⁸⁷ It could be argued that his view of equality was fundamentally defective, in that it did not compel him to dissent from generally held attitudes. However, it could be that his concept of equality-as-necessitating-love provides a powerful drive to re-examine traditional roles, even if he himself did not feel the force of that drive.

8. Conclusion and Application

The prevailing western equality narrative lacks both a credible basis and clear definition. It is insufficient of itself to determine the detailed outworking of roles, relationships and treatment, and lacks an adequate ethical frame of reference to supplement this insufficiency. The Christian faith offers a double basis for equality, by referring to the image of God and the person and work of Christ. With Hooker, the Christian notion of equality is best understood in terms of 'shared humanity' and the obligation that arises from it as 'Loving one's neighbour with the same kind of love with which one loves oneself', in other words as desire and effort towards their flourishing. Such love will have recourse to the full range of Christian faith and ethics, not

⁸⁶ Luke Bretherton, *Christ and the Common Life: political theology and the case for democracy*, (Grand Rapids: Eerdmans, 2019), 22.

⁸⁷ Sykes, Stephen, 'Richard Hooker and the Ordination of Women to the Priesthood', 119-37 in *After Eve: women, theology and the Christian tradition* edited by Janet Martin Soskice (London: Marshall Pickering (1990), gives examples of Hooker's 'uncompromising expressions of female subordination', 122-4.

least in seeking to understand what constitutes flourishing. The outworking of equality so understood does not carry with it an impossible general obligation to treat everyone the same, or even with quantitatively equal concern, but rather with qualitatively equal love.

A Christian understanding of equality impels us to follow the pattern of Jesus in promoting the flourishing of the disadvantaged, seeking their fullest participation in church and society. However, it would not necessarily exclude practical considerations, for example in the case of disability, or moral considerations for example in the case of homosexuality.

The detailed implications of our conclusions, for church life and Christian engagement with society, are too deep and wide to explore in this article. However, one practical result for Baptists could be that our equality training might be revisited to identify where Christian principles may have been obscured or replaced by secular ones. Training might equip ministers and others to distinguish between the requirements of secular equality theory and the demands of Christian love. We might also ensure that existing and future projects to advance the cause of equality among us, with reference to characteristics such as gender, race, age, disability, sexuality or poverty, are grounded in a specifically Christian understanding of equality, free from imported presuppositions and securely tied to broader theological-ethical considerations.

Notes on Contributor

Michael Thomas is a retired Baptist minister