

# **SYMPOSIUM: A CELEBRATION OF THE TWENTIETH ANNIVERSARY OF MULIERIS DIGNITATEM, PART I: ARTICLE: THE PHILOSOPHICAL NOTION OF EQUALITY**

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## **Reporter**

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**Author:** I.F.C. Camp and M.R. Gonzalez+

+ I.F.C. Camp received her Ph.D. in Philosophy at the Pontifical University of the Holy Cross, Rome. She has recently published the work *The Aporia of the Principle Bonum Diffusivum Sui and Divine Freedom in St Thomas and his Interpreters* (2009) (Edizioni Universita della Santa Croce, Rome). M.R. Gonzalez is a doctoral candidate in Philosophy at the Pontifical Athanaeum Regina Apostolorum in Rome. He is a published author in the fields of psychology and the philosophy of religion.

## **Text**

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### Introduction

This article investigates the meaning of equality. This is not a historical, legal, or sociological study. It is a speculative or philosophical inquiry into the fundamental meaning of equality as it relates to society. It tries to elucidate the meaning of equality in *Mulieris Dignitatem*.<sup>1</sup> Equality is not a univocal term, and as it relates to social dealings it is essentially tied to the virtue of justice.

### A. Status Question: What is Equality?

Many are familiar with the famous phrase uttered by Jesus of Nazareth to his apostles: "Who do you say that I am?"<sup>2</sup> The answer one gives is life changing, whether one responds correctly or incorrectly. Much time has transpired since then and new messiahs have often appeared. In today's world, salvation is often reduced to the establishment of a good society, and a society built on universal equality is among the primary contenders.<sup>3</sup> Unfortunately, the term equality is widely used today but little understood. A cursory glance on the Internet indicates many mainstream uses: gender equality, race equality, political equality, social equality, equal opportunity, same-  
**[\*154]** sex equality, economic equality, equality of religions, and legal equality, to mention just a few.

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<sup>1</sup> Pope John Paul II, *Mulieris Dignitatem* [Apostolic Letter on the Dignity and Vocation of Women] (1988) [hereinafter *Mulieris Dignitatem*].

<sup>2</sup> Matthew 16:15.

<sup>3</sup> Christians have always been warned of false saviors. Cf. Colossians 2:7-8; Galatians 1:6-9; [1 John 4:2-3](#); Jude 4:3-19; 2 Peter 2:1-2. Especially since the Age of Reason and unto our days, many ideologies have sought to replace the Christian message. See generally 1 Joseph Lortz, *Storia Della Chiesa: Considerata in Prospettiva di Storia Delle Idee* (1987).

In today's cultural milieu of relativistic thought, this response touches one aspect of equality. Moreover, with political correctness so embedded in Anglo-American society, these notions of equality are almost universally and unquestionably accepted. <sup>4</sup> Contemporary literature engaging the above-mentioned fields often assumes that the term "equality" is a synonym of "sameness" or even "identity." <sup>5</sup> Such language is even present in John Paul II's apostolic letter *Mulieris Dignitatem* (On the Dignity and Vocation of Women), which uses terms like identity and equality. <sup>6</sup>

There certainly has to be some relationship between the terms equality, identity, and sameness, otherwise their common appearance would be less than universal. At the same time, one should acknowledge that these terms can be used in different ways or used with different meanings. Is not the divergence of meaning obvious when public debate is about democracy, justice, rights, and equality?

If it is true that "being" can be said in many ways, then particular beings are in no way exempt. <sup>7</sup> What, then, does equality mean? If one were to ask a group of lawyers what equality meant, the response might be that "we are all the same or equal under the law." Do we all have the same intelligence, the same height, the same weight, the [\*155] same hair color, make the same mistakes, pay the same taxes, and make the same money? To be the same or equal under the law does not mean, however, that we are all the same in an absolute sense. If we are not the same in an absolute sense, then in what way are we equal under the law?

If one were to ask a political philosopher what the Declaration of Independence principally means by the phrase "all men are created equal," <sup>8</sup> he (or, to be equal about it, she) would say it means that since every man is given the gift of intelligence and will, he can determine his future in unison with the community of men, denying, at the same time, a divine right for one man to rule over all. In other words, it is the difference between being citizens and being subjects. By personal experience, without needing to go down a whole list of professions and people who in their daily lives use the word equality, one can already see many shades and meanings.

## B. The Origin of the Term Equality

How does one cut through this dense jungle of such diverse and rich flora and become capable of cataloging and mapping it? It is helpful to go back to the origin or origins of the word, not just philologically but also philosophically. Equality comes from equal, which comes from the Latin *aequus*. <sup>9</sup> There are various usages of this word. First, it refers to an even, flat space, which also has the connotation of favorable. <sup>10</sup> Second, it also signifies what is

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<sup>4</sup> One does not need to be a philosopher or some form of social scientist to know how entrenched such ideas are in everyday life. One need only listen to talk radio, view television news, or go online to recognize the pervasiveness of these ideas. It would be very interesting to investigate the theory of language held by proponents of politically correct speech. Their theory of language may be purely pragmatic, viewing language as a function of social engineering, or it may stem from a metalinguistic theory of language, where words no longer have a relationship to reality itself. These theories are contrary to classical language theory as espoused by Aristotle. See Aristotle, *De Interpretatione*, Ch. 1 (J.L. Ackrill trans.), reprinted in 1 *The Complete Works of Aristotle* 25, 25 (Jonathan Barnes ed., 1984). Their theory of language may even involve a mix of both, akin to Ferdinand de Saussure's theory where meaning in language is comparable to its use, like a pawn on a chess board. Ferdinand de Saussure, *Course in General Linguistics* 87-89 (Roy Harris trans., Open Court Publ'g Co. 1986) (1967). Such a discussion is certainly beyond the scope of this article.

<sup>5</sup> Scholars who have discussed the notion of equality include the following: Jean Bethke Elshtain, *Women and the Dilemma of Equality*, *Logos*, Fall 2003, at 35; Patricia Donahue-White, *Understanding Equality and Difference: A Personalist Proposal*, *Int'l Phil. Q.*, Dec. 1997, at 441; R. Mary Hayden Lemmons, *Equality, Gender, and John Paul II*, *Logos*, Summer 2002, at 111; Paul J. Weithman, *Complementarity and Equality in the Political Thought of Thomas Aquinas*, 59 *Theological Stud.* 277 (1998).

<sup>6</sup> E.g., *Mulieris Dignitatem*, supra note 1, P 6.

<sup>7</sup> Aristotle, *Metaphysics*, Bk. X, Ch. 3 (W.D. Ross trans.), reprinted in 2 *The Complete Works of Aristotle*, supra note 4, at 1552, 1665 [hereinafter *Metaphysics*].

<sup>8</sup> The Declaration of Independence para. 2 (U.S. 1776).

<sup>9</sup> See Merriam-Webster's Collegiate Dictionary 391 (10th ed. 2001); Oxford Latin Dictionary 68 (combined ed. 1982).

divided equally into two parts.<sup>11</sup> A third sense describes a person's impartial, fair conduct toward others.<sup>12</sup> Lastly, it may refer to a calm, tranquil mind.<sup>13</sup> The term *aequus* originates from the Greek *eoika*, which typically conveys the meaning of likeness and similarity.<sup>14</sup> In Greek, the word "equal" would be *isos*.<sup>15</sup> Yet, we are more interested in the [\*156] word equality, which both in the Greek and Latin has a political meaning.<sup>16</sup> While the Latin usage of equality refers to equality of place and age,<sup>17</sup> the Greek importantly brings the additional meaning of equality of ratio or proportion, a usage which is diffused throughout many of Aristotle's works.<sup>18</sup> In fact, Aristotle uses it in Book 5 of his *Politics* to discuss equality in society.<sup>19</sup> He expounds:

Now equality is of two kinds, numerical and proportional; by the first I mean sameness or equality in number or size; by the second, equality of ratios. For example, the excess of three over two is numerically equal to the excess of two over one; whereas four exceeds two in the same ratio in which two exceeds one, for two is the same part of four that one is of two, namely, the half. As I was saying before, men agree that justice in the abstract is proportion, but they differ in that some think that if they are equal in any respect they are equal absolutely, others that if they are unequal in any respect they should be unequal in all. Hence there are two principal forms of government, democracy and oligarchy; for good birth and excellence are rare, but wealth and numbers are more common. In what city shall we find a hundred persons of good birth and of excellence? Whereas the rich everywhere abound. That a state should be ordered, simply and wholly, according to either kind of equality, is not a good thing; the proof is the fact that such forms of government never last. They are originally based on a mistake, and, as they begin badly, cannot fail to end badly. The inference is that both kinds of equality should be employed; numerical in some cases, and proportionate in others.<sup>20</sup>

In this passage, Aristotle indicates a twofold kind of equality: sameness and proportion. This prompts the notion that equality has some relation to classical mathematics; in fact, this connection is the [\*157] basis of the other senses of equality. In addition, Aristotle steers away from the extreme of equality or its contrary, that is, thinking in terms of either absolute equality or inequality in all respects. Instead, he presents equality as equality in some respect.<sup>21</sup>

<sup>10</sup> Compare Oxford Latin Dictionary, *supra* note 9, at 68 (indicating that *aequus* can refer to ground that is "level, even, smooth, flat," thereby "affording no advantage to either side"), with [id. at 69](#) (stating that *aequus* can also mean "favourable, advantageous").

<sup>11</sup> [Id. at 68.](#)

<sup>12</sup> *Id.*

<sup>13</sup> [Id. at 69.](#)

<sup>14</sup> Henry George Liddell & Robert Scott, *An Intermediate Greek-English Lexicon* 277 (New York, N.Y., Am. Book Co. 1889).

<sup>15</sup> *Id.* at 384.

<sup>16</sup> *Id.* (indicating that *isos* connoted, in part, the "equal division of all civic rights"); Oxford Latin Dictionary, *supra* note 9, at 68 (noting that *aequus* meant "fair, just, reasonable, right" with respect to laws).

<sup>17</sup> See Oxford Latin Dictionary, *supra* note 9, at 68 (translating *aequus* as "matching, equal, alike" when it relates to qualities).

<sup>18</sup> See, e.g., *Metaphysics*, *supra* note 7, Bk. X, Ch. 3 ("Equal straight lines are the same, and so are equal and equal-angled quadrilaterals ..."); Aristotle, *Nicomachean Ethics*, Bk. V, Ch. 3 (W.D. Ross trans.), reprinted in 2 *The Complete Works of Aristotle*, *supra* note 4, at 1729, 1785 ("For proportion is equality of ratios ..."); Aristotle, *Politics*, Bk. V, Ch. 1 (B. Jowett trans.), reprinted in 2 *The Complete Works of Aristotle*, *supra* note 4, at 1986, 2067 [hereinafter *Politics*] ("Now equality is of two kinds, numerical and proportional ...").

<sup>19</sup> *Politics*, *supra* note 18, Bk. V, Ch. 1.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

Most people in their early years would probably have experienced the notion of equal or equality principally in our elementary math class. Mathematics is where equality is most at home. It is from here, originally, that one makes sense of the word when applied to other realities.

As one knows, in arithmetic, one equals one and one plus one equals two. Two quantities of one are the same as one quantity of two. The number two has no characteristics which distinguish it from another two. A number two in the mind of Chinaman and a number two in the mind of an American are identical or the same. Mathematics, however, is a wholly abstract science.<sup>22</sup> When abstracting numbers, all differentiating aspects are removed. When one sees four cars parked on opposite sides of the road, one can say there are two cars on the left and two on the right. They are equal in number. Yet in reality the cars can be wholly different in their color, size, make, and engine. To talk, however, about four cars or about an equal number of cars, one must abstract from actual existing particulars, otherwise one could not count four of something. In order to be able to count, one must reduce each car to a quantity, a number, and by so doing, one can say that one car is equal to another car. Mathematical equality is a univocal notion, which means that the term can be used in one sense.<sup>23</sup>

There is no such thing as a unique individual in mathematics. "One" is never different from another "one." Mary, on the other hand, is different from Jane, and Jane is different from John even though, in a profound sense, they are the "same." They all share the same human nature. This nature is what is proper to man as such, leaving aside the individuating aspects, and it is the reason why Jane, Mary, and John are all human.<sup>24</sup> The individual, however, is **[\*158]** indefinable. Moreover, the greater the perfection of a being, the more individual and different it is when compared to other beings. The more individual the beings are, the less equal and the less identical they are.<sup>25</sup> The reality of mathematics is very imperfect as it only exists in the mind as an abstraction.<sup>26</sup> Hence, no one can ever measure a perfect right angle in a thing, and improper fractions and percentages are not catalogued in the mineral, vegetable, or animal kingdoms. With mathematics, one can only think at the univocal level, otherwise one would never arrive at the primary notion of equals or equality.

### C. The Analogical Application of the Term Equality to Individuals

From what has just been said, a problem is immediately apparent. It seems impossible to apply equality univocally to individuals, at least in the same way we apply it to numbers or geometric shapes. No one would really add Jane to Mary, even to say that two people are coming to dinner.

In speaking of equality today, the temptation is to apply the mathematical notion of equality to any sort of equality, such as between men and women or between really existing individuals, or even to apply this notion of equality to what men and women are capable of doing. Even if some things about people are quantifiable, the person is never quantifiable. Thus, when equality is used in relation to people, it is not used in a proper or univocal sense, but rather analogously.

To explain the meaning of equality in this context, one may begin by examining some of these everyday notions: weight, intelligence quotient, courage, love of country, a child's love of his mother. Now, if one takes the notion of height and weight, certainly two individuals can be equal in height and weight. Thus, in these respects they are

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<sup>22</sup> Armand Maurer, A Neglected Thomistic Text on the Foundation of Mathematics, in *Being and Knowing: Studies in Thomas Aquinas and Later Medieval Philosophers* 33, 34 (Pontifical Inst. of Mediaeval Studies, Papers in Mediaeval Studies No. 10, 1990).

<sup>23</sup> Aristotle, *The Categories*, Ch. 1 (J.L. Ackrill trans.), reprinted in 1 *The Complete Works of Aristotle*, supra note 4, at 1.

<sup>24</sup> Sancti Thomae de Aquino, *Summa Theologica*, Pt. I, Q. 3, Art. 3 (Rome, Opera Omnia Iussu Leonis XIII P.M. Edita 1894) [hereinafter *Summa Theologica*].

<sup>25</sup> In the descending scale of perfection, we can say that reality becomes more identical to a particular species. At the molecular and submolecular levels, this identity becomes even more apparent, as evidenced by one electron being identical to another.

<sup>26</sup> See Sancti Thomae de Aquino, *Super Boetium De Trinitate*, Q. 5, Art. 3 (Commissio Leonina ed., Opera Omnia Iussu Leonis XIII P.M. Edita. no. 50, 1994).

equal, but this says nothing of their other characteristics. It is even possible that these two people have the same intelligence quotient; their measure is identical. When one comes to courage and love of one's country, it becomes much harder to speak in terms of equality in [\*159] these respects. Perhaps one can "measure it to some degree" by courageous deeds or willingness to sacrifice oneself for one's country, but this is now in the realm of personal virtues - qualities that are unquantifiable in themselves. Considering the love a child has for his mother becomes even more problematic - even a child realizes this when he opens his arms to show how much he loves his mother yet knows the inadequacy of such a gesture.

To understand such terms one uses analogy.<sup>27</sup> Analogy is when two things relate to a third term.<sup>28</sup> For instance, consider the analogy presented in *Mulieris Dignitatem* between God and creatures.<sup>29</sup> "God is" and the "creature is" does not mean the same thing.<sup>30</sup> God's being is not identical to a creature's, but neither is it absolutely different. Being can be predicated of both God and the creature, yet each has a [\*160] different manner of being.<sup>31</sup> God is his uncreated mode of being, whereas the creature possesses a created mode of being.<sup>32</sup> Thus, analogical concepts are predicated of their subjects in a way that is partly the same and partly different.<sup>33</sup> It is true that in equality a certain measure is always found; it cannot escape wholly its mathematical nature. Equality is a relational term, a comparison to a measure. Nevertheless, one cannot quantify people.

When it comes to comparing people, one searches for that thing that makes everyone the same - equal - but at the same time one cannot deny our distinct individuality. One must look at what we all are and find something in common with every individual if one is to have a common life in society. Mary and John have the same nature yet they are neither the same nor identical.<sup>34</sup> At a more abstract level, yet not at a level as abstract as mathematics

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<sup>27</sup> See Ralph McInerney, *Aquinas and Analogy* 30-51 (1996) (discussing the use of analogy).

<sup>28</sup> [Id. at 53.](#)

<sup>29</sup> Pope John Paul II presents this analogy in *Mulieris Dignitatem* to explain the unity that underlies the differences between the sexes. He explains:

God, who allows himself to be known by human beings through Christ, is the unity of the Trinity: unity in communion. In this way new light is also thrown on man's image and likeness to God, spoken of in the Book of Genesis. The fact that man "created as man and woman" is the image of God means not only that each of them individually is like God, as a rational and free being. It also means that man and woman, created as a "unity of the two" in their common humanity, are called to live in a communion of love, and in this way to mirror in the world the communion of love that is in God, through which the Three Persons love each other in the intimate mystery of the one divine life. The Father, Son and Holy Spirit, one God through the unity of the divinity, exist as persons through the inscrutable divine relationship. Only in this way can we understand the truth that God in himself is love (cf. 1 Jn 4:16).

The image and likeness of God in man, created as man and woman (in the analogy that can be presumed between Creator and creature), thus also expresses the "unity of the two" in a common humanity. This "unity of the two," which is a sign of interpersonal communion, shows that the creation of man is also marked by a certain likeness to the divine communion ("communio"). This likeness is a quality of the personal being of both man and woman, and is also a call and a task.

*Mulieris Dignitatem*, supra note 1, P 7. Interestingly, while the English translation explains this likeness in terms of quality, the Latin text refers to it more properly as personal property: *Haec similitudo inscripta est ut personalis utriusque proprietatis, viri et mulieris, et simul ut ad aliquod officium vocatio*. In the context of a phenomenological approach, the author speaks of personal property as that which is in some way an essential part of the person. Every person has this similitudo to God. Metaphysically speaking, the similitudo to God is principally, but not exclusively, in the soul, for the soul is the form of the body. More specifically, the soul contains the body and the body contains the soul. Cf. *Summa Theologica*, supra note 24, Pt. I, Q. 75 (discussing the nature of the human soul and its relation to the body).

<sup>30</sup> *Summa Theologica*, supra note 24, Pt. I, Q. 3; Pt. I, Q. 4, Art. 3; Pt. I, Q. 44, Art. 2.

<sup>31</sup> See *id.*; see also Rudi A. Te Velde, *Participation and Substantiality in Thomas Aquinas* 92-116 (1995); M.S. O'Neil, *Some Remarks on the Analogy of God and Creatures in St. Thomas Aquinas*, 23 *Medieval Studies* 206 (1961).

<sup>32</sup> Velde, supra note 31, at 92-116.

<sup>33</sup> *Summa Theologica*, supra note 24, Pt. I, Q. 13, Art. 5.

wherein there are no differences or individuals, we share the same rational nature, which in reality is then individualized in this or that person. <sup>35</sup>

John Paul's understanding of equality is succinct yet integral to the whole apostolic letter. In *Mulieris Dignitatem*, he explains that women and men are equal insofar as they are persons. <sup>36</sup> John Paul states, "Both man and woman are human beings to an equal degree, both are created in God's image." <sup>37</sup> He explains this equality theologically as man and woman being created in the image of God: "For every individual is made in the image of God, insofar as he or she is a rational and free creature capable of knowing God and loving him." <sup>38</sup>

The difference between men and women is not in their nature, but in the concrete expression of that nature. <sup>39</sup> Mankind comes in two ways of being: feminine and masculine. Both these properties of **[\*161]** human nature, when they express themselves biologically and psychologically, channel the same powers of the soul in different and complementary ways. <sup>40</sup> Men and women are potentially as rational and free as each other, yet the exercise of rationality and liberty is not the same; when one examines individuals, even greater differences are seen. It is very important to distinguish what one is from what one can do, and what one can do according to the individual's sex - male or female. The human race cannot perfect itself, it cannot even survive, without the existence of both male and female; perfection is a question of cooperation and complementarity, and not of competition and dissimilarity. <sup>41</sup>

Thus, at the level of being, the entitative level, all humans are equal or the same in as much as all share in the same nature. All humans share in the privileges of that nature, all have the same fundamental rights. At the level of doing, the level of operation, however, there are many inequalities, not just between men and women, but even between this man and that man or between this woman and that woman.

#### D. The Proposal of the Term Justice as an Alternative to Equality

There are, however, many who dispute this understanding of human nature. There are sociologists or social philosophers who claim that human nature is only a social and cultural construct open to engineering by lawmakers. <sup>42</sup> Others, like Jean-Paul Sartre and his feminist followers, deny the existence of any nature at all, replacing it with radical liberty. <sup>43</sup> The logical conclusion of these positions is that one could construct one's own nature. Thus, one

<sup>34</sup> *Id.* Pt. I, Q. 3, Art. 3 (discussing the difference between the person and human nature).

<sup>35</sup> *Id.* Pt. I, Q. 85, Art. 1. For an analysis of the different degrees of formal abstraction, see Edward D. Simmons, *The Thomistic Doctrine of the Three Degrees of Formal Abstraction*, 22 *Thomist* 37 (1959).

<sup>36</sup> *Mulieris Dignitatem*, *supra* note 1, P 6.

<sup>37</sup> *Id.*

<sup>38</sup> [\*Id.\* P 7.](#)

<sup>39</sup> Sr. Prudence Allen, *Rationality, Gender and History*, 68 *Am. Cath. Phil. Q. (Proc.)* 271, 279-81 (1994).

<sup>40</sup> See *id.*; see also Karol Wojtyła, *Love and Responsibility* 48 (H.T. Willetts trans., Ignatius Press 1993) (1960) ("Sexual attraction makes obvious the fact that the attributes of the two sexes are complementary, so that a man and a woman can complete each other. The properties which the woman possesses are not possessed by the man, and vice versa. Consequently, there exists for each of them not only the possibility of supplementing his or her own attributes with those of a person of the other sex, but at times a keenly felt need to do so.").

<sup>41</sup> For a comprehensive overview of complementarity, see *Men and Women: Diversity and Complementarity* (Pontifical Council for the Laity ed., 2006).

<sup>42</sup> See, e.g., Karl Marx, *A Contribution to the Critique of Political Economy* 11-15 (N.I. Stone trans., Charles H. Kerr & Co. 1911) (1859).

<sup>43</sup> See generally Jean-Paul Sartre, *Being and Nothingness* (Hazel E. Barnes trans., Washington Square Press 1992) (1943); Simone de Beauvoir, *The Second Sex* (H.M. Parshley trans., 1972) (1949).

can actually build **[\*162]** any aspect, even one's gender, by the power of one's own will. <sup>44</sup> With this type of anthropology, every property of human nature, like male and female, loses its ontological weight, its basis in reality.

The same is true on the level of operation, which is home to morality. It is only by affirming human nature at the level of operation, of doing, of living as male or female, that the life of man remains authentically human. Operation depends upon human nature, yet it is not the same thing. Equality, thus, receives a different sense, and human activity is capable of even a "second nature." Human operation gains the sense of morality or justice. Perhaps the use of the word equality is no longer that useful. Equality at this level refers not so much to a measure between persons as to a measure owed or due to those persons. Perhaps for a clearer understanding, one could rather speak of justice than equality at this level. The emphasis here is on keeping a habitual balance between one's personal acts and individual traits on the one hand, and one's common human nature as it relates to others as a group or as individuals on the other. This, and more, is what is meant by the perennial definition of justice: "Justice is a [moral] habit [or virtue] when one is said to operate according to a just choice." <sup>45</sup>

Equality in its mathematical sense is not exactly the same as justice, for to say something is unequal is not necessarily to say that it is unjust. Equality is not a moral principle as such, but some make that mistake. Our everyday experience indicates that inequality is not identical to injustice. For instance, the fact that one person has a bigger house than another person is not necessarily injustice in itself.

The principle of equality in itself cannot be used as a principle of moral action unless one holds a materialist philosophy where everything is reduced to *ens quantum*, to a quantity of being. <sup>46</sup> It is unsurprising that equality, for a materialist philosophy, becomes the measure of justice. People are reduced to matter or to things when they are measured by laws that quantify abilities and rights.

**[\*163]** Statistics are a very useful tool, but an overenthusiastic approach in their use as a measure of justice or equality proves problematic. It is of their nature to reduce all things, including individual persons, to numbers. Likewise, positivistic laws, like equal opportunity laws, will have the inherent necessity of reducing equality or justice to numbers. If all men were created equal beyond just nature, in ability and willpower, then the quantification (or use of quotas) of equal opportunity laws would make not only perfect sense, but perfect justice.

Postmodern authors who deny the existence of human nature and replace it with culture, pure liberty, or even the evolutionary laws of matter tend to reduce justice to a mathematical equality. <sup>47</sup> Likewise, society with this postmodern influence becomes what legislators want it to be. <sup>48</sup> Thus we have courts and parliaments imposing

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<sup>44</sup> Cf. Nancy J. Hirschmann, *Toward a Feminist Theory of Freedom*, 24 *Pol. Theory* 46, 61 (1996) ("If freedom requires self-definition but this self-definition is not possible within patriarchal language and contexts, then women need to create new ones; such new contexts provide women with a critical perspective from which to evaluate their choices more fully and to facilitate the creation of new choices.").

<sup>45</sup> *Summa Theologica*, supra note 24, Pt. II-II, Q. 58, Art. 1 ("Iustitia est habitus secundum quem aliquis dicitur operativus secundum electionem iusti."). The translation is by M.R. Gonzalez.

<sup>46</sup> See, e.g., Marx, supra note 42, at 19-56 (discussing equality within the context of a materialistic view of human labor and economic exchange).

<sup>47</sup> See Marguerite A. Peeters, *The Globalization of the Western Cultural Revolution: Key Concepts, Operational Mechanisms* 155 (Benedict Kobus trans., 2007) (discussing the concept of equality within the framework of ideological gender mainstreaming as a means to impose social transformation). Peeters explains:

"Equality" must be understood according to the criteria of the new ideology: it includes control and ownership of one's body and one's rights, and deconstruction of man-woman anthropological complementarity. The agents of social change justify the absolute priority which they strive to give to gender equality within socioeconomic development programs by arguing that the whole world has finally, after thirty years of feminist militancy, become conscious of the "fact" that social developments necessarily goes through equality as they interpret it.

equality through quotas, the lowering of requirements, and the imposition of politically correct language.<sup>49</sup> Equality in such cases is only external and quantifiable. This is also the result of a culture of concrete results. In the end, we are equal because the state says we are equal. All civic and all human rights will function in the same way.

Startling consequences occur, though, when a society uses this principle of mathematics, which is unequal to the principle of action. Through our free actions we become the person we were created to be. Yet paradoxically, the imposition of various equality laws compromises a person's freedom - the capacity for self-determination. Instead we are reduced to numbers. Our God-given nature is destroyed and [\*164] replaced with a new one: the reconstruction of man and woman in the image and likeness of the human legislator.

Despite legislators conjuring up new ways in which people can be measured in the form of targets and quotas, man still yearns for ways to distinguish himself from others; he wants to set forth his individuality. The paradox of a society on the one hand clamoring for equality, while on the other extolling the person's individuality, should not be lost. Human nature cannot be stifled by mathematical equality.

Legislators should recognize that having the power to legislate does not necessarily mean this power should be exercised in every instance possible. For Aristotle, the human legislator and political philosopher was a person of immense wisdom, and his laws were intrinsically just.<sup>50</sup> In discussing equality one must remember this fundamental notion of the law: laws must be just. Justice is a principle of law and a principle of action. Omitting an action is often as virtuous as putting one forward.

No one could, and indeed, no one should underestimate the immense challenge in implementing laws that promote justice. Nevertheless, steering away from mathematics as a principle of action and adopting justice as a principle of action is a definite step in the right direction.

It may be rather virtuous to discuss justice in society and in the workplace - what is due to men and women - instead of speaking about equality, which is a much more complex reality that is easily confused and manipulated.

## Conclusion

Equality can be said in many ways, not because truth is relative, but because reality is complex, or rather very rich. Since we are not responsible for the creation of reality there is often considerable trouble in trying to understand it fully.

Equality has a mathematical origin, and it is in mathematics that it has its proper use. Analogically, when equality is applied to man and woman, they are equal in nature yet diverse in their operation and individuality. Progressing a step further and seeing the application of this concept to society and law, to the activity of men and women, [\*165] and of this man and woman, justice is a more helpful concept than equality. Justice implies that a certain measure is owed according to the sameness shared by nature.

Equality neither saves nor condemns. It teaches that all are human beings, and it is a certain measure for our actions - an instrument. One should then not be afraid to name it or define it when asked, for something of its truth has been unveiled.

<sup>48</sup> See *id.*

<sup>49</sup> See Dale O'Leary, *The Gender Agenda: Redefining Equality* 125-33 (1997) (providing a penetrating analysis of how the feminist movement implements its agenda under the guise of conventions to restructure society through various international organizations such as the United Nations and the Council of Europe).

<sup>50</sup> See *Politics*, *supra* note 18, Bk. VII, Ch. 2; see also Fred D. Miller, Jr., *Nature, Justice, and Rights in Aristotle's Politics* (1995).



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