

EGO AND EQUALITY*

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so many selves (so many fiends and gods
each greedier than every) is a man. . . .
—how should a fool that calls him "I" presume
to comprehend not numerable whom?

—E. E. CUMMINGS, *Xaipe*.

This paper is an attempt to describe a specific process of learning, that is, the process by which a human individual may learn to demand equality for himself and for others. How can he evolve the notion of equality out of the texture of his own primitive experience and learn it so intimately that he will fight to impose it on his surroundings?

The question is certainly not an easy one. In the first place, though we may differ among ourselves as to the existence and force of innate capacities, we shall probably all agree in rejecting any suggestion of innate ideas. Equality is not an idea born with us. Secondly, there is a grave danger in distinguishing however tentatively between a human being and his environment, for the distinction—necessary in itself—tends to grow into a fallacious separation. A human being is indeed a part of his own environment, not only as he shares in its processes and is taught its values, but even more familiarly as he lives with himself and shapes the moving course of his own feelings and purposes. In the third place, the notion of equality so thoroughly permeates 20th century thought on every social and political level and on every continent, that we can never be certain of the ratio between what is discovered and what has been taught in any single instance of its manifestations. And it is only fair to say at the outset that showing how the standard arises would not by any means demonstrate its validity in theory or in action.

The undertaking is particularly difficult for a lawyer. Equality may be a familiar idea to others; to him it is part of the atmosphere he looks through and breathes—indispensable, unnoticed, and Protean in its appearances. For example, there is the "logical" equality proclaimed in the French Revolutionary Constitution: "Equality consists in the fact that the law is the same for all." Of course it is. As Anatole France said: "The law in its majestic equality forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread." A dry "logical" equality that means no more than inclusion in some verbal class to which positive law has assigned a right, interest, or

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status, is highly friable; without other assurances that if challenged it will be made real and effectual, it might better be called "tautological equality." Yet law—to merit its very name—must classify and work with verbal classes; and so it becomes a most important function of equality that it shape and reshape the norms or classes of a positive legal system to create a progressive inclusiveness not merely in words and form but in action and in substance. This active demand for an expanding equality of treatment—the kind of equality we are interested in here—is no tight, schematic abstraction. It is a gerund, charged with process and tension.

Despite such difficulties as these, the undertaking seems desirable and even necessary. It might serve to disclose some small complex in the habitual patterns of men's thinking; it might throw some light on the validity of basic democratic assumptions and thus give new support to confidence in the survival of freedom. Finally, there is my own subjective need as author of *The Sense of Injustice*. In that book I described the demand for equality as a facet of the sense of injustice and went on to illustrate its dynamic influence on particular decisions, statutes, and constitutions. And I remarked that the assertion of this demand for equality is something "congenial" to human beings. Thus the question now is: Have we any credible evidence to substantiate that remark?

Let me begin by summarizing three recent answers advanced by legal theorists, answers which may seem inadequate but are usefully suggestive. The first was proffered by the German Rudolf von Jhering, who said that the love of equality has "its root deep in the most shameful emotions of the human heart, ill-will and envy. . . . Let no one be happier than I am, and if I am miserable let everybody else be miserable too." The second comes to us via the French jurist René Demogue, who surmised that the egalitarian idea may stem from the fact that men are all exposed to suffering. Though individuals differ in their capacity for suffering, all men do suffer. Demogue, however, was skeptical of this and any other explanation, and preferred to consider equality as an arbitrary political postulate and a technique for compromise of opposing pretensions. The third answer emanates from the so-called Commodity Exchange School of Soviet theorists, a school which was discredited in the 1930s and disappeared along with its best known figure Pashukanis. They taught that the notion of equality was learned by bourgeois society from experience in the barter and exchange of commodities. Human claims to political and legal equality were an extension or sublimation of the equality between what was given and what was received in an exchange of merchandise. This suggestion is related to one occasionally advanced in the West to the effect that all our ideas of justice are inspired by the duty of reciproca-

tion which certain primitive societies impose on a man who receives a gift, courtesy, or service. As I see it, there is very little chance that the memory of the race is long enough to summon up such Rousseauesque souvenirs. Nevertheless, it would be unwise as well as ungracious of me not to notice the suggestions proffered by these predecessors. One who is only about to set sail can hardly disregard the planks that may speak of sunken ships.

My analysis comes under three headings, that is, (1) The Inner Drama; (2) The Imperfect Identification; and (3) The Making and Breaking of Social Compacts.

I. THE INNER DRAMA

There is a certain device in the art of dramaturgy that was widely used by Aeschylus, Sophocles, and Euripides, and was transmitted through the works of Seneca to Renaissance and modern stagecraft. Shakespeare employs it quite often, perhaps most frequently in his—to the extent it is his—Henry the Eighth. A person facing some peculiarly intense denouement will, as it were, stand aside for a space from the playing out of his destiny, stand aside and look upon himself as a figure in an unfolding tableau, and go on to experience all the emotional consequences with which such a spectacle is charged. He rejoices or commiserates or daringly resolves along with himself. Thus the action becomes intensified for us, the other spectators, because we see a spectator reading its drama into it. For example, let us suppose that an offending courtier has been dismissed from office and given his congé. In such case he may look on himself and feel that he falls “like a bright exhalation in the evening . . . like Lucifer never to hope again”; and that feeling of his about himself permeates the whole occurrence with pathos and pigment.

This great poetic device is, I believe, only a heightened and hyperbolic instance of a more or less continual and universal process, a process by no means confined to the climaxes of mighty protagonists, but common and familiar in the experience of every kind of human being. I shall call it “autopathy” to distinguish it from sympathy and empathy, because it is the investing of self and self’s predicaments with feeling-values. Autopathy though controllable is a spontaneous and primitive activity. It is often crudely melodramatic, finding action, conflict, suspense, suffering, and resolution in some otherwise very trivial swirls of the passing flux. It impersonates the human subject of the flux; it gives the subject a dramatic timbre, and orchestrates his transactions with emotive chords. The process is something more than a direct accompaniment of feeling to sense-perception; an implicit dramatization of the self by the self is involved, and it is rather to this inner drama than to the stimuli of sensation that feeling responds and flows forth. Hence it is that, as Aristotle suggested, one can feel

enmity or friendship to oneself, for autopathy may present the detestable as often as the lovable.

There is a certain variable looseness between these concurrent processes—the action, the dramatization, the feeling; at times it almost becomes detachment. For example, Thoreau said: “However intense my experience, I am conscious of the presence and criticism of a part of me, which, as it were, is not a part of me, but spectator, sharing no experience, but taking note of it; and that is no more I than you.” As perhaps some of us may have learned empirically, Thoreau’s kind of detachment is likely to be felt by less austere folk when they are under the influence of alcohol. At such times the drama will go on its way and will frequently degenerate into farce, but a familiar attribute of autopathy seems somehow to be withdrawn. That attribute is the sense of involvement, of caring how the play develops and how the actor appears to bear his role. I believe that autopathy will ordinarily comprise (1) dramatization; (2) a necessary though slight detachment; and (3) the impulsion that comes from caring. Thoreau did not imply that self-dramatization must cease just because caring had faded. Quite the contrary; but in such cases what would usually be a melodrama is reduced to a colorful episode in the course of an epic.

We learn something more about autopathy when we contrast it with daydreaming on the one hand and with purposive self-examination or introspection on the other. Unlike daydreaming, autopathy is attached to concrete and immediate processes of action; it is localized and responsible. Unlike introspection, it intensifies the feeling of commitment and participation. Introspection tends to drain the vital color out of the flow of experience; autopathy enhances and brightens it. Finally, once a feeling has begun to fade, autopathy reinforces its power of persistence, and thus makes every consecutive change in feeling more vivid, as dramatized rescue succeeds dramatized peril, and dramatized fall follows after dramatized pride. Thus it is that where introspection captures and severs, autopathy unites and animates. Perhaps each of these processes is as close to the others as neighboring currents in a single stream; nevertheless, as currents they can be distinguished in their functions and effects.

Now, I have suggested that no exclusively rational precept would suffice to generate the degree of heat given off in struggles for equality. Beneath the abstract formulation, there is need for some such process as we have been describing. It is necessary that the unequal individual or group be apprehended as a protagonist, that his predicament be shared as living drama. Autopathy can strengthen and sensitize the capacity to make projections of this kind, and it does so by training the imagination and the feelings for the work of empathy. We become

better prepared to dramatize the plights of others because we so habitually dramatize our own.

Moreover, the *dramatis personae* of autopathy seem to have an almost exclusively societal origin. Although the patterns will be parallel in feeling-implication from society to society, their avatars are culturally and locally determined. According to the time and place, one is taught to feel himself as happy or as wretched as a king, as secure or as anxiety-ridden as a philosopher. Society supplies the roles and images, and from them there develops a common vocabulary covering the range of human predicaments to which empathy may make its response.

Now, however, we come to a serious difficulty. What of the caring that generally characterizes autopathy? To care about the dramatized self seems a dubious sort of preliminary exercise for learning to care about others and their unequal status. In fact, the hyper-autopathic individual—Napoleon or Hitler, for example—seems to be sealed off from empathy at least in so far as it involves caring for others. Autopathy appears to explain how we learn from our own habitual processes to dramatize the predicament of an unequal and how that histrionism employs a more or less culturally determined repertoire of roles and emblems. But even if these observations are found to be helpful, we still have to ask: How does resentment arise when some distant stranger is treated unequally? What is the medium by which caring for the dramatized self can become caring for the dramatized other?

II. THE IMPERFECT IDENTIFICATION

Putting these questions advances us to a further phase of human learning: that is, the process by which an individual can become assimilated to the course of his identity. I believe that process is as imperfect as it is subtle. It might be epitomized by the haunting passage in the Bible where we are told that Jacob wrestled all night long with a nameless adversary, who finally disappeared as mysteriously as he had come. One may infer that Jacob stands for positive individual identity and his strange, unearthly antagonist for the conceptual, generic man. But the myth is even more complex than this, for although the Hebrew text says that it was a man that Jacob grappled with, most of us have been led to believe that the adversary was some sort of angel or *homo noumenon*. If, on the other hand, Jacob was only wrestling with himself, as everyone must from time to time, it is altogether unclear which of the wrestlers was Jacob.

The conviction of identity is never quite complete. There is always some subsisting wonder and incredulity that the self should have found this place, this century, these particular ambitions and loves. "What in the name of Lachesis am I doing here, of all places?" is an ever-

lasting riddle, "here" meaning, of course, not only this locale, but this body, not only this time but this nexus of human attachments. We easily believe that our neighbors' faces exhibit their identities in a suitable form, but hardly anyone believes that of his own face. Each is convinced that his self is quite different from the way he looks, usually much more beautiful.

Out of this incredulity there arise certain resentments. Firstly, we resent every deprivation that follows from the accident of birth at this particular time and to these particular parents. We resent every corollary restriction of status and bank account that may hamper our overweening vanity of body or mind. In another century, another city, another social structure, the light of our merit would be dazzlingly bright; only here and now could there be so many occasions for resentment and jealousy.

This much Jhering understood. What he missed was the second, the deeper variety of resentments: the kind that make poets and philosophers and—I speak in all seriousness—great criminals. I refer now to the resentment of haecceity as haecceity, the sense of being wronged by any combination whatever of positive determinations. Every positive inhibits because it rules out other positives: it sets bounds to the ego's insatiable lust. Jupiter himself was a model of continence in comparison with the male ego that rages to enjoy every woman everywhere. Helen by the same token was prudish and chaste, Ulysses was a stay-at-home, and Midas a threadbare pauper. The ego raises its claim to an infinite universe of experience and gratification. To this claim, the railings erected by positive law seem trivial indeed alongside the high walls of personal identity.

Poetry and philosophy are, of course, attempts to surmount these walls—the restrictions of the perspective predicament—by means of concern with the universal positive and the universal abstract. Certain other paths have occasionally been tried—by world-conquerors and such-like criminals. The walls of identity are quite high, one cannot go very far from them with impunity; and yet, facing as they do our persistent incredulity and profound lusts, they remain alien and unacceptable.

Now I think that these data impel a reinterpretation of the demand for equality, asserted on behalf of others. We are accustomed to explicate that demand—and in fact all demands for just treatment—exclusively in terms of the equality or safety of the sponsoring identity. "My equality will be insecure unless he is treated equally" I may say, as though the impact on me must be something future, contingent, and consequential, not present or immediate. This analysis, however convincing it may be in the light of experience, generally leaves us uncomfortable; it has such overtones of philistinism. Sometimes those

overtone are not deserved; sometimes what we feel is no mere threat but an immediate assault, because we have gone beyond the walls of our apparent identity and have somehow crossed over within his walls, the walls of the predicament.

This projection, as I see it, is no matter of ontological transcendence; it is only the exercise of a specific learned skill. The ego, resentful of a constricted identity, has sought to expand by practicing entry into other identities, gratifying its desires and enriching its career, possessing here and acquiring there, rejoicing and suffering in adventures of times, spaces, ages, and sexes. In the process, it has become aware of its own membership in a genus. So there develops a recurring cycle by which it calls its identity "he," then "I," then "one." An infant may need time to learn that his "he" is an "I"; an adult needs more time to learn that his "I" is a "one," a "one" not only in Bentham's atomistic sense that "each man counts for one" but also in the socialized sense that "one does not do such and such an act." But complex though this cycle may be, it has its epicycles, for the same progressions are followed whenever the ego shares with an outside identity. And so that the cycles may always revolve, as in fact they do, never does "he" merge wholly in "I" or "I" disappear in the facelessness of "one." The focus of the ego is neither sharp enough to exclude generic claims, nor wide enough to dim the prominence of the individual; and the focus has a habit of shifting.

There is a further exercise in projection that deserves mention. It can be summed up in the phrase "physiologic man." The subject matter, which may or may not have been what Demogue had in mind, is not entirely delicate. Nevertheless I must refer, as discreetly as possible, to a few notorious facts. For example, it is notorious that the way to retain the awe of a devoted multitude is to keep out of their sight. Pericles, perceiving this, appeared in public only on great ceremonial occasions, and transacted his general business through emissaries. Stalin does likewise. This is an astute policy for anyone unwilling to be recognized as an equal, for it places a screen in front of the physiologic data that would proclaim equality. No one can appear convincingly superior when hunger or thirst overcomes him, when he sweats with heat or turns blue with cold, or when his bowels rebel. And who can be dignified when the testes assert their urgency?

The lesson of "physiologic man" is a simple one. If an ostensible other is so similar in these generic respects, he is similar enough to be promoted or reduced, as the case may be, to the ranks of equality. Moreover, he is similar enough to invite and receive projective visitations from an ever-exploring ego. It is supremely important that when Caesar was stabbed, he was seen to bleed.

We seem to have approached the reasons why we feel care when

some stranger is denied equal treatment. Sometimes we care because his deprivation may augur some future threat to our identified interests, and then autopathy performs a direct and immediate function. Sometimes, however, the caring is far removed from any felt concern with positive identity. It is the result of a partial and temporary identification with a stranger's predicament, and autopathy then acts only through the medium of empathy. Finally, we noted that this kind of projection was impelled by the ego's habitual restlessness and facilitated by observing that ubiquitous phenomenon, "physiologic man." All in all, the ego cares for others in so far as it learns to invade them and to enact dramas on the stage of their otherness.

The curriculum we have been describing is an instructive one but it is not yet complete. To show how these various skills become effectual in practice, we must consider one more area of training, i.e., the texture of social transaction.

III. THE MAKING AND BREAKING OF SOCIAL COMPACTS

One would have trouble finding a livelier corpse than the doctrine of social compact. It has been buried often enough to deserve a wholesale rate with the cemeteries, and it has been revived so persistently that it puts the phoenix to shame. In our time social compact enjoys some slight favor even among the skeptics; it is taken to summarize the force of general mass consent that holds social and political organisms together. Here, however, it seems appropriate to use the phrase in a more primitive and literal sense and to have it stand for certain positive, though not always consciously explicit, acts of the individual will. In my usage here, a social compact is a real historical event and one that recurs continually in the transactions of each human ego. Every moment that passes, new social compacts are being made, fulfilled, or broken.

These compacts result whenever an individual ego consents to be treated as though it were a fungible member of a genus for the disposition of some particular social exigency. Desiring all things for itself, demanding as it does to stand at the head of every line and to possess every gratification, the ego offers again and again to exchange its claim of mastery for a course of action governed by the maxim of equality. It expects by its offer to yield only for the purposes of the single transaction that has emerged to confront it. It expects always to exercise an unfettered choice as new occasions may arise, when perhaps it will be able to avoid the degradation of being treated like another "one," of submitting to the generic. But if the offers are consistently accepted and the compacts are faithfully performed, habit will convert offer and acceptance into a tacit assumption of social intercourse and will, at least in part, drive the urge for mastery underground.

Of course, underground the ventilation is poor but there is always plenty of interesting company.

Social compacts of the kind I have been describing are remarkably easy to negotiate. The ego with its developed skill in the invasion of other identities readily finds itself on both sides of the act of agreement. It offers, accepts, and agrees with itself. Projection has taught it what to expect of most other identities with anything like the same social preparation. It comes to rely more and more habitually on the assumed offer or the assumed acceptance. It takes acquiescence for granted. Nevertheless, the making of the offer will still be autopathized; whenever the ego consents to be treated as an equal, a hat is doffed with old-fashioned grace and a plume sweeps through the dust.

Let us suppose that in a given case the offer is rejected and equality is denied. Then there follows something considerably more complex than the mere breach of an ideal standard. The reaction of anger that accompanies and blends with the movement of rational inference has several working causes. There is the general resentment felt whenever a facet of the sense of injustice is provoked, for injustice is emotionally assimilated to assault. Simultaneously, there are certain specific resentments associated with this particular facet, the facet of inequality. These are (1) the rude expulsion of the ego from the identity of the other, reducing him to an alien object; (2) the sudden withdrawal of the expectation on which reliance had been placed; and, probably most aggravating of all (3) the autopathic accusations hurled against the ego itself for having invited humiliation by offering to renounce its mastery. Together these can make up a social or political tornado.

Such then, as I see them, are the operative factors in this very primitive learning process, that is, the inner drama, the imperfect identification, and the making and breaking of social compacts. Perhaps they explain, at least in part, why the democratic struggle goes on so relentlessly and why Jefferson's great phrases are able to summon every fresh generation to a new field in the same gory campaign. Here it should be enough to affirm that equality is indeed "self-evident" in the sense that it can become increasingly evident within the workings of the self, and that "men are created equal," not once for all, but progressively: by every offer and acceptance and every candid fulfillment of social compact.