

Equality and self-determination

The notion of equality is not new to humankind: several religions claim it as a cornerstone of their creed (because everyone is a believer regardless of rank or status) and it was declared a key element to the ‘rights of men’ as included in the French and American constitutions in the late 18th century. However, when in 1776 the American Declaration of Independence declared that “all men are created equal,” this was not referring to women or those who were enslaved. And in Europe of the nineteenth and early twentieth century, only rich (white) men had the right to vote. Communist Russia and China implemented a strict equality, but ultimately these states were run by a small elite.

It took until the 1950s to make a serious start with putting the value of equality into practice. True equality – that is: regardless of gender, color, social class or religion – became enshrined in the constitutions of most states. Often it remained a mere intention and the goal of true equality has in many instances still not been reached, mostly because of obstruction by embedded social structures like patriarchy and racism. But given its legal status, equality was something that could be claimed by those who were willing to fight for it. Equality had become the rule, even if social reality did not live up to it. This was a distinct difference from the many centuries preceding the twentieth, when the opposite was the case: inequality was the rule, and only sometimes did social reality live up to it.

Patriarchy is the main obstacle to gender equality. Patriarchy is defined as “a system of relationships, beliefs, and values embedded in political, social, and economic systems that structure gender inequality between men and women” (Catherine Nash in *International Encyclopedia of Human Geography*, 2020). Patriarchy has a very long tradition in human history and can therefore be considered a **global structure**.

Tolerance

In the past centuries, the closest one could get to equality was tolerance. Today one still hears the call for tolerance, often in conjunction with equality. But tolerance is a different concept entirely. Tolerance means that one endures something that one disagrees with. In earlier times, societies were called tolerant when people with different ideas or behavior were nevertheless accepted. Usually this was the case with religion. Such tolerance was exercised by those in power: they made

the decision to be benevolent towards those with views or beliefs with which they disagreed or simply disliked. They could just as easily have decided not to do so.

Toleration (i.e., the practice of tolerance), therefore, is always connected to power and to a situation of inequality: those in power may dislike a belief, or a behavior, or a certain race of people, but nevertheless decide to exercise tolerance. A Catholic King may tolerate his Jewish subjects, a general may tolerate insubordination, a mother may tolerate her children being impolite. One never speaks of toleration in the opposite direction: Jewish subjects do not 'tolerate' their Catholic King, soldiers will not 'tolerate' their general, and children will not 'tolerate' their mother. The reasons to tolerate something or not can range from pragmatism (toleration to avoid conflict) to morality (toleration as a moral obligation to allow for another person's convictions).

This is what we may call **power tolerance**, and this has been the practice all over the world throughout the centuries. This changed radically, however, with the introduction of equality as a political and social right. Because if all people are equal, regardless of gender, color, social class, or religion, and everyone is equally entitled to the same rights and freedoms, who, then, decides to tolerate people or not? Not the king, not the government, not the majority. Equality therefore became one of the most drastic changes in the social fabric of societies worldwide. It would gradually uproot long-lived social structures and traditions that were based on distinctions among people.

In doing so, the notion of tolerance would gain an additional meaning. In a society based on equality, toleration has come to mean that one needs to tolerate the differences one is being confronted with. Equality dictates that all people, regardless of their differences, have the right to be who they want to be. Toleration has therefore shifted from power toleration to **acceptance toleration**. This does not mean that power toleration has disappeared – to the contrary, in many societies one observes that the claim for equal treatment ('I claim the right to be who I want to be, just like anyone else has that same claim') is often countered by power tolerance ('your exclusive behavior is not tolerated, you should adapt to the majority').

Equality is a global trend that shows all the signs of becoming a global structure, because for most people today the notion of equality is self-evident. But to establish equality as a legal right does not mean that it is socially accepted. One may even wonder if there are places today where equality has been fully and truly established. But it remains a fact that the notion of equality has firmly established itself in the minds of people today. From a historical perspective, this is a revolutionary development, and we are still in the middle of it.

Power tolerance: Andalusia

Between the 8th and 15th century, Muslim rulers in Andalusia allowed Christians and Jews to freely practice their religion. But any opposition or criticism by the non-Muslims was not tolerated. The Catholic Kings, when they conquered Spain, at first maintained this same system of tolerance towards the Muslims and the Jews. But by the late 15th century they gave Muslims and Jews the choice to convert to Catholicism or to leave the country.

Equality, equity, and equivalence

Equality among people

The principle of equality is one of the key notions used in constitutions and international human rights agreements. Equality was first interpreted as a legal right to equal treatment in similar cases (see chapter ‘Human Rights’). For instance, men, women, people of color, or disabled people should all have equal access to jobs (provided they meet the qualifications for that job), and equal pay for the same job. The means to reach this type of equality was the creation of **equal opportunity** for everyone: everyone had the right to vote, to apply for a job, to participate in meetings and races, to receive the same salary.

But even when the principle of equality was translated into law, practice showed differently. The *rule* of equality showed to be insufficient to reach the *goal* of equality: in most societies where the rule of equality was upheld, differences in gender, ethnicity, social class remained intact. Apparently, mechanisms of discrimination among people were – and are – still in place as patterns of pervasive social practices and structures that are hard to combat. For instance, a building may be ‘open for all’ but it isn’t if it only has staircases; a race does not provide the same opportunity for winning if one person is well nourished and the other is underfed; and in a school program that treats all pupils equally, pupils with educated parents who can help with schoolwork have greater advantage than those who do not.

‘Empty idea of equality’

Equality has no value content of its own. Consequently, giving everyone an income of 100 euro serves equality as much as giving everyone nothing. This is called the ‘empty idea of equality’.

(Peter Westen, *The Empty Idea of Equality*, 1982)

To remedy this, the notion of **equity** was introduced. Whereas equality stands for treating everyone the same by providing equal opportunity for all, equity allows for treating each individual differently depending on needs and backgrounds, and by doing so levelling the playing field for all participants. Equity, therefore, argues for tailor-made approaches for people so that they have the opportunity reach the position in which they can participate and compete equally with others. Someone had voiced this idea as follows: “Equality is giving everyone a shoe, equity is giving everyone a shoe that fits.”*

It must be noted that equity, too, has its critics, the predominant argument being that equity’s individual differentiation may lead to preferential treatment, which is considered contrary to equality. Should, for instance, preference been given to hiring women, people of color, disabled people, or others? It is against equal treatment, but the supporters of equity will argue that one first needs to create a balanced composition of personnel before one can start treating them equally. From this perspective, equity is the way to arrive at an equal situation. An interesting element of the concept of equity is that it has been given much importance in the international discussions on sustainable development (see chapter ‘Sustainable Development’).

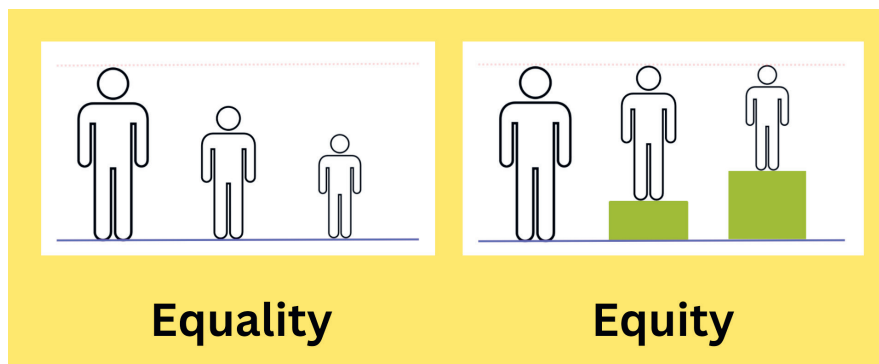


Figure III.3.1 Equality and equity

Another response by the critics of the notion of equality is that of **equivalence**. This plays out mostly in the situation of gender relations between men and women. The advocates of equivalence argue that men and women are biologically different and are therefore not to be treated as the same. But rather than arguing for a patriarchal order between men and women, they call for ‘equality in dignity’: men and women are said to be different people with different potentials (and some say: different roles), but they are equal in those different positions. This ‘different but equal’ has been heavily criticized by supporters of the (legal) notion of equality who point at the risk that ‘equality in dignity’ allows for denying women the same rights as men.

* Attributed to Susan K. Gardner, Oregon State University.

Equality among states

Equality not only pertains to people. A similar development is taking place among states. The traditional hierarchy of states – the rich and militarily powerful at the top – has been disrupted by the establishment of the United Nations and by the de-colonization process: the number of states has since then quadrupled and every state is officially an equal among peers. Perhaps China, America, or Russia consider themselves rulers of the world, but every other state of that world is accorded the same equal standing as they have. And former colonizers might still look down upon countries that once were their colonies but these now need to be treated as equal counterparts.

In the same way as equality, the notion of equity also plays a role in international relations, even if the term ‘equity’ is not used in this respect. In the debates on climate change, for example, many countries of the global North argue that efforts need to be made by all countries equally. But many countries of the global South, while agreeing with the need for action on climate change, argue that they are already disadvantaged and therefore should not be burdened on an equal footing with rich and developed countries. This is, in effect, a claim to equitable treatment.

Even though equality among states is the rule of international law, it tells us nothing about the true power dynamics that are at play in the world. Luxembourg is a tiny country in the European Union, where France and Germany call the shots. The same is the case for Nigeria and South Africa in the African Union, and Russia, China, and America on the world stage. The political reality shows a continuous powerplay based on strength. Nevertheless, the generally accepted yardstick is the equality of states and of persons. But even so, the problem is the implementation of equality: there are no international legal mechanisms to uphold equal treatment between states, even when it is required by international law. Unequal treatment in the form of differentiation, favoritism and even discrimination is therefore still part of international politics.

Self-determination

Equality offers the opportunity to be who you want to be: there is no need to conform oneself to others, as everyone has the same right to live how they want to. A similar situation also applies to states, but here it is called self-determination. Self-determination is the right of a nation to determine its own destiny. Self-determination can take different forms: as a state, or as a form of minority rights within a state.

Self-determination is a relatively recent concept. It was closely linked to the ideology of nationalism in the nineteenth century, because both self-determination and nationalism claim a territorial space in which a nation can live according

to its own customs and desires. And just like nationalism, the notion of self-determination became a slogan that mobilized people, first by Lenin who called for the self-determination of the proletariat, but perhaps even more so by the American president Woodrow Wilson in 1918 at the peace talks after the First World War. The German, Austro-Hungarian and Ottoman Empires had been defeated, and the victors were deciding what to do with the vast territories of these conquered empires and with the many different nations that lived in these territories. Wilson then famously declared: “National aspirations must be respected; people may now be dominated and governed only by their own consent. ‘Self-determination’ is not a mere phrase; it is an imperative principle of action.”*

For some nations, like the Poles and the Hungarians and Czechs, this resulted in creation of their own states. Others, like the Kurds and the Middle Eastern Arabs, were disappointed that they were not granted statehood. It also quickly became clear that self-determination was not intended for the many peoples living under colonial rule. But the idea would resonate strongly around the world. Later, in 1945, the United Nations adopted self-determination as one of its goals, placing it notably alongside equality: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.”** This would become one of the key motivations and justifications for people to claim independence or autonomy within a state.

Examples of minority nations that have autonomy within a state

Native Americans in the United States (also: North American Indians, Indian Tribes, or Indigenous people of America) have limited rule over their own lands where they can apply their own laws and have their own law enforcement. However, they are subject to Federal law.

Kurds in Iraq have an autonomous region in north Iraq with their own government, parliament, and judiciary system, and that pursues its own foreign policy. However, it is part of the federal administration of Iraq.

Catalans in Spain are one of the 17 ‘autonomous communities’ (*comunidad autónoma*) that has limited political and administrative powers. Their call for full independence in 2017 was not recognized by the state of Spain.

‘Bantustans’ were supposed to be independent, self-governing territories for black people in South Africa during apartheid, but in practice they remained controlled by the government of South Africa.

* Woodrow Wilson, address to Congress on International Order, 11 February 1918.

** Article 1 (2) of the United Nations Charter.

Like equality, self-determination is a recent global trend that appears to be developing into a global structure. Self-determination may be enshrined as a fundamental right, but this does not guarantee that it will always be respected as there are enough examples in the world of peoples ('nations') being denied their right to self-determination. In many cases this denial is justified on the grounds that it would undermine the sovereignty of the state to which such nations belong.

Palestine in the United Nations

Several Israeli government leaders in the period between 1948 and 1993 have argued that Palestinians were not a nation by themselves but part of the larger 'Arab' nation. This argument was used to deny Palestinians the right of self-determination and, consequently, their right to their own state. In 1993 Israel did recognize the Palestinians as a nation, but not as a state. In 2012, the 'state of Palestine' was given observer status in the United Nations. By 2024, Palestine was recognized as a state by 143 of the 193 states in the world but was still denied (by American veto) full membership as a state in the United Nations. This left the nation of Palestinians with the paradoxical situation that they could not fully exercise their right of self-determination and establish a functioning state, but at the same time were recognized as such by most of the world.

Further reading

- Thomas Christiano, "Self Determination and the Human Right to Democracy" in: Rowan Cruft (ed.), *Philosophical Foundations of Human Rights*, Oxford University Press, 2015, pp. 459–480
- Darrin M. MacMahon, *Equality. The History of an Elusive Idea*, Basic Books, 2023
- Amartya Sen, *Inequality Reexamined*, Harvard University Press, 1995
- Steven Smith, *Equality and diversity. Value incommensurability and the politics of recognition*, Policy Press, 2011
- Tom Sparks, *Self-Determination in the International Legal System. Whose Claim, to What Right?*, Bloomsbury 2023