

## OPINION

# 'Equity' Is a Mandate to Discriminate

By Charles Lipson

**O**n his first day as president, Joe Biden issued an "Executive Order on Advancing Racial Equity and Support for Underserved Communities." Mr. Biden's cabinet nominees must now explain whether this commitment to "equity" means they intend to abolish "equal treatment under law." Their answers are a confused mess.

Arkansas Sen. Tom Cotton raised the question explicitly in confirmation hearings. Attorney General-designate Merrick Garland responded: "I think discrimination is morally wrong. Absolutely." Marcia Fudge, slated to run Housing and Urban Development, gave a much different answer. "Just to be clear," Mr. Cotton asked, "it sounds like racial equity means treating people differently based on their race. Is that correct?"

Ms. Fudge's responded: "Not based on race, but it could be based on economics, it could be based on the history of discrimination that has existed for a long time." Ms. Fudge's candid response tracks that of Kamala Harris's tweet and video, posted before the election and viewed 6.4 million times: "There's a big difference between equality and equity."

Ms. Harris and Ms. Fudge are right. There is a big difference. It's the difference between equal treatment and equal outcomes. Equality means equal treatment, unbiased competition and impartially judged outcomes. Equity means equal outcomes, achieved if necessary by unequal treatment, biased competition and preferential judging.

Those who push for equity have hidden these crucial differences for a reason. They aren't merely unpopular; they challenge America's bedrock principle that people should be treated equally and judged as indi-



HUD and attorney general nominees Marcia Fudge and Merrick Garland,

viduals, not as members of groups.

The demand for equal outcomes contradicts a millennium of Anglo-Saxon law and political evolution. It undermines the Enlightenment principle of equal treatment for individuals of different social rank and religion. America's Founders drew on those roots when they declared independence, saying it was "self-evident" that "all men are created equal."

That heritage, along with the lack of a hereditary aristocracy, is why claims for equal treatment are so deeply rooted in U.S. history. It is why radical claims for unequal treatment must be carefully buried in word salads praising equity and social justice.

Hidden, too, are the extensive measures that would be needed to achieve equal outcomes. Only a powerful central government could impose the intensive—and expensive—programs of social intervention, ideological re-education and economic redistribution. Only an intrusive bureaucracy could specify the rules for every business, public institution and civic organization. Those unhappy implications are why advocates of equity are so determined to hide what the term really means.

Americans have demanded that all levels of government stop giving special treatment to the rich and powerful. That is simply a demand for equality. Likewise, they recognize that equal treatment should begin early, such as with adequate funding for K-12 students.

**The new buzzword tries to hide the aim of throwing out the American principle of equality under the law.**

Since the New Deal, most Americans have supported some form of social safety net for the poor and disadvantaged. But this safety net doesn't demand that out-of-work coal miners receive the same income as those who are working. The debate has always been about how extensive the safety net should be and how long it should last for each recipient. There is broad agreement that no worker should be laid off because of his race, gender or religion. Again, that is a demand for equal treatment.

What we are seeing now is differ-

ent. It is the claim that the unfair treatment of previous generations or perhaps a disadvantaged childhood entitles one to special consideration today as an adult or young adult. Most Americans, who are both generous and pragmatic, have been willing to extend some of these benefits, at the margins and for limited periods. They don't want to turn these concessions into large, permanent entitlement programs, giving substantially different treatment to different groups, even if those groups have suffered historical wrongs.

One measure of how unpopular these unequal programs are is how often their proponents need to rename them. "Quotas" were restyled as "affirmative action." The goal was still to give special benefits to some groups to achieve desired outcomes. Now "affirmative action" has also become toxic, rejected most recently by voters in deep-blue California. Hence, the new name, "equity."

Instead of making their case openly and honestly, advocates of equity twist and turn to avoid revealing their radical goal of re-engineering society through coercion. If the results fall short, as they inevitably would, the remedy is obvious: more money, more rules and more indoctrination. Why not tell us who will receive these special benefits and for how long? At whose expense? Who will administer these programs? Who will judge whether the outcomes are fair enough? When will it all end?

Since the ultimate goal is achieving equal outcomes, these evasions raise the hardest question of all. Isn't equity just a new brand name for the oldest program of achieving equal outcomes? Its name is socialism.

*Mr. Lipson is a professor emeritus of political science at the University of Chicago, where he founded the Program on International Politics, Economics, and Security.*