




Concepts of equality and justice

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- A. Equality is the essence of democracy
 - B. How is equality guaranteed in India
 - C. Equality and liberty are complementary to each other
 - D. Social justice should precede political justice

What is Equality.

- Absence of special privilege.
- Absence of discrimination
- It means not equal opportunity but adequate opportunity for all individuals to develop their inner potentialities.
- It also means that the minimum and urgent claims of all must be met before we can meet the particular claim of some.

Equality is the essence of democracy

- “In this terminal phase of human existence, democracy and equality are more than just ideals to be valued, they may be essential to survive.”

Noam Chomsky



Black



White



Gay




Straight



Religious



Atheist



“Equality is the heart and essence of democracy,... equality of opportunity in government, politics, and before the law. There must be no dual standards of justice, no dual rights, privileges, duties, or responsibilities of citizenship. No dual forms of freedom.”

A. Philip Randolph



What is Democracy?

- It is a political system for choosing and replacing governments through free and fair elections;
- It involves the active participation of citizens in politics and public life;
- It entails protection of the human rights of all citizens;
- It is a rule of law in which the laws and procedures apply equally to all citizens.

How equality is essential for democracy

- **(A) Legal Equality**
- **(B) Social Equality**
- **(C) Political Equality**
- **(D) Economic Equality**
- **(E) Natural Equality**
- **(F) National Equality**

How is equality guaranteed in India

➤ Constitution

- ❖ Preamble
- ❖ Right to Equality (Art 14 to Art 18)
- ❖ Directive Principles of State Policy (Art 39A, 41, 42, 45)

➤ Statutes

- ❖ Protection of Civil Rights Act, 1976 (earlier The Untouchability Offences Act, 1955)
- ❖ Equal Remuneration Act, 1976
- ❖ The National Rural Employment Guarantee Act, 2005
- ❖ The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

How is equality guaranteed in India

- Statutory Commissions
 - ❖ National Commission for Sc's, ST's, OBC's and Women & Children
 - ❖ National & State Human Rights Commissions
- Policies of Government
 - ❖ Gender based reservation
 - ❖ Caste based reservation
 - ❖ Religion based reservation
 - ❖ Education scholarships
 - ❖ Reservation in Promotion
 - ❖ Status as domicile

EQUALITY AND LIBERTY ARE COMPLEMENTARY

Well are they?





**EQUALITY AND LIBERTY ARE
COMPLEMENTARY**



CAN WE TAKE LIBERTY WITH LIBERTY?

A faded, sepia-toned image of the Statue of Liberty serves as the background for the slide. The statue is shown from the waist up, holding the torch in her right hand and the tablet in her left. The background is a light, hazy sky.

- Liberty, when it begins to take root, is a plant of rapid growth.

-George Washington

- Liberty may be endangered by the abuse of liberty, but also by the abuse of power.

-James Madison

- We are more free when our fellows leave us more options, less free when they leave us fewer.

- Isaiah Berlin

- Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others.

-Thomas Jefferson

EQUALITY- A WORD LOST IN TRANSLATION

- **“ALL MEN ARE CREATED EQUAL”**
- If not, then what does equality imply?
- Does it imply
 - 1) **EQUALITY OF WELFARE-** Ensuring, by and large, people live equally valuable or desirable lives.
 - But how do we measure welfare?
 - 2) **EQUALITY OF RESOURCES-** Making people equal in terms of entitlement to resources, then leaving it to them as to how they deploy these.
 - But to what extent can you equalise resources?
 - 3) **EQUALITY OF OPPORTUNITIES-** Having equal chances at living well.

LIBERTY AND EQUALITY: AN INDIVIDUALIST'S TAKE

EQUALITY AND LIBERTY ARE ANTI THETICAL TO EACH OTHER

NATURE



ENDOWMENTS



OPPORTUNITIES

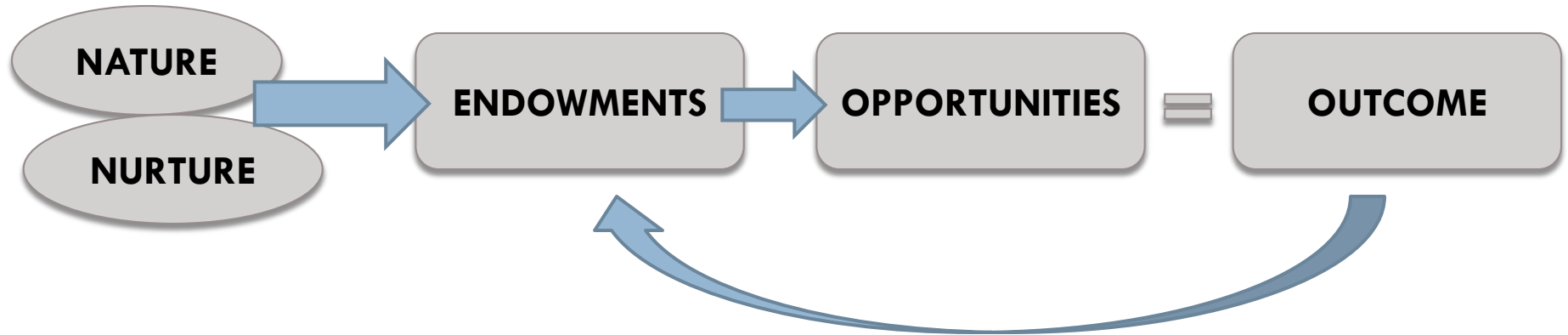


OUTCOME

- People are born with intrinsic capabilities- intelligence, hardwork (endowments).
- Endowments along with opportunities, lead to outcomes.
- These outcomes can be in terms of wealth accumulated, property acquired and goodwill gained.
- The state has to:-
 - ✓ Firstly 'Let the individual be' and the individual will realise his/her potential.
 - ✓ Secondly, give the individual the liberty to enjoy the fruits of his labour.
- Any attempt to equalise outcomes would infringe liberty.
- Moreover, it would take away the incentive to be industrious.

TAKE 2: THE POSITIVE LIBERALIST

EQUALITY AND LIBERTY ARE COMPLIMENTARY TO EACH OTHER



REALISATIONS:-

- 1) Endowments are not purely intrinsic and are largely influenced by environment.
- 2) Opportunities are not independent of endowments. Access to opportunities depends on endowments.
- 3) Today's outcome is tomorrow's endowment- Any inequality in outcome will get perpetuated through unequal endowments.

THE POSITIVE LIBERALIST.....

- ❑ Can the State Just 'Let it Be'?- NO
- ❑ What does the State do?
- ❑ Create plenty of opportunities
- ❑ Ensure equality of opportunities- One's endowments or lack of it, should not preclude one from partaking opportunities.
- ❑ Level the playing field through compensatory or affirmative action
- ❑ Give people the liberty to access opportunities, exercise choice and take decisions regarding pathways in life.
- ❑ Liberty will ensure that everyone has an equal go at realising the 'implications of his personality' or, more simply put, potentialities.

Justice and Equality does not mean that they are the same thing but they complete each other



this is justice.

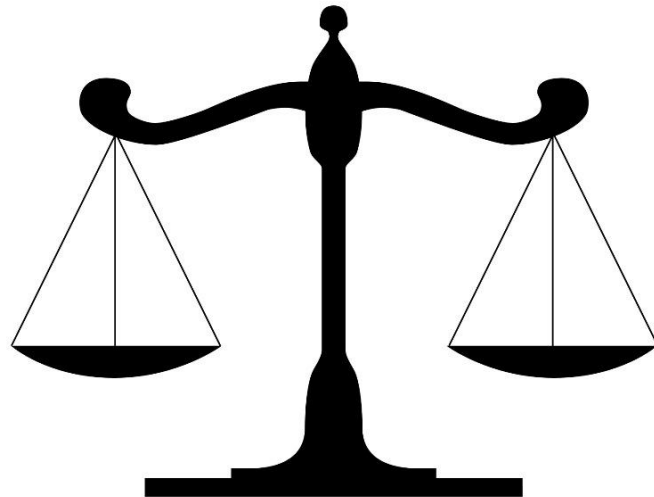


this is equality



this is justice and equality

Social justice should Proceed/Precede Political justice?




Social Justice

- Social justice is "justice in terms of the distribution of wealth, opportunities, and privileges within a society"
- Social justice assigns rights and duties in the institutions of society, which enables people to receive the basic benefits and burdens of cooperation.
- A theory of social justice involves applying the principles of justice to the economic and social opportunities or outcomes in a given society.


- This leads to the idea that social welfare should be provided (by the state in many countries) for those who need it, at a level defined differently in different places
- Social justice is based on the concept that a state has responsibilities to its citizens, and can fund those responsibilities by levying taxation at a level acceptable to the members of that society, which again varies from country to country.

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- Fair distribution' is, of course, inherently contestable.
 - Ideas of social justice aim to be in the interests of the community as a whole, and in the interests of social cohesion.

Political Justice

- theory of political justice involves applying the principles of justice to the basic political institutions, the constitutional order, of society
- the basis of political justice –the notion that fixing the level of social justice and the rules of legal justice is something that does not happen ‘naturally’, but is established within a political order

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- The state is responsible for the level of social justice and the rules of legal justices are usually based on the dominant political culture and identity
 - In many countries, establishing or reforming political justice involves healthy debate between conflicting views

Conclusion

- They are the different sides of the same coin
- They follow each other, depending on the time, place and other circumstances
- Both are essential for the development of the society/nation.

Examples

- Indian Freedom Struggle
- USA
- South Africa