



## 3. Equality and Justice

In this chapter, we will study the concepts of Equality and Justice. We will study the meaning of equality in the context of equality before law, political equality and principle of equality of opportunity. We will also study the types of equality. Similarly, we will try to understand concepts of legal justice, natural justice and social justice.

### Equality

Equality is an important value in human society. Equality does not mean uniformity. When we say all are equal what we mean, is that all have to be treated equally. Aristotle's approach to equality, had a narrow scope. In modern times, the meaning of equality has broadened. Empathy, tolerance, self-respect are aspects that are included in the understanding of equality. Hence, equality has a moral and collective dimension. In addition, today, equality is also looked at as a political goal.

There are various types of inequalities in the world. There exist natural and manmade inequalities. Natural inequalities include differences in colour, height, talent, physical strength, genetics, etc. Manmade inequalities are created on the basis of caste, money, religion, etc. It is accepted that individuals have different abilities, capabilities and attitudes. However, individuals should be given equal opportunities to develop their skills and talents. There should be equality in social, political and economic system of the society. The concepts of Liberty and Justice are judged on the basis of Equality.

Therefore, equality is a rational concept.

**History of Equality :** In political philosophy, the idea of equality has been studied since Greek times. The idea of equality developed in the context of the struggle against torture, absolute monarchy, and unequal social conditions. Aristotle, Hobbes, Rousseau, Karl Marx and Tocqueville have contributed to the development of the idea of equality.

Aristotle had propounded the idea of equality in the ancient Greek city state system. His idea of equality was confined to the citizens of the city state. His idea of equality developed with reference to the ruler and the ruled. He considered them naturally unequal on the basis of their inequalities in intellectual and administrative abilities. In Athens, the term citizens excluded foreigners, slaves and women. Aristotle tried to reduce inequality through the idea of a constitution. He sought to remove the concept of special status and advocated equality before law. In his book '*The Politics*' he explained the co-relation between equality and justice.

Thomas Hobbes propounded the idea of natural equality in his book '*Leviathan*'. Hobbes argued that despite having physical and intellectual inequality, all individuals must be treated as equals. It is important that every individual has certain rights as a human being. The government cannot take away these rights. This was his idea of natural equality.

Rousseau has analysed natural and manmade inequalities. The idea of

pleasure grew in society. This led to man dominating others. It is the feeling of greed that gave rise to the concept of property and the concept of division of labour. It is the concept of private property and division of labour that led to the exploitation of the people, leading to the creation of artificial inequality by the rich class. Rousseau further argued, that inequality is also created due to differences in physical strength and abilities of individuals. He suggested that equality can be brought in through natural law.

Karl Marx rejected the liberal idea of equality and propounded the socialist idea of equality. According to him, equality can be achieved through the creation of a classless society. Marx gave importance to emancipation of workers from exploitation and equal distribution of means of production. According to him, equality achieved through this would be different from the liberal ideas of equality.

Tocqueville put forward the idea of equality on the basis of the study of the American war of independence. The idea of equality developed in the process of the abolition of the feudal system and the establishment of democracy. According to Tocqueville, equality is necessary for ending dependency and slavery of people. He argued that people give more importance to equality rather than Liberty in democracy. However, this does not mean that equality is achieved through the denial of freedom.

**Importance of Equality :** Equality aims to reduce inequalities. We need equality for:

- (i) Equality is necessary to create just conditions. The acceptance of the principle of equal distribution of resources is necessary for the

fulfilment of basic needs of the society.

- (ii) Human dignity is not possible when a society has social and material inequalities. Hence, equality is necessary to uphold the dignity of the individual.
- (iii) Equality is necessary for mutual respect amongst members of a society. The equal opportunity for development of individuals is possible only, when there is respect for each other.
- (iv) Social equality brings in fraternity. Liberty and equality are possible only when there is fraternity.

**Facets of Equality :** The facets of equality are:

- (i) **Equality before law and equal protection of law:** Law treats all citizens equally and it is equally applicable to everyone. Rich and poor, strong and weak may not necessarily have the ability to implement this principle. In the courts, rich and poor should be judged on an equal criterion. Judiciary should not discriminate between black and white or rich and poor. Therefore, it is necessary to accept the principle of equality before law and equal protection of law.
- (ii) **Equality of Opportunity:** Everyone should get equal opportunity for the development of their personality and enhance their qualities. Deprived sections of population can compete with privileged sections only when there is provision for education and social wellbeing. Hence, equality of opportunity is considered as a base of equality.



### Do you know ?

The concept of equality is a central idea of political philosophy. There are three indicators of this concept-

- Welfare equality: Fulfilment of needs of an individual is more important than what is readily available for him
- Equality of resources: It means equitable distribution of resources
- Equality of capabilities: The usage of resources by people is more important than the availability of those resources.

### Do this.

Read and discuss about Amartya Sen's Capabilities Approach to Equality.

**Types of Equality :** There are five types of Equality.

- (i) **Natural Equality:** Natural equality considers all human beings equal. Natural equality does not mean nature has created all men equal in their abilities and qualities. But, it means that, individual should not be discriminated on the basis of their natural abilities and each one should get an opportunity for development of their individual personality.

Plato and Aristotle did not believe in natural equality. However, Western Christian thinkers believed that all human beings are children of the same God. In modern times, Hobbes, Locke and Rousseau talked about natural equality in the State of Nature.

- (ii) **Civil Equality:** Civil Rights are equally available to all people. There will be equality before law. People will not be discriminated on the basis of race, colour, caste, religion, gender, etc. It also means equal punishment for the same crime and equal protection of law. Law should not give privileges to any specific section of society. Special laws made for the protection of the weaker sections of the society like women, children, physically challenged, backward classes, etc. do not violate the concept of civil equality.

- (iii) **Political Equality:** Every citizen has an equal right to participate in the affairs of the State. This type of equality is possible only in a democracy. However, it is necessary to make deliberate efforts to inculcate this concept in the society. Political inequality may lead to unrest in society. Political equality is based on Laws of Representation and Universal Adult Franchise.

- (iv) **Economic Equality:** Economic equality is the foundation of political equality. Economic inequality results into division of society. Economic equality means providing equal opportunity to all for one's development; absence of economic exploitation; prevention of concentration of wealth and availability of essential goods and services to everyone. According to Harold Laski, equality should be at least regarding essential commodities of life. Ernest Barker believes that the State should give equal right of property to all; but this does not mean that wealth should be distributed

equally. He maintains, that everyone has a right to accumulate property according to their ability.

### Discuss

Search for the provisions of The Bonded Labour System (Abolition) Act, 1976 and organise a debate in the class.

(v) **Social Equality:** Social equality means there would be no distinction between people on the basis on caste, religion, race, occupation, gender, etc. It is expected that every section of the society contributes to the wellbeing of the society. We have to accept the dignity of labour in society. However, we still find discrimination on the basis of caste, religion, race, gender, etc. in India. Similarly, we find racial discrimination in South Africa and United States.

Mahatma Phule and Dr. Babasaheb Ambedkar stressed on the concept of social equality in India. They tried to awaken sense of identity and worked for the upliftment of backward and weaker sections of the society so as to give them a life of dignity.

It is the responsibility of the State to ensure equal social status and equal rights to all. This is ensured by the State through legislation. For example, in India, laws were made regarding abolition of untouchability.

### Equality in the context of India

In a diverse society like India, it is necessary to make efforts to achieve social equality. The caste system is a

major obstacle to social equality. There is a need to make a simultaneous effort to achieve social and economic equality. Similarly, equality is necessary to achieve individual liberty.

In Indian society, there is a hierarchy of castes. Similarly, there also exists gender inequality in India. The patriarchal system in India creates social, economic, political inequality amongst males and females. Along with this there is also an unequal distribution of resources amongst the genders. Therefore, Mahatma Phule, Tarabai Shinde, Justice Ranade and Dr. Babasaheb Ambedkar argued in favour of just and equitable distribution of resources.

### Some aspects of equality on which Indian thinkers focused-



**Mahatma Jyotirao Phule**

(1827-1890)

an Indian social activist and a thinker.

Focused on elimination of gender and caste discrimination.



**Justice Mahadev Govind Ranade**

(1842-1901)

Scholar and Social Reformer. Founding

member of the Indian National Congress and a social reformer. Worked in the area of child marriage, widow remarriage and women's rights.

### Tarabai Shinde

(1850-1910)

a feminist activist. Focused on emancipation from rigid caste system.



### Mahatma Gandhi

(1869-1948)

leader of the Indian independence movement.

Focused on social, economic and political dimensions and stressed on gender equality



### Dr. Babasaheb Ambedkar

(1891-1956)

an Indian jurist, economist and social reformer. Focused on

social, economic, political and cultural discrimination and elimination of caste system.

### Dr. Ram Manohar Lohia

(1910-1967)

a socialist political leader. Focused on elimination of dominance of English language, caste and men.



### Dr. Amartya Sen

(1933 - -)

an economist and philosopher.

Focused on development of capabilities of individuals.

### Discuss

What will you do to help children from economically backward families for their education?

### Justice

Justice is an important concept in the social and political life of a human being. Justice is an ancient concept. Socrates considered justice as a political virtue. For him, a good society is a just society. Plato has put forward the concept of Justice in his work '*The Republic*'. He considered Justice as one of the characteristics of a human being. Aristotle argued that a society can achieve justice if it is able to create equality, balance and proportion in a society. These definitions of Justice are of the Greek era. In modern times, the concept of Justice has emerged in different ways. They include natural justice, legal justice, social justice and gender justice.

According to John Rawls, 'Justice' should be the first feature of any social institution. The concept of justice emerges from the actions and the needs of human beings because there is a limitation of available resources. The distribution of resources, in terms of who gets what and when, is a key aspect of justice.

### Types of Justice :

- (i) **Natural Justice:** The concept of natural justice is linked to the very existence of a human being. A human being is part of nature therefore he can intrinsically understand concept of right and wrong, justice and injustice. Justice based on the concept of natural justice is universally accepted by all. Ancient Greek and Roman philosophers advocated the

concept of natural justice. Since man naturally understands what is right and what is wrong, there is no need to create manmade laws. This is the meaning of natural justice.

- (ii) **Legal Justice:** Legal Justice is the application of the abstract concept of justice through the implementation of law. John Austin considered law as a means to establish justice as well as a means to suppress injustice. Justice is a precondition to law as without it, law will only be a means to suppress people.



### Do you know ?

Legal Justice includes the following:

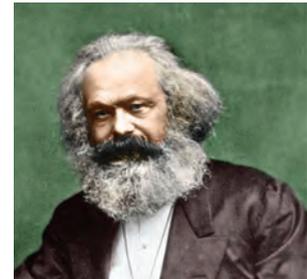
- (i) Judiciary should be independent and impartial.
- (ii) The judicial proceedings should be conducted in a tension free atmosphere.
- (iii) There should be specific rules for judicial proceedings.
- (iv) The accused should be informed about the charges against him.
- (v) The accused should have the freedom to plead his case.

- (iii) **Social Justice:** Social Justice means the equitable distribution of goods and services on the principle of equality. It is necessary to ensure that the weaker sections get adequate share in this distribution. Hence, social justice is also known as distributive justice.

Procedural Justice and Social Justice are two approaches to Justice. Procedural Justice involves legal

procedures. It means that cases should follow proper legal procedure, correctly interpret the law and treat everyone as equal before law. Justice is related not just to an individual but to the society. Robert Nozick advocated the concept of Procedural Justice while Karl Marx, Dr. Babasaheb Ambedkar and John Rawls argued in favour of Social Justice.

Karl Marx considers the State as an instrument of exploitation of workers. This



**Karl Marx (1818-1883)**  
A German Philosopher

instrument is in the hands of the capitalist class. Since the laws are made by the State, it is natural that they protect the interest of the capitalists. Marx maintained that the transformation of the capitalist system into a socialist system will ensure an equitable distribution of resources. The socialist system gives a priority to the right of equality of the 'have-nots' rather than the right of property of the 'haves'. Thus, according to Marx, implementing socialist agenda is considered to be justice and that the Judiciary should be committed to socialism.

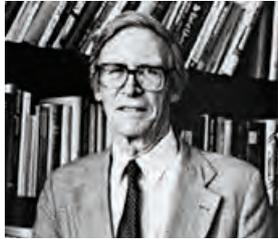


### Do you know ?

**Haves:** Refers to that section of the population who own the means of production.

**Have nots:** Refers to that section of population who are predominantly the labour.

John Rawls was an advocate of Social Justice, who advocated the concept



John Rawls (1921-2002)  
An American Philosopher

of Distributive Justice. Rawls theory of social justice focuses on the just desires of individuals in society. In his book, *A Theory of Justice*, Rawls argues that the concepts of freedom and equality are not mutually exclusive. He concludes that for justice to be truly just, everyone must be accorded with the same rights under the law.

Rawls has put forth two principles of social justice: a) Fundamental rights and duties must be uniformly applicable. A system can be just only when, those at the bottom of the system are able to benefit from it. b) There must be equality of opportunity for all the public offices that are available. This is Rawls concept of fairness.

### Indian concept of Justice

There exist different kinds of inequalities in India, such as those created through the caste system, patriarchal system, etc. Dr. Babasaheb Ambedkar argued that justice would be achieved when the structure and values associated with these systems will change. Similarly, he related the concept of justice to the concept of distribution of resources. The Constitution of India ensures justice through both, procedural justice and social justice. This is achieved through educational and economic development of economically backward classes. This is implemented through the following policies:

- (a) Policy of reservation.
- (b) Granting of scholarships, grants,

loans, health services, etc. for weaker sections of the society.

(c) Eradication of unjust social and economic practices which exploit backward classes.

It would be worthwhile to note what Dr. Babasaheb Ambedkar said in his reply to the debate on the adoption of the Indian Constitution. He said: *'If we wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing in my judgement we must do is to hold fast to constitutional methods of achieving our social and economic objectives'*. He further said: *'We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it, social democracy. What does social democracy mean? It means a way of life which recognises liberty, equality and fraternity as principles of life'*.

In short, Justice and Equality are the basic values of the State.

#### Discuss

Explain which of the following incidents violate the principle of equality and justice?

- (i) Reserved seats for women in Buses and Trains.
- (ii) Reserved seats for physically challenged persons in Buses and Trains.
- (iii) Payment of Income Tax.
- (iv) Concessions in Fair Price Shops.

#### Discuss

Discuss the problems of children who have run away from their homes.

### Do this.

Visit the website of the Ministry of Social Justice and Empowerment and study the various policies for the weaker sections of the society.



## Exercise

### 1. (A) Choose the correct alternative and complete the following statements.

- The base of political equality is .....  
(democracy, dictatorship, military rule, monarchy)
- John Rawls was an advocate of ..... justice.  
(distributive, political, economic, gender based)

### (B) State the appropriate concept for the given statement.

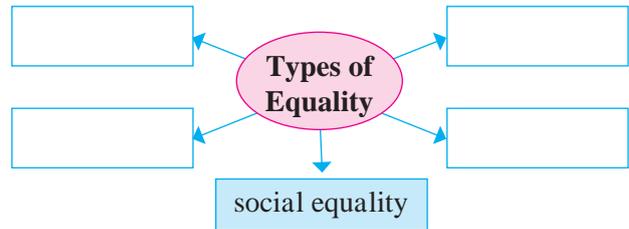
- Principle of equality which states that each one should get an opportunity for development of their individual personality –
- Type of equality which says that every citizen has an equal right to participate in affairs of the State –
- Absence of economic exploitation –

### (C) Complete the following sentence using appropriate reason.

In India, laws were made regarding abolition of untouchability. Because

- untouchability is a political concept
- untouchability is legal concept
- social inequality is controlled by State legislation

### 2. Complete the concept map/maps.



### 3. State whether the following statements are true or false with reasons.

- Democracy denies equality.
- Equality is a political goal.
- Social democracy is a foundation of political democracy.

### 4. Explain co-relation between the following.

- Equality and Justice
- Legal Justice and Social Justice

### 5. Express your opinion of the following.

Casteism is a barrier to social equality.

### 6. Answer the following.

Explain Indian concept of justice.

### Activity :

Suggest ways by which women can travel safely to work.