

# Notion of Equality as a Normative Value and its Different Types

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## I. INTRODUCTION

*“From the equality of rights springs identity of our highest interests; you cannot subvert your neighbour’s rights without striking a dangerous blow at your own.”*

– Carl Shurz

Before venturing forth into the vast abyss of a topic that ‘equality as a normative value’ is and trying to comprehend the nitty gritty implications of this concept, let us first strive to understand what ‘equality’ actually means.

Equality is a loaded, nuanced and highly contested concept. The idea of equality, identity and equivalence has been employed with various shades of meaning since man began to speculate. At least since the French Revolution, equality has served as one of the leading ideals of a nation. It is, at present, probably the most controversial of the great social ideals. There is debate concerning the precise notion of equality, the measure of the ideal of equality (equality of what) and the extension of equality (equality among whom).

The terms ‘equality’ and ‘equal’ signify a qualitative relationship. ‘Equality’ signifies correspondence between a group of different objects, persons, processes or circumstances that have the same qualities in at least one respect, but not all respects, i.e., regarding one specific feature, with differences in other features. ‘Equality’ needs to thus be distinguished from ‘identity’ — this concept signifying that one and the same object corresponds to itself in all its features: an object that can be referred to through various individual terms, proper names, or descriptions. For the same reason, it needs to be distinguished from ‘similarity’ — the concept of merely approximate correspondence. Thus, to say that men are equal is not to say that they are identical. Thus, equality does not imply ‘sameness’. Thus, the highly contested statement that women are equal to men doesn’t mean that women are identical to men, it just means that they have the same qualities in some respects but not all respects. Hence, because of the similar nature accorded to all the genders and by virtue of all human beings being equal, there should be equality of opportunity for all. By equality, we generally mean that all men are equal and hence, they should be entitled to identity of treatment and income. **Quoting the political theorist, Laski, who said** –“Equality does not mean the identity of treatment or the sameness of reward. If a bricklayer

gets the same reward as a mathematician or a scientist, the purpose of society will be defeated. Equality, therefore, means, first of all the absence of social privilege. In the second place it means that adequate opportunities are laid open to all". Equality is thus, a leveling process.

## II. CONCEPTUALIZING EQUALITY:

*"We are thus arranged as it were, in a level time at the starting point of the race that lies ahead; and we start from that level line, so far as the state is concerned, with equal conditions guaranteed to each for making the best of himself-however much we may eventually differ in what we actually make of ourselves."*

– Harold Laski

Within normative political theory, the nature and value of equality has been the subject of many debates. The two most important points in the debate are made by the distributive egalitarians and the luck egalitarians. Even though there exists a myriad number of variations in both these viewpoints, focusing on their main strand of thought, we can characterize the distributive egalitarians as defending the view that in a just society, all citizens should receive an equal share 'X', here X can refer to resources, well-being or capabilities. On the other hand, luck egalitarians argue that what matters from the viewpoint of justice is equal (initial) opportunity for all by mitigating the effects of sheer moral luck.

Distributive egalitarians basically hold the view that distributive equality is a good thing, they argue for an equal distribution of income or for an equal distribution of a wider set of goods including income. But income inequalities are only one part of the problem, so it seems doubtful that advocating income equality as a normative ideal would manage to address the negative effects of existing complex social inequalities. If one were to argue for distributive equality with respect to a wider set of goods, one runs into two problems:

- a) The first problem for many existing theories of distributive egalitarianism is their materialist 'fetishist handicap', which means that their focus on lies predominantly on material goods. Complex social inequalities, however, cannot be reduced to mere inequalities in people's material holdings, even though there seems to be a distinct material element to many forms of harmful social inequalities.
- b) The second problem is that many important social goods escape a distributive logic. Social goods like adequate recognition, social bases of self-respect and social inclusion have material aspects but they cannot be reduced to these aspects. Recognition and self-respect are not goods that can be doled out like money and easily distributed equally.

According to luck egalitarians, all citizens should, at least initially, enjoy the same opportunities to live the life they want. By giving people equal opportunity and by compensating only for those negative outcomes or initial endowments which are attributable to sheer bad luck, luck egalitarians consider their point of view as better for

the society as opposed to the distributive egalitarian's point of view. The luck egalitarian focus on equal initial opportunity might appear useful for tackling complex social inequalities since many social disadvantages materialize in early childhood. Conceptualizing equality as luck egalitarian equality of opportunity could thus, justify a range of early childhood interventions in order to mitigate the effects of unequal social backgrounds and disadvantages stemming from one's natural endowments. However, at closer inspection, the luck egalitarian equality of opportunity has some problems too.

This perception of equality reduces equality to the idea of equal starting gates. In other words, while luck egalitarianism could justify early childhood interventions, many social inequalities stemming from different life choices at later points in time would fall outside its scope. Putting this thought crudely, we can say that while equality of opportunity cares for the untalented and the disabled, at the same time people with poor decision-making skills, bad risk assessment and wrong career choices are not being considered under this. Some bad decisions could be traced back to sheer bad luck, hence even the luck egalitarians' equality of opportunity cannot be said to be ideal. Equality of opportunity on its own cannot tackle all the harmful forms of social inequality. It would be naïve to assume that early childhood interventions so as to achieve a level playing field at the tender age of four would succeed in avoiding social harms such as those stemming from income inequalities later on, ill health due to a stroke of bad luck and psychological stress.

A race where the starting line is arbitrarily staggered, where people's prospects for winning are not largely determined by factors for which they are responsible but rather largely by luck, is not considered a fair race. Similarly, if society is structured so that people's prospects for gaining more economic goods are not largely determined by factors for which they are responsible but rather largely by luck, then the society is open to the charge of being unfair.

Hence, the strengths and weaknesses of both distributive as well as luck egalitarianism shows us the problems prevalent in the persisting normative ideal of equality. Neither of the two theories can offer a normative conception of equality. Distributive egalitarians overvalue the importance of distributive equality as such and undervalue the impact of non-material goods such as recognition and social standing. Luck egalitarians overemphasize the importance of initial intervention but does not take into account any factors which might tilt the playing field later on in life.

### **III. PRINCIPLES OF EQUALITY:**

- **Formal Equality –**

The generally accepted formal equality principle that Aristotle formulated in reference to Plato was: "treat like cases as like". This is also referred to as 'foundational equality' emphasizing that all human beings are equal by

virtue of a shared human essence. Formal equality is the view that formal rules should not exclude individuals from achieving certain goals by making reference to personal characteristics that are arbitrary, such as race, socio-economic class, gender, religion and sexuality. Formal equality of opportunity is incompatible with segregating workplaces or schools along these dimensions. The more permissive the formal rules become, the easier it becomes to indirectly discriminate. For example, a hair salon may insist that a stylists' hair be shown and not covered. This would rule out members of some groups who cover their hair on religious or cultural grounds.

The underlying concern seems to be rooted in the belief that traits such as a persons' gender or race are elements over which people have no control and, hence, a society in which people's race or gender have fundamental effects on their lifetime economic prospects treats people unfairly. In such societies, whether people were born as the favored gender or race, and hence were favored economically, would simply be a matter of luck. Structuring a society so that this 'natural lottery' has such fundamental effects on people's lives is immoral, when we have the option to structure it another way, with a system of formal equality of opportunity.

- **Equality of Opportunity**

Equality of opportunity is a political ideal that is opposed to caste hierarchy but not to hierarchy *per se*. The background assumption is that a society contains a hierarchy of more and less desirable, superior and inferior positions. In a caste society, the assignment of individuals to places in the social hierarchy is fixed by birth. The child acquires the social status of his or her parents, at least if their union is socially sanctioned. Social mobility may be possible in a caste society, but the process whereby one is admitted to a different level of the hierarchy is open only to some individuals depending on their initial social status. In contrast, when equality of opportunity prevails, the assignment of individuals to places in the social hierarchy is determined by some form of competitive process, and all members of society are eligible to compete on equal terms. This radical notion of equal opportunities flows naturally from the idea of formal equality.

The idea of equality of opportunity is evident in the writings of the Greek philosopher, Plato, who was a firm believer of social position being solely dependent upon individual ability and effort and that the educational system should provide to all children an equal chance to actualize and realize their individual talents. In order for opportunities to be equal within a group, each member of that group must face the same relevant obstacles with respect to achieving the same desirable goal. In the example of America, all natural born citizens of America have an equal opportunity to hold an elected position in the government when irrelevant goals, such as race, gender and religious affiliation are removed and when relevant obstacles, such as being democratically elected by gathering the required number of votes, remain.

Principle of equality of opportunities leads to 'positive discrimination' or 'reverse discrimination' which is often cited as one of its leading critiques. This positive or reverse discrimination is done in favour of the minorities in order to compensate for the past injustices meted out to them. When a section of society is socially underprivileged, the mere granting of opportunities to them is not enough. Reverse discrimination operates like a handicap system to ensure fair and equal competition between unequal players. Furthermore, the utilization of the prevalent opportunities is essential; hence the Equality of Condition or the Equality of Outcome comes into the picture.

- **Equality of Condition/Equality of Outcome –**

Often in contrast to the term equality of opportunity, the equality of outcome is probably the most radical and controversial facet of egalitarianism. It describes a state in which people have approximately the same material wealth and income, or in which the general economic conditions of their lives are alike. Hence, the focus is shifted from the starting point of life to its end result. A focus on outcomes with respect to literacy among young children may seem appropriate, since it is important that children actually become literate rather than have an opportunity to read, which could be missed due to a myriad number of reasons. But a focus on outcomes may seem less plausible in other cases, such as equalizing the results of standardized tests.

According to the equality of outcome theory, if everyone had X, Y, and Z, then everyone would be happy and prosperous. It is an ideology based on an excess of compassion and a dearth of reason. It disregards talent, natural interest and individual preference. All the citizens of India may be allotted big bungalows but that would not eliminate the scores of people who would still be unsatisfied as a result of not being able to exercise their personal preference in a matter so essential to private life. Equality of outcome necessarily requires artificial controls to ensure that everyone is "equal" and such controls are stifling to individual beings. Rather than letting individuals pursue their own interests and desires, equality of outcome forces a one-size-fits-all solution on everyone. It could curb an individuals' choice so much so that in extreme cases, it could start to take the form of a totalitarian state.

#### **IV. TYPES OF EQUALITY:**

- **Legal Equality**

Legal equality is also referred to as equality before the law or equality in the eyes of the law. It is the principle that each independent being must be treated equally by the law (principle of isonomy) and that all are subject to the same laws of justice (due process). When certain sections of society have fewer rights than other sections of society, violence and discrimination are legitimized and ignored. Legal equality espouses the Aristotelian

sentiment that equals should be treated equally and unequal should be treated unequally in order to achieve a true egalitarian society.

- **Political Equality**

Political equality means equal access of all to the avenues of political authority. Universal adult franchise is an important means to achieve political equality in a country; it consists of the right to vote of all adult citizens regardless of property ownership, income, race or ethnicity, subject only to minor exceptions. Political equality brings along with it certain rights such as the right to vote, the right to contest elections, the right to criticize the government and more. Until and unless there is true political equality in a country, the country will only be run by a select group of people and policies will only be made keeping the interests of those select few in mind. Democracy, then, will only be a title to uphold on paper but not in actual reality.

- **Social Equality**

Social equality refers to a state of affairs in which all people within a specific society or isolated group have the same status in certain respects, including civil rights, freedom of speech, property rights and equal access to certain social goods and services. For example, sex, gender, race, age, sexual orientation, origin, caste or class, income, language, religion, convictions, opinions, health or disability must absolutely not result in unequal treatment under the law and should not reduce opportunities unjustifiably. From the viewpoint of social equality, inequalities do not threaten the existence of relationships as equals. As has become increasingly evident considering the recent Supreme Court judgments in India, social equality can be achieved through legal equality. The Sabarimala case finally allowed the entry of women belonging to the age group of 10 to 50 years in Kerala's Sabarimala temple. This legislation hopes to inch the country a step closer to gender equality. The decriminalization of the regressive and backward Section 377 of the Indian Penal Code and making gay marriage legal is another recent example of a legislation paving the way for social change to occur in the society.

- **Economic Equality**

Economic equality is closely related to political equality. In Laski's words - "Political equality is therefore, never real unless it is accompanied with virtual economic liberty; political power otherwise is bound to be the hand-maid of economic power". According Lord Bryce, economic equality "is the attempt to expunge all differences in wealth, allotting to every man and woman an equal share in worldly goods". But this concept of ideal economic equality can never be materialized in practical politics. The Marxist notion of democracy emphasized mainly on achieving economic equality. According to Marx, income inequality will always be inherent in the wage system under capitalism. The economic goal of Marx was the creation of a "classless

society” as he believed that inequality and poverty are inevitably produced by capitalist societies. Economic inequality will always exist according to the neo-liberal argument. Neoliberalism sees competition as the defining characteristic of human relations. It redefines citizens as consumers, whose democratic choices are best exercised by buying and selling, a process that rewards merit and punishes inefficiency.

*“To live anywhere in the world today and be against equality because of race or color is like living in Alaska and being against snow.”*

*– William Faulkner*