



CONCEPTUALISING AND THEORISING EQUALITY

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Abstract

Equality is one of the most appealing, contested and controversial concepts in political philosophy. It is also one of the key concepts in political theory which is related with other important concepts such as liberty, rights, justice, democracy and sovereignty. It has found expression in not only different constitutions and normative political theory but also in pragmatic politics of different identity, religious, linguistic and minority groups that are making a clarion call for equality across the globe.

The primary purpose of this paper is to clarify some of the misconceptions associated with the concept of equality. The other purpose of this paper is to unravel the complexities and various other issues involved with the demand for equality. In order to fulfill the said purposes this paper sets out to provide a comprehensive conceptual and theoretical understanding of equality. It also captures the views of political scientists from different generations with regard to the issues of equality and inequality.

This study establishes that equality is not only a relative concept but also a situational concept as the situation largely determines the nature of equality. In other words, special and differential rights granted to minority groups or cultures may be considered as inequality by majority population. It also establishes the fact that literal equalization is not possible in democracy. This paper has employed historical, analytical and descriptive method to study the concept of equality.

Relevant terms: equality of outcome, equality of opportunity, inequality, liberty, rights, justice, democracy.

Introduction

The ideal of equality is the most appealing concept in political, legal and philosophical discourses. Its appeal lies in its common usage, promise of impartiality and emphasis on genuine meritocracy. It is basically a modern and progressive value concerned with human good. Its fundamental ideal is to treat people as equals upholding the fact that the interests of each member of the community matters equally. It is a response to the moral claims of individuals. It serves as a powerful political slogan and for that purpose it is considered to be the most controversial social ideal. It is a fundamental essence of modern democratic ideology that continues to inspire radical social change and many social movements till date. It forms an integral part of all the modern political constitutions and normative political theory.

It is as difficult to define equality as it is to achieve it politically. Equality does not imply literal equalization or identity of treatment rather it seeks to progressively reduce inequalities by accepting uniqueness in each individual. Negatively, equality means 'absence of special privileges' that is will of one is equal to the will of any other while positively, it means availability of opportunity to realize the implications of one's ability, personality and intelligence.

Equality is highly contested concept as it does not have a unified meaning. According to him, 'The principle of equality means that whatever conditions are guaranteed to me in the form of rights shall also and in the same measure be guaranteed to others and that whatever rights are given to others shall also be given to me'. According to Raphel, 'The right to equality proper...is rights to the equal satisfaction of basic human needs, including the need to develop and use capacities which are specifically human'. According to Laski, 'Equality means that no man shall be so placed in society that he can overreach his neighbour to the extent which constitutes a denial of the latter's citizenship. It means that my realization of my best self must involve as its logical result the realization of others of their best selves'. Considering the differences among scholars with regard to the meaning of equality, it can simply be understood as a leveling process which signifies a relationship between a group of different objects, persons, processes or circumstances that have the same qualities in at least one respect.

Evolution of the Concept

Alexis de Tocqueville rightly points out in his work 'Democracy in America' that progress of the concept of equality is characterized by universality and permanence. The ideal of equality is referred many times in different phases of political philosophy. There are basically three phases in the development of the concept of equality. The first phase lasted for five



hundred years starting from the rise of Stoicism¹. The second phase commencing in the mid-seventeenth century lasted till the end of the eighteenth century. Finally, the last and present phase commenced from 1914.

First Phase: Traditional thinkers considered inequality to be a natural phenomenon that was divinely ordained. Greek philosophers were amongst the first scientific thinkers who sought to discover the structures and real foundations of inequalities. They emphasized on the ideas of universal brotherhood and universal citizenship. The most prominent Greek philosopher and founder of the Stoic school, Zeno of Citium strongly condemned slavery and emphasized on equality among men considering that all human beings virtue possessed reason.

The Roman jurists adhered to law of the people such as the *jus gentium* which conferred citizenship of Rome to all inhabitants of the Roman Empire in stages. In the Roman empire, citizenship was first granted to Latins living nearby in the centre of Italy; followed by their allies in the rest of Italy and at the last, to inhabitants of outlying provinces. In 212 A.D. Emperor Caracalla conferred citizenship of Rome upon all free (non-slave) inhabitants of the empire.

Second Phase: Till the seventeenth century the demand for equality was raised against serfdom and church by the rising bourgeois class. Thereafter, movements of Renaissance and Reformation provided a powerful impetus to the demands for equality. American Revolution (1778) and French Revolution (1789) strongly upheld the right to equality by birth. Most importantly, the French Revolutionaries popularized the slogan 'liberty, equality and fraternity'. Tom Bottomore in his work 'Classes in Modern Society' (1965) argues that since the 'American and French Revolutions social class as a stark embodiment of the principle of inequality has become an object of scientific study and at the same time, of widespread condemnation in terms of new social doctrines'.

This phase was also marked by rationalism and enlightenment with political thinkers like Locke, Rousseau, Voltaire, Jefferson and Paine emphasizing on political and legal dimensions of equality. The reform acts of 1832, 1876 and 1884 passed in Britain were the product of the demands of political equality. During nineteenth century humanists, utopian socialists, Marxists and positive liberals started emphasizing on the economic and social dimensions of equality as a result of the conflicts arising between the capitalist class and working class following the *laissez faire* policy of the state.

Third phase: From twentieth century onwards the demand for equality is being manifested in different kinds of movements such as national liberation movements against imperialism and colonialism, apartheid movements and socialist revolutions in Russia, China and East European countries. Various international laws and conventions such as the Universal Declaration of Human Rights (1948) have made it possible for even Third World countries to make legitimate demands for equality both within and outside the nation.

Dimensions of Equality

Equality is a dynamic and complex concept having several facets and multiple dimensions. These dimensions of equality are inter-related to each other as each provides a basis for the other. Benn and Peters in their work 'Social Principles and the Democratic State' reiterate this argument by stating that the goals and objectives of legal-political equality cannot be achieved unless socio-economic equality is ensured to all the citizens.

1. Legal equality: is the most traditional form of equality. In ancient societies there was no legal equality among individuals per se for example, Aristotle argued that freemen and slaves can be given same kind of punishment even if they commit the same offence. It was the new middle class or bourgeoisie who for the first time demanded for liberty, equality and justice but with the development of capitalism they started maintaining the status-quo. Legal equality simply means equal subjection of all classes of citizens to the law and equal protection of the laws for all citizens. It is the basic foundation of legal justice and most important achievement of the modern state. Jean Jacques Rousseau in his work 'Social Contract' considered legal equality as the determining attribute of a civil society. Ernest Barker in his work 'Principles of Social and Political Theory' emphasized on the significance of legal equality in terms of ensuring rights. However, critics of legal equality like Harold J. Laski and Lucas consider it to be an expensive, intricate and complex affair.

2. Political equality: the demand for political equality emerged along with the demand for legal equality based on the argument that 'if men are equal in law, then there should be equality amongst them regarding the right to governance'. According to Laski, political equality means 'authority which exerts power must be subject to the rules of democratic

¹ It refers to the philosophy of Zeno and his followers who emphasized on peace and futility of human's fighting.



governance'. Political equality means the equal political rights of citizens to vote, hold public office or contest election by virtue of being a rational individual capable of taking political judgments irrespective of his/her physical and mental capacities, education and wealth. In other words, it means an equal distribution of political power and influence.

The term political equality can have different implications as for liberals it implies equal distribution of a range of political rights such as the right to vote, right to contest election etc. but for socialists it may be linked with the demands for social equality such as control of economic resources or means of mass communication. In the later phase of liberal political theory, political equality came to be viewed in terms of range of political rights such as universalization of adult franchise, freedom of expression, freedom of association etc.

3. Economic equality: failure of political equality to eliminate prevailing socio-economic inequalities facilitated the demand for socio-economic equality particularly by working class. In the initial phase of liberal political theory, economic equality was considered to be freedom of contract and equality to choose one's trade or profession irrespective of his/her caste, creed or economic status. It was also understood as equality of wealth and income.

Harold J. Laski believed that economic equality can be achieved if primary needs are accessible to all without distinction in degree or kind. Furthermore, he argues that economic equality should be ensured in two respects: i) in matter of status ii) in matters of property and income. He believed that the liberal state ensures economic equality through its policy of mixed economy, methods of differential taxation and other welfare services.

4. Social equality: means abolition of all kinds of discrimination based on religion, caste, creed, sex, race, language, education etc. It also means equality of opportunity for the development of an individual's personality. Individuals should not be differently valued by virtue of their roles, titles or positions as distinct from other members of a social system. Social equality is founded on the basic idea that human beings must be treated as human beings.

Theorising Equality

Broadly speaking, there are two contradictory notions of equality with liberal democratic tradition emphasizing on equality of opportunity and conditions while the Marxist tradition emphasizing on equality of outcome. Equality of opportunity is an elastic notion as it is difficult to measure. It is based on the idea of formal equality. It seeks to develop personal qualities and capacities of individuals possessing different mental and physical capacities, aptitudes, skills, talents and energies. It includes claims for well-being or objective welfare, preference satisfaction or subjective welfare and resources. From twentieth century onwards equality of opportunity came to be viewed not only as legal equality but also as socio-economic equality. It may facilitate the claim for 'equality of conditions' for example, equal opportunity for all to appear in the test may lead to demands for conditions that facilitate acquisition of knowledge and skills.

Liberal thinkers emphasize on equality of opportunity based on the doctrine of individualism and principle of meritocracy. The doctrine of individualism is based on the belief that individuals by virtue of being 'born equal' have equal rights and entitlements while the principle of meritocracy rewards and positions individuals on the basis of ability. Egalitarians also emphasize on equality of opportunity considering that individuals are responsible for their own decisions. Critics of the doctrine of equal opportunity argue that it defends economic inequality as it is result of informed choice of the people. Tawney considered it to be partial, one-sided and 'Tadpole philosophy' in which all start from the same position but are then left to the vagaries of the market where some succeed and many fail.

Equality in outcome may refer to equality of resources, welfare, social circumstances, material or some other measure that promote equality in outcome. It requires all to have same conditions before distribution. Marxists consider equality of outcome as a prerequisite to preserve individual liberty. Its critics argue that equality of outcome leads to stagnation and injustice with people losing aspiration for hard work and unequal being treated equally. Libertarians also criticize equality of outcome considering that it leads to unnecessary interference of the government and undermines individual freedom. They argue that the state's only legitimate duty is to maintain public order and it can limit individual freedom only for the sake of foreign and domestic peace. Libertarian thinker, Nozick in his work 'Anarchy, State and Utopia' also rejected the doctrine of equality of opportunity as he believed that only the producer has the sole right to ownership and distribution. Another Libertarian thinker, Hayek considered all social justice including equality of opportunity as a mirage which laid greater emphasis on luck or chances.



Liberals Vs. Marxists

Liberals give preference to legal and political equality over other forms of equality. They ensure legal and political equality through legislation and welfare services such as minimum wages, tax exemption, free education etc. They show a positive commitment to egalitarian morality as they emphasize on neutral stand of the state on moral issues of all individuals. They do not emphasize on economic equality as they believe that individuals are responsible for the distributional consequences and it is only 'privately owned' resources which should be equally distributed.

Marxists conception of equality is basically a critique of liberals notion of equality. They emphasized on socio-economic equality rather than political and legal equality based on three grounds – 1) legal equality caters to only a limited number of morally relevant individuals; 2) theories of justice emphasize on distribution rather than issues relating to production and; 3) a communist society will not require law or justice as class conflicts itself will vanish.

Marx in his work 'The German Ideology' argues that in different historical epochs inequality persists and thrives in different forms. In the capitalist mode of production economic inequality is intensified, in the socialist mode of production economic equality is ensured but human emancipation is not fully achieved and in the final phase of communism economic equality is not only ensured but human emancipation is also fully achieved as a result of the classless society and abolition of private ownership. He rejected the possibility of establishing equality among men as he believed that human beings differed in terms of their physical strength, mental capacities and personal needs. He postulated that in the socialist mode of production distributive principle is based on the idea of 'to each according to his work' while in the communist mode of production distributive principle is based on the idea of 'from each according to his ability, to each according to his needs'.

Feminist Notion of Equality

Feminist tradition as opposed to both the liberal and Marxist traditions has a distinct and unique notion of equality. Feminists believe that gender (social and cultural distinction between men and women) equality can be ensured by overturning the social structures of male domination. They consider family as a realm where gender inequality exists. Susan Moller Okin in her work 'Justice, Gender and the Family' (1989) argues that conditions of marriage treats women as unequal. She believes that well-being and life-style of a person should not be determined by sex. She recommends changes in the divorce laws and provision of child care in order to alleviate the status of women in the private sphere.

Liberal feminism and Socialist feminism are two strands of feminist thought that particularly emphasize on equality of women with respect to men. Liberal feminism or 'equal-rights feminism' is the earliest strand of feminist thought that emphasizes on two fundamental liberal assumptions that are freedom and individuality. Liberal feminists such as Mary Wollstonecraft, John Stuart Mill, Betty Friedan and Carole Pateman argue that women by virtue of being rational creatures should be ensured equal legal and political rights. Socialist feminism identify the linkages between women's subordination and class exploitation. Socialist feminists such as Charles Fourier, Friedrich Engels and Sheila Rowbotham believe that equality of women can be ensured by their economic emancipation and establishment of a classless society.

Aristotle on Equality

Aristotle rejected absolute equality and radical change in the existing order. He formulated formal equality principle drawing upon Plato's famous statement 'treat like cases as like'. Formal equality considers individuals to be equal if they have equal status in at least one normatively relevant respect.

In his work 'Nicomachean Ethics' he identified two kinds of equality that are numerical equality and proportional equality. Numerical equality treats all individuals as equal and indistinguishable under special circumstances. Proportional equality is more precise and detailed than numerical equality as it treats only relevant individuals as equal and indistinguishable. His theory of justice is based on proportional equality as it emphasized on treating equals equally and unequals unequally. He believed that political equality of citizens could be attained by acknowledging the virtue of 'ruling and being ruled in turn'. Therefore, he justified natural inequality of unequals which included foreigners, slaves and women.

Rousseau on Inequality

Rousseau was the first thinker who directly addressed the fundamental question on inequality among men. His emphasis on the ideal of equality is evident in his famous statement 'Men are born and remain free and equal in rights. Social distinctions can be based only upon public utility'. In his work 'Discourse on the Origin and Foundations of Inequality' (1755) he identified two kinds of inequalities that are natural inequality and conventional inequality. Natural or physical inequality was



attributable to the differences in age, health, bodily strength and qualities of mind and soul. Conventional, unnatural or social inequality was attributable to differences of privileges such as wealth, prestige and power.

He argued that social inequality led to decline of human race as it exhibits human urge for perfection, property and possessions. He believed that social inequality could be overcome by reviewing the basis of social distinctions and restructuring social relations but differences in terms of physical strength will continue to exist in the state of nature.

He argued that in modern society's creation of laws and accumulation of property has given rise to new forms of inequality such as moral inequality that not only discriminate individuals but also violate the natural laws. He believed that such new forms of inequalities should be contested and overcome as they can give rise to 'new revolutions'.

Rawls Moral Equality

John Rawls, an egalitarian liberal emphasizes on moral equality of persons by which he means respecting the interests of all individuals in forming, revising and pursuing a just conception of good by equally distributing primary goods such as income, basic liberties and opportunities. In his work 'Theory of Justice' (1972) considers his theory of 'justice as fairness' as most egalitarian which meets the demands of both freedom and equality. 'Justice as fairness' envisages humans as reasonable and rational citizens having the capacity for mutual respect, toleration, 'sense of justice' and 'conception of the good'. It envisages a society consisting of free, equal, and fair citizens that not only possess equal basic rights but also cooperate with each other even at the cost of their own interests. In such a society, citizens are free in the sense that they are equally entitled to make claims on social institutions and plan for their own lives. Citizens in such a society are equal in the sense that they possess equal capacities and status to participate in the society.

The two guiding principles of 'justice as fairness' are:

- **First Principle:** All citizens have equal basic rights and liberties – 'Each person is to have an equal right to the extensive basic liberty compatible with similar liberty for others'.
- **Second Principle:** Social and economic inequalities are justified only on two grounds:
 1. They are to be applicable to offices and positions open to all under conditions of fair equality of opportunity (especially educational and economic opportunities) and;
 2. **Difference principle:** They are to be the greatest benefit of the least advantaged members of the society. This is also known as reciprocal advantage.

He emphasized on formal equality of opportunity for all citizens in terms of decent distribution of income and wealth, basic health care for all the citizens and public financing of elections. He believed that such formal equality of opportunity can be ensured only by placing individuals in social position which is an imaginary situation of all citizens having a representative who determines the principles of justice. He argued that in a social position all citizens are placed behind the veil of ignorance which represents all citizens as free and equal.

Parekh's Equality of Difference

Bhiku Parekh argues that in a multi-cultural society people belonging to different cultures should be entitled to such rights that preserve their culture and do not harm the liberty of others. The recognition of such cultural differences in granting rights is known as equality of difference. He cites the example of Sikhs in Britain being granted the right to not wear helmet while riding motor-cycle. In 1976, the British Parliament amended the law requiring motor-cyclists to wear helmets considering that Sikh turban met the safety standards to prevent injuries in case of an accident. He also cites the example of Asian working women in Britain being allowed to wear their cultural dress in hospitals, schools and stores. Parekh argues that under 'equality of difference' inequality arises only when different demands are made based on the basic right to religion as such right may at times encompass wider range of activities depending on the religious codes.

Equality of What?

Amartya Sen raised two important questions on equality that are why equality? and equality of what? It is necessary to specify in what respect should people be treated equally. In most cases, the equality demands are made for opportunities for welfare, access to advantage, income, liberties, satisfaction of needs, capabilities of functioning, satisfaction of interests in leading a good life and resources. He gives preference to equality of capabilities over others as it reconciles the ideal of liberty and equality.



Equalities in any form are always re-enforced and re-interpreted by newer generations for example the Declaration of the Rights of Man recognized superior talent and qualities as the basis of discrimination while during the twentieth century, discrimination on the basis ascriptive factors such as caste, sex, religion etc. was opposed and rather emphasis was given to the principle of meritocracy. Therefore, there is an urgent need for all to understand the various grounds of normative claims for equality:

1. *Equal consideration within a scheme of decision-making*: Normative claim for equal treatment or to be equally taken into account is a fundamental but a very weak conception of equality as the purpose of the decision may be to differentiate.
2. *Even-handed treatment*: Normative claim for equal treatment or to be equally taken into account is made based on the idea that like cases be treated alike. Such normative claims usually lead to equal outcomes or equal distribution of rewards.
3. *Equality in distribution*: Distributive equality takes into account the specific needs of certain disadvantaged sections of the society such as physically challenged, sick, blacks, women, Scheduled Castes, Scheduled Tribes etc. It seeks to ensure equality of opportunity and does not support equality of outcome. Normative claim for equal treatment or to be equally taken into account is made based on the idea that each person should receive an equal amount of good. Such normative claims are usually made when there is lack of information about the circumstances of the person involved.

The other two grounds of normative claims for equality are equality of outcome and equality of opportunity which have already been discussed in the previous section.

Relation Between Liberty and Equality

Equality is a relative, comparative and foundational concept linked to other important concepts in political philosophy such as liberty, rights, justice, democracy, popular sovereignty and so on. However, relation between the ideals of liberty and equality has become an important point of debate in liberal democratic theory.

Early negative liberal thinkers such as John Locke, Adam Smith, Jeremy Bentham, James Mill and Tocqueville considered liberty and equality to be naturally opposed to each other. They emphasized only on political and legal equality. They argued that socio-economic equality should be ensured only if did not threaten individual liberty and power of the state. They considered inequality among egoistic rational individuals as benevolent and progressive. They justified inequality based on the doctrine of individualism and the concept of free market. They argued that the primary function of the state is to preserve liberty by ensuring 'absence of restraints'. Furthermore, it could ensure limited equality of citizens that is not beyond 'equality before law'. However, twentieth century liberal thinkers like Mosca, Pareto, Hayek, Stephen, Friedman, May and Bagehot considered 'equality before law' as a threat to individual rights and liberty. They believed that any attempt of the state to ensure equality of outcome will facilitate political despotism and inequality.

From twentieth century onwards positive liberal thinkers like Macpherson, T.H Green, Tawney, Rousseau, Lindsay, Maitland, Laski, Hobhouse and Barker emphasized on the complementary nature of liberty and equality but they continued to give preference to liberty over equality considering liberty to be more closely connected to the supreme value of personality. They viewed liberty as 'equality of opportunity to realize the implication of his personality'. They considered individual as a social being whose personal desires could be satisfied in a social environment characterized by cooperative social relationship. They emphasized on the positive role of the state that is to ensure socio-economic equality through legislation and regulation.

Contradiction between Liberty and Equality

Political thinkers like De Tocqueville, Lord Acton, Hayek and Isaiah Berlin considered liberty and equality as contradictory and mutually exclusive principles. Tocqueville in his celebrated work 'Democracy in America' (1835-40) argues that the principle of equality encouraged centralization of state power and 'tyranny of majority' which undermines individual freedom². In other words, the principle of liberty accepted differences of opinions and interests while the principle of equality emphasized on conformity of opinions and interests. He believed that political liberty can be safeguarded by free political parties, free press and intermediate voluntary associations.

Liberty and equality contradict and conflict with each other under three kinds of situation:

² Most of the political philosophers like Plato, Aristotle, J.S Mill, Madison and Tocqueville have expressed their fears of 'tyranny of the majority'. Tyranny of the majority requires conformity to generally held attitudes and opinions.



- a) if equality is viewed as equality of outcome and liberty is viewed as freedom to choose;
- b) if liberty or equality is viewed in terms of fairness and;
- c) if one principle is ensured at the cost of another principle.

Most importantly, liberty and equality contradict and conflict with each other in the socio-economic sphere as liberty gives an individual the freedom to acquire more wealth, prestige or power while equality seeks to diminish such socio-economic inequalities. In this regard, R.H Tawney in his work 'Equality' (1938) observed:

'If liberty means that every individual shall be free, according to his opportunities, to indulge without limiting his appetite...it is clearly incompatible not only with economic and social but with civil and political equality which also prevent the strong exploiting to the full advantages of their strength...But freedom for the pike is death for the minnows. It is possible the equality is contrasted not with liberty but only with a particular interpretation of it'.

Corelation between Liberty and Equality

Political thinkers like R.H Tawney, Harold J. Laski and C.B Macpherson consider liberty and equality as complementary and compatible principles. They believe that liberty cannot be ensured to the individual if inequality exists in society. Laski's attempt to harmonize the concepts of liberty and equality forms the theoretical foundations of his democratic socialist philosophy. In his work 'Liberty in the Modern State' he observed:

'an interest in liberty begins when men have ceased to be overwhelmed by the problem of sheer existence; it is when chance of leisure, economic sufficiency and leisure for thought. These are primary conditions of free man. Equality, which aims to put an end to gross inequalities of wealth and power, is the true basis of liberty'.

Liberty and equality serve the same social purpose of ensuring human emancipation, developing individual's personality and establishing a just order. They also share similar logic that is freedom of one should not impede the freedom of others. They form an integral part of the list of fundamental rights. Liberty is a condition of equality and vice-versa as equality without liberty will be slavery and liberty without equality will be license and anarchy. Also, civil liberty can be secured only if all are treated equal in the eyes of law. The inherent contradictions of liberty cannot be resolved without adhering to the principles of equality. Therefore, it is essential to regulate liberty in such a manner that it equally harmonizes the claims of all in society.

Conclusion

In the present age of globalization, individuals and societies are not being able to free themselves from the clutches of inequality. Inequality has become an indispensable natural phenomena for the present age. Though most democratic countries in the world have achieved equality of opportunity and conditions but they have yet to achieve equality of results as inequality in terms of power, prestige and wealth continues to exist.

In the present globalised society, inequality is legitimized by referring to different ideological systems such as imperialism, colonialism, capitalism, religious fundamentalism etc. that sustain all forms of inequality. Such ideological systems exhibit the fact that social differentiation and stratification are essential to all social structures. Such accelerating rate of inequalities can also be attributed to the breakdown the welfare state and the practice of redistribution. The most important implication of such inequalities is increase in the number of political struggles and social movements organized by different identity, religious and minority groups such as Dalits, women, transgender etc.

Therefore, there is an urgent need for all to realize the significance of the ideal of equality in fulfilling the four important ends of the society that are ensuring fairness, protecting one's self-respect (equality of status), giving respect to others (equal opportunities for self-development) and finally, fostering fraternity (social equality). In doing so, we cannot denounce inequality altogether as it is not always unjust. Inequality is objectionable only if it harms or disadvantages a worse-off person by violating his/her claims to have a fair share and if inequality is done based on natural distinctions or social disadvantages.

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