

Equality

Meaning and Interpretation

- Equality is not about blanket uniformity, but rather is about ‘levelling’ those conditions of social existence which are thought to be crucial to human well-being.
- The goal of **egalitarians** is to establish the legal, political or social conditions in which people will be able to enjoy equally worthwhile and satisfying lives.
- **Legal Equality**- The principle of legal equality, or ‘**equality before the law**’ holds that the law should treat each person as an individual, showing no regard to their social background, religion, race, colour, gender and so forth.
- Justice, in this sense, should be ‘blind’ to all factors other than those relevant to the case before the court, notably the evidence presented.

Equality

Meaning and Interpretation

- **Equality of Opportunity-** ‘Right to be unequal’, focus on chances
- **Equality of Outcome-** Focus on rewards
- **Equality of Welfare-** Fulfil everyone’s welfare equally irrespective of the inequality entailed in the distribution of resources.
- **Equality of Resources-** A distributional scheme should treat people as equals ‘when it distributes or transfers the resources’.
- **Equality of Capabilities-** A capability is the ability to achieve a certain sort of function. For example, literacy is a capability, while reading is a function.

Justice

Meaning and Interpretation

- Justice, in short, is about giving each person what he or she is ‘due’. However, it is much more difficult to define what that ‘due’ might be.
- Justice is an ‘essentially contested’ concept. No settled or objective concept of justice exists, only a set of competing concepts.
- In everyday language, in fact, justice is used so imprecisely that it is taken to mean ‘fairness’, ‘rightness’ or, simply, that which is ‘morally correct’. Without doubt, justice is a moral or normative concept: that which is ‘just’ is certainly morally ‘good’, and to call something ‘unjust’ is to condemn it as morally ‘bad’.
- Two forms of justice can be identified at work in the legal process. **First**, there is **procedural justice**, which relates to how the rules are made and applied. Procedural justice requires the presumption that the accused is ‘innocent until proved guilty’.
- **Second**, there is **substantive justice**, which is concerned with the rules themselves and whether they are ‘just’ or ‘unjust’. Notions of justice vary from individual to individual, from group to group, from society to society, and from period to period.

Rights

Meaning and Interpretation

- Simply speaking, a right is to get ‘one’s due’, i.e. to get what is due to someone as a human, citizen, individual or as a member of a group, etc. To have a right, then, is to be entitled to do something or to have something done; for example, to vote, to speak, to avail of healthcare, etc.
- **Negative rights** are rights that entail non-interference from the society at large. For example, the right to liberty, life, property, etc. The right to life prevents others from killing me but it does not obligate them to do anything positive to assist me in living my life to the full or to live happily.
- **Positive rights** are rights that impose obligations on other people or the state to do some- thing for a fuller enjoyment of our rights. For example, the right to health, basic subsistence, etc. requires positive interference to do something.

Rights

Human Rights

- (i) *security rights* that protect people against crimes such as murder, massacre, torture and rape;
- (ii) *liberty rights* that protect freedom in areas such as belief, expression, association, assembly and movement;
- (iii) *political rights* that protect the liberty to participate in politics through actions such as communicating, assembling, protesting, voting and serving in public office;
- (iv) *due process rights* that protect against abuses of the legal system such as imprisonment without trial, secret trials and excessive punishments;
- (v) *equality rights* that guarantee equal citizenship, equality before the law and non-discrimination; and
- (vi) *welfare rights* (or ‘economic and social rights’) that require the provision of education to all children and protections against severe poverty and starvation.

Democracy

Meaning and Interpretation

- Democracy refers to a government based on political equality, i.e. consent is required of all the individuals who form part of the political community. It is informed by the belief that all people are equally capable of, and have a stake in making, collective decisions that shape their lives.
- In a democracy, no one person's opinion or interest is of more value than the other, hence the principle of 'one person one vote'. It is based on the idea of the equal moral worth of all individuals and against the exclusion of anyone from the political process. Thus, it is against hierarchy or inherited privileges and discrimination.
- In a democracy it is assumed that there will be a diversity of opinions and interests on almost every matter of common concern. Indeed, this diversity is seen as its main strength and it calls for tolerance for all shades of opinion.

Democracy

Direct and Indirect Democracy

- In a *direct democracy*, there is a high degree of participation as citizens collectively decide, often through mass meetings, on almost all major issues. In effect, people rule themselves. This form of democracy is associated with the classical Athenian model. In India, the *gram sabha* is such an institution of direct democracy as are a number of devices like *referendum*, *initiative* and *recall* practised in contemporary societies.
- In contrast, in an *indirect or representative democracy*, government functions through representatives who are chosen through popular elections. These representatives provide a link between the governments and the people and elections allow the people to control the action of the representatives and prevent abuse of power.