

Equality, Freedom & Affirmative Action

Introduction

Equality is one of the core ideals of political theory and constitutional democracies across the world. It implies the **removal of unfair privileges and artificial barriers** so that all individuals may develop their potential and participate fully in social, political, and economic life. While philosophers like Aristotle acknowledged natural inequality, the modern age—especially post-Enlightenment—has shifted towards a **growing demand for equality in all spheres**. The modern state, through constitutions and policies, seeks to balance equality with freedom and justice. In this context, the concept of affirmative action also emerges as a tool to correct historic injustices and structural disadvantages.

I. Types of Equality: Social, Political, and Economic

Equality, in political thought, is the principle that individuals should be treated as moral equals with the same worth and rights. However, equality is not a single concept—it takes different forms in different areas of life. These include **social equality, political equality, and economic equality**. While each has its own domain, they are interdependent and must be understood in relation to one another. The absence or weakness of one can distort or undermine the others.

1. Social Equality

A. Breaking Birth-Based Hierarchies

Social equality begins by challenging systems where people are treated as superior or inferior just because of the group they are born into. These **birth-based hierarchies**, like caste, race, or clan divisions, fix social roles and limit personal dignity.

In **Japan**, the **Burakumin** were historically considered "unclean" and forced into segregated neighborhoods and stigmatized jobs. Even today, people from these communities face discrimination in marriage and employment.

Similar patterns exist elsewhere. In **Ethiopia**, traditional artisan groups like blacksmiths have faced exclusion from broader society. Their low status is passed down by birth, not by choice.

B. Ending Everyday Discrimination

Even after formal hierarchies are challenged, **everyday discrimination** continues to deny people dignity and equal opportunity. These subtle and visible biases affect how people are treated in schools, offices, housing, and public spaces.

In the **United States**, African Americans faced racial segregation under **Jim Crow laws** even after slavery ended. The **Civil Rights Movement**, led by **Martin Luther King Jr.**, fought not just for legal change, but for a society where respect was not limited by skin color.

In **Brazil**, Afro-Brazilians still face racial bias despite constitutional protections. Their access to quality education and high-paying jobs remains limited due to deep-rooted stereotypes.

Even in **European democracies**, Muslim minorities—especially women—face cultural exclusion. In **France**, wearing a hijab has led to bans in schools and jobs, showing how dominant norms can discriminate in the name of secularism.

2. Political Equality

a) Equal Political Rights and Legal Status

The foundation of political equality lies in the **equal right of every adult citizen to participate in political life**. This includes the right to vote, contest elections, join political parties, and hold public office. It is expressed through the democratic principle of "**one person, one vote, one value.**"

However, **formal political rights alone do not ensure real political equality**. Many groups may have the legal right to vote but lack the means or voice to influence decisions. For example, **universal adult franchise** in India was granted at the time of independence, but large sections of the population—especially women, Dalits, and Adivasis—continued to face exclusion from political power.

As political thinker **Carole Pateman** highlights in *The Sexual Contract*, patriarchal structures often persist even in democratic systems, limiting women's real access to decision-making.

b) Equal Access to Political Power and Influence

A deeper understanding of political equality includes **equal influence over political outcomes**, not just equal formal rights. This requires that people have the education, resources, and social capital needed to engage effectively in politics.

For example, if political campaigns are dominated by wealthy individuals or corporate funding, as in the **United States after the Citizens United ruling**, then political influence becomes unequal. Similarly, in India, candidates from marginalized backgrounds often face challenges in securing party tickets or campaign resources.

Political scientist **Robert Dahl** warned that democracy risks becoming an oligarchy if a small elite controls political communication and agenda-setting. Thus, **substantive political equality** must address the barriers that limit real influence for the majority.

c) Institutional Representation and Inclusion

To achieve political equality in practice, it is often necessary to ensure **institutional inclusion of under-represented groups**. This is the rationale behind **reserved seats for Scheduled Castes, Scheduled Tribes, and women** in India's local governments.

Affirmative political representation is not seen as violating equality but as a means of **correcting historical exclusion** and ensuring diverse voices are heard in governance. Without such structural efforts, formal equality often benefits those already in power.

Political equality, then, includes not just equal rights but also **equal opportunities to shape political outcomes and institutional frameworks**.

3. Economic Equality

a) Fair Distribution of Wealth and Resources

Economic equality refers to a **fair distribution of resources, opportunities, and income** so that everyone can meet their basic needs and live with dignity. It does not require absolute income equality but emphasizes reducing extreme disparities and ensuring that no group suffers from deprivation while others accumulate excess.

Philosopher **John Rawls**, in his **difference principle**, argued that inequalities are justifiable only if they benefit the least advantaged. According to him, justice is not served by merely following rules of fair competition if some start the race far behind others.

b) Equality of Opportunity

Economic equality also includes **equality of opportunity**, meaning that individuals should have a fair starting point in life regardless of their background. This includes access to quality education, healthcare, nutrition, housing, and jobs.

In societies with **generational poverty**, such as many rural and tribal areas in India, this form of equality remains elusive. Children born in marginalized communities often lack the minimum conditions to compete fairly, even in systems designed to reward merit.

c) Structural Support through Welfare and Regulation

Achieving economic equality requires **policy interventions** such as progressive taxation, social welfare schemes, minimum wage laws, and land reforms. These measures redistribute resources and create safety nets for the vulnerable.

Countries with robust welfare models—such as **Sweden and Norway**—demonstrate that **it is possible to combine economic equality with high productivity and innovation**. These states invest in public goods that empower citizens without stifling enterprise.

Thus, **economic equality is not opposed to growth**, as often claimed, but is essential for **inclusive and sustainable development**.

d) Addressing Gendered and Hidden Inequalities

Economic equality must also account for **hidden and structural inequalities**, such as **gender-based economic disparities**. Women's work—especially unpaid domestic labour—is often invisible in economic calculations, yet it sustains the formal economy.

Feminist scholars like **Nancy Fraser** and **Diane Elson** argue that unless policies recognise and redistribute care work, **economic equality will remain incomplete**.

Similarly, persons with disabilities, informal sector workers, and migrant laborers often remain outside formal protections. A just economy must **recognize and accommodate diverse needs**, rather than imposing a one-size-fits-all model.

II. Relationship Between Equality and Freedom

Freedom and equality are both foundational values of political life. Yet, the relationship between them is complex. Do they support each other or come into conflict? Political theorists have answered this question differently depending on how they define freedom, what kind of equality they emphasize, and what vision of society they uphold. To understand this relationship, we must explore the different ways in which freedom and equality have been understood and how these understandings interact in practice.

1. Freedom as Non-Interference vs. Equality as Redistribution

In classical liberal thought, freedom is mainly understood as **freedom from interference**—especially from the state. This view emphasizes that individuals should be left alone to make their own choices, own property, and engage in contracts without coercion. In this framework, **equality is limited to legal or formal equality**, such as equal protection under the law and equal civil rights.

However, deeper forms of equality—like **economic redistribution**—are often viewed with suspicion. For example, when a state imposes taxes to reduce income inequality or to fund public services, it is seen as infringing on individual liberty. This leads to the idea that **redistributive equality may threaten personal freedom**, particularly freedom of property and enterprise.

Some theorists argue that **markets are natural expressions of individual freedom**, and interfering with them in the name of equality leads to inefficiency and authoritarianism. **According to this view, efforts to impose equality distort**

individual choices and violate voluntary exchanges, even if they aim to correct structural disadvantages.

Yet, this understanding is narrow. It tends to overlook how unequal starting points—such as poverty, illiteracy, and caste barriers—can prevent individuals from exercising even their basic formal freedoms. In societies with deep inequalities, being "left alone" is not enough to be truly free.

2. Freedom as Empowerment and the Need for Equal Conditions

An alternative and more expansive understanding views **freedom not just as non-interference, but as empowerment**—the actual ability to pursue one's goals and live a meaningful life. This view recognizes that **legal rights alone are insufficient** unless individuals have the material, social, and educational means to exercise those rights.

For instance, a person who is legally free to attend school or vote may still be unable to do so because of hunger, social discrimination, or lack of access. In such cases, the existence of rights is meaningless without the **capability to use them**.

Political thinkers like **T.H. Green** emphasized this form of freedom. He argued that the state has a duty not only to refrain from interfering but also to actively **create conditions that allow people to flourish**. Similarly, the **Capability Approach** developed by **Amartya Sen** and **Martha Nussbaum** stressed that individuals must be equipped with basic capabilities—like education, health, and safety—in order to be truly free.

In this vision, **freedom and equality are not opposites, but deeply connected**. The removal of social and economic barriers through equalizing measures enhances individual freedom, rather than restricting it.

3. Material Inequality as a Constraint on Real Freedom

In societies marked by sharp economic and social inequalities, freedom often exists only on paper. People may be declared equal before the law, but **class, caste, race, or gender-based disparities** severely limit their ability to participate in public life or make independent choices.

A worker who is **compelled to accept low wages out of desperation**, or a person who cannot access legal remedies due to lack of awareness or money, is **formally free but functionally unfree**. This reveals that extreme inequality leads to unequal power relations, which in turn **undermine the actual experience of freedom**.

Philosophers like **Karl Marx** argued that **capitalist systems offer only the illusion of freedom**, while real power is concentrated in the hands of property owners. According to him, economic dependence and exploitation keep the working class in a state of **unfreedom**, despite the legal guarantees of liberty.

Thus, **deep material inequality creates structural obstacles** that prevent individuals from making autonomous choices. Reducing such inequalities is essential for expanding freedom in real terms.

4. Freedom and Equality as Mutually Supportive Values

Over time, many political theorists and constitutional frameworks have tried to reconcile freedom and equality not as opposites but as **interdependent values**. This reconciliation is based on the idea that:

- **Equality in basic conditions** (education, healthcare, public infrastructure) allows people to enjoy their freedoms meaningfully.
- At the same time, **freedom of thought, speech, association, and enterprise** enables individuals to exercise agency and resist domination, even from the state.

In this balanced view, **a minimum level of social and economic equality is necessary for freedom to be substantive**, while freedom remains vital to protect individual dignity and creativity.

John Rawls, in his *Theory of Justice*, captured this balance. He argued that justice must ensure **equal basic liberties** for all, while allowing economic inequalities only if they benefit the least advantaged. This approach recognizes that both **freedom and equality must be respected together**, each reinforcing the other.

Constitutional democracies often reflect this dual commitment. They protect personal freedoms while also establishing public institutions that promote equality—such as state-funded education, healthcare, and social security.

III. Affirmative Action: Theories, Principles, and Practice

1. Conceptual Foundations: Redressing Historical Injustice

Affirmative action refers to policies and measures taken by the state or institutions to address deep-rooted structural inequalities caused by centuries of discrimination or systemic exclusion. Its goal is to promote **substantive equality**—not just equal treatment under the law, but equal access to resources, opportunities, and power.

This idea challenges the limitations of **formal equality**, which treats all individuals the same, regardless of their background or disadvantage. By contrast, affirmative action acknowledges **group-based disadvantage** and seeks to rectify it through targeted support.

Philosophically, affirmative action draws from the idea of **corrective justice**, which argues that injustice caused by past wrongs must be actively addressed to restore fairness. John Rawls, in *A Theory of Justice*, supported such corrective steps through his **difference principle**, which allows inequalities only if they improve the condition of the least advantaged. Conversely, critics like Robert Nozick oppose such

policies, arguing that they violate the principles of individual entitlement and non-interference.

2. Constitutional and Legal Justifications

Affirmative action often finds grounding in the **constitutional mandates** of a country. In India, it is backed by explicit constitutional provisions:

- **Article 15(4)** allows the state to make special provisions for the advancement of socially and educationally backward classes.
- **Article 16(4)** enables reservations in public employment for underrepresented groups.

These provisions were not part of the original text but were added through early constitutional amendments to enable social transformation. Over time, judicial interpretations and commissions—like the **Mandal Commission**—shaped the scope of these provisions, particularly by including OBCs and introducing the concept of the **'creamy layer'** to ensure benefits reach the genuinely disadvantaged.

In the **United States**, affirmative action emerged during the civil rights movement. President Lyndon Johnson's **Executive Order 11246** mandated non-discriminatory hiring by federal contractors. The U.S. Supreme Court has dealt with multiple cases regarding affirmative action, often upholding its use in university admissions under **strict scrutiny**, although recent decisions have significantly narrowed its scope.

Post-apartheid **South Africa** introduced **Black Economic Empowerment (BEE)** policies to uplift historically marginalized Black populations, promoting inclusivity in business ownership, hiring, and state contracts.

3. Tools and Techniques of Implementation

Affirmative action is implemented in different ways depending on the country's socio-political environment. The key instruments include:

- **Reservations/quotas (India)**: Reserved seats in education, public employment, and legislatures for Scheduled Castes, Scheduled Tribes, and Other Backward Classes. A recent extension also provides **10% reservation for Economically Weaker Sections (EWS)** from the general category.
- **Holistic admissions (U.S.)**: Educational institutions may consider race or ethnicity as one of several factors in a broader admissions process to promote diversity. However, such practices have come under judicial scrutiny.
- **Preferential procurement and ownership norms (South Africa)**: Companies receive incentives for including Black South Africans in ownership, management, and employment.

The common thread across these mechanisms is that **affirmative action operationalizes group-specific support**, aiming to equalize conditions in societies

where certain groups have historically been excluded from participation in public life.

4. Ethical and Democratic Challenges

Despite its progressive aims, affirmative action presents **several ethical and political dilemmas**, especially in democratic societies that value individual rights and competition.

Supporters argue that:

- Affirmative action addresses **generational exclusion** that cannot be fixed by market mechanisms or neutral laws alone.
- It enhances **diversity and inclusion**, enriching institutional cultures, broadening representation, and increasing equity.
- It can act as a **social integrator**, helping marginalized groups gain voice, visibility, and mobility.

Empirical studies from India show that **reservations in higher education** have enabled Dalit and Adivasi students to access premier institutions and rise into the middle class. In the U.S., affirmative action contributed to the emergence of a Black professional class, particularly in law, academia, and government.

However, **critics raise several concerns:**

- **Reverse discrimination:** Those not covered by affirmative action may feel unjustly disadvantaged, especially when opportunities are scarce.
- **Merit dilution:** There is a concern that quotas might compromise performance standards, especially in elite institutions or competitive sectors.
- **Policy capture:** In India, the concept of the **creamy layer** was introduced to prevent relatively well-off sections of backward classes from monopolizing benefits.

These tensions highlight the need for **constant recalibration**, transparency, and accountability in the design and implementation of such policies.

5. Judicial Interpretations and Safeguards

Courts have often been central to defining the **boundaries and constitutionality of affirmative action**.

In India, the **Indra Sawhney judgment (1992)** was a landmark case that upheld reservations for OBCs but imposed critical conditions:

- **50% ceiling** on reservations (excluding extraordinary circumstances),
- Exclusion of the **creamy layer** among OBCs,
- Recognition of **social and educational backwardness** as the basis, not just caste.

Similarly, in the **Jarnail Singh case (2018)**, the Supreme Court ruled that the creamy layer principle should also apply to SC/ST promotions in government service, adding a new layer of scrutiny.

In the **United States**, the Supreme Court's judgments have oscillated. While **Grutter v. Bollinger (2003)** allowed limited race-conscious admissions, the recent **Harvard and UNC ruling (2023)** struck down race-based admissions policies, arguing that they violate the Equal Protection Clause. This marks a shift toward **race-neutral approaches**, such as considering socio-economic disadvantage rather than racial identity.

These judicial interventions reflect an underlying **constitutional tension**: between the need to correct structural inequality and the principle of individual equality before the law.

PYQ-Based Insights

1. Insight: UPSC expects conceptual clarity and interlinkages among political ideals.

"Distinguish between political equality and economic equality. How far are they interrelated in a liberal democratic state?" (2019)

2. Insight: Affirmative action is often asked in comparative or critical evaluation frameworks.

"Critically examine the concept of affirmative action. Do you think it is compatible with the principle of equality?" (2016)

3. Insight: Thematic link between freedom and equality is frequently tested.

"Is there a tension between liberty and equality? Give arguments for and against." (2013)

Speculative Question Cues (Based on Global and UPSC Trends)

1. *"Discuss the role of affirmative action in promoting real freedom. Illustrate with examples from India and abroad."*

2. *"Substantive equality requires more than legal rights. Examine."*

3. *"How do contemporary political thinkers reconcile the tension between equality and freedom?"*

4. *"Evaluate affirmative action in the light of Rawls' theory of justice and the Indian Constitution."*