

PREVIOUS YEAR QUESTION

UPSC 2018 · 15 marks

Equality means fair treatment rather than equal treatment. Comment.

FLOW SNAPSHOT — how the answer moves

Intro routes

R1 equal moral worth, not sameness → Aristotle: equals equally, unequals unequally

R2 two readings of equality → same rule for all vs treatment by circumstance / need

Body flow

equal treatment = sameness in law (Nozick → redistribution as rights-violation) → but unequal starting points → Dalits / Blacks / women / disabled → identical rule entrenches advantage → Tawney pike-minnows → fair treatment corrects → differential treatment by need / disadvantage → Rawls difference principle → Sen resources vs functionings → protective discrimination / affirmative action

Counter-view

Nozick: differential treatment violates rights → answer: not arbitrary, bounded, only to protect the weakest

Conclusion routes

R1 identical treatment of unequals reproduces inequality → equality = fair treatment

R2 fair treatment secures equal worth in moral + material sense → distributive equality

Equality promises that all persons have equal moral worth. It does not promise sameness. Aristotle settled this long ago: justice means treating equals equally & unequals unequally. The real question is which reading honours that promise. Does equality demand the same rule for all, or treatment that responds to circumstance and need?

Equal treatment values sameness in law and procedure. Robert Nozick defends it, and treats redistribution as a violation of holdings and rights. But people do not begin from the same social position.

Historical discrimination against Dalits, Blacks, women & the disabled means an identical rule preserves the advantage of the already advantaged. As Richard Henry Tawney put it, "Freedom for the pike is death for the minnows."

Fair treatment corrects this. It gives differential treatment by circumstance, need and past disadvantage and connects equality with distributive justice. John Rawls allows inequalities only where they benefit the least advantaged.

Amartya Sen shows that equal resources still leave people unequal, since they differ in converting resources into functionings. Protective discrimination and affirmative action follow from this logic.

Such treatment is not arbitrary. It is justified only to protect the weakest. Equality is therefore realised as fair treatment - securing equal worth in both moral and material terms.