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<th><strong>Title</strong></th>
<th>Equality and human rights</th>
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<td><strong>Authors(s)</strong></td>
<td>Baker, John</td>
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<tr>
<td><strong>Publication date</strong></td>
<td>2005</td>
</tr>
<tr>
<td><strong>Publisher</strong></td>
<td>Hodder Arnold</td>
</tr>
<tr>
<td><strong>Item record/more information</strong></td>
<td><a href="http://hdl.handle.net/10197/2461">http://hdl.handle.net/10197/2461</a></td>
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<tr>
<td><strong>Publisher's statement</strong></td>
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EQUALITY AND HUMAN RIGHTS

The idea of equality is widely endorsed in contemporary societies and is often mentioned in legislation and constitutions as well as in such international documents as the UNIVERSAL DECLARATION OF HUMAN RIGHTS. However, this apparent consensus obscures the fact that there are several different interpretations or conceptions of equality. One way of classifying these conceptions is under the headings of basic equality, liberal egalitarianism and equality of condition.

Basic equality is the cornerstone of all egalitarian thinking the idea that at some very basic level all human beings have equal worth and importance and are therefore equally worthy of concern and respect. It is not easy to explain quite what these ideas amount to, since many of the people who claim to hold them defend a wide range of other inequalities, including the view that some people deserve more concern and respect than others. Perhaps what is really involved in basic equality is the idea that every human being deserves some basic minimum of concern and respect, placing at least some limits on what it is to treat someone as a human being. The minimum standards involved in the idea of basic equality include prohibitions against inhuman and degrading treatment, protection against blatant violence and at least some commitment to satisfying people’s most basic needs.

A key assumption of liberal egalitarianism is that there will always be major inequalities between people in their status, resources, work and power. The role of the idea of equality is to provide a fair basis for managing these inequalities, by strengthening the minimum to which everyone is entitled and by using equality of opportunity to regulate the competition for advantage. Liberal egalitarians vary in both these respects. For some, the minimum to which all should be entitled barely differs from basic equality. Others have a more generous idea of the minimum, for example by using an expanded idea of what counts as a basic need or by defining poverty in relation to the normal activities of a particular society. The most ambitious liberal principle is Rawls’s ‘difference principle’, which states that ‘social and economic inequalities’ should work ‘to the greatest benefit of the least advantaged’ members of society.

Liberal equality of opportunity means that people should in some sense have an equal chance to compete for social advantages. This principle has two major interpretations. The first, non-discrimination or ‘formal’ equal opportunity, is classically expressed in the French Declaration of the Rights of Man (1789) as the principle that all citizens ‘are equally eligible for all positions, posts and public employments in accordance with their abilities’ (Article 6). A stronger form of equal opportunity insists that people should not be advantaged or hampered by their social background and that their prospects in life should depend entirely on their own effort and abilities. Rawls calls this principle ‘fair equal opportunity’.

Liberal egalitarianism is based on the assumption that many major inequalities are inevitable and that our task is to make them fair. The idea of what can be called ‘equality of condition’ sets out a much more ambitious aim: to eliminate major inequalities or at least massively to reduce the current scale of inequality. The key to this much more ambitious agenda is to recognise that inequality is rooted in changing and changeable social structures and particularly in structures of domination and oppression. These structures create, and continually reproduce, the inequalities that liberal egalitarians see as inevitable. But since social structures have changed in the past, it is at least conceivable that they could be deliberately changed in the future.

Discussions of equality sometimes contrast the liberal idea of equality of opportunity with the idea of ‘equality of outcome’. Although the distinction is a good shorthand account of the difference between liberal egalitarianism and equality of condition, it can be misleading, since equality of condition is also concerned with people having a wide range of choices, not with their all ending up the same. The difference is in how equal opportunity is understood. Liberal equal opportunity is about fairness in the competition for advantage. It implies that there will be winners and losers, people who do well and people who do badly. An ‘opportunity’ in this context is the right to compete, not the right to choose among alternatives of similar worth.

Equality of condition is about opportunities in this stronger sense, about enabling and empowering people to exercise what might be called real choices among real options. Inevitably equality in these fields of choice would lead to different outcomes, which could have profound effects on people’s lives, wasting money on useless things, falling in love with the wrong person, choosing an occupation that doesn’t suit. But these outcomes, precisely because they would take place in a context of continuing inequality in the overall conditions of people’s lives, would not undermine people’s roughly similar prospects for making further choices.

Equality of condition would require much more equality in the distribution of material resources, but would allow for inequalities that reflect people’s different needs. It is also concerned with promoting relations of equal respect and recognition that enable people to enter into relations of love, care and solidarity, with democratising power relations, and with providing working and learning opportunities that people find satisfying and fulfilling.

The idea of human rights is a fundamentally egalitarian one, resting as it does on the Universal Declaration’s assertion that ‘all human beings are born free and equal in dignity and rights’ (Article 1). In terms of the three conceptions of equality outlined above, the human rights agenda clearly encompasses basic equality. It is also closely connected to liberal egalitarianism because it is primarily concerned with the setting of minimum standards and promoting key principles of non-discrimination. Some of the principles proclaimed by liberal egalitarians are more demanding than those included in the major human rights documents. For example, Rawls’s principle of fair equal opportunity and his difference principle are both stronger than anything found in the Universal Declaration or the EUROPEAN CONVENTION. But liberal egalitarians and social rights activists have broadly similar aims. The protection of human rights also forms part of the idea of equality of condition. However, equality of condition sets out a much more ambitious agenda than is found in human rights documents.

It is plausible to think of the protection of human rights as a step on the way to the more demanding principles found in some forms of liberal egalitarianism and in equality of condition, since human rights are concerned with the most basic and urgent of egalitarian aims. However, it can be argued that it is precisely the existence of substantial inequalities of condition that has enabled the privileged to violate the human rights of others. Even in liberal democracies, severe inequalities of status, resources and power mean that the human rights of marginalised groups can be violated with impunity by dominant majorities. For this reason, the struggle for human rights seems to entail a broader struggle for greater equality of condition.

Further Reading


Contributor: John Baker

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