

EQUALITY: AN ANALYSIS INTO ITS CULTURAL COMPONENT

Siddharth*

The cause of equality is not one of creating contiguous compartments. Humans are equal not as isolated bits, but as mutually interacting summations of different processes. The paper here argues this same understanding of social cultures and myths as inalienable components of human equality, and the need for orienting our take as one that values hierarchy and difference as much as equal access to material modes of survival. Basing on the idea of psychologism, the argument developed is in opposition to hallowed promises of tomorrow, and their antithesis with the very functions of law as a social instrument.

I. INTRODUCTION

In the ‘today’ of present, the Reason visits us, obscuring in its stride the independence of time, as a brazen denial of all that refuses its equation of linearity¹. In strict singularity of ideas, it suffocates all dissonances with the Big Science and its cohort, the Market. Masquerading as modernity, the variability of past is rendered into an embarrassed acceptance of primitive; the future is sequenced as a pattern of pre determined progressions. Time, space, and human are all atomized-entities individuated and consumable in a global storehouse of property, innovation and output.

Yet, never earlier have we displayed a more tenacious resilience in clinging to our intuitive ideals: hopes and visions that talk back in the face of this

* 4th Year, Student, National University of Juridical Sciences, India. The author wishes to express his gratitude to Professor Ashis Nandy, for his invaluable instructive guidance both at the Centre for the Studies of Developing Societies, and otherwise. Professor Mahendra P. Singh’s support as the constant and unfailing mentor has been the other great source of inspiration.

¹ The hegemonisation of time into a representation of the dominant exists as the singular largest usurpation of human identities. The present is essentially a multi-layered phenomenon of varying perspectives: it bespeaks a multiplicity of ethos existing at varying situations and responses of human intellect. The culling of this organic diversity into unilateral protuberance of one singular conception is, what bedrocks the entire stealing of the time from its repository: the minds of the people. The ‘today’ we speak of is often the vantage point of the dominant, a very conscious attempt to confine to the imagined dustbins of history, the living aspirations of the extened.

indoctrinated contemporaneity of skepticism and rationality. And in this paradox between belief and question, the most forceful element that surfaces is one of a symbiosis of our cognitive independence and interdependence. In an unprecedented vindication of the sociability of our animal-hood, humanity in its forms both violent and pacific, has shown itself to be social dynamic of interconnecting ripples.

The idea of equality sought here finds itself on this same notion of secured existence: sustained humanity as a mutually dialogic outcome. Being equal is being human, not as isolated beings but as culturally anchored psyches. The argument espoused is against the understanding of mere enablements and affirmative actions. These function only when they root themselves in the context of the individual; not as affecting agencies of some idolized Shangri Las, but as informed relevancies of the present.

This conception of connectivity however, inheres in its human element, limitations of psychology and culture. Belief and thought, and their sharing with a fellow being, are essentially functions of context. The crystallization of ideas occurs only as a continuation and in response to the stimulus of environment of realities and imaginations. The history of our societal constructs is in fact a reality of participatory dialogues between differing thoughts. The dynamics of the living is a resultant of these varied wisdoms, where all count, and all are responsible. To put it differently, the broad contours of civility and order are manifestations of a singular centrality: the structures of community life are an informed consociation of equal conspectuses.

Being equal therefore is key to this ordered existence of all living beings. Its paramouncy amongst humans, more over, is a result of our ability to think. The foremost task of the society, in its communitarian role, is the securing of the best possible life chances; which in turn can alone be actualized as a culmination into multiple solution sets for different exigencies.

II. THE IDEA OF BEING HUMAN, AND EQUAL

The understanding of equality sought here, in contradiction to the assertions of non-believers of tradition and culture; approaches in a greater measure, the anthropocentric appreciation of the phenomenon. A living being is in essence a culmination of processes. The vivacity of life, with its myriad hues is what informs not only our comprehension of the happened, but also guides our preparations for the imminent and the unforeseen. Responses to external stimuli are largely learnt bits. In the human case, the complexity is heightened due to the establishment formal knowledge systems. As individuals, humans learn not only from their own experiences, but also build upon and draw from the common pools of their community. Even in isolated individuation, there responses to the unexpected are largely innovations on existing repositories. And it is only a truism that company only adds upon individual creativity. Visiting our old Robinson Crusoe in his lonely hutment, we see his predictable behaviour in situations of extreme, as much

as the logical consistency of his teaming up with Friday. Passed on from generation to generation, these collected repositories expand to establish formidable systems of thought and living. In societies of vast multitudes, these knowledge systems grow themselves into aspects of faith and belief: religion, custom and law. They then are not mere pools to draw from; they are as much the guideposts for conduct and behaviour. And in this process of growth and expansion, each of these systems engenders in itself a multitude of other such systems, the latter drawing legitimacy and explanation from the former.

This conception of enlargement and growth, however, is dichotomous: it grows on and saps the very idea it immediates. As the system fans out, it also increases its hold on the number and variety of issues it seeks to govern, thereby causing a multiplicity of its interpretations. Different points of view therefore lead to different outcomes for the same problems. Result is conflict and digression. The inconsistency of the subsumed patterns with the external realities, often on issues of value creation, leads to mutual frictions. Ideas and emotions in the subconscious, that had been till then dwarfed by larger concerns of normative adherence, resurface in the wake of perceived deprivation and disillusionment. Digression in fact is natural; uniform behavioural traits are at best artificial and superimposed. The internalization of external guidelines exists largely as a matter of agreeability to the form rather than the content. The motivation to follow similar patterns of life is as an urge for belongingness, more than a result of deliberated orientations². It exists at the subconscious of large multitudes for whom identities are issues of ascribed realities, and not merely a freedom of choice³. The attempt to break away therefore results from the latent differences that concretise on an exposure to stimulating contradictions: symbolic of the fundamental tenet of consociational living where the individual demands inclusion not in lieu of unquestioned acceptance of the dominant ethos, but in recognition of the personal capacity to guide and determine its own life circumstances.

The comprehension of this phenomenon of change can best be understood in terms of improvement and refinement of the self. The idea of change stems from a constant endeavour to create better frameworks, both external to the

² A major and most perceptible example of this in the Indian context has been the phenomenon of Sanskritisation: the general historical effort of the lower rungs of the caste structure to emulate the higher ones. What however should be kept in mind is that the feature is resultant rather than causal in nature. In other words, this general blind run of the mill attitude is what sets in only after the secured establishment of social practices. When the agreements are first arrived at however, the adherence or denial of them is a consequence of thought-over actions.

³ Fred Weinstein and Gerald Platt make an excellent case for this idea: "...Defined in the simplest terms, internalization means that regulations that have been accepted as the basis of continued interaction with the objects in the external world are replaced by inner regulations. The internal acceptance of *patterns* of behaviour, as opposed to the *content* of behaviour, forms the basis of consistent orientations to actions on all institutional levels. Moreover, the better part of this 'common culture' is not available for conscious examination; it exists for individuals on an unconscious level." FRED WEINSTEIN AND GERALD PLATT, *THE WISH TO BE FREE*, 5 (1969), (emphasis supplied).

self as well within it, for a more complete articulation of the human element. To quote John Rawls, “*When fully articulated, any conception of justice expresses a conception of the person, of the relations of between persons, and of general structure and ends of social cooperation. To accept the principles that represent a conception of justice is at the same time to accept an ideal of the person; and in acting from these principles we realize such an ideal...*”⁴.

The idea of equality therefore is thus an exercise in endowing all to attain this ideal. This ideal however, is not one of superhuman infallible. It is what Gautam Buddha called the ‘*arahant*’: one who draws inspiration from the present, had the ability to evaluate the human shortcomings from an empathiser’s perspective and yet at the same time have the distanced neutrality of the third person, has human virtues of compassion and understanding, and above all has a great capability of refinement and improvement⁵. To put it differently, the life that is to be led should be efficacious, doubly⁶. It should be efficacious at the personal level: the intimate most aspects of life, from creation of new bonds to the appreciation of the dead, are viewed from a perspective of truth and understanding. It should as well be built upon a relation of respect and symbiosis with the external world, so the binary of appreciation and empowerment exists. The stress on this efficacy emphasises the relationship between the ends sought, and the means employed for the attainment of the human maxima. The otherwise leads to a ‘spider-in-its-own-web’ phenomenon, where the significance of the means (notably the control over life resources) is atrophied by an over stress on their employment. The end, the living of a sustainable existence, is relegated to forgettable margins. What one does achieve are self-perpetuating destructions, where imperfect hierarchies are created for subjugation and dishonouring of the human element⁷.

It should however be noted that the concept of equality, based on the appreciation of the human, is not antithetical to the notion of hierarchy- functional expediency requires the existence of stratarchies with some given the responsibility of guiding others. This hierarchisation of roles exists in keeping with the fundamental tenet of allowing greatest possible expression to all. It exists as a

⁴ John Rawls, “*A Kantian Conception of Equality*”, in *COLLECTED PAPERS: John Rawls* (ed.) Samuel Freeman, 254. 2004.

⁵ For a greater elucidation on Buddhist ethics, see Padmasiri de Silva, ‘*Buddhist Ethical Theory*’, in *INDIAN ETHICS*, 229. (Purushottam Bilimoria, et all ed, Vol. 1, 2007.)

⁶ The doubleness is in fact not an option: the dialectic between the self and the other, the individual and the society are in fact one single continuum. What exists as the other or the external is nothing but an altered manifestation of the self, a reflection often distorted by the vagaries of understanding.

⁷ An interesting parallel in Hindu thought is that of *Mrig Trishna*: the unending thirst. Humans in their cycles of existence remain engrossed in control of the ephemeral even when the clear path of salvation lies ahead of them.

purposeful device that legitimates reallocation of life resources to efficacious most distribution amongst all the stakeholders, the idea of collective decision-making.⁸

What equality does oppose is the moral appropriateness of perpetuating anti-participatory models of existence, where the domination of one by the other is couched in terms of natural superordination. We arrive then at what may be termed as the anchoring role of equality in the fluidity of culture. In constant refining of the self, the individual is allowed to affect changes within his personality, and his surroundings, but only to the extent that the change is in consonance with the notion of betterment. The decision as to what may or may not be categorized as betterment is a two way process: the individual in response to his wishes, and the ideals he or she seeks decides upon a set of notions. If the general prevailing structure of the society, in terms of its shortcomings, and the attitude of other stakeholders is in keeping with these notions, then the change decided upon is one for betterment. The otherwise is tagged as an attempt at disruption, and duly culled. The idea of redefining and rediscovering is therefore, both for the individual as well as the society. This idea of equality as the deciding fundament has two characteristics. Firstly, in judging the efficacy of the deviance, this social constant should not act as a repressive tool for quelling dissents. The very idea of consociational living emanates from the greatest possible articulation for all. Societal stability can be achieved only when compliance and not coercion is the determinative language.

Secondly, this social constant needs to have a dual role: it should be causative as well as prescriptive. In other words it should predetermine and cause patterns of behaviour; and then should act as guide and deterrent for non-conformity. While the former causative role is that of a value, the latter is that of a norm.

The equality we envisage exists therefore in the harmony of the fluidity of values and normativity of prescription. As a causative element, it engenders behaviours where a society is created on the ideals of mutual respect, and recognition of the cognitive and intuitive processes inherent in the human. It lays the foundation plane where morality of maxima is created: all are enabled by mutual actions of support understanding to an expression of the greatest. The hierarchies created in the process are means of achieving this same. As a normative tool, it lays the tempering contours for a conformity to the order created. The deterrence exists to the extent of culling usurpation of life chances of one by another- that the superordinate is allowed as moral entitlement.

⁸ A relation exists between this structure and Rawls' 'maximin' model of allowing inequalities if they render greatest benefit to the least advantaged. The understanding in both remains inspired by the existing disparities of not only material possessions, but more importantly in the form of those that grade knowledge systems in terms of utility. In other words, the concept of equality is strengthened by routing redistributions to counter arrangements that work against or fail to orient themselves from the perspectives of psyche.

III. EQUALITY AND CULTURE

One can be equal only if one is free; and the freedom can only be of one kind: that of mind. It is only in the unshackling of comprehension that we realize potentials of pursuing the coveted. Our commitment to our equality, both physical and psychological, is a function of our awareness of the self. Any theory of equality therefore needs to be as much a theory of discovering the 'within'; the within as the inherent, and the within as a reflection of the outside. Equality amongst humans as living beings, more so for their ratiocination, cannot be mere juxtapositioning of contiguous units: its in their contextual identity that all find a salvation for their threatened selves.

The appreciation of the context then, remains as a prerequisite in determining upon the declarations of equality. This conception, importantly, cannot be one promising deliverances: attitudes extending out empathies with contexts, where situating the human in its environment is in essence an exercise from the analyst's and not the analysand's perspective. Instead, it is one between competing claims of faith, disbelief, promises, betrayals, and aspirations.

For the achievement of this, two presumptions need to be done away with: linearity of time, and the viewing of equality as a component of the general onward development. Both in fact are the emanations of the single thought, primarily Western and post Renaissance in its conception, that human existence has been a singular evolutionary march from savage to the civil. Propagated, curiously by both, the Marxists as well as the free marketers, and everyone in between, the ideology represents West's as the only model for society. The Orient and the Occident then happen to be spatially contemporary doppelgangers of the West's linear past, yearning to bear the White Man's burden for their own salvation.

This general fixation with West's messianic avatar is a consequence of its efforts to keep open its waterways of constant material production: a day in and day out effort to impose upon the 'savages' the idea of increased consumption as the only means for emulating the material prosperity of the modern. Equality then, is relegated to the meanings of parity in purchasing power: be it in terms of affirmative action in education, or the idea of reverse discrimination in jobs, being equal is to be able to make more money. In the economics of expanding and bettering food basket, are dropped in the mega myths of eternal security, and hence the consumption of more and more armaments. Nations, ethnicities and peoples are constantly threatened to accept the threat of *threat*: of dissolving borders and wild extremists. People are then equal, only if they can kill each other equally, and perhaps more. Behind the rhetoric of development (and equality), the cruel politics of meanings plays the individual more and more lost and depressed; only a resort to euphemism of vulgar materialism glosses the reality further.

At this level, the level of destruction, the distinction between the West and the Rest blurs: this race the bottom is a self-perpetuating destruction for all.

The Rest loses directly: the notions of equal living imposed upon it by the blind stooges of the West create in a sense of disproportion. The social fabric splits into distinguishable haves and have-nots, with the former always growing ever more elite and smaller. The West loses indirectly, as the beleaguered other of the self that is Rest. In an equality of consumption is lost an equality of expression, and the human rendered into an increasing semblance of a robotic existence of mere satiation of senses. Both lose in the creation of sub-human circumstances of zero choice, with neither empowered to effect changes.

It is therefore important to distance oneself from this idea of equality. Equality should rather be seen as a matter of value, and augmentation of productive capabilities should be then seen as a logical subset rather than as an enabling prerequisite.

We value something when its possession enables us affect, in our circumstances, such changes that lead us towards a more desired way of living⁹. To borrow Kurt Baier's formulation, it exists as a binary: the capacity to comprehend the changes that are wished for in terms of their importance against the touchstone of certain set criteria, and, the power to affect these changes. Baier describes the former in terms of worthwhileness, worthiness, and worth. Worthwhileness of the life of a person is the approximation achieved in attaining the ideals he or she had wished for, worthiness is the evaluation in terms of fulfilment of legitimate expectations of those who may be dependent on or are attached to the person, and worth is the assessment of the effects a life of a person would have on those of the others in his usual course of existence¹⁰. This idea of valuating changes stands as important for our formulation, for it underscores the idea of life as summation of expectations and effects. Expectations in terms of ideals set for self; as much as expectations of those, whose company would matter emotionally and materially. Effects in terms of life as a response to its own spillovers- its relation with others not in the deliberateness of pursuing the core of the existence, but as incidental and usual intercourses in the mundaneness of continuity¹¹.

The second bit of the binary talks of the capacity to affect such changes. This is the idea of empowerment, of an added comprehension of the surrounding, ones own self, and the interrelation between the two. The idea of equality that has

⁹ For detailed elucidation of the concept of equality see, Kurt Baier, "What is value? An analysis of the concept", 33. VALUES AND THE FUTURE (ed.) Kurt Baier, Nicholas Rescher. (1969)

¹⁰ *ibid.*, pp 43-44.

¹¹ This is really not an argument against deontology, though it does inclines towards the consequentialist roles of our selves. The rational, and the universal ideal of moral as pursued by the Kantian does exists. This rationality however is more a response to the extant, than an absolute impersonal constant. The consequentialist meets the deontologist in the denial of the 'as you shall sow-so shall you reap', and attempts charting a middle path where the consequence of the change or the action is being evaluated not in terms of the motive of the instant specific action, but as concomitant of the general rationality developed in the adherence and furtherance of the prevailing culture.

been sought is the idea of the equality as this change, that is valued positively in cultural contexts of hope, belief, expectations and responses. It is certainly not a matter of comparison amongst various people, though the idea does inform it. Couching it in simplistic terms of A being equal to B if it can indulge in similar actions as B, and command similar resources as B does emphasizes upon the cultural component of equality, but only partially- the very flaw of Western notion of enhanced production capabilities and the rhetoric of development. For it then restricts culture as mere relation between the members of the society, while forgetting the result of this relation, i.e. creation of ideals that need to be attained for an ordered existence. The full concept of equality, as a valued principle, and as an enabler therefore lies in understanding the wholeness of the context.

There is a further refinement. These changes, as answers to the felt needs of the individual and the society, and the touchstones of evaluating them, are all matters of perception. The ideal sought is in itself a response to the observations of one's insignificance before the unknown or the unexplained. The idea of coveted, no matter how self-scrutinising and grounded in reality it might be, is an acceptance of the unattained, which concomitantly is also the unfamiliar. The conception of the cultural component of equality that we have developed therefore should as well include in it the idea of mythos. A people cannot be enforced upon a neutralized idea of being equal without sensitizing the value to their shared myths.

It might however be regressive, to completely depend upon the social reality of these myths, for they often attempt to pin down the reformist element. We know that evaluating self's identities is a often a rare privilege, it's only a handful who get to choose their cultural references. The long history of suffering is often too heavy to be borne, but heavier still to rejected. It is in countering this that we see the full import of equality as a societal constant. In forcing the individual to define his bearings not in terms of others, but in terms of the larger anthropocentric continuum between him and his human expression, equality checks the growth of subversive elements engendered by the incompleteness of one's view of the world. It is then not only a touchstone to decide upon human vacillations, but is also an argument against orthodoxy. Through a process of constant redefining, both the society and its individual are allowed to purge of the stagnating and dead, while at the same time retaining the relationship with the traditional and cultural.

IV. LAW AND EQUALITY

The equaty we have been talking about is not one, but in fact a collection of different equalities. An individual in a society is subject to not one but many cultures, some dominant, the others passive but as important. There are cultures of economics and monetary capabilities, there are cultures of societal prestige and hierarchy, and there are cultures of sexuality and sexual domination. A single person responds and confronts these varied contexts simultaneously in a singular time frame; and his responses to these different pulls, and the interactions

amongst these pulls themselves define the dominant appearances of his life. And there are as many equalities as there are these cultures: in each is there the idea of change so as to enable the individual constant refinement and improvement.

The need of collecting these different dynamics under a singular head is matter of normative functionality. The law acting as a consensual pool of collected norms is then an altered manifestation of equality as a social constant, as also a superset that sanctions the legitimacy it draws from the equality itself. In other words, there exists a constant dialogue where both inform and influence each other: law lays its claim of normative superiority in terms of unbiased and equal governance on all, and then using its authority instructs the context to conform to the tenets of equality.

The moral appropriateness of an equal system needs to be translated in implemental terms by assuring to individuals liberty to actualize the self-refinement that equality promises. Liberty of conscience and action therefore remain central to the structure of equality that we have argued for. This model for equality, and its effectuation through law, includes in itself a fundamental limitation. The policy formulation for implementing equality in terms of positive obligations, especially for those who remain at the most unfortunate rung of societal hierarchisation, cannot be a promise clothed in terms of a rupture from the past, or the uncomfortable present. The pursued idea of creating worlds that are more equal in terms class and caste, to borrow from the present debate, cannot be realities wrenched away from their context. Promise of utopia that exists in the minds of the rebelling, are in fact distorted visions of escape and fear, where abhorrence towards the existing translates itself into mental solitude in fantasies of *de novo*. They are nothing but a reflected misrepresentation of the dystopia that is perceived. As a promise for a perfect tomorrow, the salvation content of equality always remains contaminated by the subconscious information of the theorist.

Having a conception of an extended out and beneficent system, doing away all that is bad and existing is to embrace the destructive incompleteness of the idea, or in the words of Theodore Adorno to, “...*extirpate, with the false, all that was true also, all that however importantly tries to escape the confines of universal practice, every chimerical anticipation of a nobler condition, and so to bring about directly that the culture is reproached for furthering indirectly*”¹².

¹² T. W. Adorno “*Minima Moralia*”, (trans.) E. F. N. Jephcott. 43-44. (1977). Cited in ASHISH NANDY, “TOWARDS A THIRD WORLD UTOPIA”, BONFIRE OF CREEDS, 443-444, (2004)

The radical wishing a complete break can do so only by expressing the past, as well as the present in a complete negative and abandonment, all in the illusory hope of an idolized future¹³

And the problem aggravates after the rupture (which exists only at the superficial level), in the slow erosion of the idealized public commitment to the new order. The realities of identification with the revolutionary then become patent for many, both amongst the leaders as well as the followers who had accepted the identity only for a promise of vegetative inclusion. The very idea of passive submission that was fought against becomes the order again, and those who ill conform are again relegated to the fringes by one sort of coercion or other.¹⁴ The culture here is then reduced to an epiphenomenon, what Ashis Nandy refers to as the 'anti-psychologism', the denial of the human itself.

Pertinent, hence is the significance of the continuity that exists between the oppressing system and the oppressed. The simple ideas of turning the other cheek to the slapper, or despising the wrong and not the wrongdoer, are in fact the articulation of the idea that the oppressor is as much a victim of the violence as the oppressed. Pretty much like the oppressed or the unequal, there exists a pecking order amongst the oppressive, with the lowest rung often being the one that has climbed the ladder from the original position of the oppressed. They are the ones who having lost the touch with reality out of the fear of the inescapable pain try clinging on to a ground that constantly gives away: they internalize the norms and the views of their oppressors and willingly be a part of them, ascribing some sense of belongingness to the insignificance of their denotation. It is then a situation where both the oppressive and the oppressed develop an understanding and justification of the righteousness of the subjugation; they are both afraid of being free.

¹³ One may find these same troubling patterns, of detaching and breaking, in the contemporary Indian contexts of reservation issues. At levels, both of policy formulation as well as dispute adjudication, the experiences have been one of couching the debate in terms of creating a classless and casteless society. As has been argued here, the idea is failed one: all we end up doing is trade one groupism with other. Caste issues, as has been seen in the polity of the country in the last few decades, has been countered only in terms of regional, or religious solidarities. Even elsewhere in the world, and at different points of time, nomenclatures of nationalism or ideology have been used to counter existing societal structures. At all times we see one identity being superimposed to do away the other. All this should make us doubt the pursuance of invariability under the garb of equality.

The judiciary in India however thinks otherwise, and their vindication of reservation policies has been always cloaked in terms of destroying the caste identity of Indian. See generally, *Ashok Kumar Thakur v. Union of India* AIR SCW 2899

¹⁴ *ibid* 3, p. 40

V. CONCLUSION

Important therefore is what we may call the 'monism' of equality: a refusal of the dualistic idea of the equal and the unequal. The reformative stance we have talked of so far then becomes all encompassing; it talks as much about the ill health of the oppressing, as it does of the oppressed. In doing so, it informs its character in the language of the existing thought, and then revises itself on the standards of a better human existence. Tempered down is the element of violence and destruction; the individual becomes equal not in at the cost of loosing the identity but in its amalgamation with the larger idea of well-being.

