

Chapter 2

Understanding Democracy and Equality

2.1 Uncovering the Relevance of Democracy

The conceptual framework within which I hope to begin to understand and address the concerns and issues of alternate sexualities, as mentioned in the chapter above, is of a democratic nature. The 21st century is celebrated the age of democracy,¹ and the foundational premise of a democracy, as rightly observed by Tocqueville, lies in the ideals of equality and liberty. However, a democratic system also shows a tendency to fall prey to majoritarianism which then leads to subordination and suppression of the minorities. Thus, the deliberations over the nature of democracy continue unceasingly.

When it comes to the concerns of the alternate sexualities, the validity of the claims of the alternate sexualities can only be established by understanding the nature of democracy. Once it is established that the exclusion of any group on the basis of their personal choices is unjustified from a democratic perspective, we open the room for public deliberation and kickstart the process of reimagination of the political society to address the injustices done to the alternate sexualities.

The ensuing discussion on democracy is an indispensable part of my research and lays the foundation of the arguments I shall propose throughout my study. My arguments and framework of understanding find a niche in the idea of democracy due to the force of logic and reason. The project that I have undertaken is not possible under a non-democratic regime, as it would turn out to be a futile and self-defeating exercise. It must be noted that except democracy, all political arrangements are

necessarily premised upon a logic of the subordination of the individual will and desire. Thus, to find the possibility of a resolution to the concerns of the alternate sexualities within a non-democratic framework would ultimately lead to injustice to one or another section. A democratic arrangement is the only one which allows for an ongoing reconstitution of the normative framework. Such nature of a democratic system calls for a study and deeper understanding of the dynamics behind it. But then, what contributes to this ongoing relevance of democracy?

Democracy holds the central place, among the political concepts, because it addresses the primary concerns of the political society, that is, establishing a society based on equality and freedom, and thus justifies its continuance. That is the reason why even the non-democratic settings like monarchy, aristocracy, socialism and even Nazism try to showcase the democratic roots of their existence.² This infatuation and attempt to portray the benevolent character of the political framework has led to the popular belief in democracy as the most desirable form of human society.³ However, this fondness for democracy often results in a tendency of an unexamined acceptance of the popular interpretation and understanding. This often results in several unintended offshoots of the democratic trajectory which become problematic and challenging.

There is some innate quality in the concept of democracy which makes it dear to the philosophical frameworks of different genres. While the teleological plan for the pursuit of the allegedly ideal human society might differ for different lines of thought, the ideal situation for every systemic theory tends towards a self-defined and self-actualized individual/society. Since the 'end' is a distant ideal, what matters more in the contemplative process is the deliberation upon the 'means,' or the trajectory, which is designed for the achievement of such end. The variation in the

philosophical tradition emerges on account of these *means*. The democratic tradition captures the interest of different genres of philosophers because of its ability to allow a reinterpretation of the ends and means. This ability to adapt to the changing circumstances gives democracy a continuing relevance.

This view of democracy as an ideal form of polity is shared by Tocqueville when he argues that a democracy is ‘equally favorable to the prosperity and the development of all the classes, into which society is divided.’⁴ Thus, the segregation of society on the basis of class, caste or other ethnicities does not define the democratic ideals. Democracy is based on mutual interdependence and deliberation to pursue one’s ends in an unhindered manner. This makes a utilitarian ground for accepting democracy over any other form of society.

Democracy is also acclaimed for being accommodative and inclusive. Thus, in a rapidly changing world, with frequent intermixing of communities and cultures, a democracy allows for a peaceful coexistence and collaborative culture, which might not be possible if the society would have been based upon rigid boundaries. Lefort has captured this internal volatility of a democracy and calls it an ‘empty place’ which restricts any government or vested interest from appropriating the power. The institutionalization of contestation ensures that the struggle for power remains legitimate and mutually accepted through ‘procedures of periodical redistributions.’⁵

Democracy is a manner in which a society is organized in such a way that equality is maintained and power is demystified as a shared responsibility which cannot be appropriated by any element. Such a society is defined by the principles and political imagery of the masses rather than the rigid laws, and thus maintains its adaptive nature in times of change. This aspect of

democracy as based on the popular imagery is well captured by Anderson through his description of the *imagined communities* which he describes as a product of mutual shaping and influence.⁶

The appeal of the democratic framework is due to its inclusive nature. Before venturing a discussion on the nature and perspectives on democracy, it would be helpful to explore the conceptual foundations of democracy. Again, I make clear that the purpose of my study is to understand the concept of democracy so as to address the concerns of the alternate sexualities which, according to me, might have been neglected due to a prismatic understanding of democracy.

Foundational Aspects of democracy

It is interesting to note that the theoretical foundation of a democracy is derived from a liberatory view of the individual. An autonomous and free individual becomes a distinguishing trait of a democracy. Such individual does not necessarily incline towards any specific ascriptive identity. Rather, such framework allows the individual to hold several identities and affiliations at a time. The value and significance of the ascriptive identities change according to time and context. The Communitarians like Sandel criticize such emphasis upon the individual. However, Sandel also draws an interesting picture of the individual under the liberal tradition which he refers to as an *unencumbered self* and defines it as in terms of an absolute freedom to make choices without restraints from the traditions or social conventions. Sandel calls such conception of individual as ‘the fullest expression of the Enlightenment’s quest for the self-defining subject.’⁷

Such a democracy becomes an open framework which is then given meanings and interpretations by the subjectivity of its constituents. However, such subjective interpretation of the democratic polity shall not be confused with a consensus. The subjective understanding is only an

outcome of the foundational premise of liberty and equality. It is from this foundational premise that a culture of diversity flows through a democracy. This implies that a democratic order becomes instrumental in offering a framework of freedom and equal opportunities to all. Democracy, in this sense, comes to play a utilitarian purpose⁸ in furthering the interests of the individuals and groups. Again, such political framework becomes akin to what Lefort identifies as an 'empty place' because there are no inherent meanings or values attached.⁹

Tocqueville understood democracy as an outcome of the natural progression of the human society. He also believed that with greater cooperation and equality of conditions, the progression towards a democratic order would become inevitable.¹⁰ However, equality of conditions shall not be confused with the idea of an absolute equality. Tocqueville viewed equality of conditions as the primary condition for a realization of a democracy.

The conception of liberal democracy is also based on a fundamental idea of equality of moral worth of all individuals. This notion suggests that individuals can strive to be unequal through their sheer talent and effort, but such inequality shall not degrade anyone's moral worth. This ensures that an individual, irrespective of one's accolades and achievements, shall be respected equally as a human person. This notion of *foundational equality* constitutes one of the foundational aspects of the concept of democracy, and it is this aspect where the subaltern groups find solace while projecting their claims.

The value of equality shares its vantage point with the value of liberty. Within the conceptual framework of democracy, once the individuals are established as equals, it becomes pertinent that such individuals are capable to practice their volition and choice, without being coerced. This is

possible only when there is liberty or freedom. The purpose of coming together to form a political society would fail unless the individuals constituting such society are able to decide freely and express themselves truly. Again, this is what distinguishes a democratic order from a non-democratic one.

Together, the principles of equality and liberty, becomes an intertwined complex without which a democratic framework is not possible to imagine. It is difficult to ascertain which of the two values has a priority over the other, but it is clear that a democratic society cannot be established unless both- equality and liberty- are already present. It is possible to articulate other principles on which democracy can be established, but I agree with Tocqueville's position that equality and liberty constitute the main tenets of a democracy.¹¹ A true faith in liberty and equality also ensures that the nature of a democracy remains adaptable and accommodative, preserving the very essence of the democracy.

Why Democracy is of Value?

The understanding of democracy as discussed above binds the concept in a specific form that adds certain values to it. Below, I discuss some of the reasons why democracy is of value.

First, democracy tends to create an *egalitarian society* by creating equality of conditions among the individuals and groups. Tocqueville saw this as a sign of the progress towards a more just and desirable society. However, the significance of the democratic framework lies in not merely establishing the conditions of equality, but reinforcing the egalitarian thrust through time and space. The philosophical reasoning of such egalitarianism germinates from the idea of foundational equality of individuals, as discussed earlier in this section. The de facto reasoning, on the other hand, is established through what Lefort calls the *uncertainty* of a democratic

framework.¹² Through periodic change of governments and reform of state machinery, a democracy does not allow for crystallization of power in the hands of a particular group. Moreover, the principles of equality and freedom implies that an individual holds the right to expression and dissent. The whole system is run through a framework of checks and balances which keeps democracy in balance.

Second, democracy as a form of political community is *inclusive* in nature. By inclusive, I do not mean to say that a democracy would assimilate even the outsider/alien individual, although that is also a possibility if such individual is able to accept the ways of the political community. What inclusive implies in this context is the assimilative nature of the democratic society to accept dissent and diverse opinions and interests. Tocqueville lauded this aspect of the democracy and claimed that it facilitates development of all classes and allows each group to voice its concerns.¹³

However, the inclusiveness of a democracy is generally knit within the overall fabric of the normative codes of the society. Thus, it is possible that an individual, or a group, having an alternate set of normative beliefs might not be able to fit within a particular democratic order. This alleged tussle between the normative perspectives is the area where the new social movements of the contemporary age contest and deliberate.

Thirdly, a democratic system is *responsive and adaptive* in nature, in the sense that a democratic order grows with the society and adapts to the changing times and contexts. The aspect of responsiveness of the democratic order is also reflected in the changing role of a democratic state, from laissez-faire to welfare state. Tocqueville's ideas give a confirmation of this argument and describe democracy in terms of a progressive unfolding of the past and present.

Fourthly, a democracy is probably the most admired system of political organization because of its *empowering nature*. What distinguishes a democracy from the rest of the political societies is the fact that a democracy allows its members to decide the priorities of the state and society. In no other political community, the masses are given the ability to decide as a collectivity. This ability (or sovereignty) of the masses is ensured through periodic referendum (elections), which are generally based on universal adult suffrage. Lefort highlighted this aspect of the democracy as responsible for its survival. He highlighted the fact that the ‘uncertainty of power’ empowers the masses and alerts the usurpers of power.¹⁴

Finally, democracy encourages a healthy growth of the public sphere as a realm of active political involvement and articulation of public opinion. It is only in a democracy that an active civil society could flourish. A democracy respects the public and private spaces of the masses, and thus maintains appropriate distinction between the public and the private.

The idea of democracy has been in the political discourse since the times of ancient Greece,¹⁵ and has been creatively explored and evolved under the aegis of various schools of thought. The contractarian tradition is probably the most popular line of thought that develops the trajectory of anthropogenic origin of the political society. The contractarian thinkers attempted a systemic theory through a conjectural frame of history. It is also interesting to note that the primary concern of the contractarian thinkers did not relate to the idea of democracy per se,¹⁶ but the engagement with the idea is clear from the very beginning. The contractarian tradition introduced a utilitarian explanation to the political order and understood the political sphere as artificial and anthropocentric. Such understanding of the political society set a precedence for an amendable and adaptable democratic order.

While the origin and nature of the society contemplated by the contractarian thinkers differed on several grounds, the basic tenets and foundational values remains, more or less, the same. Nowhere in the social contract theory do we find a logic suggesting the immutability of the democratic society. The description of the *state of nature* appears nothing but a picture of a non-democratic regime. The contractarian literature offers a detailed discussion on the reasons for maintaining the existence of the political society. In what follows, I shall attempt to discuss briefly the framework of understanding of different contractarian thinkers and attempt to draw inferences and observations for our understanding of the idea of democracy and its foundational values.

I begin the discussion with Thomas Hobbes, who lived the horrors of civil war and, thus, accorded the highest priority to preservation of life. Hobbesian understanding of politics is logical and materialistic. It does not attach any relevance to the ecclesiastical purposes or divine rights of the rulers. Hobbes identified the good and bad as being relative and subjective to an individual. The primary force guiding the actions of an individual, thus, are- self-preservation and self-interest.

An introspection of Hobbesian ideas gives a clear indication about the primacy of values of liberty and equality as discussed earlier in this section. Hobbes' basic premise puts the individuals on an equal platform and suggests the force of self-interest and logic as greater than that of other ties. As a result, the political society, under Hobbes' framework, becomes an embodiment of democratic values. The trajectory taken by Hobbes to describe the genesis of the political society emerges out of a democratic premise. However, the process culminates into an absolutist sovereign due to the fundamental assumptions made during the social contract.

Hobbes' description of the state of nature is dark and dreadful. He viewed it as a condition where 'the *life of man [is] solitary, poor, nasty, brutish, and short.*'¹⁷ Such context makes the instinct for self-preservation paramount to the decisions of the individuals. Hobbes referred to these logical insights as the mandates of the *law of nature*.¹⁸ The conventions of the modern life are derived from these laws of nature which motivate the individual to respect others' rights in an equally sacred manner. Here, it is interesting to ponder whether the aspects of self-realization and self-expression would also constitute a part of self-preservation? When seen in terms of realization of the individuality, it appears that self-realization is an inalienable aspect of the individuality of a person and, in this sense, it becomes a sacred right of an individual to protect and preserve one's individuality.

The political society is born out of the common universal urge for self-preservation. Under Hobbes' framework, the individuals enter into a social contract after being motivated by the laws of nature. Such social contract is necessarily a voluntary and participatory act. Thus, there are no unequals in a political society. The contract brings into existence the sovereign who is entrusted with the task to safeguard the society and its individuals.¹⁹

The nature of politics, under Hobbesian framework, becomes anthropogenic and instrumental. While the sovereign (state) is entrusted with an unlimited power and authority over the political society, such power and authority are derived from an unconditional consent of the governed.²⁰ Hobbes believed that the sovereign does not have the right to erode the right to life of any individual. When the right to life is read in a broader perspective, an array of rights appears to flow towards the individual. These rights convey a broader meaning to the term 'self-preservation' and accords more

meaning and substance to the individual life. Hobbesian framework attains a new meaning and insight when the right to life is studied in terms of right to self-expression and self-realization. When studied in the background of the sacredness of such rights, Hobbesian framework comes to the defense of those minorities which stand to succumb to the oppression of the majority.

The context in which John Locke wrote his celebrated text was very different from that of Hobbes. As a result, we find a different perspective in Locke's writing. Locke's arrangement is more peaceful and organized. An important concern of Locke was to protect the personal estates of the individuals. Thus, the description of state of nature, in Locke, assumes an established civil society. The social contract only constitutes the political society which, thus, becomes a result of 'voluntary union and the mutual agreement of men.'²¹

Locke accorded primary importance to the right to private property, and played an important role in elaborating the labor theory of value. Locke considered the realization of freedom and equality in being able to maintain and enjoy one's endowments without any external threat. Enjoyment of the property rights was an important aspect of self-realization for Locke. The laws of nature are a derivation of such ideas only and advocated that 'no human being was made to be a mere instrument of someone else's pleasure.'²² Again, a broader interpretation of this line of thought links self-expression as a form of enjoying the endowments of an individual. When an individual could claim inalienable rights in private property, the rights in one's body and identity become the most sacred aspect of individuality.

As long as the society maintained mutual respect and goodwill for the endowments of the individuals, material inequality would not impede upon the progress of the society.²³ This culture of mutual respect and goodwill comes through reciprocity and tolerance which are inseparable aspects of modern democracy. When these values become an integral part of a democratic society, the need of the sovereign (state) is only to enforce the laws and conventions.

The state setup, under Locke's framework, is a 'fiduciary' arrangement wherein the state (government) works as an agent of the people. The democratic traditions empower the masses to change the ruler (government) if the latter fails to perform in the former's interests.²⁴ A reading of such arrangement in the contemporary age gives a hint towards the dynamics of deliberative democracy wherein different sections and groups contest to get their demands fulfilled, and often attempt to change the government in case the it fails to meet the expectations.²⁵

An interesting point in Lockean framework is the role of natural justice which predates the existence of the state. What I have been discussing as the foundational ideals of democracy are nothing but these principles of natural justice. These principles hold the key to protect the interests of the minorities against the trespasses of the majority. Such principles of natural justice become a safeguard for the minorities and help them withstand the pressure for assimilation and submission.²⁶ In this sense, Locke's ideas offer an enabling culture to protect the individuality and autonomy of the individual while also giving a degree of malleability and adaptability to the state. Unlike Hobbes' tacit consent, Locke's individual is engaged in an on-going process of negotiation with the state as well as the society.

However, Locke is often seen as an ardent advocate of majoritarianism. Abramson has also argued that, trusting in the reasonableness of human beings, Locke saw the majority as a force for reason, and he never fully developed a theory of rights against the majority.²⁷ This remains an area of contention in Locke's framework of understanding which has been attended by subsequent scholars.

Among the trio of classical social contractarian thinkers, Rousseau is perhaps the most radical and imaginative thinker. His version of social contract theory can be seen as an attack on modernity and technology. He blamed the social consciousness and advances of technology as being responsible for the increasing inequality and vices among the individuals. Rousseau imagined a state of nature as 'a state of plenty rather than scarcity.' The natural man, for Rousseau, lived a solitary and self-sufficient life and did not need the social ethics as self-preservation was all that mattered.²⁸

Rousseau argued that it is self-love and pity/sympathy which define the main characteristics of the individual in the state of nature. These values have been understood as positive tenets guiding the conduct of the natural man. However, Rousseau also believed that these values have been maligned under the influence of 'social and moral progress' as these become imbibed with selfishness instead of self-love and jealousy instead of sympathy.²⁹ The need for social recognition and public esteem forces an individual to act in ways contrary to one's character and inclinations. Rousseau would view this as a sign of degradation of humanity.³⁰

Rousseau recognized the craving for recognition and acceptance among the individuals and identified the existing inequality and subordination in society as a result of our social existence. Such reading of the society

appears to be far-sighted when read in the context of identity politics of today. The questions of acceptance and recognition play an important role in the contemporary politics, and Rousseau traced the trajectory of the origin of such process right to his hypothetical situation.

Rousseau suggests that the only remedy to such situation is through the social contract which appears to be inevitable in the evolution of the human society. The social contract is seen as the only hope to maintain the integrity and respect of the individuals. Rousseau suggests to handover the individual will to the General Will which is beneficial to all and acts as a sovereign authority which is equally distributed in every member. This equal stake and involvement of individuals motivate them maintain peace. For Rousseau, this kind of reciprocity translates into an empowerment to the individuals.³¹

Rousseau fashions the device of *The General Will* as the conscience of the society which is somehow available to the individuals. However, a more logical understanding of the idea of general will suggest the possibility of falling prey to majoritarianism. When contrasted with the idea of coerced invisibility, it appears logically prudent to assume that the general will becomes an embodiment of the accepted norms of the majority. Another parallel could be drawn between the conception of a General Will and that of an 'imagined community'³² in the sense that both uses the popular imagery as an invisible yet decisive influence upon the masses. This General Will becomes a moral force and guides the actions of the individuals and the state alike. However, such idea of a general will is a sensitive one as it decides about the frontiers of justice. Slightest of omission of interest could possibly lead to an outcaste of a group from the polity itself which actually is the case with the alternate sexualities.

An interesting take from the reading of the classical contractarian thinkers is that it is possible for a democratic political society to slip towards an authoritative or majoritarian society. Without significantly changing the underlying principles and ideals, a democracy could be transformed into an instrument of domination. However, the contribution of the social contract tradition, in the evolution of the modern understanding of democracy, lies in laying the significance of the founding ideals of a democratic regime. The contractarian tradition upheld the foundational equality of every individual and in this sense accorded an equal right to express and advocate for oneself. Every narrative of the contractarian tradition advocates a belief that refuses the tendency to fixate knowledge and practices.³³

An attempt to summarize the major contributions of the contractarian tradition to our understanding of the idea of democracy would offer a few points. The first, and probably the most important, contribution of the contractarian tradition relates to the idea that the political society is an artificial artefact, which comes into existence for the sake of the individuals' interests. This becomes an important starting point for the discourses on democracy because it lends an anthropogenic character to the political society. Another implication of this anthropogenic constitution of the political society is that it can be reconstituted and reimagined with changing times and needs. The contractarian tradition sets the precedence for a further unfolding of the discourses through contemplation and deliberation.

Secondly, the social contract tradition is premised upon the idea of foundational equality of all individuals. This was a great feat for any philosophical framework because it broke the tradition of divinity and determinism. This foundational equality of individuals also implied that the individual was free and capable to change one's fate. This came as a

source of empowerment and motivation to the subaltern groups and gave way to the rise of new social movements.

Thirdly, the contractarian tradition established a utilitarian purpose of the state (sovereign). Thus, the purpose of the state was only to work for the betterment of the people. This betterment was, again, subject to change with time and context. This aspect further empowered the democratic roots as it allowed the people to decide the purpose of the state. The culture of deliberative democracy emerges from this participatory idea. It is also interesting to note that the contractarian thinkers also offer an account of the scenarios where it is legitimate for the individuals to offer resistance to the state/sovereign. This has far-reaching implications because it creates a legitimate ground for the opposition to the state if it fails to serve the interests of the masses. It is through this legitimate ground of resistance that the subaltern groups are able to project their claims against the state while being protected by the legal-political measures of the state itself.

A discussion on democracy appears to remain incomplete without a reference to the ideas of Abraham Lincoln and his contribution towards the end of slavery in USA. Lincoln was not a conventional political philosopher, as he remained directly involved in the state politics, but his ideas seem to capture the essence of democracy aptly. Not only was Lincoln primarily responsible for a major breakthrough in the history of democracy in America, he also did that by proving his allegiance to, what I have been referring to as, the foundational principles of democracy. He astutely referred to these foundational ideals of democracy to support his arguments.

Another reason for referring Lincoln in my effort to understand the democratic processes is the rational approach which he adopted in the

course of his political life. Having the firsthand experience of the political upheavals of his time, Lincoln remained cautious and astute enough to avoid an outright refutation of the social practices of his time. Thus, instead of bringing an abrupt end to the practice of slavery, he chooses to make a reform through different means. What also makes the reference to Lincoln relevant is the context in which Lincoln found himself. He questioned the prevalent norms of his time and introspected the normative framework. However, instead of proposing an outright deconstruction of the existing norms, he sought to evolve it through broadening and reinterpretation of understanding.

Lincoln recognized the fact that change is natural, and did not propose a rigid adherence to the old traditions. Several of his speeches also hint towards the idea of relativity of truth which was often advocated by thinkers like Gandhi.³⁴ His address at the Cooper Institute on February 27, 1860 highlights this position:

“If our principle, put in practice, would wrong your section for the benefit of ours, or for any other object, then our principle, and we with it, are sectional, and are justly opposed and denounced as such. Meet us, then, on the question of whether our principle, put in practice, would wrong your section; and so meet us as if it were possible that something may be said on our side. Do you accept the challenge? No! Then you really believe that the principle which “our fathers who framed the government under which we live” thought so clearly right as to adopt it, and indorse it again and again, upon their official oaths, is in fact so clearly wrong as to demand your condemnation without a moment’s consideration.”³⁵

Unlike some, Lincoln does not view the public opinion as a single organic representation of a society. Rather, he accepted the possibility that public opinion might be different for different groups. This idea gained gravity in the post-20th century when scholars like Fraser advocated the idea of plurality of public spheres.³⁶ Another instance where Lincoln can be seen emphasizing upon the relativity of truth is during his address at Sanitary Fair at Baltimore on April 18, 1864, where he was heard using the metaphorical language to pass his ideas to the public:

“The shepherd drives the wolf from the sheep’s throat, for which the sheep thanks the shepherd as his liberator, while the wolf denounces him for the same act, as the destroyer of liberty, especially as the sheep was a black one. Plainly, the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails today among us human creatures, even in the North, and all professing to love liberty. Hence, we behold the process by which thousands are daily passing from under the yoke of bondage hailed by some as the advance of liberty, and bewailed by others as the destruction of all liberty.”³⁷

Thus, Lincoln’s position with regard to the plasticity of the social beliefs and practices remained clear. He believed that the people have an inalienable right to resist a government that does not work for the welfare of the people.³⁸ The picture of the society, according to Lincoln’s understanding, is based upon the prevailing public opinion. He also recognized the fact that whoever affects the public opinion holds a great influence over the government.³⁹ In this sense, and for this reason, Lincoln is seen as an inspiration for the subaltern groups and minorities.

So, what should be the meaning of democracy according to Lincoln's understanding? Lincoln's understanding of democracy is premised upon the centrality of the *foundational principles* of- liberty and equality. Lincoln affirmed this during several of his speeches and writings, and also while hailing the Declaration of Independence:

“Declaration of Independence says: We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”⁴⁰

It is the primacy of these foundational principles that lead to a social and political life. Lincoln's faith in these foundational principles further helped him get clarity of vision to see the injustice in the practice of slavery. Lincoln also recognized the tendency wherein a fragile minority might succumb to the societal pressures and agree to give away its own rights. This ability to recognize a concealed practice of injustice enabled him to venture a process of reform for the emancipation of the downtrodden. During his speech at Peria, Illinois on October 16, 1854, Lincoln clearly stated his belief and adherence to the foundational values and said:

“My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own lies at the foundation of the sense of justice there is in me. I extend the principle to communities of men as well as to individuals.”⁴¹

Having established his allegiance for the principle of liberty, Lincoln affirmed his conviction for equality through a simple, yet indispensable,

test. This argument puts forth the recognition of a foundational value of equality in Lincoln's belief:

"... whether a Negro is not or is a man. If he is not a man, in that case he who is a man may as a matter of self-government do just what he pleases with him. But if the Negro is a man, is it not to that extent a total destruction of self-government to say that he too shall not govern himself? When the white man governs himself, that is self-government; but when he governs himself and also governs another man, that is more than self-government—that is despotism. If the Negro is a man, why then my ancient faith teaches me that "all men are created equal," and that there can be no moral right in connection with one man's making a slave of another."⁴²

This, to my belief, becomes a testament to Lincoln's understanding of democracy. While different persons might have different views and agreement on a particular issue, when it comes to the evaluation of a democratic order, one is simply an equal or not. There should not, or rather cannot, be qualifications attached to a person's ability to govern oneself. If an individual or a person is not able to (or not allowed to) express oneself as an equal member of the society, then such person is not an equal member of the society at all.

The penultimate goal of Lincoln's politics was probably described by him in his speech at Chicago on July 10, 1858 when he said:

"... all men are created equal, let it be as nearly reached as we can. If we cannot give freedom to every creature, let us do nothing that will impose slavery upon any other creature... let us discard all this quibbling about this man and the other man, this race and that race and

the other race being inferior, and therefore they must be placed in an inferior position. Let us discard all these things, and unite as one people throughout this land, until we shall once more stand up declaring that all men are created equal.”⁴³

My understanding of a foundational injustice goes well with Lincoln’s ideas. Lincoln did not blame a particular person or group for imposing slavery in America. Instead, he reasoned that it was an outcome of an unjust beginning, which established a social belief in certain regions, putting a certain section under the category of misfit members of society. Thus, Lincoln saw the beginning of such relations as based in violence and subordination. Once the founding logic of the society is established, the subsequent structures start to adapt to this founding logic. In this way, injustice and subordination become a part of the ‘normal’ and sets a precedence which is followed in an undisputed manner.⁴⁴

Lincoln also recognized the fact that once such precedence is established, it becomes difficult to change the normative order of the society. The individuals begin to follow the established traditions religiously, and attempts to change or question the validity of such traditions are taken seriously.⁴⁵ Gradually, the social practices get crystallized and merge into the formal structures of the polity. Once this takes place, it becomes exponentially difficult to change the normative order. Interestingly, the same process appears to have taken place in case of both- the slaves as well as the alternate sexualities.

An interesting point made by Lincoln in several of his speeches and writings is the attack on the bipolarity which shapes our perspective. In his crusade against slavery, Lincoln made it clear that having to discard slavery does not imply a forced intermingling of the different races. In Lincoln’s

words: “Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave, I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects, she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of anyone else, she is my equal, and the equal of all others.”⁴⁶

Here, it is worth noting that Lincoln does not advocate for the mandatory intermingling of the different groups, but he does highlight his adherence to the foundational equality and liberty of each being, on the basis of which he proposed to abolish slavery for good. Such reading of Lincoln gives an impression that the best route to effect a change in the prevailing normative framework of the society is through a revisit and, if necessary, revision of the core values and meanings of our discourses. Lincoln proves to be an excellent case in this respect. His strategy to remove slavery was not despotic and remained, more or less, accommodative.⁴⁷ Instead of direct confrontations and destruction of the existing normative orders, Lincoln effected a change in the manner of a continuum.

Among the most revered works on democracy, in the modern times, is Tocqueville's. Tocqueville describes democracy, not as a stage having definite characteristics, but as a mutable notion, which responds to the ever-changing needs of the society and adapts itself accordingly. Such an understanding of the concept is incongruent with any dogmatic belief, and naturally becomes conducive to changing times. This also explains why most of the social movements find birth in democratic societies. In the literature review above, I have summarized the views, arguments and contributions of Tocqueville.

An equally important thinker whose contributions to democracy ought to be recognized is John Stuart Mill. In Mill's words:

*"If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."*⁴⁸

Mill is celebrated as one of the champions of liberty and individuality. His contribution in defining, what is often referred to as, the 'self-regarding' and 'others-regarding' actions appears to have given a push to the public-private debate in the modern times. It is in Mill that we find a cohesive defense of individuality. Mill recognizes the fact that our normative framework as well as the discourses might be doing wrong by forcing an individual to abide by values that are unacceptable to one's individuality. Mill's understanding of the human society is based upon his belief in the values of individualism. Society, as an aggregation of individuals, does not have the right to silence such individuals into absolute submission. Kateb has described Mill's defense of individuality as a tribute to human dignity.⁴⁹ This aspect of individuality and dignity makes Mill a key figure for the subaltern groups.

A reading of Mill enables us to see the gravity of the injustice to the individuality of groups that are often subordinated and neglected by the mainstream. The mere refusal to consider the self-regarding interests translates into a grave act of denial of individuality. This ill-treatment is more severe and dehumanizing at the social level and transcends the formal political structures. Mill captured this tyrannical potential of the society well and argued that the manner in which society enforces subordination is inescapable and enslaving. More than the protection against political

incursions, there is a need to check the domination of social norms which silence each individual into subordination and slavery.⁵⁰

Mill viewed the human nature as dynamic and organic, in the sense that it is capable to grow and evolve in response to its surroundings.⁵¹ It is only when an individual is set free to define one's own destiny that a society could truly be democratic. However, Mill remained cautious enough to see the need for restraints upon individuals from meddling in the way of others. A major concern of Mill is to bring to balance the influence that society exercises upon the free will of the individual. For this reason, Mill even proposed "an intelligent deviation from custom... [than] a simply mechanical adhesion to it."⁵² Thus, the democratic paradigm of Mill becomes akin to an empty place which is to be defined and redefined by the people. Mill showed an unconditional belief in the right to express and believe and compared the act of silencing an opinion to that of robbing the human race. Mill's words in this regard are worth recalling:

"... the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race... If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error... We can never be sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still... To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility."⁵³

This belief in the fallibility of the existing knowledge and beliefs is what maintains democracy as lively and dynamic. It is this evolutionary view of society that keeps the hopes for adaptation and change alive. And such a view of the human society paves the way for an adaptable social discourse.

A major contribution of Mill to the political discourses have been seen in the form of the *harm principle*, which segregates the domain of actions which are unrestrained by the society from those which can legitimately be restrained for the sake of common good. The whole logic of setting restraints upon the acts of an individual is based upon a simple reasoning that none should be allowed to hinder the freedom of others. The possibility of a social coercion should be justified through a larger common good. While the conceptualization of the harm principle appears to be more as an exception, it takes a significant space within the social space of Mill's theorizing. Given the intricate socio-political relations present in any society, it is difficult to find instances where the act of an individual is purely self-concerning. However, my discussion on trichotomization of public private divide would attempt to find such areas of self-concern.

The mention of the harm principle holds significance for drawing a framework of a tolerant and accommodative democratic society. The conception of a democracy without imaging the harm principle is not possible. It is an element which also gives support to the subaltern groups which struggle to find a fulcrum to justify their claims.

However, there also exist an aspect of Mill's ideas which raises questions over Mill's intentions and puts in place a justification for despotism. Mill claimed that despotism is a legitimate mode of government in dealing with barbarians, provided the end to their impoverishment, and the means are justified by actually effecting that end.⁵⁴ Though he advocated such

despotic rule on the pretext of a benevolent aim of improvement of the backward, questions are raised upon the very understanding of the term backward in this context. When the concerns of the alternate sexualities are viewed through such argument, it appears to be a self-defeating exercise.

The project of tracing the genesis of a democratic order out of the collectivity of atomized individuals is well articulated through the trajectory pursued by Mill. It is the consistent adherence to the principles of liberty and autonomy that upholds the sanctity of the democratic processes. Abramson aptly explains this as: ‘the end of a free society is precisely to support the habits that make it possible for diversity, difference, and pluralism to flourish in place of homogenization and conformity.’⁵⁵

An understanding of the democratic tradition through Mill’s perspective not only legitimizes the contending claims of the subaltern groups within the society but also allows them to contest with equal dignity and right. Mill’s writings recognize the overarching influence the majority have on the minority groups and the devastating impact it might have on the society in general. He highlighted the tendency towards majoritarianism in the society wherein the norms of the majority are taken as the truth and the minorities are forcibly subordinated.⁵⁶ In this way, despotic rules are often disguised as democracies.

Modern understanding of the concept of democracy is multi-faceted and recognizes the plurality of groups and individuals. While the *prima facie* belief in the principles of liberty and equality has remained undeterred, the modern understanding has further reinforced the faith in the foundational principles of democracy by questioning the validity of universal truths. Thus, democracy, in its modern avatar becomes a plastic realm which is

defined within the context of time and space. This view, when imagined in terms of changing places, becomes, what Lefort refers to as, an ‘empty place,’⁵⁷ which is to be defined by its constituents and other stakeholders.⁵⁸ Such a view of democracy makes it adaptable and inclusive.

My discussion on the understanding of democracy in the contemporary times is primarily based upon the ideas of Lefort and Fraser for the ingenuity of their ideas and the avenues they open for furthering of the project of democratization. However, the reference to these two thinkers alone shall be, in no sense, construed as a limitation of the possibility of understanding of democracy. Given the adaptive nature of our society, the task of interpretation of such concepts is a never-ending process. My purpose with this discussion is not to set limits to the understanding of democracy but to grasp its nature and conceptual premise.

Lefort gives an interesting, and perhaps apt, explanation of a democratic society. He views democracy as based on uncertainty and characterized by ‘an empty place.’ Democracies are uncertain because no specific group can lay perpetual claims of authority over it. It is also uncertain because there are no last claims to power and knowledge. These factors lead to, what Lefort claims as, ‘dissolution of the markers of certainty.’ Lefort describes a democratic framework as:

“...this apparatus prevents governments from appropriating power for their own ends, from incorporating it into themselves. The exercise of power is subject to the procedures of periodical redistributions. It represents the outcome of a controlled contest with permanent rules. This phenomenon implies an institutionalization of conflict. The locus of power is an empty place, it cannot be occupied - it is such that no individual and no group can be consubstantial with it - and it cannot

be represented. Only the mechanisms of the exercise of power are visible, or only the men, the mere mortals, who hold political authority.”⁵⁹

Here, a contrast could be established between the idea of empty place and that of ‘imagined communities.’⁶⁰ While Anderson suggests that a political community achieves its unique nature due to its specificities, Lefort appears to argue that democracy tends to make the specific memories of the society blurred. I believe that the form that democracy has acquired in the 21st century is based on the combination of both- an uncertainty at the level of distribution of power and an active political imagery of the ways of negotiation among the different groups. In doing so, the public sphere itself is shaped in a dynamic manner. Lefort recognizes this fact and argues that the liberal state is in a simultaneous process of shaping and being shaped by the civil society.⁶¹ Lefort further explained this modified nature of power in a democratic setup as:

“The political originality of democracy... is signaled by a double phenomenon: a power which is henceforth involved in a constant search for a basis because law and knowledge are no longer embodied in the person or persons who exercise it, and a society which accepts conflicting opinions and debates over rights because the markers which once allowed people to situate themselves in relation to one another in a determinate manner have disappeared. This double phenomenon is itself a sign of a simple mutation: power must now win its legitimacy without becoming divorced from competition between parties, if not by finding a basis in opinion. Now competition stems from, sustains or even stimulates the exercise of civil liberties.”⁶²

Lefort tries to argue that the conception of 'truth' has become contested in the contemporary age due to the liberation of the political structures and epistemic cadres from vested centers. This has given the opportunity for any contending section from the society to reinterpret the validity of our laws, customs, common perceptions and epistemic heritage. The contemporary processes of democracy seem to be moving towards a stage wherein any epistemic claim and assertion needs to contest its validity before being accepted as valid. This legacy, I believe, is a continuing trend from Lincoln, Mill and Gandhi, and rightly upholds the sanctity of the democratic principles well as the epistemic discourses.

Another attribute that the contemporary democratic paradigm has acquired is the creation of a vacuum of power, to which no group or individual can make an eternal claim. This vacuum is established institutionally through periodic elections, and in the civil society through a free and inclusive environment for all interest groups. The same set of rights ascribed to every being ensures that a system of checks and balances is put in effect, ensuring a deliberative and reciprocal system of social order.⁶³

Such a situation presents a paradoxical front wherein the public sphere is set open and accessible to every member of the society yet no group or individual is allowed to lay claims upon the position of epistemic authority. Lefort explained such conception of public sphere as- 'a space which is so constituted that everyone is encouraged to speak and to listen without being subject to the authority of another. This space, which is always indeterminate, has the virtue of belonging to no one, of being large enough to accommodate only those who recognize one another within it and who give it a meaning, and of allowing the questioning of right to spread.'⁶⁴

The more recent developments in the evolution of the political discourses point towards a thrust away from the grand theories and more towards the particularistic areas or micro systems.⁶⁵ There seems to be an undeniable acceptance of the democratic order at the national as well as the international level. Fukuyama has observed this acceptance of the democratic framework and claimed that the ascendance of democracy marks the culmination which, he reads as, ‘the end of history’ of mankind’s ideological evolution.⁶⁶

On similar lines, Fraser has described the contemporary political scenario as a ‘post-socialist era’ which is characterized by an absence of any credible progressive alternate vision of the present and a rise of identity politics.⁶⁷ She views the rise of the identity politics as one of the prominent features of the contemporary political discourse and observes the presence of a *subaltern counterpublics* as an alternate arena for the subordinated groups. These subaltern counterpublics are arenas where members invent and circulate their counter-discourses which, in turn, permits them to formulate oppositional interpretations of their identities, interests and needs.⁶⁸ Such scheme transforms the democratic framework into a site of contestation between different groups, each being equally capable and competent to affect the decisions. I have in the literature review above discussed the arguments of Fraser in detail.

The undisputed acceptance of the democratic paradigm also implies that the attention of the academicians is now shifting towards micro sites of the democratic plains. The mingling of the universal ideals of democracy with the political realities of the local orders implies that the hitherto subordinated and subjugated groups are now aware of their democratic rights and entitlements. As a result, several groups have found a refuge under the democratic ideals while projecting their claims for equality and

justice. Fukuyama links this activism to the universalism and formality of processes which characterizes the rule of law in liberal democracies.⁶⁹

These assertions and activism emerge from the very foundational ideas of democracy. Sandel suggests that this assertion of rights and entitlements emerges from the liberal tradition of according priority to right over good. An individual cannot be sacrificed for the sake of general good. Similarly, the conception of any ideal cannot be based on a particular interpretation of the ends.⁷⁰ This prioritization of the means over the ends helps to bring the necessary position of *mutatis mutandis* in our democratic tradition.

While adhering to my faith in foundational principles, I further claim that to refer to the various interpretations of democracy as ‘misinterpretation’ is not political or philosophically appropriate. A more appropriate term for such different interpretations would be ‘democratic deviations’ as it captures the spread of interpretations originating from the foundational values of an idea. Such variations in the interpretation might be on account of variations in the means and ends sought, and often result in different teleological paths of democratic unfolding.

As argued in the beginning of this chapter, the reason for revisiting the meaning of democracy is to attain clarity about its ideals and scope. Such understanding is important because an unexamined unfolding of a democracy could lead toward several non-democratic ends. Tocqueville discussed such possibilities during his analysis of the American democracy.⁷¹ The unfortunate part of a democracy turning into a despotic order is that the subjects remain unaware about the injustice flowing through the system. When people are equally subordinated and subjugated, there remains no realization about the erosion of equality and liberty from political-social life. This is the situation faced by the alternate sexualities.

The idea of democracy, as conventionally understood, is premised upon an assumption that the individuals forming a democratic society have a common belief system and similar set of normative codes. This makes it easier to fit the different groups under a common democratic order. Such framework becomes politically and normatively coherent as differences in perspectives and possibilities of dissent are sidelined. However, the problem begins to emerge when the realization of injustice and subordination of some groups takes place. The only solution to these emerging challenges, then, is to revisit our discourses and examine the interpretation of our political structures and practices.

As soon as an individual (or a group) is questioned and ridiculed for one's judgements and perspectives, the society infringes from that person, the right to be equal and free. Such a democratic order is capable of making the individuals its captive. For someone like Mill, this translates to the biggest injustice against humanity and robs such individual/group of one's humanness.⁷²

The problem is accentuated when the contrasting values of different groups become antagonistic to each other. Within the social and cultural realm, while it is possible for different sets of ideas to stay in peaceful co-existence; it is difficult for opposing sets of ideas to do so. Thus, the notion of democracy seems to be framed around a similar set of ideas when it comes to the conceptions of society and culture. Several critical theorists have also opined that the dominant view of a society holds the potential to subordinate and victimize the alternative perspectives. Such a framework often leads to institutionalization of the practices of injustice done to the minorities.

A subject like democracy is so vast that it is practically impossible to understand and discuss its multifarious dimensions. The unfolding of the democratic traditions needs to be seen as a continuum. However, a revisit to the basic tenets of democracy is necessary in order to adhere to its founding ideals while moving on the evolutionary trajectory. The very essence of democracy lies in free and equal individuals who are equally capable to pursue their individual and common ends in a mutually compatible manner. The logical framework of the social order which emerges out of such understanding is necessarily amendable and accommodative of change. Under such arrangement, no particular set of normative values are able to lay claim over the broader social morality. Such an understanding of democracy allows for a peaceful co-existence of different groups and individuals, with multiple set of normative frameworks existing together.⁷³

A society, based on such ideals and principles, does not practice any stereotype and bias. Rather, democracy becomes a place of cohabitation, and an environment of mutual nurturing. Thus, the concept of democracy retains its timelessness so long it maintains its distance from exclusionary normative frameworks while maintaining strict adherence to its foundational ideals. This change in a conception of ‘good’ as a plural possibility is what distinguishes the contemporary democracy.

Fraser has understood such conception of democracy in terms of a ‘radical democracy’ which is characterized as a rubric for mediating various struggles over ‘multiple intersecting differences.’ Such radicalized polity allows for broader political alliances and also arrests the ‘balkanizing tendencies of identity politics.’ The notion of plural public spheres emerges in such democratic framework and initiates the process of collaboration for

redefining and shaping the governing norms of the society.⁷⁴ The resultant image of the democracy becomes more radicalized and inclusive.

With no group left to claim the right to dictate the normative structure of the society, the democratic order becomes an organic structure composed of plural individuals and groups. The overall characteristic of such system remains subject to reinterpretation with time and space. This becomes close to the description of democracy as an ‘empty place.’⁷⁵ The very notion of an empty place suggests an absence of assumptions. This idea gives adaptability and amendability to the idea of democracy. By institutionalizing conflict and competition, a democracy is able to encourage every group to participate in the process of deliberation without fixating upon the ends to be pursued.⁷⁶ The role of the foundational ideals, in this context, becomes paramount as it sets the rules of the game and ensures that all participants are treated equally.

Such understanding of democracy and politics also facilitates an improved process of social reengineering because it does not discard any group on the basis of differences. Rather, differences are used to redefine the means and ends of the system. Fraser has done an insightful discussion on this process of social engineering through her analysis of politics of recognition and politics of redistribution.⁷⁷

Having discussed the foundational values of democracy and what constitutes a democratic order, it is indispensable to return to my primary purpose, that is, to locate the place and legitimacy of claims of the alternate sexualities within the broader paradigm of the democratic order. My attempt to uncover the meaning and relevance of democracy might be limited in scope but it appears to have done justice in establishing the fact that democracy is more about its foundational principles of liberty and

equality. The end of a democratic order does not lie in achievement of an egalitarian society or material wellbeing. Rather, the realization of the democratic ideal lies in the adherence to the principles of equality and liberty itself, and allowing the individuals and groups to pursue their unique and self-defined ends without unacceptable hindrances.

The case of alternate sexualities is not premised upon the assertion of redistribution of resources alone. The main premise of the cause of alternate sexualities is the mere acceptance of their lifestyle and perspective, and their inclusion in the democratic processes on an equal footing and without having required to sideline their self-identity.

A careful observation of our political discourses reveals that there exist an underlying current of homophobia and heterosexism that acts as a prism for our contemplation and epistemological heritage. Such prismatic understanding portrays the heteronormative framework as the 'normal' and projects the alternate sexualities as 'abnormal', if not pathological altogether. This fallacy stands at the very fountainhead of our political discourses and channelizes the trajectory that our discourses follow.

The issues concerning the alternate sexualities have a direct connection with our understanding of the concept of democracy. So long our discourses would continue with the homophobic presumptions in the contemplation of political philosophy, the frontiers of our discourses would remain shunned for some groups. It is only when we examine the existing bias in our discourses that there would be a possibility for the neglected and subordinated groups to enter the democratic planes as equals. This process of opening up of our understanding of democracy can continue endlessly as human society evolves. It is difficult to establish any precise end to which

democracy evolves, but the key to maintaining the planes of our democratic order just is to adhere to the foundational values that defines a democracy.

2.2 Equality, Democracy and the idea of the 'people'

If democracy was to be identified with only one value, it would be arguably fair to mark equality as an apt candidate.⁷⁸ The discussion in the previous chapter draws a brief framework to argue that the democratic order is necessarily premised upon the ideals of equality and liberty. While the two ideals of liberty and equality seems to balance and complement each other, several scholars have taken a stand to suggest that a society evolves on a democratic pattern only after attaining some pre-requisite level of equality.⁷⁹ However, a legitimate curiosity emerges at this point regarding the meaning and extent of such equality. Also, genuine questions arise regarding the possibility of a more comprehensive and substantial notion of equality under a non-democratic regime.

The terrain of equality is a multifarious one, having deep connections with the philosophical and material concerns. These multifarious dimensions appear to be simple and complex at the same time. It is simple because no democratic order can be ever imagined without having equality at its foundation. Equality, in this sense, becomes an aspect which is often taken-for-granted under the democratic framework. On the other hand, it is complex because it is difficult to define and measure philosophical constructs and arguments that give matter to the concept of equality. The task of the discourses, in this context, is to interpret and examine the efficacy and acceptability of such interpretations and understandings, while testing each hypothesis against the others.

A discussion on equality is indispensable for my research. The issue of equality raises a number of questions: whether equality implies equality of outcomes or equality of conditions? Whether equality in the economic or political sphere is sufficient to address the concerns of justice? Whether

the concerns of equality legitimately throw open the gates of the personal aspects of the individual's life to the public? And, whether it is possible to manipulate our understanding of equality in such a way so as to obscure our vision? Many of these questions have been discussed elaborately by several prominent thinkers while drawing their philosophical accounts. However, I shall attempt to discuss these questions with an aim to understand the ways through which the concerns of the deprived and subordinated groups could be addressed. I do not claim that such exercise has never been attempted earlier. In fact, scholars like Pateman and Brown have tried to take on such challenges and offered an alternate reading of the discourse.⁸⁰ In what is about to follow, I shall attempt to discuss the meaning and scope of equality for the society and the individual.

The understanding of the concept of equality has remained ever-organic, in the sense that it has adapted and evolved with the society. While there are sections which consider equality as a prerequisite for the establishment of a democratic order; there are also thinkers who consider equality as an outcome of democratization.⁸¹ In fact, it is difficult to maintain a firm position when it comes to the understanding of equality because our belief seems to have oscillated with time from one position to another, and this change in the understanding of the concept has influenced the way our democratic ideal is visualized in any specific context.

The nature of equality has always maintained an element of provisionality⁸² which maintains its character as archaic as well as contemporaneous. It is archaic because every reasoning behind the claims of equality is based in foundational terms, which is derived from a historical or philosophical past. Rather than deliberating over the legitimizing force behind equality, there is a tendency towards an unquestioned acceptance of the relevance of equality as a founding ideal of our public discourse.⁸³ On the other hand,

the discourse on equality becomes contemporaneous because every understanding of equality has to be indispensably contextualized. As a result, the understanding of equality tends to vary with time and space.

Also, the understanding of equality cannot be attempted in vacuum. Equality, as a hollow and isolated notion, might not be of specific interest to the social discourses. It is only when equality is understood as an ideal-whether definite or continuing- that it gains social cognition and relevance. Absolute and arithmetic equality does not impress upon the attention of the social scientists. Thus, my understanding of equality remains equipped with a purpose of amelioration of something that is unjust or suppressed. Such deliberation upon the understanding of values is what makes the discipline relevant. Shklar has backed the belief that equality is not something that can be aspired in terms of absolute value. We need to be judicious while making claims for equality in different times and contexts.⁸⁴

I would also like to point here that such ameliorative understanding of the concept of equality is also the reason that society is able to perpetuate inequality. It appears like a paradox but it presents an interesting and inescapable reality of the political processes. Social sciences have to, inescapably, deal with values and judgements. These judgements often lead to differentiation in society which further give rise to inequality in society. Tocqueville has discussed the possibility of an equally suppressed class of people living under a common despot. However, such society could not be seen as democratic.⁸⁵ Also, such condition of equal suppression is not desirable as it is based upon subjugation and oppression. The presence of equality is to be observed and identified in conditions which allows free expression and development.

Equality bears qualities akin to democracy and this makes the two intricately intertwined. A valid parallel becomes evident between equality and democracy when the two are read in terms of their ends. Gutman and Thomson has discussed the purpose of having equality and democracy as to provide the most justifiable conception for dealing with moral disagreement in politics. The channels for doing so are- collective decision, deliberation and reciprocity.⁸⁶ Thus, while equality might exist without democracy, the converse is not possible.

I have already made clear my view that absolute equality does not impress the concerns of a social researcher. Equality is necessarily a relational concept as one could be considered as equal (or unequal) only in relation to another. Thus, any discussion on equality takes place in certain context. This argument can be easily validated by taking the example of a localized minority group (like a Muslim community in a Hindu majority society, or vice versa) which might express concerns over unequal treatment on religious lines due to its specific socio-political context. The same group, if placed in the contrary setting, might not feel discriminated, but might experience unequal treatment on different parameters.⁸⁷ Thus, the idea and expression of equality remains a localized and relational idea.

I also believe that beyond the issues of equality and discrimination lies another aspect of the debate which is feeble in appeal but severe in implication. This aspect of inequality relates to the systemic neglect of specific groups or ideas which are pushed outside the purview of political contemplation.⁸⁸ This happens at both theoretical level as well as material level, and often leave its victim in a suffocating position. However, such instances of inequality are often neglected in academic discussions and deliberations, as a result of which the inequality and injustice faced by such groups are often seen as falling beyond the concerns of justice. I have

tried to understand such injustice in terms of a logic of ‘out of bounds’ and a ‘coerced invisibility.’⁸⁹

With the seemingly universal acceptance of democracy as the form of social arrangement,⁹⁰ the faith in equality has become a taken-for-granted affair.⁹¹ The political discourses seem to have accepted the validity of the numeric equality of all human beings.⁹² This move towards the numeric equality of all beings became evident during the various democratic revolutions in Europe and America and again during the anti-slavery movement in America.⁹³ The fruition of the idea of numeric equality within society seemed to have completed with the acceptance of popular democracy (adult suffrage), though in varying shades. However, this belief in the efficacy of a quantitative equality began to wither away with the realization that it often led to an over-arching authority of the majority over the minority which often led to suppressive acts. As a result, there emerged a belief that such aggregative conceptions are flawed and supportive of the principle of *might is right*. Gutman and Thompson has opined that such conceptions only help reinforce the existing distribution of power in society, which may or may not be just.⁹⁴ It was soon realized that the numeric equality of individuals is only one of the aspects which needs to be complemented with equality of a more substantive nature.

Thus, began another major churning within the discourses to address the emerging concerns of the minorities. The contemplation on equality departed from its original position of counting heads to find a better abode in the form of a more substantive understanding of the equality. The deliberations led to development of different lines of argument, each advancing different paths to pursue the most desirable form of equality. However, for the sake of analytical comparison and better understanding, these different pathways may be read under two broad (and overlapping)

genres of equality- procedural and substantive- which set the course for the further deliberation at various levels. These genres are not mutually exclusive and often share common areas. However, the differences have been discussed by various scholars in terms of the teleological explanations and means-ends dichotomy.⁹⁵

Foundational Equality

The idea of foundational equality lies at the heart of the contemporary political discourse.⁹⁶ It shows a sacred respect for the human life in any form and thus reserves some basic rights for every individual, irrespective of one's socio-politico-economic location. It is only through the premise of foundational equality of individuals that the idea of a free society could emanate. The picture of the liberal society, as outlined by Sandel in his critique of the unencumbered self,⁹⁷ is possible only against the backdrop of foundational equality.

The idea of foundational equality is an outcome of contemplation used to legitimize the whole paradigm of a democracy. It refutes any belief in the divine status of any individual/group and places every individual at an equal moral platform. The idea might appear to be a part of the 'conjectural history' created by the classic liberals,⁹⁸ but it serves the purpose of a metaphorical devise⁹⁹ to visualize the moral equality of individuals. The foundational equality, in fact, lines up the individuals behind a common starting line, from where the individuals are set free to pursue their best potentials. Gutman and Thompson note that 'the foundational principles of liberal egalitarian theories are at odds with the aim of both maximizing social welfare and protecting every individual's freedom from interference.'¹⁰⁰ Thus, the presence of a foundational equality permeates through every being as a minimal condition of social life. While it might not be possible to pursue projects of radical reforms through insistence on foundational equality alone, it is indeed the case that a microscopic lapse

of foundational equality to an individual or group sounds a crisis for the society.

So, what purpose does the idea of foundational equality serve? The idea of foundational equality serves to bind the society together by upholding the principles of neutrality, mutual respect and reciprocity. Its role is similar to that of the idea of the divine power for any religious group. A logical corollary of foundational equality suggests the principle- ‘do unto others as you would have done to you’- which roughly translates to reciprocity. Without such premise, a social life would not be possible. Gutman and Thompson has identified reciprocity as an important aspect of the democratic societies and identified it with publicity, accountability, basic liberty, basic opportunity, and fair opportunity which, they believe, are necessary for the mutual justification of laws.¹⁰¹ Similarly, Dahl’s understanding of ‘intrinsic equality’ appears to refer to the idea of foundational equality. It suggests that the moral judgement and capability of each individual is to be equally weighted. None could make a claim for moral superiority over the other.¹⁰²

However, an important aspect of the idea of foundational equality is that it is restrictive while being encompassing at the same time. It is encompassing because every individual is seen as being foundationally equal, irrespective of one’s multifarious context. Here, it is interesting to note how the idea of foundational equality has expanded over the period of time to include whole of the human race. Not a long time back, such foundational equality was practically denied to the slaves and women who were disenfranchised and subordinated.¹⁰³ It would not be wrong to suggest that the meaning of foundational equality, though advocated and discussed by the classic liberal thinkers, has actually been progressing towards a broader and inclusive horizon. In this sense, the idea of foundational equality continues to hold

its relevance in the contemporary age. Whenever there is a realization of increasing suppression and subordination of a group, the issue of foundational equality is raised. The case of alternate sexualities presents a similar case, and legitimately makes a reference to the foundational equality to base their claims.

I referred to the idea of foundational equality as restrictive because of its procedural character. The idea liberally allows the individuals to pursue their self-defined goals and strive towards one's best potential. Thus, the idea limits itself to the starting position itself. Such understanding ignores the role of the cultural or historical baggage an individual/group might carry. Thus, the concerns of the disadvantaged might not be properly addressed by merely identifying them as morally equal beings. This remained one of the focal points of critique of the idea of foundational equality which led to further contemplation over the idea of equality.¹⁰⁴ However, Arneson provides an interesting counter-argument and claims that the idea of foundational equality provides a necessary hope and confidence to such groups who are otherwise denied the basic human rights and respect.¹⁰⁵

Equality of Opportunity

The contemplations over the idea of foundational equality evolved towards the notion of equality of opportunity. The premise that all individuals are equally endowed with the right to achieve their best potential necessitates the condition of equality of opportunity. Beitz has highlighted the importance of equality of opportunity and referred to it as a kind of “political orthodoxy... as it has seemed to express so obvious a truth as not to require systematic defense.”¹⁰⁶ It is this cardinal position of the idea of equality of opportunity that it appears to be the central aspect of any framework of justice. Rawls, for instance, based his theory of justice on the foundations of equality of opportunity for all.¹⁰⁷

The contemplation over the idea of equality of opportunity is intricately and inexorably linked to the great metaphysical constructs on justice. These links become visible in the frameworks given by thinkers like Rawls and Sen.¹⁰⁸ An elaborate work on the idea of justice has always proved to be a monumental piece for the idea of equality as well. Due to this interconnection, any discussion on equality tends to logically unfold towards the theme of justice. However, I would limit the stretch of my discussion to the issues concerning equality and democracy. This is because, from the perspective of my study, my immediate purpose is restricted to the examination of the foundational ideas that form the basis of our understanding of justice. It is an important exercise because the paradigm set by our understanding of the foundational values is what defines our understanding of justice. Thus, my immediate concern would be limited to an enquiry upon fundamental concepts like equality, liberty and democracy in order to better understand the prerequisites of justice.

However, in real life, the concerns of equality of opportunity become situational. While the concerns for equality of opportunity might require inaction in some cases, it might require special provisions in others. Thus, the concern for equality of opportunity and equal treatment might move in different directions.¹⁰⁹ As a result, it is difficult to read the idea of equality of opportunity as having a concrete meaning and terms.¹¹⁰ What appear from these arguments is suggestive of the idea that, equality of opportunity, rather than being a condition of social setup, is an ideal that puts upfront the proviso that contending interests should not be hampered in their attempt to achieve their self-defined goals. The importance of the principle of equality of opportunity holds both for the people as well as the state machinery.¹¹¹ Interestingly, the understanding of the principle of equality of opportunity has become a part of the public debate, largely due to its

role in determining the priorities of redistributive justice. Thus, this conception of equality has become one of its most dynamic aspects.

Equality of Outcome

The understanding of equality of opportunity created a platform from which a just and organized social life could inaugurate. However, the attention of the thinkers was again caught by a more substantial concern towards the ends that such conception of equality was seeking. Serious pondering about the very purpose of having equality as one of the founding principles of a democracy revealed that if society was left all by its own, there would be a segregation between powerful and the powerless,¹¹² which would ultimately defeat the whole project of democratization. Thus, as an alternate route to achieve the aspirations of a democracy, there began a contemplation over the need for ‘equality of outcome’.

Equality of outcome maintains a teleological link with the equality of opportunity as the former is not possible without ensuring the later.¹¹³ However, it remains clear at the outset that to create an absolute equality is not the penultimate aim of any democratic project. Equality of outcome is more linked to the conception of equality as fairness as it allows the people to pursue their self-defined goals without being hampered by their socio-political environment.¹¹⁴

Equality of outcome, like equality of opportunity, is situational and relational. Many scholars try to read it in terms of ‘best result theory’ as it aspires to achieve the best possible outcomes for the people. In doing so, thinkers often try to come up with a particular conception of welfare or ‘good’.¹¹⁵ The conception of best result theory captures the idea of good from a specific interpretation and tries to pursue such goal. Such conception entails discussions over what constitutes the good and how to distribute it equally.¹¹⁶

However, the purpose of equality of outcome does not suggest an absolute equality of ends. Rather, it has an emancipatory basis to it which suggests that any individual should not be incapacitated due to one's position within the society. Sen has described this in terms of capabilities and argued that, the ability to convert incomes into opportunities is affected by a multiplicity of individual and social differences that mean some people will need more than others to achieve the same range of capabilities.¹¹⁷ Thus, equality of outcome should not be misunderstood as absolute equality.

Procedural Equality

An astute and concise way to describe the idea of procedural equality would be to say that fair means produce fair ends. As the term itself suggests, procedural equality implies fairness of means to pursue the ends of life. Classic liberal thinkers adhered to this idea in different forms and avatars, and believed that if the individuals are left free and unfettered, they would be able to achieve their best potential.¹¹⁸ However, the primary concern of the early liberal thinkers was liberty, and not equality. Equality remained more like an assumed condition of life in the society, and as long as the individual witnessed the conditions of *ceteris paribus* in terms of external control, the liberals were content with socio-political arrangements of the society. The notion of equality served as the foundational base to the liberal ideology, and this gave way to the idea of *foundational equality*. The idea of foundational equality remained present as the backdrop on which the liberal scholars drew their political imagery.

An interesting aspect of the procedural understanding of equality is that it describes the social organization on limited parameters and analyzes a few dimensions of social relationships at a time. In other words, it understands the society through a lens of *ceteris paribus* and tries to bring balance among different individuals and groups. An important implication of such

framework of understanding is that it allows the opportunity to aspire for unequal positions, provided the procedures are right and justified.¹¹⁹ The paradigm of procedural equality appears to have unfolded from a belief in foundational equality towards equality of opportunity and outcome.

Substantive Equality

Procedural equality follows a teleological approach that reviews the purpose of equality in terms of the process or means through which equality is established. However, a major objection of the critics claims that such understanding of equality often leaves the possibility of subordination and suppression. Such injustice appears to take place at places which appear to fall outside the normative terrain of the prevailing logic.¹²⁰ The paradigm of substantive equality developed in contradistinction to the procedural tradition. The tradition of substantive equality focused on the issues which matter for the individuals and considered the multi-dimensional aspects of inequality and injustice. For this reason, a substantive understanding of equality became more interesting to the subaltern groups and the critical school.

Gutman and Thomson views substantive equality as an important part of deliberative democracy and claims that it offers the adequate reasoning for building better terms of cooperation among groups and individuals. They also highlight the fact that while a procedural understanding of equality might lead towards unjust outcomes for certain groups, such situations are addressed under a substantive understanding of equality.¹²¹ This revision in the understanding of equality has an important implication for the process of democratization as it makes our process more inclusive and participatory. With greater involvement of different groups, there is a churning of the normative structure of the society which ultimately results in a 'radical democracy'¹²² wherein the terms of engagement are increasingly defined by the 'people' themselves.

I return to my emphasis on the foundational aspects of the political discourses and argue that the basis of the substantive understanding of equality lies in this revisit to the foundational aspects of our discourses. As a result of this revisit, several neglected areas emerge to the fore, which raise legitimate concerns of equality and justice. In what follows, I have tried to discuss the aspects of substantive equality in terms of two broad, but distinct, goals- that is- equality as sameness and equality as difference. These variants of equality represent the two responses that allegedly hold the potential for addressing the concerns of equality. The primary distinction among the two versions of equality discussed hereunder is in terms of the treatment of the differences between groups.

Equality as Sameness

The notion of equality as sameness sounds simplistic and self-explanatory, but a deeper enquiry informs that the substantive base of equality as sameness is multifarious and complicated. What distinguishes this conception from other procedural views of equality is the concern towards the actual outcome rather than the teleological means. Thus, the advocates of equality as sameness would argue for unequal distributions to achieve equal ends. Such understanding care more for the resolution of injustice which might put some individuals and groups into disadvantaged positions. Thus, such paradigm attempts to establish equality by facilitating an unequal distribution of resources, rights or recognitions. Beitz refers to such setting as “a system of representation [that] might simultaneously treat people equally and unequally.”¹²³

An interesting case study for understanding of equality as sameness can be observed through the evolution of the feminist school of thought. Jaggar described the nature of the early feminist works as based upon a project of inclusion and balance, with attempts to project the image of women as equal

to men. However, such portrayal and comparison were soon questioned and revised.¹²⁴ The notion of equality of sameness was understood in literal sense by the early feminist groups. Accordingly, the achievements of the feminist groups were evaluated in terms of acquiring a set of rights that was already possessed by men. A similar case could be found in the early anti-slavery movements, prominently led by Lincoln in the North America. The conception of equality, during the anti-slavery movement, was based on abolition of the practice of slavery and grant of similar, if not equal, right to the black slaves.¹²⁵

A deeper introspection of the understanding of equality as sameness gives the idea that while the intent of having the same set of rights for all might be a noble one, the translation of such rights and freedom becomes a subject of interpretation by the majority. As a result, the idea of equality as sameness becomes an instrument to further the imagery of the dominant or majority group of the society. When seen in the background of heteronormativity and such instances of foundational injustices, the goal of equality of sameness falls short of achieving its purpose.

Equality as difference

The conception of equality as difference appears to be diametrically opposite to the conception of equality as sameness. The two views take a different approach towards the same end of creating a just and enabling condition. However, the fundamental distinction between the two approaches is that while the understanding of equality as sameness pursues the same set of ends and means for all, equality as difference presupposes that an important aspect being free and equal is to be able to assert one's belief and perspective in an unhindered manner. The logic behind the idea of equality as difference is derived from the fact that society comprises of several free individuals who are unique in their ability to pursue their self-defined ends.¹²⁶ None has the right to declare an identity as unjust or

unethical on whimsical grounds. This logic also forms the fundamental premise of the modern democracy.

With the unfolding of the democratic tradition, there began attempts to revisit and reinterpret the foundational aspects of the political discourses. Such deliberations raised awareness and interest about several areas of inequality and injustice. The instances of such deliberations could be found in several feminist writings which introspect the nature of the political discourse to find areas which add to the subordination of women.¹²⁷ This realization of the prevailing inequalities inspired the philosophers to view the possibility of greater equality and freedom in 'difference' rather than 'similarity'. The increasing interest in the value of 'individuality' added to the appeal of the notion of equality as difference. The celebration of the 'differences' also encouraged the hitherto subordinated groups to raise their concerns.¹²⁸ This understanding further radicalized the democratic processes as greater number of stakeholders are present for democratic deliberations. Also, such democratic deliberation takes place in a mutually shared, rather than imposed, environment.

The meaning of equality, thus, escapes the boundaries set by the normative understanding of the dominant group and acquires a more contextualized nature. As a result of this, the concept of equality becomes more complex and multi-dimensional. Scholars like, Butler and Pateman, have recognized the possibility of severe inequality in society, despite having formal equality at political frontiers. Butler illustrates that the feminine gender is still subordinated and suppressed in such a manner that it re-establishes the homophobic expressions of the patriarchal order, thereby reinforcing the existing forms of hierarchy and exclusion.¹²⁹ The conventional understanding of society remains a captive of the logic of bipolarity and thus adheres to the norms of heteronormativity. The tradition of equality

as difference emerges as a revolt against this universalistic tendency and opens up the gates of deliberation.

The rise of the understanding of equality as difference made the task of statesmen difficult. The resolution to the concerns of those who experienced neglect and cultural abhorrence from the society could not be found within the schemes of redistributive justice. The concerns rising from these lines led to the growth of a paradigm that was new to the champions of redistributive justice. Fraser has offered an insightful discussion of the strategies which might serve the case of those affected by this hitherto unknown injustice. She views the politics of difference as happening on lines of race, ethnicities, nationality, gender and sexuality. She claims that the politics of difference requires the strategy of recognitive justice rather than the redistributive one. The purpose of the recognitive justice cannot be pursued through goals of material equality. Instead, Fraser suggests a transformative remedy which primarily seeks to break the domination of the prevailing normative framework and cherish the neglected lifestyles. She also discusses the possibility of a 'Subaltern Counterpublics' as an alternate arena of the subordinated group, where members of such group invent and circulate counter-discourse which in turn permit them to formulate oppositional interpretations of their identities, interests and needs. Thus, Fraser conceptualizes multiplicity of public spheres which holds the potential to broaden the horizons of democracy.¹³⁰

Another area of application where the understanding of equality as difference finds use is the public-private divide. While the public and private sphere of life has been seen as mutually exclusive, the contemporary understanding of equality freely explores the domain of private sphere to find and reveal the causation for subordination and suppression of certain groups.¹³¹ The inequality of the private sphere takes a severe form in the

public sphere. Thus, the inequalities that are often hidden within the private sphere needs to be highlighted and examined in order to neutralize their adverse impacts in the social life.

The understanding of equality as difference, in short, celebrates uniqueness of perspectives, beliefs and lived experiences of the individuals and groups. Thus, instead of ironing out of dissimilarities among different groups, such understanding supports highlighting the differences that define any individual or group. While some might view the celebration of the differences as leading towards crystallization of identities, the conception of equality as difference tries to break the conception of 'normal' as fabricated by the dominant normative framework. The notion of equality as difference, in this sense, is based upon co-habitation of multiple sets of normative frameworks within the society.

My discussion in the previous section does not qualify as a comprehensive reading of the concept of equality as it is too complex a concept to be understood in such a brief span. Nevertheless, a preliminary discussion of the diverse understandings of the idea of equality gives a fair view that our understanding of equality stands far from the ideal. One thing that has become clear in the earlier discussion is that the conception of equality is relational and contextual, and that it might not be plausible to pursue an ideal-type condition of equality in society. In what follows, I will attempt to argue that equality is a dynamic concept which changes its shape and form for different individuals or groups. I shall also try to argue that since the society is composed of ever-changing groups of individuals, who engage and disengage to shape the nature of the democratic society, the notion of equality, in such circumstance, rests in a state of flux.¹³² Thus, my arguments would try to establish a logical linkage between this dynamic understanding of the idea of the ‘people’ and the notion of equality as ‘renegotiation’. This logical connection ultimately fits comfortably with the notion of a borderless democracy, or democracy seen as an ‘empty place.’¹³³

The immediate repercussion of viewing democracy as an empty place is that the meaning and scope of different principles and values become subject to re-interpretation and re-contestation. As a result, equality, in the 21st century, acquires a negotiable character, wherein the urgency and scope of equality becomes a site of negotiation itself. This change, according to me, marks a peculiar development in the evolution of the discourses because the foundational values of the society itself are rendered subject to revision. A similar line of argument could be found in the works of Lefort

and Fraser who advocate a plural public sphere, capable of revising the nature of society.¹³⁴

Before venturing onto the arguments, I have proposed above, it would be prudent to discuss the reasons as to why there is a need to revise our understanding of equality in the contemporary scenario. Thus, I take a pause to explore the possible shortcomings or limitations of the existing views on equality.

My discussion on the two paradigms of equality points towards a parallel understanding of justice in terms of redistribution and recognition. Fraser has done a detailed examination of this framework of justice.¹³⁵ Interestingly, this examination of frameworks of justice also helps in understanding the concerns of procedural and substantive equality. The causal links between equality and justice appear when the practical aspects of the two are studied in detail.

As simple as it sounds, the idea of equality turns complex and challenging when the details of what constitutes equality are pursued. The issue of equality as a foundational aspect of democratic discourse puts under interrogation our understanding and belief. It becomes further crucial when the concerns of the hitherto neglected and subordinated sections are raised through democratic channels. Such challenges may appear to be a concern of the policy-makers or a subject of jurisprudence but in actuality it becomes a test for our discourse and democratic rationale. The existing discourse on equality and democracy sometimes fails to address these issues in an appropriate manner. Gutman and Thompson have identified this shortcoming of our conventional discourses and highlighted its tendency to refute the emerging claims of equality as contradictory to the democratic

logic and to eulogize notions and ideas that go against the foundational ideals of a democracy.¹³⁶

The broadening of the meaning of equality would require much deliberation. A possible reply is often produced in terms of proposal of a new sub-type of the ideal.¹³⁷ But such exercise might prove to be an endless task, given the ever-expanding and intricate structure of human society. Further, such activity might end up without any substantial result, lest the foundational concerns are adhered to. A more prudent task, instead, is to look back at the founding values that define the framework of our understanding. To affect a relevant understanding of equality is more of a hermeneutic task, as it brings together diverse and abstract concerns which are to be adapted to the political and historical circumstance.¹³⁸

The centrality of the ideals like equality and liberty is maintained due to the omni-relevant position of such values. With changing times, a revisit to our foundational values ensures that the understanding of such values is relevant and positive. This contextualized understanding of an ideal is better explained by Butler who views our beliefs and ideas as a factor of our normative framework. This normative framework, claims Butler, leads the individual to think that the system of beliefs is rational and natural.¹³⁹ As a result, our vision and perspective become captive of the logic of such normative framework and we fail to observe any justice happening outside the frontiers of our normative understanding.

Thinkers like Dahl have also agreed that the dominant structures or groups of the society have a tendency to reinforce their positions by using philosophy as well as power. Dahl goes to the extent of saying that ‘philosophers also contribute to the defense of elite rule.’¹⁴⁰ However, such normative framework is not unamendable. The public imagery is subject to

change with time and circumstance. But a conscious and persistent effort is needed to awaken the society as well as the discourse to the existence of entities beyond the normatively defined world. Such ambitious task has been carried on several occasions in the history,¹⁴¹ and my attempt does not try to do the impossible.

Instead of proposing a new paradigm or structure, my attempt is to create a realization within the existing discourse of the presence and possibility of ‘neglect’. I choose the term ‘neglect’ for some specific reasons. While the evident cases of inequality are those marked by bias and subordination,¹⁴² there is always a possibility of cases wherein the existing normative structures does not even consider the existence of entities or groups facing inequality due to such neglect. While such attitude might not lead to direct attacks, the degree of injustice accorded on account of such neglect translates into a crisis of humanity. The case of alternate sexualities, which I have taken up, is one such instance.

A major challenge to the understanding of equality, thus, is the tendency to crystallize its meaning which suffocates its relational aspect. The relational and contextual meaning of equality, as I have been discussing, implies that the idea of equality cannot be contemplated in terms of individuals who are an ‘unencumbered self’.¹⁴³ The role of equality comes into play during the dynamics of inter-personal and inter-group relationships. During such interplay of reason, it is crucial that the borders are kept open in order to allow for the revision of the understandings. Amidst the tendency to crystallize our understanding of the foundational values, we tend to lose the very meaning of such foundational value itself. Any attempt to define equality in terms of a certain paradigm tends to bind the very definition of the concept itself.

The Idea of 'People'

The idea of people plays an important role in the conceptualization of the concept of equality. The notion of the people has two aspects pertaining to my discussion. One relates to the notion of people as a collectivity of individuals, irrespective of their ethnic or political affiliation. This view defines the people in terms of equal human individuals, each having an equal foundational human value. It is this innate foundational equality of individuals which accords the right to the oppressed to raise voice against the oppressor. The philosophical tradition has often talked about this inherent foundational right of every individual. This foundational aspect of equality is the primary moving force behind any voice of dissent in the political society.

Second aspect of the understanding of 'people' relates to the socio-political context. The social milieu of an individual is inscribed within a normative framework which is largely defined by the dominant groups of the society. Our beliefs and preferences are generally shaped by these normative constructs.¹⁴⁴ However, with the gradual unfolding of the process of democratization, the stronghold of the normative framework of the dominant group has been challenged by, what Fraser refer to as, the 'subaltern counterpublics'¹⁴⁵ which pose a challenge to the legitimacy of the existing normative structures of the society, and offer a breakthrough from the structures that appears to perpetuate inequality onto others. The notion of people, in this context, takes the form of contending perspectives, each having its own normative framework. The overall result of the contestation of different groups of interests presents itself in terms of a radicalized version of politics which remains in a state of flux. Such revision does not stop with particular political event but flows through the democratic life of a polity. Renan understood this revisionary character of a polity and referred to a nation-state as based on a 'daily plebiscite.'¹⁴⁶

In the 21st century, when the different groups are empowered enough to raise their concerns, the conscience of the society becomes a kaleidoscopic reality. The notion of equality, with reference to the organic image of the ‘people’, becomes dynamic and revisionary. It is this character of the society that accords a borderless characteristic to the democracy as well.

Equality as ‘renegotiation’

Having argued that the concept of equality cannot be studied in term of a crystallized notion, I now come to discuss what equality as ‘renegotiation’ means. However, before doing that it is prudent to recall the reason why equality should be open to renegotiation. I have tried to discuss the concept of democracy as a borderless entity, or an ‘empty place,’¹⁴⁷ which is subject to constant revision. This conception of a borderless democracy can be realized when the people inhabiting this political space are open to change. The meaning of equality, acting as a bridge between the ‘people’ and democracy, becomes subject to reinterpretation, given the nature of the two ends. It is difficult to conceptualize the understanding of equality in concrete terms, as it would, then, contradict the malleable character of our democratic space. The concept of equality plays an important role in a democratic society because the idea of people supplements the view of democracy as free-floating or as an ‘empty place.’¹⁴⁸ Such understanding of equality establishes a causal linkage between equality as a foundational value of a democratic culture and the formal democratic setup.

However, a clarity on the understanding of the foundational aspects of a democracy is urgently required because the democratic societies have a tendency to incline towards the dominant groups, and thereby become substantively un-democratic. Thus, it is not necessary that a democracy would always move towards the goal of achieving the ideal of equality and liberty. The metaphysical frameworks of several thinkers like- Aristotle and Mill, have admired the democratic systems but still ended up supporting

a non-democratic arrangements.¹⁴⁹ Similarly, Tocqueville had recognized the possibility of a democratic society turning into a despotic one, if the value of equality is not ensured at heart and in substance.¹⁵⁰ In order to prevent such transformation of a democracy into a non-democratic regime, Beitz suggests that the political contemplation on equality shall dwell upon the areas which facilitate and encourage equality through equal participation and status in the public spaces.¹⁵¹ Setting rigid goals or ideals would prove to be a self-defeating exercise as the nature and scope of democratic ideals change with time and context.

Equality as renegotiation also serves the purpose of a democratic society by insulating the currents of domination. Gutman and Thompson have highlighted a tendency of our sense of justice being blinded by the power of the dominant framework.¹⁵² Such situation leads to a point where even the social discourse begins to justify the unequal distribution of power and privileges. Dahl has highlighted this tendency in a democratic society where the dominant perspective starts to appear as the only truth.¹⁵³ I have pursued this line of argument while discussing the case of coerced invisibility of alternate sexualities. However, a recourse to such situation could be found only through reference to the idea of equality as renegotiation. By remaining insulated from the influence of any particular normative framework, the notion of equality as renegotiation becomes an empowering tool in the hands of the oppressed to raise their voices. The conditions of equality allow a democracy to allow the multifarious contesting claims to contest on terms of reciprocity and mutual-respect.

The understanding of equality as a renegotiable concept does not take away its normative base. Rather, it frees the perception of equality from the limitations of a particular normative framework. Thus, while seeking the goals of equality in terms of procedural and substantive aspects, an

understanding of equality as a negotiable concept make it subject to deliberative contestation in a healthy and accommodative manner. The questions and doubts regarding the emphasis on ‘re-negotiability’ of equality becomes addressed when the multi-ethnic nature of modern democracy is considered. Such emphasis breaks the dominant position enjoyed by a specific group/perspective and places all contesting sections on an equal footing. Thus, the notion of equality as renegotiation becomes central to the contemporary understanding of democracy, whether as an ‘empty place’¹⁵⁴, or in terms of ‘radical democracy,’¹⁵⁵ or as a ‘daily plebiscite.’¹⁵⁶

The 21st century has been hailed as the age of democracy.¹⁵⁷ This alleged universal acceptance of democracy also harbingers an acceptance of its founding ideals of- equality and liberty. However, the deliberations over the meaning and scope of democracy continue to impress the attention of the scholars due to the differences over the understanding and interpretation of its founding values. Equality as renegotiation is an empowering tool for the neglected sections who are now able to voice their concerns within the democratic space. This renewed confidence not only encourages the hitherto subordinated groups to come forward, but also gives a sense of dignity to those who have been neglected.

This renewed perspective towards the value of equality and democracy suggests a logic of ‘equality as an interest’ of the present democratic groups. This logic suggests that the value of equality bestows a set of capabilities and rights which become instrumental in modern day democracies. As a result, several of the contemporary social movements raise demands for an *equal status* rather than an *equalized position*.¹⁵⁸ This argument draws a parallel with Fraser’s analysis of the politics of recognition and redistribution¹⁵⁹ and also builds a reference with Sen’s

capability approach.¹⁶⁰ This concern towards ‘equality as an interest’ often produces friction with the more redistributive strategy which portrays ‘interest as equality.’

The renewed focus on equality as re-negotiability could give sections like alternate sexualities an ability to assert their claims for equality and dignity. With the power to renegotiate their claims and concerns, such neglected sections are able to make themselves visible to the discourse which otherwise denies their presence. Gutman and Thompson have seen this as an act of collective moral deliberation which places particular concerns amidst the political arena of the society.¹⁶¹ Such a society ensures that no individual or group has to reluctantly accept a decision that forces one to live in self-denial or self-hatred.¹⁶²

The claims of achieving the desired equality under the conventional models of democracy (majoritarianism) fail to ensure the protection of the minorities and other vulnerable groups as it borrows excessively from the majoritarian normative codes. Thus, the perception of a ‘good man’, ‘good woman’ and a ‘good citizen’ is colored by the underlying normative interpretations.¹⁶³ Under such setting, the alternate sexualities find it difficult to maintain their self-perceptions freely. This is not to support those having malevolent attitude towards others,¹⁶⁴ but an overarching set of normative rules appear to stand taller than the leviathan¹⁶⁵ that protects our society. Under such conditions, it is not an easy task to introduce a change, let alone a change in the normative structure. As Dahl has observed that ‘the obstacles to political equality have always and everywhere been formidable... A gain that is enormous from a historical perspective may seem modest when measured against ideal standards.’¹⁶⁶

A framework that sets rigid normative qualifications and outcasts others becomes a suffocating experience for those whose life-choices are stereotyped, neglected and excluded from the territory of morality. Beitz refer to such sections of excluded persons as ‘socially dead’ He further describes the situation when the public policies and conventions reflect an inclination towards a specific normative code which tend to give an impression of being excluded and shunned to some minority groups.¹⁶⁷ Under such circumstances, the normative beliefs acquire a political power and become a source of coercion.

No interpretation of equality, or any other value, could make up for such exclusion and neglect. The only respite is available when the very understanding of the foundational values is put under the lens, and equal opportunity is given to every section of the society to define and reinterpret the normative framework. Beitz has identified this revisionary character of democracy as its defining feature and claimed that no public institution should reinforce any particular notion or perspective.¹⁶⁸

The Case of Alternate sexualities

The primary subject of my study is the concerns of the alternate sexualities within a democratic structure. Thus, it becomes an inescapable part of my research to discuss my arguments in light of the concerns of the alternate sexualities. I have argued in the preceding pages that the alternate sexualities constitute one of the main victims of neglect and outcaste. This is prominently due to the deeply entrenched normative structures which stand to refute the very existence of alternate sexualities. When the normative framework of the society is based on a bi-polar understanding of gender, it becomes difficult to bargain for equality from within the jurisdiction of such normative structure. Such system leaves only two choices to those who are unable to fit-in: either surrender to the normative jurisprudence and fit-into the bipolar categorization; or, live in a state of

self-hatred and social abhorrence. Either of the situation does not qualify as a respectful or just condition.

The problem with following the traditional conceptions of equality is that it is based on the premise of conformity to institutions and social practices.¹⁶⁹ As a result, all the proviso of equality and liberty becomes conditional upon the individual adherence to the normative codes of the society. Such arrangement, when checked for lapses of justice, fails to find any fault in having neglected those who fall outside the territory set by the normative codes. Thus, the issue of injustice becomes an issue of identity itself.

The formal setup of democracy allows the numeric equality of all individuals. Thus, while the alternate sexualities are able to register their mortal presence as a genderless-numeric body,¹⁷⁰ their presence at the normative grounds of deliberation is made invisible. The idea of equality as renegotiation does not introduce something radical, as similar framework of understanding could be identified in ideas like ‘radical democracy’¹⁷¹ or democracy as an ‘empty place.’¹⁷² My arguments seek to highlight the role of deliberation in the political as well as personal sphere so that the category of desirable and just might be freed of normative restrictions. Moreover, such deliberations and contemplations are not a one-time act, but an ongoing exercise and characteristic of a democracy. Introduction of such deliberative aspects in the understanding of our democratic ideals establish the legacy of ‘equality as an interest’ which guides the further contemplation by reminding of our founding ideals.

The true democratic rights of the alternate sexualities lie in being able to assert their identity and lifestyle. Equality for the alternate sexualities, as for other neglected groups, does not lie in finding a place within the

existing paradigm of values, but in redefining the foundational values itself. It is also true that such re-understanding is not possible through deconstruction of the existing structures. Rather, I believe that a revision in the understanding of the foundational principles of democracy is possible only through deliberative efforts at several levels simultaneously. It would be incorrect to believe that the conception of the society is something unamendable. Hall have argued that “‘history” is always an artificial construct, one that depends upon numerous acts of interpretation, exclusion, and information shaping that reflect inevitably and indelibly the beliefs and biases of the historian or critic.’¹⁷³ The purpose of a deliberative democracy is to allow an equal opportunity to different groups and identities to participate in the process of defining their normative codes and ends.

Equality as renegotiation implies an ongoing process to revisit and redefine the foundational aspects of equality which then set the course of democratic goals. Unlike the idea of equality of outcome or opportunity, the idea of equality as renegotiation lets the people decide about the conditions that qualify them to be called as equal. This is an important and much needed intervention in the conceptualization of equality as it breaks the restrictions set by the normative framework and allows the unfolding of democracy on a borderless basis. Equality as renegotiation transfers the yardstick of measuring the degree of equality present in society from the normative understanding of the society and entrusts it with the groups and participants who contest and deliberate to pursue the best possible results.

¹ The line of argument supporting this belief can be found in several contemporary scholars. See Francis Fukuyama, *The End of History and the Last Man* (Penguin, 2012); Nancy Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions* (New York: Routledge, 1997).

² Such democratizing ends could be in the form of beliefs such as: ‘the king serves the people’, ‘aristocracy is a government of the best talents’, ‘socialism is a political setting that takes care of the society as a whole’, or ‘Nazism as the regime of a particular sect of people’; all these ideas are based upon a common belief that the respective political framework seek to attain betterment of the people/citizen;

³ Emphasis might be added to the choice of democracy as an ideal form of human society, and not merely an ideal form of government. Democracy is more than merely a form of government, and the true spirit of democracy is realized when a society lives by democratic principles.

⁴ Alex De Tocqueville, *Democracy in America*, Wordsworth Edition, 1998, 92.

⁵ Claude Lefort, *Democracy and Political Theory*, trans. David Macey (London: Polity Press, 1988), 17.

⁶ Anderson uses the term nationalism instead of political community, but his understanding refers to the idea of the political community itself. Though Anderson’s writing does not talk about democracy per se, the arguments and understanding of the idea of imagined community point towards the conceptual idea of democracy only. For more details on the ideas see Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (New York: Verso, 2006).

⁷ Michael Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12, no. 1 (1984): 87.

⁸ The usage of the term ‘utilitarian’ has not been done in the sense of utilitarianism as the doctrine, but in a more literal sense of something owing its existence to the meaningful purpose served by it. Here utilitarian purpose implies the practical need of having the democratic setup to achieve the similar goals of the members of the society.

⁹ Lefort, *Democracy and Political Theory*.

¹⁰ Tocqueville, *Democracy in America*, 215.

¹¹ Tocqueville, 203.

¹² Lefort, *Democracy and Political Theory*, 19.

¹³ Tocqueville, *Democracy in America*, 92.

¹⁴ Lefort, *Democracy and Political Theory*, 19.

¹⁵ It might be difficult to say that the democratic order of Ancient Greece was even close to the modern conception of democracy. However, a reference is still given to Ancient Greece because of the system of state polity based on (high-qualification) citizenship.

¹⁶ In fact, the Social Contract theory as given by Hobbes and Locke appears to be creating an authoritative or autocratic form of government, all in the name of democracy. see Abramson, *Minerva’s Owl: The Tradition of Western Political Thought*.

¹⁷ Routledge Guidebook to Hobbes; pp 51; emphasis added;

¹⁸ Abramson summarizes the laws of nature as: “Hobbes derives the first law of nature from the fear of death in the state of nature. He derives the second law from the first: I should be willing to surrender my natural right to wage war against you, to the extent that you are reciprocally willing to surrender your natural right to wage war against me. This mutual disarming, this mutual surrender of natural liberty is in each person’s self-interest... a third law of nature: “that men performe their Covenants made. Once we give our word, we are” bound by it; we are obliged to keep our promises regardless of consequences.” Abramson, *Minerva’s Owl: The Tradition of Western Political Thought*, 185–86.

¹⁹ Abramson, 186.

²⁰ The consent to the sovereign to rule over the society is Tacit in nature, through the very act of social contract. The manifestation of periodic elections is only an instrument to replace the bodies manning the organizational structure of the sovereign. It does not replace the sovereign as such, and thus the sovereign continues to exist after the hypothetical social contract. See Abramson, 191.

²¹ Richard Ashcraft, “Locke’s Political Philosophy,” in *The Cambridge Companion to Locke*, ed. Vere Chappell (Cambridge: Cambridge University Press, 1994), 241.

²² Abramson, *Minerva’s Owl: The Tradition of Western Political Thought*, 201.

²³ Abramson, 205.

²⁴ Abramson, 208–10.

²⁵ See Amy Gutmann and Dennis Thomson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004).

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- ²⁶ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*, 214.
- ²⁷ Abramson; pp 218;
- ²⁸ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*, 229–30.
- ²⁹ Abramson, 232–33.
- ³⁰ Abramson, 237–38.
- ³¹ Abramson, 246.
- ³² Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*.
- ³³ Locke argued that “To claim that certain principles are innate is to claim that there is no need for further thought about the matters they cover; and this in turn is an excellent tactic for anyone who wants certain principles taken on authority, without inquiry.” See Cambridge Companion, “Locke’s Moral Philosophy,” in *The Cambridge Companion to Locke*, ed. Vere Chappell (Cambridge: Cambridge University Press, 1994), 202.
- ³⁴ I am not trying to establishing a parallel between Lincoln and Gandhi at the moment. The reference to Gandhi has been made only in the context of the idea of relativism. See M K Gandhi, *Hind Swaraj or Indian Home Rule* (Ahmedabad: Navjivan Publishing House, 1909), https://www.mkgandhi.org/ebks/hind_swaraj.pdf.
- ³⁵ This is one of the popular speeches of Lincoln and shows his ideas in a precise manner. Stern described it as ‘a keystone in the edifice of his writings and his attitudes towards the lifelong struggle in which he was engaged.’ Philip Van Doren Stern, ed., *The Life and Writings of Abraham Lincoln* (New York: The Modern Library, 2000), 561–62.
- ³⁶ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ³⁷ Stern, *The Life and Writings of Abraham Lincoln*, 773–74.
- ³⁸ This is from Lincoln’s speech on the Mexican War, in the US House of Representatives on January 12, 1848; Stern, 308.
- ³⁹ This was during the speech at a Republican Banquet in Chicago on December 10, 1856; Stern, 408.
- ⁴⁰ During the speech at Peria, Illinois on October 16, 1854; Stern, 364.
- ⁴¹ Stern, 362.
- ⁴² During a speech at Peria, Illinois on October 16, 1854; Stern, 362–63.
- ⁴³ Stern, 443.
- ⁴⁴ Lincoln discussed these issues elaborately in his correspondence with his friend Joshua Speed; for more details, See Stern, 390.
- ⁴⁵ Lincoln discussed this tendency of the society in his correspondence with Joshua Speed; for more details See Stern, 392–93.
- ⁴⁶ During a speech at Springfield in Illinois on June 26, 1857; Stern, 416.
- ⁴⁷ I say accommodative because Lincoln, for a number of years, admitted the Southern states’ right to uphold slavery. He even offered compensation to the cooperating states during the early phases of his emancipation drive; For Lincoln, ‘gradual and not sudden emancipation is better for all’; (See Lincoln’s message to Congress Recommending Emancipation, Stern, *The Life and Writings of Abraham Lincoln*. 667-668 and 714-715;
- ⁴⁸ John Stuart Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, ed. David Bromwich and George Kateb (New York: Yale University Press, 2003).87;
- ⁴⁹ Kateb, George in *On Liberty* ed. (2003); pp 33;
- ⁵⁰ Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*.76;
- ⁵¹ ‘Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing...’ See Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, 124;
- ⁵² Ibid
- ⁵³ Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill* 87-88;
- ⁵⁴ Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, 81; such line of thinking might be because of his first hand experience of working for the British Government for writing the historiography about British rule in India and other regions, where he got influenced by the colonial way of thinking which believed that the colonial rule is a blessing in disguise for the colonies.
- ⁵⁵ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*.297;
- ⁵⁶ Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill* 75-76 and 147;

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- ⁵⁷ Lefort, *Democracy and Political Theory*.
- ⁵⁸ I use the term 'other stakeholders' to denote the influence of the non-citizens in defining the democratic tradition of any society. In the age of globalization, particularly, the impact of outsiders have become significant.
- ⁵⁹ Lefort, *Democracy and Political Theory*, 17.
- ⁶⁰ Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*.
- ⁶¹ Lefort, *Democracy and Political Theory*, 23.
- ⁶² Lefort, 34.
- ⁶³ Lefort, 33.
- ⁶⁴ Lefort, 41.
- ⁶⁵ By Grand Theories I mean the systemic paradigms like liberalism and Marxism. see Quentin Skinner, *The Return of Grand Theory in the Human Sciences* (Cambridge: Cambridge University Press, 1985).
- ⁶⁶ Fukuyama, *The End of History and the Last Man*. xi
- ⁶⁷ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ⁶⁸ Fraser, 81.
- ⁶⁹ Fukuyama, *The End of History and the Last Man*, 117.
- ⁷⁰ Sandel, "The Procedural Republic and the Unencumbered Self," 82.
- ⁷¹ Tocqueville, *Democracy in America*, 190–91.
- ⁷² Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*, 87.
- ⁷³ Fraser has referred to such a setting as *plural public spheres*. See Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ⁷⁴ Fraser, 181.
- ⁷⁵ Lefort, *Democracy and Political Theory*.
- ⁷⁶ Lefort, 17–18.
- ⁷⁷ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ⁷⁸ See Robert A Dahl, *On Political Equality* (London: Yale University Press, 2006); Tocqueville, *Democracy in America*.
- ⁷⁹ See Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*; Tocqueville, *Democracy in America*; Ashcraft, "Locke's Political Philosophy"; Dahl, *On Political Equality*.
- ⁸⁰ See Pateman, *The Sexual Contract*; Wendy Brown, *The Manhood and Politics: A Feminist Reading in Political Theory* (Rowman & Littlefield, 1988).
- ⁸¹ While thinkers like Dahl and Tocqueville believe that a democracy presupposes certain degree of political equality, they also believe that democracy is, to some extent, both a product and an outcome of the progressive unfolding of society towards equality. See Tocqueville, *Democracy in America*; Dahl, *On Political Equality*; Charles R. Beitz, *Political Equality An Essay in Democratic Theory* (Princeton: Princeton University Press, 1989).
- ⁸² Gutman and Thompson identify the idea of provisionality with deliberative democracy and argue that 'This self-correcting capacity of deliberative democracy is what we call its provisionality—moral and political. A theory is morally provisional if its principles invite revision in response to new moral insights or empirical discoveries.' See Gutmann and Thomson, *Why Deliberative Democracy?*, 57.
- ⁸³ Beitz, *Political Equality An Essay in Democratic Theory*, 217.
- ⁸⁴ Shklar, "Jean-Jacques Rousseau and Equality," 17.
- ⁸⁵ Tocqueville, *Democracy in America*.
- ⁸⁶ Gutmann and Thomson, *Why Deliberative Democracy?*, 10–12.
- ⁸⁷ Another example of such scenario would be the case of Kashmiri Pandits, who experience different types of discrimination in and outside their socio-political milieu. See Ankur Datta, "Dealing with Dislocation: Migration, Place and Home among Displaced Kashmiri Pandits in Jammu and Kashmir," *Contributions to Indian Sociology* 50, no. 1 (2016): 52–79, <https://doi.org/10.1177/0069966715615024>.
- ⁸⁸ Judith Butler, *Gender Trouble- Feminism and the Subversion of Identity* (New York: Routledge, 1999); Pateman, *The Sexual Contract*.
- ⁸⁹ Nikhil Kumar Gupta, "Out of Bounds: The Idea of Coerced Invisibility and Alternate Sexualities," *Sexuality, Gender and Policy* 5, no. 1 (2022): 58–68, <https://doi.org/10.1002/sgp2.12039>.

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- ⁹⁰ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*; Fukuyama, *The End of History and the Last Man*.
- ⁹¹ Beitz, *Political Equality An Essay in Democratic Theory*, 217.
- ⁹² The idea of numeric equality of all individuals is best found in the belief 'one man, one vote' and 'each individual count for one'. Such ideas are also related with utilitarianism wherein an individual is taken as a quantifiable unit to measure utility/good in the society.
- ⁹³ Dahl, *On Political Equality*; Stern, *The Life and Writings of Abraham Lincoln*.
- ⁹⁴ Gutmann and Thomson, *Why Deliberative Democracy?*, 16–17.
- ⁹⁵ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*; Gutmann and Thomson, *Why Deliberative Democracy?*
- ⁹⁶ Beitz, *Political Equality An Essay in Democratic Theory*, 217–18.
- ⁹⁷ Sandel, "The Procedural Republic and the Unencumbered Self."
- ⁹⁸ Pateman, *The Sexual Contract*.
- ⁹⁹ The idea of foundational equality, unlike the idea of social contract, advocates a principle according to which the society is organized. It is more a philosophical devise than a conjectural history.
- ¹⁰⁰ Gutmann and Thomson, *Why Deliberative Democracy?*, 128.
- ¹⁰¹ Gutmann and Thomson, *Why Deliberative Democracy?*, 100.
- ¹⁰² Dahl, *On Political Equality*, 4.
- ¹⁰³ Butler, *Gender Trouble- Feminism and the Subversion of Identity*; Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*; Stern, *The Life and Writings of Abraham Lincoln*; Tocqueville, *Democracy in America*.
- ¹⁰⁴ Sandel, "The Procedural Republic and the Unencumbered Self."
- ¹⁰⁵ Richard Arneson, "Four Conceptions of Equal Opportunity," *The Economic Journal* 128, no. 612 (January 7, 2018): 14, <https://doi.org/10.1111/eoj.12531>.
- ¹⁰⁶ Beitz, *Political Equality An Essay in Democratic Theory*, 4–5.
- ¹⁰⁷ Arneson, "Four Conceptions of Equal Opportunity," 5; John Rawls, *A Theory of Justice*, Original Edition (Cambridge: Harvard University Press, 1971), 73.
- ¹⁰⁸ Rawls, *A Theory of Justice*; Amartya Sen, *Commodities and Capabilities* (New Delhi: Oxford University Press, 1999).
- ¹⁰⁹ Beitz, *Political Equality An Essay in Democratic Theory*, 6; Beitz, 14.
- ¹¹⁰ Arneson, "Four Conceptions of Equal Opportunity," 1.
- ¹¹¹ Equality of opportunity holds value for the state machinery because it is what dictates the direction of the policies of justice. The whole understanding of redistributive justice is premised upon the principle of equality of opportunity. Also, it is only through the situational and contextual understanding of the principle that the state is able to decide where to facilitate redistributive justice.
- ¹¹² Routledge, *Routledge Philosophy Guidebook to Hobbes and Leviathan*.
- ¹¹³ Anne Phillips, "Defending Equality of Outcome," *The Journal of Political Philosophy* 12, no. 1 (2004): 1–19.
- ¹¹⁴ Rawls, *A Theory of Justice*.
- ¹¹⁵ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*.
- ¹¹⁶ Beitz, *Political Equality An Essay in Democratic Theory*, 20.
- ¹¹⁷ Phillips, "Defending Equality of Outcome," 3; Sen, *Commodities and Capabilities*.
- ¹¹⁸ Abramson, *Minerva's Owl: The Tradition of Western Political Thought*; Sandel, "The Procedural Republic and the Unencumbered Self."
- ¹¹⁹ See Gutmann and Thomson, 128.
- ¹²⁰ Beitz, *Political Equality An Essay in Democratic Theory*; Butler, *Gender Trouble- Feminism and the Subversion of Identity*; Dahl, *On Political Equality*; Gutmann and Thomson, *Why Deliberative Democracy?*; Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*; Phillips, "Defending Equality of Outcome."
- ¹²¹ Gutmann and Thomson, *Why Deliberative Democracy?*, 24.
- ¹²² Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.
- ¹²³ Beitz, *Political Equality An Essay in Democratic Theory*, 11.
- ¹²⁴ Alison Jaggar, *Just Methods: An Interdisciplinary Feminist Reader* (London: Paradigm Publishers, 2008), 4.

¹²⁵ Stern, *The Life and Writings of Abraham Lincoln*.

¹²⁶ Phillips, "Defending Equality of Outcome," 13.

¹²⁷ My primary concern, here, is not to discuss the evolution of feminism (difference feminism), and thus, I have deliberately avoided any elaborate discussion on the rise and arguments of feminist scholars. I have tried to remain selective in order to maintain my focus at the issue at hand. See Brown, *The Manhood and Politics: A Feminist Reading in Political Theory*; Butler, *Gender Trouble- Feminism and the Subversion of Identity*; Jaggar, *Just Methods: An Interdisciplinary Feminist Reader*; Pateman, *The Sexual Contract*.

¹²⁸ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 173–74.

¹²⁹ Butler, *Gender Trouble- Feminism and the Subversion of Identity*.

¹³⁰ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 81–85.

¹³¹ Mahajan and Reifeld, *The Public and Private: Issues of Democratic Citizenship*.

¹³² Lefort has discussed this uncertainty of democracy and described a democratic society as 'an empty place'. See Lefort, *Democracy and Political Theory*.

¹³³ Ibid

¹³⁴ Lefort, *Democracy and Political Theory*; Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

¹³⁵ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

¹³⁶ Gutmann and Thomson, *Why Deliberative Democracy?*, 132.

¹³⁷ By sub-types I am referring to the conceptions of equality discussed in the previous section, that is, foundational equality, equality of opportunity, equality of outcome, equality as sameness and equality as difference.

¹³⁸ Beitz, *Political Equality An Essay in Democratic Theory*, 225–26.

¹³⁹ Butler, *Gender Trouble- Feminism and the Subversion of Identity*, 11–18.

¹⁴⁰ Dahl, *On Political Equality*, 25.

¹⁴¹ Take for instance, Marx who led the alternate understanding of the capitalist economy; or feminist scholars like Pateman, Brown or Wallstonecraft among others, who evolved the feminist perspective to enlighten the world with the concerns of woman; or Butler who have contributed towards the gender theory. See Butler, *Gender Trouble- Feminism and the Subversion of Identity*; Pateman, *The Sexual Contract*; Brown, *The Manhood and Politics: A Feminist Reading in Political Theory*.

¹⁴² Like in case of Caste exploitation or sexual subordination;

¹⁴³ Sandel, "The Procedural Republic and the Unencumbered Self."

¹⁴⁴ Butler, *Gender Trouble- Feminism and the Subversion of Identity*.

¹⁴⁵ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*, 88–93.

¹⁴⁶ Ernest Renan, "What Is a Nation?," ed. Ethan Rundell (Sorbonne, 1882).

¹⁴⁷ Lefort, *Democracy and Political Theory*.

¹⁴⁸ Ibid

¹⁴⁹ Beitz, *Political Equality An Essay in Democratic Theory*, 16–17.

¹⁵⁰ Tocqueville, *Democracy in America*.

¹⁵¹ Beitz, *Political Equality An Essay in Democratic Theory*, 17.

¹⁵² Gutmann and Thomson, *Why Deliberative Democracy?*, 42.

¹⁵³ Dahl, *On Political Equality*.

¹⁵⁴ Lefort, *Democracy and Political Theory*.

¹⁵⁵ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

¹⁵⁶ Renan, "What Is a Nation?"

¹⁵⁷ Fukuyama, *The End of History and the Last Man*; Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

¹⁵⁸ Here 'equal status' suggests an equal capability to partake in public deliberations and decision making process, whereas an 'equalized position' suggests a position of material equal (sameness) done through political intervention.

¹⁵⁹ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

¹⁶⁰ Sen, *Commodities and Capabilities*.

¹⁶¹ Gutmann and Thomson, *Why Deliberative Democracy?*, 78.

¹⁶² Beitz explain such arrangement as 'Complex Proceduralism' and explain it as one that 'holds the terms of democratic participation are fair when they are reasonably acceptable from each citizen's point of view or more precisely, when no citizen has good reason to refuse to accept them'. Beitz, *Political Equality An Essay in Democratic Theory*, 23.

¹⁶³ Butler, *Gender Trouble- Feminism and the Subversion of Identity*.

¹⁶⁴ Having a malevolent attitude towards society is itself a contestable term, as those having such intentions have a specific set of minds which justify their actions. However, for the purpose of my argument I am assuming malevolent attitude as those that intend to harm-others. This argument is closer to the self-regarding and other-regarding actions (harm principle) as discussed by Mills. See Mill, *Rethinking the Western Tradition: On Liberty: John Stuart Mill*.

¹⁶⁵ Routledge, *Routledge Philosophy Guidebook to Hobbes and Leviathan*.

¹⁶⁶ Dahl, *On Political Equality*, 50.

¹⁶⁷ Beitz, *Political Equality An Essay in Democratic Theory*, 109–10.

¹⁶⁸ Beitz, 110.

¹⁶⁹ Arneson, "Four Conceptions of Equal Opportunity," 14.

¹⁷⁰ By genderless-numeric body I mean the idea of 'counting heads' which considers a person irrespective of the gender identity.

¹⁷¹ Fraser, *Justice Interruptus- Critical Reflections on the PostSocialist Conditions*.

¹⁷² Lefort, *Democracy and Political Theory*.

¹⁷³ Donald E. Hall, *Queer Theories* (New York: Palgrave Macmillan, 2003), 21.