

Social Work and Social Justice: What Are We Fighting For?

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Abstract

A cardinal value of social work practice is social justice. Social justice ranks as the second of five values that underpin the Code of Ethics of the Australian Association of Social Workers (AASW). However, although social work's commitment to promoting social justice is laudable and, indeed, may even be a distinguishing feature of the profession, precisely what kind of social justice does social work espouse? The answer to this question remains unclear. Views about the nature and scope of social justice stem from broader conceptions of justice that not only differ from, but may also conflict with, each other. Therefore, it is important not only for social work to be clear about the type of social justice that it currently advocates, but also to ensure that it is one that the profession seeks to defend and maximise. It is argued that the choice must be as egalitarian as possible. Indeed, it must be radically so. Otherwise, what is social work fighting for?

Keywords: Egalitarianism; Equality; Equity; Social Justice; Utilitarianism

Why Social Justice?

It is important to understand why social justice matters, because this is not simply a matter of fact (Arneson, 2007; Barry, 2005). The reason why social justice matters is the subject of discussion immediately below; exactly what matters and the extent to which it does are taken up in the section on the theories of justice. From that point, attention focuses on which of these theories informs the Australian Association of Social Workers (AASW) conception of social justice. To this end, the Association's current *Code of Ethics* is placed under critical scrutiny. A case for a radical egalitarian conception of social justice is made in the final sections because, it is argued, anything less is bound to perpetuate injustice.

Why does social justice matter? There is perhaps little, if any, doubt about the significance of this question among people in poor countries. They have become

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accustomed to facing the prospect of death as a result of famine and diseases that could be prevented by relatively inexpensive community development projects and public health measures. However, is social justice a matter of significance in an affluent country like Australia? For example, should we be concerned that, in 2003, the median age at death among Indigenous males living in the Northern Territory was 46.3 years? The life expectancy of males living in more urbanised areas was not much better; the median age at death of Aboriginal men in New South Wales, for instance, was 56.8 years (Australian Bureau of Statistics (ABS), 2004). In 2003, non-Indigenous males could expect to live up to 20 years longer than Aboriginal men (ABS, 2004). More recent statistics show that the average life expectancy of an Aboriginal boy in Wadeye, a typical Aboriginal community in the north-west of the Northern Territory, is still less than 50 years (Graham, 2006). Although Australians may conclude that this situation is pitiable, it is clear that not all stand convinced that it is, in some important respects, a reflection on the way their society is organised and governed, or that all is not as it should be with Australian institutions. People may agree that poverty is bad, even if it causes premature death, but not consider inequality unjust. There is also disagreement about what obligations, if any, the better off have towards the poor (both domestically and internationally), especially if their wealth was acquired by other than illegitimate means. Even then, according to some (most notably, Robert Nozick, 1974), this does not diminish entitlement as long as it can be rectified at some point. The poor have been, and will always be, with us.

The gap between rich and poor not only persists, but continues to widen and the ideology justifying it has managed to remain pervasive and convincing (or at least consoling). (Indeed, the “selfishness-is-good” philosophy (objectivism) of Ayn Rand remains an international best seller and a beacon for the right everywhere (Gillespie, 2005).) Social justice matters then only if the hardship caused by growing immiseration is not, or at least can no longer be, licensed. If poverty continues to be with us, it is because not enough has yet been done to make it history. As David Donnison (1991) made clear, “a society which is to make significant reductions in pain among the groups who now suffer most must be an equal one, equal both in the distribution of power, and in living standards” (p. 85).

Therefore, there is a need for social justice. The question is, what kind? Needless to say, there are conceptions of social justice that not only circumscribe, but do no justice at all (Schmidt, 2007). For instance, not so very long ago the removal of Aboriginal children from their parents and clan and their consignment to White families was considered by many to be just, morally as well as socially (Human Rights and Equal Opportunity Commission, 2005). All Australians continue to live with the legacy of that injustice, made worse, until only recently, for the lack of a government apology.

What kind of social justice, then, do we need? It must be one that, at the very least, regards inequality as not only bad, but avoidable. However, the question is, is this the type of social justice that informs social work? There is, as will be argued, a question mark about this. But, again, before I argue the point, it is important to consider the range of theories of justice that currently inform conceptions of social justice.

Theories of Justice

Social justice is taken to be a special case of justice (Rawls, 1971). What is distinctive about the case of social justice is that interpersonal comparisons must be capable of providing grounds for adjudicating among conflicting claims in a way that *all* citizens can recognise as fair. Justice understood not simply as a virtue of individuals, but of societies, is dominated by a narrow range of theories (Rawls, 1971). These range from doctrines that emphasise the concept of *desert* through those that appeal to *rights* to others that are *contractarian* (MacIntyre, 1988). However, conceptions of justice that have come to the fore in recent times have tended to be teleological and based on some variant of the *utility principle* (Nussbaum, 2006). An essential characteristic of teleological theories of justice is that the good (e.g., pleasure as in hedonism (Bentham, 1789/1823/1948) or happiness as in eudemonism (Mill, 1863/1910)) is defined independently from what is right, so that whatever is judged good can be good whether right or not. Thus, it is possible for aggregate acts, rules, or preferences to arise that a minority of the population finds offensive or worse (e.g., the ever popular preference for maximising the utility of racial purity and superiority).

The main idea inherent in utilitarianism, especially according to the classical libertarian doctrine (expounded by Friedman (1973), Hayek (1960) and von Mises (1953)), is that society is just when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it. The problem, however, is that it does not matter, except indirectly, how the sum of satisfactions (i.e., the greatest good or happiness) is distributed among individuals over time. The aim is to allocate the means of satisfaction (i.e., rights and duties, opportunities and privileges, and various forms of wealth) to a maximum. However, this does not ensure an equal distribution. As Martha Nussbaum (2000) poignantly observed:

The food on A's plate does not magically nourish the stomach of B; the pleasure felt in C's body does not make the pain experienced by D less painful; the income generated by E's economic activity does not help to feed and shelter F; in general, one person's exceeding happiness and liberty does not magically make another person happy or free. (p. 56)

Thus, when the principle of utility is satisfied, there is no assurance that everyone benefits. In fact, the principle requires that some individuals should accept lower prospects of life for the gratification of all the others (Barry, 1989, 1995). Moreover, utilitarianism may authorise the lesser welfare and liberty of some for the sake of the greater happiness of others who may already be more fortunate. Utilitarian theories of justice promise only *equity*, not equality, and even equity is not guaranteed because happiness or "the good" are hard to quantify.

Furthermore, to discriminate between individuals on the basis of utility is to treat them merely as a means to an end. Although this has often been done for the greater good (overall utility), the question remains, is it just? For anyone who thinks it imperative that a person ought never to be treated as a means to someone else's end,

the answer is a categorical “no” (Kant, 1999). Those who believe the ends justify the means may still be concerned about poverty in the midst of plenty. Utilitarians are bound to the principle that each person’s welfare ranks as no more or less than anyone else’s. But, in utilitarianism, no one is owed benevolence, because utilitarian benevolence involves no particular attachments to persons. Intervention beyond the point of fiduciary responsibility is purely volitional. It would seem, then, that theories of justice based on utilitarianism fall short of what some may think of as fully just. Yet, as will be shown, utilitarianism lurks in what the AASW calls “social justice”. This is perhaps not surprising given that utilitarianism, “has, at least implicitly, served as justification for many ethical decisions made by social workers” (Reamer, 2006, p. 66).

Social Justice in Australian Social Work

A detailed account of social justice is given in the AASW’s *Code of Ethics 1999* (AASW, 2002). The AASW “holds that each society has an obligation to pursue social justice, to provide maximum benefit for all its members and to afford protection from harm” (p. 8). Under the Code’s glossary of terms (AASW, 2002), the concept is defined as:

Fairness in the distribution of social resources, rights, opportunities and duties. Four broad objectives of *Social Justice* are: 1) *equity*—to overcome unfairness caused by unequal access to economic and other resources and power; 2) *rights*—to gain equal effective and legal industrial and political rights; 3) *access*—to ensure greater equality of access to essential goods and services; 4) *participation*—to create expanded opportunities for real participation by all people in the decisions that govern their lives. Social Justice strategies are primarily about implementation, planning and co-ordination, as well as about systematic redistribution of existing government resources, both financial and management.

The Association understands social justice to encompass:

1. The satisfaction of basic human needs
2. The equitable distribution of resources to meet these needs
3. Fair access to public services and benefits to achieve human potential
4. Recognition of individual and community rights and duties
5. Equal treatment and protection under the law
6. Social development and environmental management in the interests of human welfare. (AASW, 2002, p. 6)

In principle, social justice means that:

- a. Social workers promote distributive justice and social fairness, acting to reduce barriers and expand choice and potential for all persons, with special regard for those who are disadvantaged, vulnerable, oppressed, or have exceptional needs.
- b. Social workers act to change social structures that preserve inequalities and injustice.

- c. Social workers meet their responsibilities to society by engaging in action to: promote societal well-being, advocate for equitable distribution of resources, and effect positive social change in the interests of social justice.
- d. Social workers espouse the cause of human rights, affirming that civil and political rights must be accompanied by economic, social and cultural rights. Social workers oppose and work to eliminate all violations of human rights. (AASW, 2002, pp. 8–9)

In practice, a commitment to social justice requires that:

- a. Social workers will promote policies, practice and social conditions that uphold human rights and that seek to ensure access, equity and participation for all.
- b. Social workers will act without prejudice, seeking to prevent and eliminate *negative* discrimination based on grounds such as: national origin, race, culture, appearance, language, gender, sexual preference, ability, age, place of residence, belief, religion, political affiliation and social, economic, health or marital status. In circumstance where individual/group difference affect clients' needs, positive discrimination may be ethically justifiable.
- c. Social workers will aim to empower individuals, families, groups, communities and societies in the pursuit and achievement of equitable access to social, economic and political resources and in attaining self-determination, self-management and social well-being.
- d. Social workers will acknowledge the racial and cultural diversity within Australian society and will promote policies, procedures and practices that respect this diversity.
- e. Social workers will promote public participation in the development and implementation of social policies and services. (AASW, 2002, p. 11)

Although they do not constitute a comprehensive doctrine in themselves, the principles and ethical responsibilities listed in the *Code of Ethics* (AASW, 2002) do give a strong indication of the kind of theory of justice, and hence conception of social justice, that the Association professes, especially in terms of the way “equity,” “rights,” “access,” and “participation” are defined. Of course, as poststructuralists have argued (Jacques Derrida (1976) being pre-eminent among them), discourses are never bound to their words. That is precisely why such words, together with the discursive realities they authorise and censor, must be subject to relentless critique.

What is remarkable, and most revealing, about the espoused value of, and commitment towards, the principle of social justice is the AASW's stark omission of any direct reference to the attainment of *full* equality in anything but legal rights and the law. Equality before the law is no less a rudimentary feature of utilitarianism than it is of other forms of justice (Freeman, 1994). The closest the document comes to the recognition of this particular value beyond the rule of law occurs in the glossary and the support given in principle to “change social structures that preserve inequalities and injustice” (AASW, 2002, p. 8). Yet, even this principle is qualified. Note that in the former the objective is “to overcome *unfair* not *unequal* access to economic and other resources and power and to ensure *greater* equality, not equality *per se*, of *access* to goods and services” (*italics added*; AASW, 2002, pp. 8–11). The latter implies that

inequality and injustice are not the preserve of existing social structures generally, but rather only rogue ones. Moreover, the meaning of “change” is ambiguous. There is no telling whether “change” means reforming corrupt structures or radically restructuring them. However, what is clear is that “change” does not suggest replacing institutional structures with *alternatives* capable of preserving equality and social justice more effectively.

Emphasis is also given to social harmony through the recognition of, and respect for, “racial and cultural diversity”, presumably not, although possibly, at the expense of the commitment to “self-determination”, the defence of *individual* no less than human (i.e., collective) rights, especially those avowing freedom from “negative discrimination” and “harm”, opportunities in terms of “access”, “participation”, and “empowerment”, and the “*equitable* distribution of resources” for the “*maximum* benefit” of all.

Examine, for a moment, the terms that have been italicised. It is evident that the terminology does not convey a more penetrating conception of social justice than utilitarian theories would allow. True, mention is made of the concept of “distributive justice”, with “special regard” given to “those who are disadvantaged, vulnerable, oppressed, or have exceptional needs” (AASW, 2002, p. 8). But, the allusion to distributive justice is a fleeting one that is not repeated and is overshadowed by references to equity. Distributive theories of justice are, in any case, utility driven (Millgram, 2000). Moreover, an equitable distribution is not, as any utilitarian would readily affirm, an equal one.

There is certainly a pressing need to redress vast disparities in the distribution of wealth and income. However, whereas the ultimate focus of redistribution is utility, the scope of social justice ought to entail considerably more (Nussbaum, 2006). Distributive theories of justice tend to focus on material possessions and social positions. The logic governing distributive paradigms regards individuals as acquisitive, competitive, and atomistic (i.e., as “utility maximisers”; Taylor, 1985). However, a broader conception of social justice would consider cultural, social, political, and moral as no less important than economic relations. People are ends in themselves, capable of being and doing much, provided they have the resources they require (Nussbaum & Sen, 1993). As Nussbaum and Sen (1993) argued, tangible resources, such as income and wealth, are important means. Equally important, however, is having the *capabilities* to use these means. However, as the AASW makes clear, any “special attention” that people may receive is limited by the implicit regard due to all (i.e., rich and poor alike). Indeed, there appears to some risk involved in a show of further regard for the latter, as the Association cautions “positive discrimination *may be* ethically justifiable” (italics added; AASW, 2002, p. 11). This is certainly in keeping with the utilitarian principle that everyone counts, although no one more than any other, for it is clear from the way it is expressed that affirmative action aims to ensure parity between individuals’ interests. However, affirmative action does little to alter the basic structure of group privilege and oppression (Young, 1990) and has had only a marginal impact on income distribution (Shapiro, 1995). The scope of such action is, as Iris Young (1990) contended, largely confined

to the “relatively narrow and superficial issue of the distribution of positions within an already exiting framework . . . that serves the function of supporting the structural status quo” (p. 200). Little wonder that affirmative action is supported by those whose affluence places them above the competition (Shapiro, 1995).

The caveat about engaging in affirmative action also relies on an intuitive judgement. In fact, consistent with utilitarian theories of justice, the *Code of Ethics* (AASW, 2002) consists of a plurality of principles that may conflict and give contradictory directives in particular types of cases (e.g., the “recognition of individual *and* community rights”) and includes no explicit method or priority rules for weighing these principles against one another. Rather, in the absence of a more firm felicific or utility-maximising calculus, workers have to rely on their intuition. What is more, social justice is not ranked the first of the five cardinal values comprising the Association’s *Code of Ethics*, nor is it seen as uncompromising (e.g., the “special”, although duly circumscribed, regard for “those who are disadvantaged, vulnerable, oppressed, or have exceptional needs”; AASW, 2002, p. 8).

Rights also form an integral part of the AASW’s conception of social justice. These rights include individual, community, human, and legal rights, which social workers are to “recognise”, “espouse”, “affirm”, “uphold”, and, in the last instance, “gain”. Despite the recognition given to these, social justice has only one objective in terms of rights and that is “to gain effective and equal legal industrial and political rights” (see the glossary above). If the AASW’s primary concern is for the protection of legal rights, then it remains within the confines of utilitarian justice. Utilitarians have always supported the enforcement of individual and collective legal rights (Ryan, 2004). Opposing rights violations is a task that any utilitarian seeking to optimise overall happiness would undertake. However, a distinction needs to be drawn here between the rights a utilitarian system of justice is prepared to defend. The preservation of negative rights and associated freedoms, and, hence, freedom from interference (Berlin, 1969) is of the greatest concerns to utilitarianism (Hart, 1979). Indeed, its position on this point has not altered since 1776 (Kelly, 2001). Liberty for Jeremy Bentham, the progenitor of classical utilitarianism, and his successors is “merely negative” (Kelly, 2001, p. 20). Negative rights and freedoms are precisely what the AASW (2002, p. 8) advocated in declaring that “each society has an obligation to . . . afford protection *from* harm” (*italics added*). The problem, as Donnison (1991) argued, is that minimal, legalistic interpretations of rights, designed only to secure negative freedoms, are preferred by the rich and powerful because these do not impose supererogatory obligations on them and they, in contrast with most others, have the means to press them.

Finally, social justice, according to the AASW, also entails recognising, promoting, and respecting “cultural diversity”. This is made explicit in two statements of principle contained in the *Code of Ethics*. One principle states that social workers are expected to “recognise and respect the racial and cultural diversity of Australian society, taking into account the further diversity that exists among individuals, families, groups and communities within indigenous (*sic*) and other cultures” (AASW, 2002, p. 9).

According to the second principle, workers are to “recognise Aboriginal and Torres Strait Islander people as the indigenous (sic) people of Australia [and] acknowledge the historical disadvantage suffered by indigenous (sic) people and the implications of this for social work” (AASW, 2002, p. 9). Although one is left to ponder these implications, there is no doubt that both principles fall short of the assertion of “difference” (Derrida, 1976). Diversity and difference are distinct, although related, terms (Sinner-Halev, 1995). Difference projects a stronger sense of justice than diversity (Young, 1990). The concept of diversity is no stranger to utilitarianism (Hart, 1979). Implicit in the notion of diversity is the ideal of the “one and the many”. That is, all cultures are to be treated no differently despite the economic, political, and social inequalities that differentiate and stratify them (Young, 1990). However, as Young (1990) argued, integration disclaims the need to *be* different.

It is possible for the AASW to be more than utilitarian in its approach to social justice. Indeed, it could aspire to become radically egalitarian. Radical egalitarianism holds that, above all, justice must be done and justice in these circumstances requires equality, so anything that can be done ought to be in order to achieve an equal distribution of benefits, most notably, rights, utilities, *and* capabilities, even when that involves levelling down. On this view, justice *is* equality. Social justice deriving from radical egalitarianism aims to eliminate inequality. Equality enables difference to be respected and to flourish (Malik, 1996).

Radical, not Rough, Social Justice

There are those who consider enlarging the scope of social justice beyond the confines of utilitarianism as *utopian*. Indeed, even ultra minimalist libertarian justice is held by some to *be* utopia (Nozick, 1974). If this is so, then we appear to have reached the Promised Land. However, at least from the standpoint of the vast and ever-growing number of people who are “disadvantaged, vulnerable, oppressed, or have exceptional needs” (AASW, 2002, p. 8), utilitarianism is found wanting. If social work is genuinely concerned about fighting for the welfare of these people, then it must adopt a more just system. Despite the fact that theorists disagree about the precise formulation of basic principles of justice and, by extension, social justice, they have, as Alisdair MacIntyre (1988) has argued, “by and large agreed on what such principles should be designed to achieve” (p. 344). On this point, MacIntyre (1988) is worth quoting in full:

Just because the principles of justice are to govern the tallying and weighing of preferences, they must provide, so far as is possible, a justification to each individual *qua* individual for the tallying and weighing (sic) his or her particular preferences in the way that they do. So any inequality in the treatment of individuals *qua* individuals requires justification. Justice is *prima facie* egalitarian. The goods about which it is egalitarian in this way are those which, it is presumed, everyone values: freedom to express and to implement preferences and a share in the means required to make that implementation effective. It is in these two respects that *prima facie* equality is required. (p. 344)

Of course, it is precisely at this point that the argument between theorists begins and, regrettably, ends. Nevertheless, this does not mean that it is impossible to get beyond the impasse. Equality is the key.

It is not enough to say that everyone is entitled to their basic humanity, but not to economic, political, and social equality. In short, even if equality is not seen as an intrinsic requirement of justice, it can be justified on instrumental grounds. The consequences of inequality are bound to be dire. Equality needs to be pursued as both a first principle and a socioeconomic and political aim of social justice. Rather than defend the more obscure and contentious notion that people *are* equal, the principle to pursue is that people *should be* equal (Williams, 2005). As Bernard Williams (2005) observed, merely asserting that people are equal by virtue of being human is a necessary but insufficient reason to licence material and nonmaterial equality between them. It does little more than serve as a reminder that human beings are human beings and, hence, share a common humanity. Equality, Samuel Scheffler argued (2003), “is most compelling when it is understood as a social and political ideal that includes but goes beyond the proposition that all people have equal moral worth” (p. 33).

Political conviction is required to institutionalise the allocation of non/material resources that follows from the moral claim that equality should be accorded to every individual. It is a conviction that social work will have to be clear about and carry if it intends to seek a more radically egalitarian form of social justice. It would inevitably impose an unequivocal commitment to support individuals for consequential responsibility for those features of their situation that are both chosen (through unsound judgement) and unchosen (just plain hard luck). For example, where people are born paraplegic or devoid of marketable natural talents, then radically egalitarian social justice would require that they be compensated for their misfortune *as well as* subsequent choices, even if the options chosen turned out to be imprudent (e.g., preferring more leisure to work or indulging what others may consider extravagant tastes, such as buying the latest in motorised wheelchairs, over the course of their entire life). Although such compensation would not be unlimited, it would not be austere. That is, ensuring that entitlements are not reserved only for those judged “victims” of undeserved misfortune would not be deemed overcompensation (Anderson, 1999). By the same token, compensation is not designed to negate personal responsibility. It is, nonetheless, intended to mitigate the consequences of ruinous choices. As Richard Arneson (1999) argued, choices are neither infinite nor unconditional. Indeed, the worse off one is, the fewer and more conditional the choices. In addition, all choices are surrounded by extenuating circumstances (Scheffler, 2003).

To be sure, denying compensation to people judged responsible for their ill-fated choices would punish rather than reward them. But it would not, as Elizabeth Anderson (1999) contended, really promote personal responsibility. On the contrary, it:

Gives individuals an *incentive to deny personal responsibility for the problems* and to represent their situations as one in which they were helpless before uncontrollable forces. Better social conditions for fostering the spread of passive, whining victim’s mentality could hardly be constructed. They allow citizens to lay claim to such

goods as basic medical benefits only at the cost of making an undignified spectacle of themselves. (Anderson, 1999, p. 311)

The point of social justice, radically conceived, is not to compensate for personal deficits or irresponsibility, but to guarantee equal standing (Anderson, 1999). As Gerry Gaus (2000) pointed out, “the fundamental human equality is the absence of any natural ranking of individuals into those who command and those who obey” (p. 143). Claimants, contended Anderson (1999), “are entitled to the resources of egalitarian redistribution in virtue of their equality, not inferiority, to others”. Thus, one is indemnified against the absence of employment benefits, not a lack of talent *per se*, and acquiring a motorised wheelchair that would enable a person to function more comfortably, expeditiously, industriously, and independently is not indulgent. It is not a disabled person’s fault that it costs more to lead a dignified life than it does ambulatory people. The inequality does not stem from the inability to walk, but exclusion from public amenities, transportation, leisure activities, and places of work. So, what are we fighting for? The fundamentals are outlined below.

What is Social Work Fighting For?

For the *Code of Ethics* (AASW, 2002) to convey a radically egalitarian conception of social justice, the AASW would need to consider, as a minimum, making:

1. Social justice the first of the profession’s cardinal values because injustice invariably devalues all the others. Social justice is essential for human dignity and worth, service to humanity, integrity, and competence to flourish. The only just distribution that such a conception could possibly endorse would have to be sensitive to the arbitrary contingencies imposed on personal choices (age, ability, class, caste, creed, gender, ethnicity, race, sexuality, status, etc.) and the circumstances (education, health, housing, income security, locale, etc.) under which they choose. In short, circumstances and choices are not only compensable, but demand redress.
2. A commitment to equality, in every sense of the word, rather than equity, fundamental. No dimension of equality—cultural, economic, political, or social—is more fundamental than the others. Radical egalitarianism insists on equality with respect to the distribution of each and every good with which social justice is concerned. Many attempts have been made to devise a suitable, common metric. John Rawls’ (1971) equaliser is foremost among them (Freeman, 2007). Rawls (1971) maintained that a leximin criterion of equality is just enough. This criterion is certainly an advance on any utilitarian calculus. It aims to improve, or more permissively not worsen, the lot of the worst off. However, it permits inequalities. But, Rawls never intended to develop an equalisandum or equal measure (Jencks, 2002). The question remains, why tolerate inequality of any kind or degree? Why not agree to start from, and maintain, a baseline of strict equality? Enabling people to have an equal start in life does not obviate the need for further

concern even if their prospects are diminished by choice. The fact that people have some choice over their fate hardly justifies doing nothing when they make the wrong choice. The point is to reduce rather than enhance the significance of choice because none of us is capable of assessing all the associated risks. Radical egalitarians recognise that the primary subject of justice is the institutional arrangements that shape people's opportunities over time. Injustice resides in the social order, not people (Hattersley, 2006). It is the (dis)order of things that is responsible for turning the natural diversity of human beings into oppressive hierarchies. One passage out of this problem, then, is to call on the ingenuity of the oppressed to describe, if not quantify, their suffering. Anything less places the quest for *full* social justice in question.

3. Capabilities, as well as utilities, the focus of (re)distributional and maximising efforts. Resources are means, not ends (Sen, 2007). Martha Nussbaum (2006) contended that everyone ought to have the capability to function at an adequate level in each of a number of dimensions of life that together constitute a decent standard of living. This position does not require the integration of the different dimensions of human capability to arrive at one overall measure of an individual's capability. Nussbaum (2006) has listed 10 "central human capabilities" (p. 70) that enable people to do and be what a dignified life demands. These are (a) life; (b) bodily health; (c) bodily integrity; (d) senses, imagination, and thought; (e) emotions; (f) practical reason; (g) affiliation; (h) other species; (i) play; and (j) control over one's environment (Nussbaum, 2006, pp. 76–77). As Nussbaum (2002) explained, the capabilities approach:

Sees human beings from the first as animal beings whose lives are characterized by profound neediness as well as dignity. It addresses the issue of care in many ways: under "life" it stresses that people should be enabled to complete a "normal" human life span; under "health" and "bodily integrity" the needs of different phases of life are implicitly recognized; "sense," "emotions" and "affiliation" also target needs that vary with the stage of life; "Affiliation" is of particular importance, since it mentions the need for compassion and self-respect, and also mentions non-discrimination. (p. 134)

Where no provision is made for any one of these capabilities, contended Nussbaum (2006), then "social justice has not been fully done."

4. The maintenance of both difference and diversity as paramount concerns. Each must be preserved in ways that counteract not only homogenisation, but hierarchy as well. The aim is to enrich rather than impoverish cultures. Accomplishing this aim entails opposing inegalitarian cultural practices, ethnocentrism and assimilation and promoting cultural diffusion. As Sinner-Halev (1995) made clear, equality enhances the process of cultural sharing. But, once the struggle for equality is won, the struggle for difference and diversity continues (Tamir, 1993). The only defence against a descent into monoculturalism remains the protection

and enrichment of the cultural mosaic. This will not be achieved through multicultural rivalry. Rather, following Rawls (1993), what is needed is the establishment of a genuine consensus, one that manages to avoid lapsing into a *modus vivendi* (compromise), about those cultural traditions and practices that can be seen to overlap and be shared, without devaluing outstanding differences. However, an overlapping cultural consensus will not be reached unless a common lexicon is developed (i.e., a set of concepts and categories that does not require translation). Equality in the strict sense of the term is simple and straightforward enough to be intelligible to all (Walzer, 1994). Simple equality, according to Michael Walzer (1994), “is a very thin idea, reiterative in one form or another in [almost] every distributive system” and serves as “a constraint, a kind of critical minimalism against gross injustices” (p. 33).

5. Collective rights “trumps” (Dworkin, 1977). The positive and negative freedoms that rights confer must be taken very seriously. Not all rights need or should be absolute (Cranston, 1976). However, those that are must be considered inviolable (Nozick, 1974). If promoting full equality is to be a primary aim of social justice, then individual rights to property need be no more legally compelling than they are now. However, the human right to cultural, economic, political, and social equality cannot be defended unless it is constitutionally guaranteed and suitably provisioned. This includes the indefeasible right to life, liberty, and equality.

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