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Title: Is It Just Enough?

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Since its inception, social work has professed an abiding commitment to social justice. Indeed, it is perhaps one of the few professions to have maintained such an obligation. This pledge is officially inscribed in the Code of Ethics of the National Association of Social Workers (NASW). This document affirms the pursuit of social justice as a core value, not just for members of the Association, but also for social workers in general. However, what kind of social justice does the Association advocate and how just is it? While answers to these questions are critical to the Association's members and broader social work community, they are, without doubt, of vital importance to those whom social work seeks to serve. This paper examines the nature and scope of the principles of social justice subscribed to by the NASW.

Key words: social work, equality, ethics, values, justice, rights, social justice

Is Social Justice Necessary?

We have long sought to perfect justice (Sen, 2009). The journey so far has been slow and arduous, and it is apparent that a relatively large number of today's pilgrims consider themselves to be comparatively no better off than their predecessors (Chomsky, 2017). Even by contemporary standards, many in the North, East and South would not deny that considerably more progress could be made to expand just economic, political and social frontiers. The promise of rights, entitlements, opportunities and resources for ordinary citizens, which were once held

by only a small, insular elite, have fallen far short of the ideal (Piketty, 2014). Nevertheless, the last man to proclaim that the destructive economic and political history of (il)liberalism was at an end, Francis Fukuyama (1992), was patently wrong. In fact, some have argued that the defense of liberal democracies in recent times poses just as serious a threat to civil liberty and human rights as has illiberal aggression (Grayling, 2010; Waldron, 2012). Indeed, even Fukuyama (2014) has retreated from his earlier exuberance and conceded that political institutions in the U.S. are in decay, and as Zygmunt Bauman (2011) contends, there is a real danger of Western nations descending into what has been coined “liberticide” (p. 20), i.e., the gradual and silent demise of personal freedom.

Along the path from New York through Guantanamo Bay to Abu Graib and beyond, Westerners have become increasingly accustomed to accepting ever-diminishing degrees of freedom with equanimity. “We have forgotten the sad lesson learned by Martin Niemöller, the Lutheran pastor and victim of Nazi persecution,” writes Bauman (2011):

First, they took the communists, he mused, but I was not a communist, so I kept silent. Then they came after trade unionists, and as I was not a trade unionist, I said nothing. Then they came after Jews, but I was not a Jew ... And after Catholics, but I was not a Catholic ... Then they came for me ... By that time there was no one left to speak up for anyone. (pp. 20–21)

Greater justice remains an indispensable, though distant, ambition. The fact that justice must be vigorously pursued is a major reason for the continuing relevance of social work. In pursuing justice, and its more recent offshoot, social justice (Barry, 2005), a profession like social work must confront the vexing question: What does social justice require? This paper examines the official response of the National Association of Social Workers (NASW), and asks: What model of social justice does it proclaim, and is it just enough? The paper clarifies the nature and scope of the model of social justice subscribed to by the Association, and contends that it must be certain that it represents the most robust, comprehensive and generous scheme possible. Rawls’ (1971) theory of justice offers such a possibility.

To fully comprehend the gravity of the NASWs response, a cursory survey of theories of social justice is first in order.

A Sense of Social Justice

A sense of justice is, according to John Rawls (1971), an innate capacity and natural proclivity. Nevertheless, as Marc Hauser (2006) explains, while each of us is endowed with a *moral faculty*, i.e., a capacity that enables us to automatically generate seemingly universal, albeit often unconscious, judgments concerning justice, this is subject to parametric variation in respect to culture, circumstance and time. If this is so, then, regrettably, our sense of justice and capacity to act on it is by no means uniform. Moreover, we can simply choose to ignore our more just insights in the quest for personal gain (Kaplow & Shavell, 2002). History reveals the litany of grave injustices that attest to the powerful impulse towards the satisfaction of self rather than mutual interests. Normative systems of social justice have been developed to curtail the excesses inherent in idiosyncratic, i.e., private or privileged, schemes.

Systems of Social Justice

In essence, normative systems of social justice are based on general rules that set out what constitutes the *right* thing to do and a *good* life in addition to the institutional arrangements required for optimizing the attainment of these (Vanderschraaf, 2011). Despite the importance of achieving this aim, there is a surprisingly limited range of available systems. They are to a large extent mutually exclusive and posit organizing principles that not only vary, but may also be incompatible with each other, in both theory and practice. There is, as a consequence, considerable variation in the substance, scope and outcome of social justice afforded by them. At the very least, they can be either “thick” or “thin” (Walzer, 1994; Williams, 1995).

Thin conceptualizations are based on rudimentary and commonplace constituents of social justice. Although they are undeniably limited and narrow, thin forms of social justice are, nevertheless, neither simplistic nor inconsequential. As Michael Walzer (1994) pointed out, “there isn’t much that is more

important than ‘justice,’ minimally understood” (p. 6). Indeed, this is justice “close to the bone” (Walzer, p. 6). Thick models of social justice, by contrast, are more comprehensive and pluralistic. They attempt to encompass differences in subjective interest and cultural expression.

Thinner rather than thicker schemes become most apparent in the face of gross injustice. Deceit, murder, torture, enslavement and tyranny are paradigmatic atrocities recognized as unjust in most, if not all, social orders, for reasons unconnected with contrasting shades of cultural meanings or shared understandings of what is right or good. But, minimalism is not, as Walzer (1994) made clear, foundational. “Minimalism makes for a certain limited, though important and heartening solidarity, but it doesn’t make for a full-blooded universal doctrine” (Walzer, 1994, p. 11). Once again, this constraint serves to narrow the range of available options.

Thick, Thicker, and Thickest Social Justice

“To ask whether a society is just,” Michael Sandel (2010) posits:

is to ask how it distributes the things it prizes—income and wealth, duties and rights, powers and opportunities, offices and honors. A just society distributes these goods in the right way; it gives each person his or her due. The hard questions begin when we ask what people are due, and why. (p. 19)

There are essentially three approaches to the question of the just distribution of goods: virtue, welfare and freedom. Each of these norm-based models of distributive social justice varies in thickness.

Social Justice as Virtue

Of the three ideal forms, social justice as virtue is perhaps the thinnest. Derived from Aristotelian and Platonic origins, it rests on the cultivation of virtues that are deemed excellent and merit recognition, reward and emulation. Virtue-based social justice attempts to ensure that people get what they deserve. Just desert is virtually dependent on one’s character. Thus, a just outcome is one in which each recipient benefits in proportion to his or her desert.

The notion that a just society ought to affirm particular virtues and conceptions of a decent life based upon these, has an intuitive and, despite its antiquarian origins, popular appeal. "There is a tendency for common sense to suppose that income and wealth, and the good things in life generally, should be distributed according to virtue" (Rawls, 1971, p. 310).

The ascription of virtue to character has served as justification for discriminating those deserving access to social goods and services from the undeserving. Few, if any, social service programs, past or present, are devoid of eligibility criteria requiring value judgments. Workfare programs, for example, are particularly discerning about the work ethic of the unemployed. Indeed, there are some in social work who insist on the relevance of virtue, and by extension, merit, in ethical decision-making (Dolgoff, Harrington, & Loewenberg, 2012).

This ideal of social justice has inspired political movements from one end of the ideological spectrum to the other. As Sandel (2010) argues, the notion of virtue is just as likely to find favor among the Taliban as it is to the Moral Majority. However, apart from the significant difficulty involved in distinguishing merit from legitimate expectations, which even ardent conservatives like Thomas Sowell (1999) admit is insurmountable, the idea of making the distribution of social justice contingent on virtue, however refined, would seem anathema to liberal societies, as it risks lapsing into intolerance, coercion and blame. Social justice derived from, and dispensed on, the basis of intrinsic worth and moral desert guarantees a maldistribution of social goods. It privileges individual virtue and ignores institutional vice in remedying cases of injustice (Young, 2011). Surely, virtue is, and ought to remain, its own reward?

Social Justice as Welfare

Approaches to social justice that focus on welfare constitute a radical departure from the narrow confines of an exemplary character. They are instrumental rather than expressive and rely on reason and rationality as opposed to intuition and aesthetics. The most influential account of why and how welfare ought to be maximized is utilitarianism (Sandel, 2010). Utilitarianism was founded by the eighteenth century English moral philosopher and legal reformer, Jeremy Bentham (1789/1996),

and expounded upon a century later by his successor, John Stuart Mill (1859/1979). At the core of this doctrine lies a simple and appealing notion. Simply put, utilitarians posit that the highest principle of justice is to maximize the overall balance of pleasure over pain and thereby the greatest happiness for the greatest number.

Whereas Bentham (1789/1996) recognized no qualitative distinction among pleasures and believed they could all be measured and compared on a single scale, Mill (1861/1979) believed it was possible to discern higher from lower pleasures—to assess the quality, not just the quantity or intensity of desires. However, Mill's (1861/1979) attempt to recast utilitarianism as a less calculating and more discriminating doctrine, carried him well beyond the confines of the utilitarian orthodoxy, and undermined its most redeeming feature, that of impartiality. For Bentham (1789/1996), it was presumptuous to judge some pleasures as inherently better or worse than others. Rather people's preferences were to be taken as given, without passing judgement on their moral worth. To do so would be to return to the same problem posed by indeterminate virtues. Thus, all preferences count equally. Mill's (1861/1979) attempt to refine utilitarianism and prevent it from reducing everything to a crude calculus of pleasure and pain inevitably required a moral ideal independent of utility itself.

The pursuit of pleasure and avoidance of pain has, in essence, retained its potency both as a source of motivation and an end in itself. Utilitarianism continues to be a highly pragmatic doctrine that is entirely focused on promoting whatever proves useful for creating the greatest happiness, or welfare in contemporary terms, for the greatest number. The means to happiness, for today's utilitarians, is prosperity (Sandel, 2010). Aggregated prosperity makes people better off than they would otherwise be as individuals, raises their standard of living and makes the provision of social welfare affordable.

The idea of maximizing welfare by spurring economic growth has become firmly embedded in free market societies such as ours. However, while utilitarianism has led to prosperity it has been at the expense of deep and widening immiseration. In fact, what was intended to realize the greater, common good might be said to have resulted in its antithesis. Economic inequality, according to Lawrence, Bernstein and Allegretto

(2006) is steeper in the United States than in any other democracy. The richest one percent of Americans possess over a third of the nation's wealth, more than the combined wealth of the bottom 90 percent of American families (Lawrence, Bernstein & Allegretto, 2006). Welfare is undoubtedly becoming less rather than more extensive.

The fact that utilitarianism lacks moral sentiment means that it is indiscriminate about how utility is construed. As Peter Singer (2011) recently reaffirmed, "the classical utilitarian regards an action as right if it produces happiness for all affected by it than any alternative action and wrong if it does not," with the qualification that "more happiness means net happiness, after deducting any suffering or misery that may also have been caused by the action." Hence, a utilitarian will judge lying as bad in some circumstances and good in others, depending on its consequences" (pp. 2-3). What is good and what is right, in other words, is not merely coincidental, it can be contradictory. John Rawls (1971), for instance, observed that on the utilitarian view, "slavery, serfdom, and other infractions of liberty," have historically been regarded as both right and wrong, good and bad. According to Rawls (1971):

Whether these institutions are justified is made to depend upon whether actuarial calculations show that they yield a higher balance of happiness. To this the utilitarian replies that the nature of society is such that these calculations are *normally* against such denials of liberty. Utilitarians seek to account for the claims of liberty and equality by making certain standard assumptions. Thus they suppose that persons have similar utility functions which satisfy the condition of diminishing marginal utility. (pp. 158-159)

Thus, the rejection of institutional "infractions of liberty and equality," should they be recognized as such, are made on utilitarian, and not humanitarian, grounds. According to utilitarian logic, then, there is nothing intrinsically wrong with torture. Any objection to it must show that the consequences of practising it, will, taken as a whole, cause more harm than good.

The same turn of logic could also be called upon to support a radical redistribution of wealth from the rich to the poor. With so many having so little and so few possessing so much more

such a transfer might be calculated to create more happiness overall. However, utilitarians can simply invoke the Benthamite maxim that “everybody is to count for one, nobody for more than one” (Mill, 1861/1979), in defense of any qualms about manifest disparities, and hence, need to redistribute. What matters most in utilitarianism is to maximize, not equalize, the net distribution of welfare. Thus, the principle of utility licenses some to forego greater life prospects for the sake of others, particularly among those who are already less favorably situated, without considering this an injustice.

Social Justice as Freedom

Like social justice as virtue and welfare, social justice as freedom takes the worth of the individual as its starting point. However, it represents a substantial departure from the former in positing that each person has an innate right to freedom, irrespective of virtue or utility that a just society is bound to respect. However, they are deeply divided over the depth of the entitlement and value of the liberty conferred. At one extreme are the advocates of an unfettered right to freedom known as libertarians.

Libertarians insist that a precondition for the exercise of free agency is the abolition, or at the very least, minimization, of anything which might contravene the boundaries of personal entitlement and discretion. They are particularly sensitive to intrusions into private affairs for the purpose of providing public welfare, and are bitterly opposed to the taxation and redistribution of income and wealth earned through individual thrift, industry and prudence, to finance it.

Robert Nozick (1974) ranks amongst the most widely known and influential of libertarian thinkers. Nozick (1974) began his seminal defence of libertarianism in *Anarchy, State and Utopia*, by declaring that “individuals have rights that are so strong and far-reaching that there are things no person or group, including the state and its officials, can or may do to them, without violating these rights” (p. ix). He concluded that “a minimal state, limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts, and so on, is justified” (Nozick, 1974, p. ix). Anything more, including being taxed to help others, is completely unjust; in fact it “is on a par with forced labour” (p. 169). State services, including enforcement

and protection, are derived from private contributions. Little wonder that Nozick (1974) added that “many persons will reject our conclusions instantly, knowing they don’t *want* to believe anything so apparently callous towards the needs and suffering of others” (p. ix).

Yet, critics have been no more acerbic about the tenets of libertarianism than Nozick himself. In fact, Nozick (1974) felt obliged to acknowledge that “many people who take a similar position are narrow and rigid, and filled paradoxically, with resentment at other freer ways of being” (p. x). He realized that his kinship with these people placed him in some “bad company” (Nozick, 1974, p. x). Indeed, it put him in the same company as Milton and Rose Friedman (1980), Friedrich Hayek (1960) and Ayn Rand (1961). As “bad” as these views are, they have been taken seriously as ideals of socially just states both at home and abroad. Indeed, the drive towards realizing pro-market, anti-government ambitions based on them remains strong.

Fortunately, there is an alternative to the austerity of libertarianism that retains the primacy of liberty tempered by a sense of fairness. Just states, according to those of a more egalitarian persuasion, John Rawls (1971) being the most prominent among them, are required to redistribute wealth in order to preserve the basic endowment of liberty. While libertarians consider inequality, unfairness and injustice as the simple facts of life and urge us to accept and, indeed, take advantage of them, even if only indirectly, Rawls (1971) reminds us of an equally unassailable fact, i.e., that the way things are now does not determine the way they may yet be. He added that:

We should reject the contention that the ordering of institutions is always defective because the distribution of natural talents and the contingencies of social circumstances are unjust, and this injustice must inevitably carry over to human arrangements. Occasionally this reflection is offered as an excuse for ignoring injustice, as if the refusal to acquiesce to injustice is on a par with being unable to accept death. The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the ways that institutions deal with these facts. (Rawls, 1971, p. 102)

Rawls (1971) maintained that given a genuinely equal chance to decide for themselves, people would consent to principles of social justice that offered the most extensive, equal liberty for all and mitigated impediments, both random and systematic, that proved most decisive in utilizing it, especially for those most hard done by. Rawls (1971) sought to operationalize Kant's (1785/2002) categorical imperative that no one can ever be used as a means to another's ends, even for a greater good, but must always be treated as an end in oneself, and for reasons that run deeper than it is an inalienable right to self-possession and interest. For Rawls (1971), as for Kant (1785/2002), freedom, or more precisely autonomy, was as much a moral as legal right.

Another distinguishing feature of Rawlsian social justice, based again on Kantian philosophy, is that what is right takes priority over what is good. This is an essential precedent, since conceptions of the good can be expected to vary in ways that right cannot. As Rawls (1971) observed, "it is, in general, a good thing that individuals' conception of their good should differ in significant ways, whereas this is not so for conceptions of right" (p. 447). In the absence of any common agreement about what is right, people will have no recourse when things go wrong in pursuit of their good, as in cases where one's good is maintained at others' expense (libertarianism) or is sacrificed for the common good (utilitarianism).

Nevertheless, social justice as fairness is not without its critics. The most frequent criticism is that Rawls' (1971) "difference" principle does not eliminate inequality. Disparity can occur one way (favoring the worst off) or another (advantaging the better off) (Dworkin, 2011). However, Rawls' (1971) theory of justice was not premised on "flat equality" (Dworkin, 2011, p. 346). Rather, it aimed to ensure that primary goods were distributed fairly, not squarely, and that the outcome would be to the benefit, rather than detriment, of the least well off.

Others have been more derisive in their criticism. John Kekes (2007) certainly ranks amongst the harshest of critics. According to Kekes' (2007):

What Rawls calls justice, denies that people should get what they deserve, ignores their responsibility for their actions and economic condition, discounts their efforts, ... and ...

systematically deprives people of their legitimately earned income in order to give it to those who have not earned it. (p. 52)

However, Kekes (2007) simply highlights what Rawls (1971) tried to remedy, i.e., an unequal concern for *all* individuals. The antipathy of anti-egalitarians like Kekes (2007) to proposals for redistributive schemes of even more modest scope than Rawls' has already been noted. Whereas Kekes (2007) focuses on the wisdom or folly of individual choices, Rawls (1971) is concerned about the interpenetration of choice and circumstance in determining just outcomes. As Rawls' (1971) cogently argued, the basic economic, political and social structure that people find themselves in influences their life prospects as much as their individual transactions. It is important to maintain a focus on the overlap, especially in view of the general shift towards viewing the causes of, and responsibility for contending with, inequality and injustice as personal rather than political, in recent times (Young, 2011). Rawls (1971) attempted to reassert those terms and conditions of the social contract that the traditional welfare state set out to honor, i.e., fairness, equity and justice for one and all.

Nevertheless, Amartya Sen (2009) claims that Rawls was only concerned to describe ideally just institutions and was therefore of no use in guiding the comparative judgments that need to be made to curb injustice in the real and very imperfect world. Sen (2009) proposed "capabilities," i.e., things people can do and be with some assistance (see pp. 18-19) as a more useful, down-to-Earth alternative. These capabilities are life, bodily health and integrity, sense, imagination, thought, emotions, practical reason, affiliation, play, control over one's environment and other species (Nussbaum & Sen, 1993). On close inspection, however, capabilities turn out to be far more elusive and of less practical value than anything Rawls suggested. Indeed, Sen (2009) concedes:

even in terms of the Rawlsian characterization of distinct problems of justice, capability is a rival only to the use of primary goods (i.e., 'rights and liberties, powers and opportunities, income and wealth, and above all self-respect' [Rawls, 1971] p. 62)) in judging relative advantages ... and that leaves out other issues, including the place of personal freedom and the need for fair procedures. (p. 297)

Contrary to Sen (2009), Rawls' (1971) principles of justice were tailor made for comparative "real world" judgments. Indeed, there is a burgeoning literature describing various applications of Rawls' theory to actual concrete political controversies. (Simply type "Rawls" and a qualifier into a Google search for a sample of these.)

Even sympathizers of Rawls' justice as fairness complain about the shortcomings of his theory of justice. A common complaint is that Rawls' theory is insufficiently egalitarian. They declare that it is better that everyone has the same wealth, and so share a common fate, even if that meant less material wealth all round (Dworkin, 2011). Rawls (1971) certainly advocated a complex, as opposed to simple, form of equality in the distribution of primary goods. However, these were to be divided evenly unless an unequal difference in the distribution of any one, or all, of these goods was to everyone's advantage. Although his vision remains hypothetical, it is arguably the thickest and most practical conception of redistributive social justice currently vying for our collective attention.

Social Work and Social Justice

The National Association of Social Workers (NASW) considers social justice to be a core value. Challenging social injustice is one of a number of principles listed in the NASW's original (1996) and revised (2008) Code of Ethics. The NASW (1996/2008) makes it clear that the *Code* is relevant to *all* students and practitioners of social work regardless of function, context or clientele (NASW, 1996/2008). Although it is not listed in lexical order, the NASW does not rank the significance of social justice above or below other core values. In fact, the Association points out that it is reasonable to expect that the place of social justice will alter in the face of value conflicts. Of course, the trade-off between social justice and other values makes knowing what may be lost and gained as a consequence of the particular approach taken to it all the more imperative.

The NASW (1996/2008) states that in challenging social injustice:

Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups

of people. Social workers' social change efforts are focused primarily on issues of poverty, unemployment, discrimination, and other forms of social injustice. These activities seek to promote sensitivity to and knowledge about oppression and cultural and ethnic diversity. Social workers strive to ensure access to needed information, services, and resources; equality of opportunity; and meaningful participation in decision making for all people (p. 8).

The statement of principle is not definitive about the type of social justice that social workers are encouraged to pursue. This is a critical omission in light of the relative "thickness" of various approaches. While accessibility, partnership, publicity, and diversity in challenging a lack of social and political capital are alluded to in the statement, none of these values is precluded from conceptions of social justice as thin as libertarianism. Even the notion of "social change" has limited application insofar as it seeks to achieve more awareness of oppression and pluralism generally. A conspicuous omission is any explicit mention of redistribution. The inclusion of this distinguishing feature would certainly reduce any ambiguity. In any event, despite its relative significance, no further statement is made about the principle of social justice. One is, therefore, compelled to look at the imbrication of other values and parts of the *Code* to supplement this meagre description.

According to the *Purpose of the NASW Code of Ethics*, the "principles and standards must be applied by individuals of good character who discern moral questions and, in good faith, seek to make reliable ethical judgments"(p. 7) One might infer from this statement that the Association subscribes to a conception of social justice that is virtue based. However, this must simply remain a possibility since nothing more is said about "character."

The *Code* lists four other values alongside social justice. These are *Service* limiting workers' self-interests (p. 8), the *importance of human relationships* emphasising partnerships (p. 9), *integrity* urging fidelity and ethical conduct, *competence* focusing on professional development (p. 9), and the *dignity and worth of the person* encouraging mindfulness of, and respect for, difference and diversity (p. 8). The latter also asks social workers to enhance client self-determination (NASW, 1996/2008, p. 10). However, workers are advised that clients' capacity and prospects for

self-determination are subject to compromise. Such advice begins to chart the direction of social justice. The status accorded personal freedom in the principle of self-determination is consistent with formulations of social justice that regard liberty as negotiable. Only libertarians hold liberty to be sacrosanct.

The standard of ethical behavior expected of social workers help to further illuminate the nature of social justice (NASW, 1996/2008, p. 20). These standards refer to social workers' ethical responsibilities as professionals, in practice settings, to clients, colleagues and the profession. The notion of rights is a prominent feature. The standards make it clear that social workers have a responsibility to protect and promote clients' individual, legal rights. Rights figure in all but virtue-based theories of social justice. However, according to the *Code*, respect for rights, like liberty, can be tempered. Once again, only libertarians consider rights to be inviolable. There are, nevertheless, two notable points of distinction. Social workers ought to advocate "within and outside their agencies for adequate resources to meet clients' needs, and allocation procedures that are open and fair ... and based on appropriate and consistently applied principles" (NASW, 1996/2008 ss. 3.07a & b respectively). They "should also engage in social and political action to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully" (NASW, 1996/2008, s. 6.04). Both points are, at the very least, compatible with conceptions of social justice based on redistribution. However, reliance on fairness and equal access as distributive principles distinguish this from utilitarian forms of social justice. Nevertheless, they still fall short of such egalitarian schemes as Rawls'. Access to resources is not synonymous with provision, and equality, as has been argued, is neither practical nor desirable. In fact, as Rawls (1971) and others (Dworkin, 2011 and Young, 2011, in particular) have cogently argued, equality rivals fairness in profoundly unjust ways. What, then, does social justice require?

Which Social Justice?

If social work is troubled about falling into bad company, and seeks to defy current convention, then it is obliged to pursue the thickest form of social justice available. Social work

would do worse than attempt to operationalize Rawls' theory of justice. Rawls' (1971) model of social justice is one of a very few with sufficient substance and promise to be capable of mounting a serious challenge to the minimization of state responsibility for individual freedom and public welfare. It is, nonetheless, still not perfect.

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