

## Liberal Interpretations of Social Justice for Social Work

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### Abstract

Social justice has been called a defining value for social work (Wakefield, 1988). For clinical social workers this link has been seen as tenuous. Current interpretations of the meaning of social justice for social work trace their roots to John Rawls and his treatise "A theory of justice". Rawls's political theory is a liberal one aimed at the "basic structure of society" and how certain primary goods are distributed so as to respect the basic worth and dignity of all people. This article examines Rawls's justice as fairness and contrasts it with a modern liberal feminist interpretation provided by Nussbaum. Nussbaum's "capability approach" rejects the notion of justice as the distribution of resources and instead advances a claim for justice that secures for each individual the opportunity to function in a "truly human" way. She articulates a universal list of human capabilities that all societies and governments must embrace in their pursuit of social justice. The implications of a liberal perspective on social justice for social work and particularly clinical work are explored.

### Introduction: Finding Justice

Social justice has frequently been characterized as the mission of social work. It has been called by some social work's defining value (Wakefield, 1988a, 1988b). Social work and social justice are bound together such that "the future of social work depends on the future of social justice as a concept and a construct that holds together the edifice of a civil society" (Mohan, 1999, p. 118). It is possible that social justice may be more important to social work than the person-in-situation construct more recently emphasized (Swenson, 1998). Social justice has the potential to unite disparate arms of social work and may signal to all social workers that "they are partners in the same profession" (1998, p. 537).

Clinical social work especially that associated with psychotherapy has frequently been vilified as the antithesis of progressive and liberatory social justice (Specht, 1990; Specht & Courtney, 1994). A clinical approach to social work has been equated to one that pathologizes

marginalized individuals. Clinical social workers have been more frequently thought of as agents of social control than agents of social justice (Margolin, 1997), “a concern is that narrow clinical models could unintentionally encourage clients to become better prisoners in poorer jails” (Vodde & Gallant, 2002, p. 455). A focus on the individual and their problems is equated with supporting the status quo and seen as an impediment to social justice. Tension regarding the legitimacy of clinical social work and its relationship to social justice has existed within the profession since its inception (McLaughlin, 2002). Yet, common agreement as to what actually constitutes social justice is lacking.

In an attempt to clarify what is distinct about social work, Wakefield (1988a, 1988b) suggests a need to better articulate social work’s mission. He asserts that the mission is in fact minimal distributive justice, “social work ..., is ultimately concerned with ensuring that each individual possesses at least the minimal acceptable level of each of the primary social goods, a goal ... labeled *minimal distributive justice*” (Wakefield, 1998, p. 29). Social justice provides a unifying conceptual framework which holds the potential ultimately to distinguish social work, including clinical social work, from other helping professions. Distributive justice rightly characterizes social work as the safety net profession. Wakefield, along with several other noted scholars in social work today (Scanlon & Longres, 2001; Pelton, 2001; Reamer, 1993), derives notions of social justice from Rawls’ treatise *A Theory of Justice* (1971).

The capabilities perspective has recently been advanced as an alternative conceptualization of social justice for social work (McGrath Morris, 2002). This perspective eschews an emphasis on the distribution of *things* in favour of attention to an individual’s well being and their achievement of valuable functioning. *Valuable functioning* expresses something more than achievement of some arbitrary or pre-determined level of functioning. It implies the freedom to choose between meaningful alternatives in life (Sen, 1999). A just society, from the capabilities perspective, is one that ensures individuals have an opportunity to make meaningful choices in order to attain their own sense of well-being. The capabilities that must be secured include such fundamentals as the capability to live a full life without fear of premature death, the capability to have good health including sexual health and to have security and *sovereignty* over one’s own body. Nussbaum (1999, 2000) has articulated this perspective best. As a student of Rawls, Nussbaum incorporates aspects of justice as fairness but addresses noted weaknesses by bringing a liberal feminist perspective. This paper will take an in-depth look at these two approaches to social justice: justice as fairness espoused by Rawls, and the capabilities perspective articulated by Nussbaum. Together, these theories articulate a view of social justice that gives

credence to Wakefield's view of social justice as a conceptual framework for all social work and legitimizes clinical social work's social justice claims.

### Justice as Fairness

The theory of justice as fairness is based on the premise of a social contract, which hypothesizes implicit agreement between members of society regarding what constitutes social justice. From this agreement basic principles are chosen that form the foundations for a "well-ordered society" (p. 4). *Society* is viewed as "a cooperative venture for mutual advantage" (p. 84). Members of society agree that working together improves their chances of obtaining happiness and fulfillment. Without this social agreement everyone would be worse off. Fairness requires that one person's advantage is not obtained at the expense of another. This is in contrast to utilitarian theories of justice that attempt to maximize overall fulfillment without attention to how that fulfillment might be distributed. Justice as fairness also stipulates that individuals who benefit from this society of mutual cooperation have concomitant duties and obligations: to respect just institutions, to do their fair share and to keep their promises (Rawls, p. 114).

Members of society share an "identity of interests" (p. 126), because working together increases everyone's chance of obtaining their goals in life. At the same time there exist "conflicts of interests" (p. 126). Conflict arises because individuals hold different ideas about what constitutes a good life. While working together is desirable and beneficial, competition is inevitable. Through the pursuit of various life plans, individuals compete for scarce resources, pursue different political agendas and enjoy various religious and political affiliations. Conflict in these areas creates the tension that produces the background or "circumstances for justice" (Rawls, p. 126) from which the need for a social contract arises.

### *Primary goods*

From a Rawlsian perspective, social justice is concerned with the "basic structure of society" (p. 7). This structure is comprised of our major political, economic and social institutions. It is through these institutions that primary social goods are distributed. Primary social goods include "rights, and liberties, opportunity and powers, income and wealth" (p. 92). Access to these goods will greatly influence how and if an individual is able to fulfill their particular life plan. However, deep inequities exist among members of society. Individuals born into influential families, or

great wealth, are viewed to be in a favored position whereas those born in poverty are disadvantaged. These differences “cannot be justified by an appeal to the notions of merit or desert” (Rawls, p. 7). Justice attempts to “mitigate the influence of social contingencies” (p. 73). These contingencies include both natural endowment (talents such as a great singing voice) and one’s “starting place” (p. 96) in life (born to wealth or born in poverty). Such arbitrary (as opposed to deserved) differences are viewed as unjust. Justice as fairness requires that social institutions moderate differences. This is accomplished through adherence to a set of principles that regulate social and economic inequalities and distribute rights and obligations (Rawls, 1971).

Rawls sets apart a particular set of primary goods, “health and vigor, intelligence and imagination” (p. 62), defining them as natural as opposed to social goods, and not connected to, or regulated through, our basic institutions. As we shall see later, this is a source of some disagreement with Nussbaum (2000).

Self-respect is the most important primary good (Rawls, 1971). Without it individuals would be unable to take advantage of other economic and social primary goods. Self-respect is made up of two parts: a belief in one’s self and confidence in one’s ability. It is self-respect that gives an individual energy, conviction, and the drive required to pursue their life plan. Self-respect is constructed socially (Rawls, 1971). Being appreciated, admired and respected by others enhances self-respect. A community of individuals with shared or “complementary” (p. 441) interests are essential for self-esteem. The community provides the individual the opportunity to interact with like-minded others who validate and support efforts to realize one’s life plan. Ideally individuals may belong to several different communities thereby increasing the likelihood of affirmation. At least one “community of shared interests” (p. 442) is vital for the flourishing self.

### *The social contract*

Rawls builds his theory of justice as fairness from an imaginary agreement known as the social contract. This contract is negotiated by representative individuals from society. Those who negotiate this agreement are said to stand in the “original position” (p. 17); a hypothetical starting point from which basic principles of governance are developed. This device is employed to assist in determining how members of society, if they are born equal and free, might come to choose laws to safeguard their freedoms and regulate their institutions (Kymlicka, 2002). Rawls’ central concern is to articulate principles to guide the just distribution of “burdens and benefits” as well as “rights and

duties” (p. 4). These basic principles are negotiated during the original position. Representative persons in the original position are assumed to be free, equal in capacity and rational (Rawls, 1971).

Negotiations are conducted behind a metaphorical “veil of ignorance” (p. 136). Behind the veil no individual is aware of what material or natural assets he or she might possess, what community or family ties exist, or even what gender or age they may be. Nor are they aware of anyone else’s attachments. This veil is necessary to ensure that the procedure for agreeing to the principles is fair and just. Fairness requires that no advantage or bias be a factor when deciding upon the foundation of a just system. Justice requires that “no arbitrary distinctions [be] made between persons in the assigning of basic rights and duties and [that] the rules determine a proper balance between competing claims” (p. 5). Each member is viewed as equal to every other member. Individuals behind the veil agree in advance to comply with the outcome of these negotiations, thus establishing the “public conception of justice” (Rawls, 1971, p. 133).

Individuals in the original position are said to be rational. Although individuals do not know their future life plan they are capable of determining one. Further they know that they will want more of, rather than less of, the goods that would help secure that life plan, whatever it may be. In addition, representative individuals possess “a regulative desire to act upon certain principles of right” (p. 561). Rawls (1971) asserts that all individuals have an intuitive sense of justice although this may vary from individual to individual.

The notion of “mutual disinterest” (Rawls, 1971, p. 143) is also important to the parties in the original position. Individuals are said to be disinterested in the sense that they are concerned more with their own life plan than with the plans of others. They are not affected by “envy”, “affection” or “rancor” (p. 144), as these emotions would impose a disadvantage. This is rational in that those in the original position are primarily concerned with securing their own ends. Rawls (1971) cautions that mutual disinterest should not be interpreted as “egoism” (p.147) as once the veil is removed, individuals “find that they have ties of sentiment and affection, and want to advance the interests of others and to see their ends attained” (p. 129).

### *Two principles of justice*

Two foundational principles of justice evolve from negotiations between representative persons in the original position. The first principle is concerned primarily with individual liberty and the assignment of rights and duties. This principle stipulates “each person is to have an equal right

to the most extensive basic liberty compatible with a similar liberty for others” (p.60). These shared basic rights include,

political liberties (the right to vote and to be eligible for public office) together with freedom of speech and assembly; the liberty of conscience and freedom of thought; freedom of the person along with the right to hold personal property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law (Rawls, 1971, p. 61)

Duties follow from these liberties, some of which include mutual respect and mutual aid, the duty not to harm, and an obligation to do your part in society. As Rawls (1971) states “We are not to gain from the cooperative efforts of others without doing our fair share” (p. 343).

The second principle, otherwise known as the “difference principle” (p.75), deals with the basic institutions and states that “social and economic inequalities are to be arranged so that they are both a) reasonably expected to be to everyone’s advantage and b) are attached to positions and offices open to all” (p. 60). These two principles fall in “serial or lexical order” (p.42) with the liberty principle to be satisfied first. Also, there can be no exchange between basic liberties and social and economic gain. In a summary statement Rawls (1971) expresses that “all social values – liberty and opportunity, income and wealth, and the basis of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage” (p. 62).

An important concept following from the difference principle is that of “redress” as we have seen, inequality occurs through birth as some are born into favorable social circumstances and some are not. Inequalities also occur through the lottery of “natural endowments” (p.100). The difference principle, founded on the notion of equality of opportunity, directs us to give extra attention to those who, through no fault of their own, find themselves in a less advantageous position. For instance, resources may be redirected to the education of those less advantaged. The result or redressing inequity is not only improvement in one’s financial prospects, but, keeping in mind the primary good of self-respect, improvement in an individual’s self-confidence, their ability to participate in society and to contribute to the enrichment of their own life plan, whatever that may be.

When interpreting the second principle note that Rawls is not a strict egalitarian as inequalities are permissible (Shaw, 1992). This is true as long as the inequity produces improvement in the expectations of the least well off. For example one person’s greater income is justifiable only if it

in turn will increase the prospects of the less well off person. This has been a source of criticism concerning justice as fairness as inequity is in itself a source of injustice (see Schaller, 1998). Rawls cautions us however that there must be constraints to these inequities and they must not violate the prior principles of justice including liberty and fair opportunity, “the spread of income and wealth should not be excessive in practice, given the requisite background institutions” (p. 536). Justice is a social arrangement whereby individuals should not gain at another’s expense and where only reciprocal advantages are allowed. The social contract emphasizes a “harmony of interests” (p. 105).

### *Procedural justice*

As we have seen, justice as fairness is not concerned with an equal outcome for all. Rather it is concerned with principles that govern the fair and equal treatment of individuals within society. This is achieved through “pure procedural justice” (p.85). Rules or principles designed behind the veil are what Rawls believes to be an example of pure procedural justice. Procedural justice is differentiated from the imperfect procedural justice of a trial. For instance in the latter strict adherence to the agreed upon rules may occasionally result in an incorrect verdict; “an innocent man may be found guilty” (p.86). When we engage in pure procedural justice no such errors can be made. To illustrate, Rawls (1971) instructs us to think of a poker game. As long as the rules are fair and freely agreed upon at the outset, and provided that no one cheats, the outcome of the game is fair. The rules, set out in advance of the game, are the background conditions to fairness and the focus of concern. So it is with distributive justice. In order for society to be just our institutions must conform to the two principles of justice. All distributions based on these conditions will of necessity be fair. Distributions may in fact be unequal but remain fair. On the other hand judging the fairness of the distribution by necessity involves judging the fairness of the institutions and the rules that they are founded on, “a distribution cannot be judged in isolation from the system of which it is the outcome” (Rawls, 1971, p. 88).

### The Capabilities Approach

Nussbaum (1999) articulates a notion of social justice that closely follows in Rawls’ liberal democratic tradition. Like Rawls, Nussbaum conceives of individuals as “free and dignified” (p. 46) and of “equal dignity and worth” (p. 57). Her modern interpretation updates Rawls from a feminist perspective. Nussbaum is centrally concerned with defining social

conditions, arrangements and practices that foster gender justice (Deveau, 2002). This liberal feminist viewpoint holds certain central features. Fundamental is a belief in the universal basis of human capabilities and functioning. Nussbaum has attempted to delineate a core list of capabilities that are common to all individuals and define the essence of what it means to live a fully human life. The capabilities approach seeks for individuals to flourish rather than merely to survive. This approach rejects a cultural relativist's stance which refuses to acknowledge common and cross-cultural human needs and potential. Cultural relativism from the capabilities perspective equates to the status quo. In order to achieve social justice the capabilities position asserts that the value and worth of each individual exerts a moral claim on governments and society in general to ensure each individual has the space they need to fully flourish and live a truly human life (Nussbaum, 1999, 2002).

Echoing Rawls (1971), Nussbaum describes the circumstances or background conditions that lead to a need for justice; scarcity of resources, competition for resources, and threats to life and liberty. Individuals, particularly women and children, suffer disproportionately from these conditions. Nussbaum's notion of universalism provides a framework to assess quality of life. This universal stance paves the way for the central capabilities and human functioning approach. This is not restricted to women as no theory of justice by definition can promote one group over another. Nussbaum's theory is one of human justice (Nussbaum, 1999).

#### *Resource based distribution*

The capabilities approach arose out of dissatisfaction with traditional economic models that measured standard of living through income levels, gross national products (GNP) and utility (Schischka, 2002). This "commodity approach" (p. 3) centered more on the accumulation of goods and less on individual people. An aggregate measure such as the GNP does not inform us about the distribution of that wealth within a particular country or within a particular family. The capabilities approach believes that human well-being is not measured by income but by options and choices available. Better indicators of quality of life include life expectancy, infant mortality, educational opportunities, health care, employment opportunities, land rights and political liberties (Schischka, 2002; Sen, 1999; Nussbaum, 2000). Economic approaches arising from the capabilities perspective evaluate the development of individuals' capabilities by examining actual options available (Sen, 1999). Rather than focusing on commodities the focus is on the opportunities for individuals to exercise capabilities in order to achieve the things they



most desire. Beyond the distribution of resources, and the opportunities available to maximize social justice, it is essential to look at the individual's capacity to convert resources into functioning and to take advantage of opportunities available (Sen, 1999, Shicschka, 2002). Frequently there are obstacles to attainment of full functioning. Some obstacles are physical as in the case of persons with disabilities, and some are social as in the case of barriers to career or work opportunities for women, for instance access to quality day care (Nussbaum, 1999, 2000).

Many obstacles and barriers identified are magnified for women, especially across cultures. Customs and political arrangements are important causes of women's misery and mortality. Past measures of economic health marginalized or ignored the situation of women and children especially within families. Historically the family has been viewed as having as its goal the maximum satisfaction of its members, with the head of the household cast as the "beneficent altruist" (Nussbaum, 2000, p. 65), concerned with the good of all the family. In actual practice this is not always the case. Women and children within families receive unequal amounts of resources such as food, income and opportunity. Often women's needs or desires are subsumed in the service of others, are not inquired about, or are simply unknown. Women living under oppressive conditions, in fear of intimidation, or without access to information may have "deformed or constricted preferences" (Nussbaum 1999, p. 34).

*Deformed preferences.* The concept of preferences—what individuals actually want or desire—is important in economic as well as political theory and influences how nations develop social welfare policy. This practice sometimes referred to as *subjective welfarism* is contested by Nussbaum (2000). The problem concerns how society has shaped the expression of preferences and desires. Defining social policy in terms of preferences results in the continuation of oppressive practices. Many countries such as India have preferred to deny women equality (Nussbaum, 2000). Preferences are not predetermined but rather are social constructions embedded in history and culture.

Social norms influence notions of culture, gender, and family (Nussbaum, 1999). The family is a powerful socializing institution. Any inquiry into social justice must also look within the family. In traditional cultures women are often socialized to be meek, passive and subservient. Their ability to perceive preferences will be greatly restricted due to socialization (Nussbaum, 1999). Clearly a reliance on preferences as expressed by a culture or community is viewed as contrary to a position of universalism such as the capabilities approach.

### *Universalism*

The capabilities approach is controversial as it argues for universal norms such as those articulated in Nussbaum's list of core capabilities (Nussbaum, 1999, 2000, 2001b). The core capabilities are premised on a belief in the moral worth and equal human dignity of all individuals. The capabilities list is presently under development. Nussbaum intended it to be discussed, interpreted and applied differentially within various cultures and countries. Respect and recognition of cultural pluralism does not limit the ability to establish basic human capabilities. However, a certain practice, for example female genital mutilation, may hold cultural relevance but cannot be held as more important than basic human capabilities, such as bodily integrity (Nussbaum, 1999, 2000). Customs and traditions must not take precedence over the basic value of human dignity and moral worth.

Cultural relativism is deconstructed by Nussbaum (1999) who accuses some academics of venerating local, traditional customs or cultures, even in the face of harm to those involved. Within different cultures and religions there exists diversity, complexity, conflict and contrast. Nussbaum is not advocating homogenization of the world's cultures, and makes a point of emphasizing that individuals should have the choice of following traditional cultures, religions and practices, even in situations where those traditions or cultures may involve the submission or subservience of women. For many individuals it is the engagement with culture or religion that represents 'the good life'. Nussbaum's concern is that women and people in general should have the opportunity to make informed choices, and that the government's role is to ensure that individuals have real opportunity to exercise options.

### *Social goods or capabilities*

Although Nussbaum agrees to some extent with the Rawlsian notion of primary social goods she believes this emphasis is too narrow. Particularly Nussbaum views Rawls' exclusion of some primary goods, particularly, "health, vigor, intelligence and imagination" (Rawls, 1971, p.92), as arbitrary and erroneous. She advocates for the social basis of these and includes them in her list of core capabilities. Further, Rawls' emphasis on resources or "thing-like" (Nussbaum, 2000, p. 89) goods does not tell the full story of each individual's quality of life. The capabilities approach is concerned with what the individual is able to do with those resources and what the individual is able to become, "the Rawlsian model neglects a salient fact of life: that individuals vary greatly in their needs for resources and in their abilities to convert resources into valuable functioning's" (Nussbaum, 2002, p. 68).

Like Rawls, Nussbaum contrasts her approach to Utilitarianism. This approach from a social policy perspective looks at average utility or some aggregate expression of satisfaction (Kymlicka, 2002). Nussbaum criticizes this on two fronts; first the individual at the margins is overlooked. The average rate of literacy or level of income ignores those who fall below--frequently women. This is inconsistent with the notion of human worth and dignity as expressed by the capabilities approach. The second objection is that even the expressed average level of satisfaction may well be distorted if we consider satisfaction to be based on stated preference. Preferences may be: adaptive, socially constructed, or shaped and constrained by what individuals are reasonably able to obtain. Preferences may be severely restricted when they are examined from within a culture or society that is defined by oppression and deprivation (Nussbaum, 1999). For instance someone who has never had the right to own property may not express this as a need. Expressed preferences often reflect adaptation to "traditions of male power" (Nussbaum 2000, p. 112) and may be "deformed by ignorance, malice, injustice and blind habit" (p. 114).

### *Care*

The capabilities approach places the notion of dependency, need and care in the forefront. Human life is characterized by both profound neediness and profound dignity. Individuals will require care to greater and lesser extents throughout their lifetimes. Compassion, self-respect and dignity must be afforded to both the needy as well as the caregiver. The feminist approach recognizes that women have traditionally taken on the role of caregiver and that they have been exploited by this role to a large degree. They have been viewed as a means to an end (as care providers) as opposed to an end in and of themselves. A just society must arrange for the provision of care without the exploitation of the caregiver. As a criticism of the Rawlsian approach to social justice Nussbaum contends that Rawls unnecessarily places the social institution of the family outside the view of justice. Without special attention to issues of dependency and care, so central to women's lives, the resulting basic principles will be insufficient and flawed (Nussbaum, 1999, 2000).

### *Central human capabilities*

Nussbaum, in a similar vein to Rawls, suggests that people from different backgrounds, cultures, different social positions, as well as different worldviews or religious beliefs, can come to a mutual agreement regarding the core capabilities. There can be established "overlapping

consensus” (Nussbaum, 1999, p. 40) or agreement on what constitutes the basis of a good life. However, in contrast to Rawls, Nussbaum contends that it is not the basic structures or institutions of society that are the subject of our efforts on behalf of social justice but the individuals themselves. Directing attention to the individual is a natural extension of “*the principle of each person as an end*” (Nussbaum, 2000, p. 74, italics in original).

From a political perspective Nussbaum’s (2000) goal in delineating the list of human capabilities is two-fold. The first goal is to establish “basic political principles to which all nations should be held by their citizens”, and the second goal is “to map out the space within which comparisons of quality of life across nations can most revealingly be made” (Nussbaum, 2000, p. 116). The specification of central human capabilities provides a template against which social policy can be developed. More importantly it establishes a foundation from which we might ensure that each person is living “a truly human” (p. 74) life.

Nussbaum puts forward the list in order to invite reflection and debate (Nussbaum, 2000). The list is “open-ended and humble” (p. 77). It is a list of central capabilities or “opportunities for functioning” (p. 74) as opposed to actual functioning. This is an important distinction, which leaves room for people to exercise choice. For liberal theorists “the right of exit” (Deveaux, 2002, p. 507) is a safeguard against abuse and oppression. Women can only meaningfully *choose* to follow tradition and custom if other legitimate choices exist. Nussbaum’s list of central capabilities include: life, bodily health, bodily integrity, employment of the senses including imagination and thought, emotions, practical reason, affiliation, harmony with nature, play, and control over one’s environment (Nussbaum, 2000, 1999). Affiliation is reminiscent of Rawls central primary good, self-esteem, which he construes as a social derived good.

Within this list Nussbaum indicates that *practical reason* and *affiliation* are most important. The list cannot be reduced to these two capabilities but practical reason and affiliation infuse truly human functioning into all of the others. Practical reason includes the Rawlsian notion of liberty of conscience and entails an individual’s ability to “form a conception of the good and to engage in critical reflection about the planning of one’s life” (Nussbaum, 2000, p. 79). To choose one’s path, or to change paths, is an integral part of living a truly human life. To be denied opportunity based on culture or religion leads to oppressive conditions. The distinction between capability and full functioning is important here. Individuals may have the capacity for affiliation without fully exercising that capacity, as in certain religious orders (Nussbaum, 2000).

These capabilities, as suggested, should form the basis for an evaluation of how a society is meeting the needs of its citizens and ensuring their quality of life. The central capabilities form a type of benchmark against which countries may be compared. Nussbaum (2000) indicates that these capabilities are all of equal value and cannot be traded off against each other such that a greater proportion of one justifies the lesser proportion of another.

By adopting a capabilities approach governments would be agreeing to a normative moral claim of the universality of the basic human capabilities. Viewed as human rights, this list of capabilities represents the bare minimum that citizens should reasonably expect from their governments (Nussbaum, 1999). Political systems could strive to ensure that individuals have opportunity to develop these capabilities. They could ensure a minimum threshold measure of these capabilities below which no individual would be allowed to fall. A threshold of minimum capability is distinguished from that of ensuring some specified level of functioning. Individuals must be free to pursue their own life plans, to choose to exercise their capabilities, or not. The government's role is to create opportunities for maximizing capabilities. "What the approach is after is a society in which persons are treated as each worthy of regard, and in which each has been put in a position to live really humanly" (Nussbaum, 2000b, p. 234).

### Liberalism and Social Justice

Both authors' theories of social justice are rooted in traditions of liberalism. Both hold to the tenets that the moral worth of all human beings entitles them to equal dignity, regardless of life circumstances, and to liberty and respect. Both may be considered modern liberals as they attempt to reconcile individuality with membership in a group (Gaus, 1983).

Yet problems concerning liberalism and its emphasis on the individual exist. Critics, including communitarians, structuralists and some feminists, take issue with various liberal claims. Communitarians for instance view this philosophy as too individualistic and fear that ties to family and community are negated (Sandel, 1998). Others accuse liberalism of promoting self-interest and self-centeredness to the point of reducing humans to rational "calculating machines" (Phillips, 2001). Is there a place for such characteristics as benevolence or altruism? In a related way some feminists have criticized liberalism for representing supposedly male characteristics that overvalue autonomy while subjugating one's commitment to family and community (Gilligan, 1982; Moore, 1999).

Interestingly, Nussbaum (2000) responds that most liberal positions as not individualistic enough. She believes that the gaze of social justice must be focused not on one's community, gender, class or family but on the individual in order to gauge how they are faring in terms of the just distribution of goods or capabilities. For example economic self-sufficiency is necessary for individual women in order to liberate them from oppressive forms of dependency. This interpretation of liberalism sees each person as worthy of attention, apart from whatever family, community or culture they belong to. The expressed demands of a particular group should not be the focus of political attention but rather attention should be directed to the well-being of the individual. The individual is an end, not the means to an end. Liberalism that fails to differentiate between members within a culture, a community or a family contributes to the abuse of women and children by failing to appreciate women's hunger, domestic violence, marital rape and unequal access to education (Nussbaum, 1999). Rawls overlooked the patriarchal nature of families and possible sources of injustice perpetrated there.

Communitarians (Sandel, 1982) attack liberal positions of social justice as inadequate, failing to give sufficient weight to ties to community including duties and obligations. Liberals respond by acknowledging these bonds but allotting them less weight (Putman, 2000). Modern liberals recognize a reciprocal relationship between the individual and community. In Nussbaum we see the priority of *affiliation* and an emphasis on "the intrinsic worth of love and care" (Nussbaum, 2000, p. 246). Rawls prioritizes *self-respect* as most important of all the social goods, recognizing that this can only be achieved through a community of others with shared interests. Social justice for Rawls includes "a variety of communities and associations" (p.441) from which individuals derive a sense of worth and "common ends" (p. 441). Rawlsian principles of "mutual aid" (p. 114) and "mutual respect" (p. 178) as well as the natural "duty of justice" (p.115) imply an integral awareness of and connection to others.

A basic problem with Rawls' theory as well as that of Nussbaum's may very well be the liberal political philosophy they rest upon. Reasonable social workers may differ about the political underpinnings of social work and feel that a liberal approach is not satisfactory. Structuralists have equated Liberalism with the status quo. As an example they point out that although in theory the welfare system should be amenable to reform, inequalities stubbornly persist (Mullaly, 1997). For some radical social workers a liberal philosophy must be rejected in favor of one that envisions a totally new system, for instance, one that replaces capitalism with socialism (Mullaly, 1997).

## The Fit for Social Work

Nussbaum and Rawls support similar theories of social justice built on liberal philosophies of equality and respect for the individual. These theories provide a framework for social work, particularly clinical social work whose focus is the well-being of the individual. An emphasis on the intrinsic worth and dignity of the individual is a cornerstone of all social work values and is written into social work codes of ethics and standards of practice (ACSW, CASW, NASW). Liberalism supplies many principles that fit comfortably within clinical social work practice, for instance, the notion that individuals are rational beings capable of making a life plan. Social work interprets this as client self-determination and holds this as a value. Rawls also recognizes the inherent worth and dignity of every individual. This can be seen particularly in his discussion of the limits to self-determination when he stipulates that decisions made on behalf of others must conform to the principles of justice. Decisions made on behalf of others are to be made as if they were in our own self-interest (Rawls, 1971). This is instructive for social work with involuntary clients and those populations requiring guardianship. The social basis of self-respect (a Rawlsian primary good), as well as self-esteem and self-confidence are not only a target of clinical social work but are frequently an outcome. Is it any wonder that social work scholars have drawn heavily from Rawls treatise, *Theory of Justice*?

Nussbaum updates Rawls by introducing contemporary issues and broadening our understanding of social justice to include a liberal feminist perspective. Nussbaum's approach is less detailed in some respects but more definitive. She takes a clear stand, proposing an open list of the most central capabilities or a "set of basic entitlements without which no society can lay claim to justice" (Nussbaum, 2002, p. 5). By declaring that basic capabilities are inalienable Nussbaum has produced a de facto bill of rights. This assertion is reminiscent of an earlier influential social worker that identified "common human need". Charlotte Towle (1987) as early as 1945 recognized the importance of identifying and meeting basic human needs as a precursor to full functioning "*We fail to comprehend the interrelatedness of man's needs and the fact that frequently basic dependency needs must be met first in order that he may utilize opportunities for independence*" (italics in original, p. 7).

Rights however, do not go far enough for Nussbaum. Individuals must have the real capacity to exercise these rights. The goal of political systems is to ensuring that people have the ability and opportunity to achieve a meaningful life without specifying what that life should look like. Social work may claim a similar goal. Concerned with how the individual is actually faring in society social workers—including clinical

ones—attempt to maximize functioning. This is not possible without due attention and effort directed at the social, political and economic institutions that have constrained full functioning for many.

Wakefield (1988a, 1988b) has pointed out that Rawls' interpretation of social justice with its emphasis on the distribution of primary goods, especially self-respect, justifies clinical social work's commitment to working with those affected by mental illness as well as the use of psychotherapeutic techniques to meet that end. At the same time Rawls' theory "fits" well with social work as it draws our gaze beyond the individual and toward the social, political, and economic institutions that regulate the distribution of benefits and burdens in society. Ensuring that those institutions are just by holding our basic institutions accountable, is an essential task for all social workers concerned with social justice. Nussbaum expands this to include important aspects of fully human functioning: health, intelligence vigor and imagination. Nussbaum suggests that the family should be considered as one of the "basic structures" of society (p. 272) in order to ensure that what goes on within the family complies with notions of social justice. By moving beyond institutions and setting capabilities for individuals Nussbaum provides a context from which comparisons of the quality of life between individuals may be made. Rawls attempted to define principles of social justice within a bounded state. Nussbaum's project aims at social justice that is global and universal.

One troubling concern for social work is that both theories fail to specify a social minimum. Society today has an apparently growing ability to tolerate wide inequalities on the basis of justice as fairness. Nussbaum provides a list as the "basis for determining a decent social minimum (2000, p. 75) and encourages debate and discussion but leaves further articulation for the future. At the same time she is critical of Rawls for his failure to address issues of globalization and his confidence in the free market economy. Today Rawls' position does appear naive concerning the fairness of our basic institutions. Even though civil disobedience is an option within a just society it is often viewed as ineffective as the liberal level of tolerance for disobedience may restrict serious attempts to challenge the system (Bleiker, 2002).

Still, both Rawls and Nussbaum have something important to contribute to social work. While focusing on the individual they do not ignore or devalue the importance of society, culture and history. Both make moral claims of governments to ensure individuals have the opportunity to experience full functioning. A frequent criticism of social work is that it loses sight of the larger structural or political context from which we work. Liberal theories of justice provide clinical social work firm foundation for claims of social justice focused simultaneously on the



individual and on our basic institutions. Wakefield (1988) calls social justice the *conceptual framework* that unifies social work. Social justice may well be the organizing value for all social work practice, including clinical social work. In 1988 Wakefield attempted to “entice” social workers to enter into the justice literature believing that clinical social work would find much of interest there. This invitation appears more relevant today than ever.

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