AN EXPLORATION OF THE CONSTRUCTS OF SOCIAL JUSTICE IN THE AUSTRALIAN SOCIAL WORK DISCOURSE

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ACKNOWLEDGEMENTS

I have enjoyed myself. There are many people to be thanked for this through their assistance and support. Undertaking a PhD is a highly personal and at times isolating experience, the isolation being even greater when doing so by distance education. Being a distance education student who was not immersed in academia posed its own particular difficulties. Undertaking a PhD involves more than researching and studying, it is also a cultural experience usually associated with the pursuit of an academic career. Academia and academic expression are subject to rules and conventions and these need to be learnt in order to successfully proceed. While all academic institutions have their regulations, there are also unwritten rules, which tend to be discovered by experiential learning. Thus, for example, I found that there are marked differences between 'good' academic writing and 'good' public service writing, with each of them having their own conventions and rules. One's supervisor is a key player in alerting the student to these conventions.

The introduction of a higher degrees forum by the Centre for Rural Social Research was a most positive step. This enabled both distance education and campus based, full-time and part-time, students to interact on a regular basis and share their experiences. The forum has become a rich source of ideas reflecting the diversity of life experiences of those who attend.

Thanks go to my supervisor, Margaret Alston, for her guidance, encouragement, reading and rereading of draft material and organising four PhD seminars each year. Thanks also go to my associate supervisor, Wendy Bowles for her insights. I am also appreciative of the contribution of my fellow PhD students. With them I was able to exchange and explore ideas. Individually and collectively, in formal sessions and over many a glass of red wine, they acted as a valuable sounding board.

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as I was in full-time employment, my son commenced his PhD in science (palaeontology). This led to many an interesting discussion about different research methods and thesis formats, all of which helps to reduce the isolation that comes with being a distance education student.

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Over the duration of the research I worked in the NSW Government Departments of Health, Community Services and the Office of the Children's Guardian. When working in each of these departments my requests for study leave were always granted, even when, at times, it was inconvenient and resulted in meetings having to be rescheduled.

I also acknowledge the contribution of Dr Nancy Blacklow who proof read the thesis for spelling, typographical errors, basic grammar and punctuation.

Finally, the person proudest of my achievement would be my father, if he were alive. Having left school at fourteen because of the 1929-34 depression, he would have loved the educational and career opportunities that I have had. This then is for him.

ABBREVIATIONS

AASW   Australian Association of Social Workers

COAG   Council of Australian Governments

DoCS   NSW Department of Community Services

NASW   National Association of Social Workers (United States of America)

ABSTRACT

Australian social workers state they have a commitment to and historical relationship with social justice. However, in writing and speaking about social justice they frequently do not explain what they mean. This thesis tests these assertions and explores what social workers do mean when they write and talk about social justice. This is achieved by analysing the Australian social work literature over the last fifty years.

The informing theory involves a blend of postmodernist discourse theory informed by Foucault, in combination with critical theory of the Frankfurt school. As constructs such as social justice, justice and political values do not exist outside of space and time an historical perspective is adopted. In adopting an historical perspective the research draws on references to social justice in the non-social work and social work literature, social work conference proceedings and AASW publications over time as well as undergraduate social work course outlines and materials. These references are deconstructed using thematic analysis, the methodology also informing the research path and the sequencing of the research.

Social justice does not exist in isolation of society and is subject to a range of influences, most notably, political and economic values. Accordingly, as liberalism has been instrumental in shaping social justice the thesis commences with an overview of the historical development of liberalism. This is followed by a review of justice and the history of social justice, from its emergence in Italy in the 1840s and its transmission to Australia, via France and Ireland. Because a number of significant authors, including some social workers, use the terms 'social justice' and 'justice' interchangeably the relationship between social justice and justice is also clarified.

This is followed by an exploration of the Australian political discourse, as it has been a major influence on how social justice has been, and is, expressed in Australia and because it plays a significant role in shaping the Australian social work discourse. This leads into an exploration of the Australian social work discourse involving consideration of its relationship to the Australian political discourse and the identification of the constructs of social justice employed by Australian social workers.

The research produces a number of findings. Firstly, there is no evidence of an historical relationship with, and commitment to, social justice, Secondly, there is a diversity of views held by social workers as to what social justice is and its role in society. Thirdly, social workers' understanding of social justice, with some exceptions, is lacking in definition and in application is limited to social work clients. Fourthly, social workers confuse ethics and values, and finally, social workers' expressions of social justice have become more individualised and contextualised, demonstrating the influence of neo-liberalism upon the social work discourse.

The thesis concludes by proposing a model of social justice, in keeping with social work values, for all of society, which addresses social exclusion and inequality and at the same time promotes active citizenship, participation, social cohesion and social capital.

SECTION ONE

1.0   INTRODUCTION

1.1   Overview

This is the story of my journey to explore the meanings given to the term 'social justice' by Australian social workers. It is a journey that began in 1997 when I undertook my undergraduate honours thesis. During the course of my research I needed to define what social workers meant when they used the term 'social justice', described by the AASW (1994) as one of the core values of Australian social work. While a review of the Australian social work literature came up with a number of references to social justice, there was very little explanation as to how social workers defined the term or the extent to which it was subject to any shared understanding. I also wondered why, if social justice was so important to social workers, there had been no exploration of their understanding of, and relationship with, social justice.

Initially this posed the question of why, if it was a core value, was it not defined, and then, who wins and who loses by it not being defined. In not being defined it raised the further question of whether social justice really was a core value. On reflection it seemed social workers' understanding of social justice had been treated as a given and therefore required no explanation. This position is supported by Rojek *et al* (1988, p.18) who argue that 'social workers talk and write to one another, as if the content of their talk and writing were self explanatory.' The other observation I made was that social workers rarely comment upon the political discourse that informs their understanding of social justice. This led to the research topic of exploring the understanding social workers have of social justice.

In refining the research question, further questions arose as to whether to undertake an exploration of how individual social workers understand social justice or whether to explore themes of understanding in the social work discourse. Given the stated historical significance of social justice for social workers (Martin, 2003; Camilleri, 1999; Tesoriero, 1985) I decided to undertake an analysis of the social work discourse over time. Had I restricted myself to finding out what current social workers understand social justice to be I would not have fully tested the stated claims. I also would have duplicated work already undertaken. My review of the literature revealed a research study by

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Hawkins *et al* (2001, p.31), which, in part, 'examined the use of social justice terminology by a number of beginning and experienced social workers.'

One final consideration, which influences social workers' understanding of social justice, is the significance of practice wisdom and praxis to the profession (Ife, 2001). In drawing upon and emphasising the value of practice wisdom social workers implicitly endorse the use of social constructs, as opposed to an objectivist approach (Meinert *et al*, 2000). Rowe (1996, p.84) describes a social construct as 'an abstraction of ideas, so ordered, as to convey a particular meaning'. Accordingly, the understanding social workers have of social justice is referred to as a construct.

As the research project is based on the analysis of documentary materials, a separate literature review, in the conventional sense, has not been undertaken.

1.2 Motivation

While the PHD topic emerged out of the need to define social workers' understanding of social justice, the motivation to embark upon a PhD and my interest in social work values arose from quite a different source.

As a mature age student I have spent my entire career working in human service organisations. While I initially trained and worked as a psychiatric nurse, from a very early time in my career I worked with and was influenced by social workers and social work practice. As my career developed I supervised, and was supervised by, social workers. As a result social workers have played a significant role in shaping my understanding and vision of the world. However, until recently I did not have a social work qualification. The initial motivation to secure a tertiary qualification arose while working for the NSW Department of Community Services (DoCS), where I spent the substantive part of my career. In DoCS I experienced first hand the 'traumatic eighties' (1980s) when the department underwent a restructure, on average, every eighteen months.

During this period of incredible change in DoCS job security was all but non-existent. With each restructure there was a spill of all positions and on each occasion I had to reapply for a job. It was against this backdrop that I felt the need to gain a university qualification, and given my long association with social workers and my career in human service organisations, social work was the obvious choice. Making myself more marketable and introducing some measure

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of control and stability into my life, in the event of my finding myself one of the many staff discarded by DoCS, became high priorities.

Concurrent with these developments, Charles Sturt University introduced the degree of Bachelor of Social Work by distance education. This provided me with the opportunity to obtain the qualification I had long considered the most suitable for my career. While initially studying social work in order to get a qualification, towards the end of the second of the four years of study I began to develop an interest in things academic, no doubt assisted by finding a number of former colleagues with whom I had lost touch amongst my lecturers.

I also discovered that I too had something to offer arising out of a life rich in a diverse range of practice experience and acquired knowledge. When combined with theory a rich tapestry of understanding was produced which provided a platform from which to critically question and test what I saw, heard and read. In particular, I had a ready developed interest in the professions and the way in which they created their identities and defined their practice arenas. I had often observed how social workers interacting with practitioners from other professions sought to define their boundaries and the points, particularly if contested, at which their respective professions interacted. This interest now focussed on the social work profession and how it defined itself. A commitment to, and an historical relationship with, social justice seemed to be two of the defining features.

1.3   Historical perspective

In order to understand how social justice developed and its relationship to the political discourse, an historical perspective has been adopted. This by necessity has to predate the Australian social work and Australian political discourses as both of these are influenced not only by current events, but also by historical developments. Social constructs such as social justice and liberalism do not just come into being, but emerge out of, and develop in line with social processes that occur over time, reflecting the country's historical social and political linkages.

Further emphasising the need for an historical perspective, social constructs are not static. Rather they are dynamic, constantly changing and adapting in line with changes in society. Such changes are not necessarily linear, but can also be circular or discontinuous. Earlier concepts can be

reinvented or repackaged. Thus, for example, the Australian political discourse in the late 20th century and at the beginning of the 21st century is dominated by neo-liberalism, which is a repackaged and adapted form of classical liberalism that prevailed in Britain and pre-federation NSW during the 19th century (Waligorski, 1997; Greenwood, 1977). Thus as Connell *et al* (1982) observe, it is not possible to understand the present without considering the past and how it contributes to the construction of the present. To not do so is to tell only part of the story.

The historical perspective is also reflected in the methodology, which involves the analysis of documents. This offers the only means by which the historical and contemporary statements about social justice and the social work discourse can be explored. This is undertaken using thematic analysis, a process by which themes in material are identified and classified (Ezzy, 2002) to reveal and explore the different constructs of social justice in the social work and non-social work literature.

1.4   Thesis outline

Following on from the introduction in chapter one, chapter two sets out the theoretical framework that guides my representation of this thesis. It involves a blend of postmodernist discourse theory informed by Foucault in combination with critical theory of the Frankfurt School. Just as the choice of the research path was determined by the thematic analysis of documentary materials, it also informed and sequenced the journey of discovery.

Having defined the theoretical framework and methodology the starting point for the research was the exploration of the origins and development of liberalism. In exploring the constructs of social justice it became apparent that in order to understand how social justice developed it was necessary in the first instance to have regard to the discourses on liberalism, as they have been instrumental in shaping social justice (Seidman, 1983) (as well as the Australian political discourse which in turn has been a major influence on how social justice has been, and is, expressed in Australia and in shaping the Australian social work discourse). Thus chapter three sets out the history of liberalism.

In reviewing the references to social justice in the social work and non-social work literature it was observed that a number of significant authors, such as Miller (1976) and Barry (1995), use the terms 'social justice' and 'justice'

interchangeably. This is not a new practice, having been noted by Calvez and Perrin (1961) when researching the development of social justice in 19th century France. This led to an exploration of the contemporary constructs of justice in order to clarify the differences between social justice and justice. Thus prior to exploring the contemporary constructs of social justice chapter four is devoted to identifying and distinguishing the different constructs of justice to enable them to be distinguished from those of social justice.

Drawing on the preceding two chapters, chapter five sets out the history of social justice and explores the contemporary constructs of social justice. In researching the history of social justice a number of significant books, collectively, were only available at the Bodleian Library at Oxford University. In response a planned trip to England was extended by two weeks to enable time to be spent at the Bodleian. This proved to be crucial in mapping out the historical path which social justice travelled from its conception in Italy in 1840 (Hayek, 1993) to its arrival in Australia. On the debit side, a PhD thesis, 'The history and meaning of the term social justice' (Shields, 1941) held by the University of Notre Dame in Indiana, USA could not be accessed.

Having identified the constructs of justice and social justice, chapter six continues the exploration by analysing the similarities and differences with a view to better distinguishing the constructs of social justice from those of justice. The chapter also explores why some constructs of social justice have gained ascendancy and recognition over, and at the expense of, others.

Chapter seven introduces a discussion on the Australian political discourse, which since the earliest days of European settlement has been liberal in nature (Cook, 1999). Exploring it is necessary in order to understand the context of Australian social work, as the understandings social workers have of social justice, like the social work discourse, have not evolved in a vacuum. Rather, it is subject to a range of influences from within and outside of the social work discourse. This discourse has been influenced in varying degrees by the political discourses of Britain, Europe, particularly France, and the United States (Cook, 1999; Ramsay, 1997; Beloff, 1954). Accordingly, it is also necessary to have some understanding of how elements from these have been incorporated into the Australian political discourse.

While social workers are part of, and constitute, the Australian social work discourse they are also part of other discourses. As such social workers

are mediums of exchange between the social work discourse and the other discourses which they also inhabit. Thus, in chapter eight the constructs of social justice, not only in the Australian non social work literature, but also as portrayed in the Australian media are explored, as both of these sources can influence how social workers understand and construct social justice.

In chapter nine the different expressions of social justice in the Australian social work discourse and the claims of the relationship with, and the historical commitment to, social justice are explored and reviewed. For the purposes of this research the Australian social work discourse is held to have commenced with the formation of the AASW in 1946. Prior to that date there were state based discourses incorporating state based practice standards and regional educational programs, which were subsequently taken over by the Universities, commencing with Sydney University in 1940. The standardising of social work curricula, reflecting the existence of a national discourse did not occur until the mid 1950s (Lawrence, 1976; 1965). These discourses did not cease following the formation of the AASW. Evidence for their continuation can be found in state-based newsletters, conferences and conference reports which supplement the national journal and biannual national conferences. Even the decision to form the AASW was taken on a state-by-state basis, rather than through any single forum from which the Australian discourse might be dated (Lawrence, 1965).

Accordingly, in exploring the expressions of social justice in the conversations that constitute the national discourse, an historical perspective has been adopted, covering the period of 1946 to the end of 2003. The Australian social work discourse is represented as three conversations. The first is the written conversation as reflected in journal articles, monographs and AASW materials, while the second is the oral conversation in the form of AASW conference proceedings. The third conversation is the University conversation, which is a hybrid of the oral and written conversations and framed by course and subject outlines. This is the means by which social work students are introduced to the social work discourse and the theory and practice of social justice. Having reviewed the conversations and identified the references to social justice an analysis is undertaken of how social justice is expressed in the discourse.

Building on chapter nine, chapter ten concludes the thesis by exploring what a single construct of social justice, based on a shared understanding, might look like for Australian social workers, the strategies required to give effect to it and the informing political paradigms. In doing so regard is given to the values of Australian social workers, as set out in the AASW Code of Ethics (2000), the previously identified constructs of social justice and the relationship of the person, community and the state.

Undertaking the research and assembling the findings has been a fascinating personal journey and experience. I now have a rich and informed understanding of the social work profession, its values and the image it seeks to construct of itself. It has also enabled me to distinguish between the reality of social work and the ideology associated with the profession. In particular, I have learnt so much about social justice, and the profession's relationship with, and understanding of it. It has also given me the opportunity to return something to the profession that has played such a significant role in shaping my professional and personal being. Finally, it has also generated ideas for further research.

This then is a story about social workers' understanding of, and relationship with, social justice.

2.0 THEORY AND METHODOLOGY

2.1 Introduction

Not only was Australian social work born modern, but it continues to be located within and part of modernity (Camilleri, 1996, p.49). Modernity stands for positivism, a belief in the absoluteness of scientific facts which are portrayed as beyond challenge, the linear nature of progress, absolute truths, rational planning and the standardisation of knowledge and its production involving a tendency to meta-narratives (Johnson, 2000, pp.89-97). Modernity holds that all social, political and economic problems can be addressed, if not solved through the application of technological and technocratic solutions (Johnson, 2000). Thus the modernist view of social work holds that truth, having been revealed through the use of rational argument and scientific knowledge, is objective and value free (Pease & Fook, 1999).

Such an approach is not without its critics. Ife (1997) suggests that in seeking a single truth and uniformity, and the one best answer, modernity rejects diversity. Ife also argues that in adopting an empirical approach modernity contains little room for ethics and values as empiricism relies upon utilitarian values, cost-benefit analysis and rationalistic models of business planning.

However, social work has disregarded these limitations and has continued drawing upon modernity in a quest for an all encompassing theory (Camilleri, 1996). Despite this quest there is no unity in Australian social work, but rather a diversity of views and beliefs. Thus, for example, social work advocates for both the common good while at the same time promoting individualism and individual responsibility (Martin, 2003; Camilleri, 1996). Similarly, Camilleri (p.176) observes that not only do practice differences and divergences abound, social work texts have little or no relationship with practice, suggesting the problem is more one of coherency rather than a need for an all encompassing theory.

As a consequence, because modernity denies difference it cannot be used to explore the social work discourse and its composite conversations. In comparison, postmodernism is more in keeping with the professed values of social work as it values difference and cultural diversity (Ife, pp.18-19) and rejects the notion of an empirically based all encompassing theory (M. Gray 1995).

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From a postmodernism perspective there is no one truth, but a multiplicity of truths, not a single perspective, but multiple perspectives (Fook, 2002). Thus rather than there being a global discourse on social work, each culture within which social work is practiced has produced a separate discourse on social work. Even where there are shared beliefs and values, these find expression consistent with each culture, thus differentiating them across different cultures (Banks, 2001). Thus it can be used to look behind the appearance of uniformity to reveal the multiplicity of views and opinions (Ife, 1997) to facilitate the deconstruction professions' beliefs and values to reveal their inconsistencies and limitations (M. Gray, 1995).

However, postmodernism on its own can lose direction and purpose (Alvesson & Deetz, 1996) as it focuses on theory, at the expense of practice (Ife, 1999a). However, this limitation can be overcome by combining postmodernism with critical theory, as promoted by social work, with its emphasis on praxis and capacity to link the personal with the political (Ife, 1999a). Critical theory further contributes by drawing attention to the way dominant discourses shape and influence social relations as well as individual and group identities (Healy, 1999). This blending also enhances critical theory, as in the absence of a postmodern element it has a tendency to favour practice over theory (Agger, 1998).

Accordingly, combining postmodernism and critical theory enables a more balanced consideration of theory and practice, as well the relationship of theory to practice. Such a combination also emphasises the importance of context and the use of an inductive approach in research. Finally, the combination also promotes and enhances the deconstruction of knowledge to reveal the dimensions of theory and practice inherent, which can be reconstructed to reflect the beliefs and values of social work (Fook, 2002).

2.2   Theory

2.2.1 Postmodernism

Standing in opposition to modernity and originating in France, postmodernism has become more than a French phenomenon, gaining acceptance in the United States during the 1970s and then proliferating throughout the world in the 1980s (Best & Kellner, 1991). As a result, postmodernism is not a unitary school as it traverses a wide range of perspectives (Pease & Fook, 1999).

However, while offering a multiplicity of views, there are a number of shared features, such as a belief in notions of multiplicity, diversity and contextuality (Fook, 2002). From a postmodern perspective there is no single rationality by which to understand what is real, no one right answer or best way of acting. Postmodernism questions whether there are any absolute values; whether society is always progressing and improving; whether such things as universal truths and belief systems, often referred to as meta-narratives, actually exist (Johnson, 2000, pp.89-97). Rather, different realities are continually defined and redefined as the historical context changes (Ife, 1997, pp.84-92).

One of the best ways in which the differences between modernism and postmodernism can be understood is the way each constructs the relationship between author, reader and text, an issue of particular significance for this piece of research, being based on the analysis of documents. Where-as modernism prioritises the author over the reader, postmodernism prioritises the interpretation of the text by the reader over the meaning intended by the author (Ife, 1997). On this interpretation the researcher is in the first instance a reader and in the second an author to be read.

One of the more significant concerns of many social workers about a postmodern perspective is the issue of relativism, that is, limiting the understanding of any issue to its immediate context (Fook, 2002). However, not all strands of postmodernism embrace relativism, it only being associated with the more extreme interpretations (Ife, 2002). In adopting a moderate version of postmodernism it is not necessary to abandon all that is associated with modernity. An either-or position does not have to be assumed (Agger, 1998) Normative values and beliefs, which are culturally and contextually located, can be retained (Pease & Fook, 1999).

Thus in this thesis a more moderate form of postmodernism, as endorsed by Ife, Fook (2002), Allan (2003) and Pease and Fook (1999) has been adopted. This form of postmodernism acknowledges the significance and influence of language and discourse and the cultural context of practice; celebrates and advocates difference, embraces multiple realities, empowers people and preferences the social construction of reality over empiricism (Allan, 2003; Ife, 1997)

Thus when undertaking research, it is not necessary to adopt an approach that is exclusively postmodern. Rather, elements of postmodernism

can be employed in conjunction with other theoretical perspectives, such as critical theory, as each can enhance the other (Best & Kellner, 1991). However, rather than being different, according to Agger (1998) and Mullaly (1993, p.41) postmodernism is no more than a form of critical theory not that far removed from Marxism, which, while drawing on Marx's political ideals, rejects his meta-narratives. Reflecting this view, Alvesson and Deetz (1996) claim a shared intellectual heritage for critical theory and postmodernism, a shared purpose as both seek to address specific social conditions and a shared approach as both seek to draw attention to the way in which knowledge, social relations and people are socially constructed. In opposing positivism and neo-liberalism, both theories also share the view that the world is neither rational nor neutral.

2.2.2 Critical Theory

Critical theory, like postmodernism, rejects universalist constructs as it requires social reflection to be historically and socially contextualised, i.e., a situated analysis (Young, 1990). Thus critical theory involves reflection from within a specific social context, such as a discourse, and involves a social and political analysis and explanation. In doing so critical theory challenges the status quo and conventional wisdom associated with modernity.

Critical theory recognises the mix of self-determination and environmental influences and, like postmodernism, owes much of its origins to Marx and is primarily identified with the Frankfurt School of social theorists (Agger, 1998). Of particular interest to social workers, with their commitment to praxis, is the manner in which critical theory simultaneously seeks to 'operate at a philosophical, a theoretical and a practical level' (Burrell & Morgan, 1979, p.284) to reveal the nature of society, the way it operates and the manner in which social change occurs. In the absence of a critical perspective it is not possible to arrive at an explanation of why society is structured as it is, why it functions as it does and who wins and who loses (Allan, Pease & Briskman, 2003).

Critical theory can be used to link postmodern analysis to social work practice (Ife, 1997). Social workers can benefit from the analysis of the social work discourse informed by critical theory within the context of a postmodern framework, as the combination enables the clarification of the rules and truths that inform and govern their practice in specific situations. Thus even though

postmodernism may reject universal discourses, such as human rights (Ife,1997), it can be used to explore the constructs of social justice in Australian social work, as social justice is culturally determined and situated (Camilleri, 1999).

Thus the writer rejects an interpretation of the social work discourse based exclusively on postmodernist philosophies. However, by adopting and combining compatible elements of postmodernism with critical theory, such as discourse theory, individual discourses and the conversations of which they are composed can be heard, recognised and analysed (Camilleri, 1999). Accordingly, within this thesis the postmodernism of Foucault has been combined with critical theory of the Frankfurt School to explore the Australian social work discourse.

2.2.3 Discourses and their analysis

Discourse is defined as a body of knowledge and is the means by which social workers understand and interpret their experiences, define themselves and, by which they determine what is and is not true (Danaher *et al,* 2000; McHoul & Grace, 1993). Thus 'discourse' refers to 'all that can be thought, written or said about a specialised area of knowledge' (Layder, 1994, p.97). From this perspective, discourse is 'a way of constituting knowledge and the associated practices, subjectivities and relations of power' (Weedon, 1997, p.105).

While discourses are about truth, power and knowledge (Mills, 1997), through relations of power, they not only define, structure, constrain and facilitate the distribution of knowledge, but also determine what will be recognised as knowledge and how knowledge is categorised (Mills, 1997 p75). However, it is knowledge that enables the exercise of power and through the exercise of power, the production of truths (Mills, 1997). Conversely, the production of truth involves the exercise of power to define which knowledge is paramount. Thus while power and knowledge are interdependent, building on each other, power 'creates truths which cannot be detached or liberated from power' (Tilley, 1990, p.287). As a consequence of the way in which power and knowledge are linked and intertwined, knowledge can never been seen as neutral or disinterested. Similarly, truth is linked to power in the same way as it is linked to knowledge and cannot be uncoupled, and like knowledge, has a circular relationship with power. Thus 'truth' always represents a particular point

of view while power, being inherent in the 'truths' expressed, features in the debates that follow claims of 'truth' (Tilley, 1990).

'Truth becomes a function of what can be said, written or thought' (McHoul & Grace, p.33) and emerges when certain beliefs within a discourse are sanctioned. Accordingly, truth represents an investment in particular meanings that have become dominant (Weedon, p.127). While truths may be those matters accepted within the discourse as definitive propositions and statements (Danaher *et al*, 2000, p.37), being a social construct, truth, like knowledge is subject to historical change (Connell *et al*, p.72).

For each claimed truth there should be some evidence of the knowledge upon which the truth relies which can be discovered by analysing the discourse. According to Hough (1999), analysing discourses enables not only the knowledge upon which truths rest to be revealed, but also the flows of power used to sustain truths, narratives, myths, the unquestioning acceptances and the silences and absences in language.

However, discourses are not just expressions of language and social practices, but also privilege some individuals, groups, bodies of knowledge, values, beliefs and truths and facilitate the exercise of power. As Jager (2001, p.35) notes, discourses are regulating bodies that both enable and constrain what can and cannot be said and done and even the means by which things are said and done. Thus the degree of flux, or more correctly, the extent to which a discourse can be considered stable, reflects the degree of institutionalisation and regulation within (Jager, 2001).

From a postmodern perspective analysing discourses involves consideration of language, as it is central to the production of knowledge, truth and the relations of power. Mills (1997, pp.77-80) describes this as discourse theory, which Rojek *et al* (1988, p.9) state 'is a relevant and useful approach to understanding many aspects of social work'. These authors contend that discourse theory and its principal mechanism, discourse analysis, can be used to demonstrate how language, communication and understanding are based on a combination of freewill and environmental determinants.

Discourse theory suggests that individual words convey, as well as their surface meaning, a range of values and beliefs that are not always readily apparent. Discourse analysis enables these values and beliefs to be made explicit and explored by deconstructing the language used to frame them (Rojek

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et al, 1988). Discourse analysis also enables the exploration of how discursive practices produce knowledge, identities and social relations (Schrieber & Moring, 2001).

In addition, discourse analysis enables consideration of the way in which oral and written communications are employed by discourse participants to define themselves, their knowledge and the means by which they codify their knowledge and understand their world (Schrieber & Moring, 2001). It also enables the symbols of identity, such as particular values in professional discourses, to be identified (Jager, 2001)

Applied to the Australian social work discourse, discourse analysis can be used not only to identify the different conversations and the truths that constitute the Australian social work discourse but also to deconstruct the language and truths claimed by the social work profession, such as the commitment to, and historical relationship with, social justice. For social workers language has particular significance, as it is one of their principal tools of trade (Pease & Fook, 1999). As Ife (1999) notes, while social work is about people, it is through language and the culturally determined meanings associated with language that social work ideas are shared and defined, and communication facilitated and maintained. It is through language that social workers define themselves and communicate their collective identity and image to others. However, the language of social work is not neutral and is used by social workers to convey and maintain historically determined ideas and practices (Rojek *et al*, 1998).

Social workers use language to exclude others from their discourse and in the process social work ideas have been institutionalised and reduced to jargon (Rojek *et al,* 1988). As a consequence   '[t]he core values of social work are treated as being self evident and therefore do not need to be explained' (Rojek *et al*, 1988, p.17). This has led to the development of a gap between language and meaning as a consequence of which the language of social work is often vague, imprecise and contradictory (Rojek *et al*, 1988).

Discourse analysis enables the hidden meanings and the conceptual premises of statements, such as those associated with social justice, to be identified and made visible (Pease & Fook, 1999, p.13). However, in doing so care needs to be exercised as within the literature there is little acknowledgement of an Australian social work discourse or its inter-relationship

with other discourses. While recognised by Fook (1999), other Australian social work authors, such as Camilleri (1999), Ife (1999) and Hough (1999) do not appear to differentiate between the social work discourses of individual countries, treating them as though part of the one discourse. However, social workers in different countries do practice and write within discourses that are culturally situated. One reflection of this is the different emphasis given to social justice in the Australian, United States and British social work codes of ethics (Banks, 2001). As Powell (2001) demonstrates, Australian social work is a contributor to the international social work discourse, yet it also constitutes a discourse in its own right. However, as Mills (1997, p.62) observes, the boundaries of discourses are often very unclear, meaning that it can be difficult to define which knowledge is part of which discourse.

In addition, because social workers are participants in multiple discourses, in considering how meaning is produced, regard has to be given to what Schrieber and Moring (2001) refer to as 'interdiscursivity'. Constructed out of elements of multiple discourses, interdiscursivity occurs when one discourse, such as the economic or political discourse, dominates another, such as the social work discourse (Schrieber & Moring, 2001). In addition, because not all discourses are systematically codified, as occurs in the discourses of law and medicine, different discourses can have different degrees of influence (Layder, 1994). A weak discourse can be subordinated to, and even sustained by, a more powerful one which can result in relations of power being weak or even absent within a weaker discourse (Punch, 1998; Weedon, 1997).

Analysis of interdiscursive practices, as an extension of discourse analysis, can enable the identification of those discourses that create meanings that are employed in other discourses (Schrieber & Moring, 2001). It also enables the status of meanings, which are directly related to the standing of the discourses that create them, to be established. Accordingly it is important to identify those discourses which at different times have subordinated the social work discourse for, as Jager (2001) observes, analysing dominant discourses, such as the Australian political discourse, enables what can be said and how it can be said within subordinate discourses, such as the social work discourse, to be revealed.

2.3   Methodology

2.3.1 Overview

'[R]esearch is [the] systematic investigation to find answers' while the choice of methodology will be determined by the objectives of the study (Burns, 1997, p.3). Put another way, the purpose of the research determines the mode of enquiry (Kumar, 1996). Bryman (1998) makes a similar statement, observing that while there are competing views as to how to undertake social research and how to construct research questions, the method chosen should be the one that best reflects/serves the question asked. In this context, postmodernism does not involve an automatic rejection of all methods associated with modernity. Rather, because they are socially constructed, they need to be questioned and doubted, tested and validated prior to being used (Punch, 1998).

As a starting point, within the field of social research the researcher is presented with two paradigms of research, scientific or quantitative and qualitative (Kumar, 1996). These can be said to rest on different assumptions as to how knowledge about the social world is generated and studied. While the relationship between the two is often portrayed as one of competing views as to how the social world should be studied, and therefore what constitutes knowledge, both have their place (Bryman, 1988). In terms of differences, quantitative research is theory driven or theory verification research whereas qualitative research can be described as theory generating research (Punch, 1998).

2.3.2 A qualitative approach

While the scientific or quantitative approach was earlier rejected by the writer because of its inability to accommodate the diversity of views and beliefs in the social work discourse, there is another reason as to why a qualitative approach should be adopted. Unlike quantitative research, qualitative research does not necessarily commence with an hypothesis or theory, more often posing a question for which there is no implicit answer, or embarking on an exploration of a social phenomenon in order to develop a theory to explain it (Punch 1998). Qualitative research is also more flexible, avoiding the imposition of a research framework in order to minimise contaminating the responses of people and how they perceive their worlds. Finally, within qualitative research the development

of theory and concepts proceeds in tandem with the collection of data and the developing research (Bryman, 1988).

A qualitative approach is also indicated where the research seeks to reveal the subjective experiences of the people being studied by viewing the world through their eyes, incorporating their knowledge, beliefs and values (Bryman, 1988). Referred to as an ideographic approach, reality is viewed as the product of individual consciousness, which according to Burns (1997) is the main feature of qualitative research, while meaning and evaluation are subjective. Burns maintains that methodologically qualitative research is related to holism, which like postmodernism, demands that a matter not be considered in isolation of its social and historical context. As a result a longitudinal element is also implicit in much qualitative research as when people interpret reality they draw upon their past experiences and knowledge.

With qualitative research the analysis of data begins while it is still being collected and involves a search for patterns such as themes or recurrent behaviour, objects or knowledge. Employing an inductive process, it enables the development of theory and the interpretation of data findings shaped by the participants with the specific units of data recorded in the form of words which can be from documents, observations and transcripts from which are extracted patterns of information. Employing progressive cycles of abstraction, data are interpreted to create general ideas, propositions and theories (Ezzy, 2002; Alston and Bowles, 1998; Neuman, 1994).

In qualitative research it is assumed that it is neither possible to eliminate the effect of the researcher upon the research or for the researcher to be value free. This is at its most expressive with data analysis as once the data has been put into words 'it is the researcher constructed text which is used in the analysis' (p.61) with the words used reflecting the concepts, values and beliefs of the researcher (Punch, 1998).

Similarly, postmodernism holds that the researcher is not an objective, politically neutral observer who is independent of the research subject. Research is held to involve negotiating meanings and the creation of knowledge that is culturally situated. Thus research is situated in socio-cultural practices that are shaped by the discourse(s) within which the research occurs (Punch, 1998). A postmodern perspective provides qualitative research with an added stimulus by seeking to demystify the world through deconstructing surface

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appearances to reveal that which is hidden (Ezzy, 2002; Neuman, 1994) while research is regarded as a contribution to the conversation within a discourse about an issue rather than a means of achieving a final truth (Ezzy, 2002)

Lastly, Ezzy (2002, p.27) suggests that pre-existing theories and 'popular understandings', such as the way social justice is presented in the media, can bias the researcher, inform the values of those participating in the research and restrict the research to existing paradigms. In so doing the capacity of the data to propose new theories can be restricted.

While previous interpretations and understandings should not be ignored, nor should they be allowed to limit the research. Adhering to tradition, or accepting truths as absolute can be counterproductive. Rather the data should inform the interpretation and direction of the research. Finally, both the process and objectives of qualitative social work research need to have regard to the beliefs and values of the profession (M. Gray, 1995)

2.3.3 Describing the journey

Being a thesis about social justice employing an historical perspective, the starting point was researching and exploring the features of the discourse that has been most significant in shaping social justice. Historically, social justice developed in cultures structured by liberalism (Hayek, 1993; Bellamy, 1992; Seidman, 1983). Thus the main schools of thought within liberalism are explored. Having established the context it is then possible to undertake an historical exploration of social justice and the different ways that it has been constructed over time. However, exploring the history of social justice is not straightforward as only Hayek (1993), and to a lesser extent Miller (1999), who uses the terms 'social justice' and 'justice' interchangeably, have made any real attempt to undertake a systematic exploration of the history of social justice. In Australia exploration of the expressions of social justice is limited to Macintyre (1985). Exploring both the international and local history of social justice involves identifying all the references to social justice in the social work and non-social work literature, arranging them chronologically and working back through the references in each document to identify earlier references until no earlier references can be found.

The greater majority of the discussion on social justice is located in the non-social work literature. It is in the non-social work literature that the history of

social justice from its genesis through to the means by which it arrived in Australia and its development in Australia, is to be found. The ratio of social work to non-social work references to social justice in a library subject search across three universities with schools of social work was in the vicinity of 1:25. Based on the references employed, it was found that while some social workers access this information from time to time, they do not participate in the debate on social justice.

Turning to the Australian social work discourse, in order to deconstruct it and the associated constructs of social justice, consideration is first required of the Australian political discourse. Johnson (2000) observes that the Australian political discourse dominates all facets of life in Australia, while Cook (1999, p.2) asserts that the Australian political discourse has always been liberal and central to 'living and being' in determining how Australians see themselves and how they define themselves. The starting point for this aspect of the research was the exploration of the literature to identify the liberal discourses that have influenced and contributed to the shaping of Australian liberalism and the means by which this happened. In particular, regard is given to the extent to which liberalism influences how the person, as a social entity, is constructed within the social work discourse, as this influences, and in turn is influenced by, how social justice is constructed.

While, as noted earlier, a postmodern perspective privileges the reader over the writer, when reviewing historical texts, in order to understand what meaning was intended rather than what may be attributed to what was said or written, materials have to be read through the eyes of the writer. It is only through such an approach that the application of current knowledge, beliefs and values and thus historical revisionism can be avoided (Neuman, 1994, p.386). Thus it is important to note that in identifying historical references to social justice, the search was confined to the term 'social justice' as opposed to interpreting statements and actions as social justice.

Once all of the significant references to social justice in the non-social work literature had been identified they were deconstructed using thematic analysis. This enabled the different categories of social justice, and the features associated with each category, to be identified and analysed. This analysis was used to explore the expressions of social justice in Australia and the social work

discourse. In turn this enabled a model of social justice for the social work profession to be proposed.

2.3.4 Thematic analysis of references to social justice

Thematic analysis is distinct from content analysis, being more inductive, and more akin to grounded theory, as the categories into which the data are placed are not determined prior to their analysis. Rather, the 'categories are induced' from the data (Ezzy, 2002). The coding process inherent in thematic analysis both disassembles or deconstructs, and reassembles or reconstructs, the data. This involves breaking the data down into its individual elements that are then rearranged through coding in such a way as to generate new understandings by exposing differences and similarities not previously apparent. The identification and coding of the themes concludes when the emergent categories cannot be rationalised any further (Ezzy, 2002).

The first stage of thematic analysis involves the identification of the common properties shared by the data that are identified through a cyclical process of comparing the data with each other until the properties that unite or differentiate them emerge. Once the shared and differentiating properties are identified the data is further categorised based on the shared and differentiating properties, allowing the themes to emerge. At all times the path followed by the analysis is inductive, enabling a theory guided by the analysis to emerge (Ezzy, 2002). Not infrequently examination of an author sparked an idea that led to the data being revisited and reviewed, resulting in a cyclical process in the development, review and revision of theory. While in general the process consisted of the following steps, it would be misleading to say that this process was rigidly adhered to or that it occurred sequentially.

1. As noted earlier, library research was undertaken at Sydney, New South Wales, Charles Sturt and Macquarie Universities to identify all references to social justice in the non-social work literature.

2. All references were continually reviewed until the shared properties and differences were identified. Three key properties were progressively identified in the literature. The first was 'strategy', it being observed that in discussing social justice authors tended to describe social justice in terms of the means for responding to, or preventing, social problems, in a socially just way. Further examination of the strategies led to the identification of the second property,

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referred to as the 'construct', which is the expression of social justice informing the strategy. The third property, the 'informing paradigm', is the political value that shapes the construct that informs the strategy.

3.   The data were further reviewed, this time using the three properties to identify the different categories of social justice inherent in the data. Drawing on the data the following working titles were given to the categories:

(a)   Social justice as procedural fairness

(b)   Social justice as distributive justice

(c)   Social justice as equality of employment opportunities

(d)   Social justice as relative deprivation

(e)   Social justice as positive discrimination

(f)   Social justice as reciprocal relations

(g)   Social justice as freedom from domination and oppression

(h)   Social justice as a subjective concept

(i)   Social justice as a reference

4.   Employing the three properties each reference was assigned to a category and individually reviewed to identify the author or authors who had most developed and detailed the constructs of social justice in each category. This was achieved through analysing how each author constructed social justice and in the process identifying the most frequently cited authors and those who were credited with having first proposed a construct. Through this process the authors that had made an original contribution to the discussion were identified. Thus having categorised all references to social justice and identified the authors who had made an original contribution, all other authors, other than those that had further developed specific constructs, were removed and detailed profiles of each construct of social justice prepared. While occurring at a later stage, during the review of the references to social justice in the social work literature, regard was given to whether any social work authors had made an original contribution to the discussion on social justice. None had. It was also observed that while social work authors, such as Benn (1991) and Rose-Miller (1994) in their discussions on social justice have recourse to the non-social work literature they do not participate in the debate that is occurring.

5.   During this process it was observed that some authors, both social workers and others, used the terms 'social justice' and 'justice' interchangeably,

which was problematic as it threatened to contaminate the research topic with an additional subject. This posed a number of questions as to what constructs of justice there were and the extent to which they are differentiated from constructs of social justice. In response, the literature on justice was reviewed to identify the key constructs in contemporary use in order to be able to differentiate the constructs of social justice from those of justice. Using thematic analysis the constructs of justice in the literature were identified as being:

(a)   Justice as contract

(b)   Justice as fairness

(c)   Justice as impartiality

(d)   Justice as rights

(e)   Justice as reason

(f)   Justice as utility

(g)   Justice as desert

A common element in all constructs of justice is that they are reactive, being employed to mediate or respond to some form of conflict or disharmony.

6.   This led to the 'strategy' property of social justice being further refined to differentiate between 'reactive' and 'proactive' constructs. Reactive constructs are those advanced in response to a problem, whereas proactive constructs are put in place to prevent the development of an anticipated problem. In addition, at some point in reviewing the different constructs of justice the idea began to form that because constructs of justice are individualised it was also necessary to identify which constructs of social justice were limited to individuals and which were more general in their application. This in turn led to individualised, reactive constructs of social justice being reviewed to determine their relationship to justice.

While undertaking this aspect of the research a number of articles referring to social justice appeared in the print media. This raised the question of the extent of the influence of the media upon social workers and their values. Social workers do not exist in a vacuum, but being part of society are subject to its influences, although it is hoped they are also critical in their appraisal of social values. This led to the references to social justice in the print media being sampled and analysed. The articles reviewed were from the Fairfax Press electronic archive for the period of 1986 to 2001. No other newspaper publisher

had a sufficiently sophisticated web site that allowed archived articles to be sorted by relevance and an abstract previewed.

The review was limited to newspapers appearing in capital cities issued by Fairfax Press thus restricting the search to articles that appeared in the *Sydney Morning Herald* and the Melbourne *Age*. A year-by-year search undertaken of the archive found in excess of 2214 articles. The limitation on the exact number arose as the years 1993-1997 each contain more than 200 documents on social justice while the search of the website was limited to 200 references. Thus the real count is unknown.

Of the documents identified the top 50 articles, as determined by the website, across the period were downloaded. As one document failed to download, the final tally was 49 documents. Drawing on the content of the articles they were manually sorted using three criteria. The first was by subject matter, the second was whether social justice was portrayed as a proactive or reactive construct, while the third category involved the construct of social justice advanced.

2.4 Interpreting the social work discourse

Turning to the Australian social work discourse, there are two ways in which it may be constituted, with there being a marked difference between the two. If constituted as a discourse on Australian social work a very broad perspective has to be adopted. Such a discourse would have to embrace all conversations on Australian social work including those by non social workers. This would result in conversations being introduced that are considered peripheral to how social workers perceive themselves, their profession, their values and ethics. While the perceptions of others of social work and social workers are significant, to include such discussion in the discourse would be to contaminate and obscure the conversations of social workers.

The other way is to limit the discourse to the written and oral conversations of Australian social workers; that is, the Australian social work(ers') discourse. This, however, is not to deny the impact of external influences upon the discourse. Rather, it means that these external influences, which can be both local and international, can be regarded as influences and not elements of the discourse. Thus for example, in compiling the 1988 Code of Ethics (AASWc, nd) the AASW had regard to the (United States) National

Association of Social Worker's (NASW) Code of Ethics (NASW, 1997). As such, the NASW, while influential, should not be treated as part of the Australian social work discourse. Thus, in order to limit discussion to the conversations of Australian social workers the second option has been adopted. Accordingly, this research explores the constructions of social justice in the Australian social work discourse.

Dating the beginnings of the discourse is problematic, as some social workers, such as Camilleri (1996) and Lawrence (1965) claim a lineage for Australian social work that dates back to the 1920s. Tesoriero (1985) and Martin (2003) push the date back further, linking Australian social work to developments in Britain and the United States of America in the late 1800s. However, as noted earlier, for the purposes of this research the Australian social work discourse is held to have commenced with formation of the AASW in 1946.

As described by Camilleri (1996), social work is a practical activity in which theory is counter-posed with, but separate from, practice and the oral culture while social work documents provide for the profession's unity and cohesion. Camilleri (p.14) observes that texts provide the '…. histories of social work, theories and models of practice….' He goes on to note (p.50) that in social work the written word is treated as theory and, if used for social work educational purposes, represents the theory of social work. According to Camelleri, texts legitimate and give an historical context and continuity to practice. In comparison, practice is primarily talk; talk with clients and talk between practitioners.

Thus the Australian social work discourse can be said to consist of conversations about theory and practice. The former are to be found primarily in the literature, and can be described as written conversations, while practice talk between social workers, which occurs in forums such as conferences where social workers have the opportunity to meet and exchange ideas, are described as oral conversations. Historical records of the written conversations are to be found in the AASW journal, *Australian Social Work*, and its predecessors, the *Australian Journal of Social Work* and *Forum*. As Ryan and Martyn (1996) note, journals are a prime means of documenting and disseminating information about a profession. The other principal source of written conversations is social work monographs.

Further expressions of the written conversation are to be found in undergraduate course outlines and materials. While the same is true for postgraduate materials, as not all social workers are exposed to these materials they have not been included. Other sources include the expressions of social justice in the successive AASW Codes of Ethics. While other materials produced by the AASW also refer to social justice, there is no attempt to explore the expression as, presumably, all other materials draw on the Code of Ethics.

Historical records of the oral conversations are harder to come by. Research papers that comment on social work practice constitute one source, however, research which draws on the oral conversation is infrequent and does not necessarily address social justice. A search of the literature by Channon (1974) found a lack of analysis of social work practices in regard to values. Of the five studies examined by Channon values were placed within the context of social work education rather than social work practice. Channon also noted that the values considered were those identified by the researchers rather than values associated with the profession, or the Code of Ethics, and were not drawn from the social work discourse.

The most accessible historical record of the oral conversation is to be found in the reports of the Association's biannual conferences that have been held every two years since 1947. It is at these conferences that social workers exchange ideas and views on a range of practice issues. However, the biannual conferences also serve another important function. They provide the point at which the conversations on theory and practice meet and integrate.

Exploring the written conversations is not always straightforward as identifying the social work literature poses a number of difficulties. Firstly, not all social work authors identify themselves as members of the profession. As a result it was necessary to adopt a pragmatic approach to defining Australian social work literature. The only means available for determining the professional identity of an author was to refer to the author's biographical details. If this was silent, the material was excluded and included in the general chapter on social justice in Australia.

A second difficulty was identifying Australian social workers who publish in non-social work and overseas journals, particularly if the authors do not identify themselves as social workers. There was no real way to identify such authors on a structured basis. Yet key articles, such as the one by Mendes

(1998) on Australian social work, professional associations and social justice in *Northern Radius*, do appear. Similarly, Hawkins *et al* (2001) published an article on the language of social justice in the Australian social work discourse in the *British Journal of Social Work*.

A further problem was how to identify and review the material on social justice in journals without the need to actually read every article. The Association's journal, having been produced since 1947 has published in the vicinity of 1000 articles with some being by persons other than social workers. While it is possible to access and search electronic databases using keywords, databases on publications available in Australia have only been in existence since 1977.

The means by which pre-1977 journal articles on social justice could be identified was provided by a number of social work authors. Firstly, Ife (1997), Dodds (1997) the AASW (2000), Pease and Fook (1999), Roberts (2001), Alston and McKinnon (2001) all assert that social justice is a core value of contemporary social work. Yet still others, such as Martin (2003), Camilleri (1999), Ife (1999), Tesoriero and Verity (1993), Benn (1991) and Tesoriero (1985) assert that social work's commitment to social justice has a lengthy historical lineage. As a core value with a lengthy history it is reasonable to assume that there should be an historical record of references to social justice in both the written and oral conversations.

Thus, the only way in which the constructs of social justice, as they have appeared in the discourse over time, can be revealed is to undertake an analysis of the written texts or documents in which the different social work conversations have appeared. Document analysis is different from other forms of research in that it uses information which was generated before the research began, being research of what people have produced rather than of the activities of people (Dane, 1990). Thus in working with texts, reliability is not an issue as 'the data are already available, unfiltered by the researchers field note' (Silverman, 1993, p.147).

Hodder (1998, p.111) notes that not only do 'texts endure and thus give historical insight' (p.111) they provide the means of accessing information that may not be available in spoken form. Thus documentary data, 'both historical and contemporary, are a rich source of data for social research' (Punch, 1998, p.190). However the data 'have to be understood in the context of their

conditions of production and reading' (Hodder, 1998, p.111) rather than being given contemporary interpretations. As all documents are the product of human thought and effort they reflect certain ideas, theories, values and beliefs, commonly accepted ideas and assumed principles set in the context of specific social and historical conditions and structures (Punch, 1998).

Thus, while texts do not of themselves, or by themselves, create meaning and different meanings can be ascribed over time with each reading, it remains that there are no original or true meanings outside of their historical context.

2.5   Identifying references to social justice in the social work discourse

Having defined the discourse and the tools of analysis, it is then possible to explore how social work developed in Australia; the source of the values and beliefs that inform Australian social work; the different constructs of social justice in the discourse; and social work's historical relationship with social justice. Despite the inter-relationship of these areas, as they each constitute a discrete subject area, during the research phase they were treated as separate entities, and not combined until each had been researched. Researching how social work developed in Australia, the source of the values and beliefs that inform Australian social work and social work's historical relationship with social justice involved 'simple' library research. In comparison revealing the constructs of social justice involved drawing on the results of the thematic analysis of the references to social justice in the non social work literature. This enabled the references to social justice in the Australian social work discourse (which as earlier noted consist of written conversations, oral conversations, university conversations, the expressions of social justice in the successive AASW Codes of Ethics and the expressions of social justice in materials produced by the AASW, other than Codes of Ethics) to be explored. These were obtained by undertaking the following steps:

1.   As noted earlier, a multiple library search of the Australian social work literature was conducted using the subject keyword 'social work' in combination with the subject keywords 'social justice' and 'values' to ensure all references were identified. However, the use of keywords is a recent and still evolving development and I could not be sure that I had identified all references to social justice in the journal *Australian Social Work* and its predecessors. Accordingly

the title of every article in the journal and its predecessors was reviewed for use of the terms 'social justice' and 'values' to identify relevant articles. Similarly, all bibliographic references in the Australian social work literature to social justice were followed up and explored to track any past discussions, which, if appropriate, were included in the materials reviewed.

2.   A manual search of AASW conference papers was conducted. While each year's collection of conference proceedings is catalogued, the individual conference papers are not. Thus they had to be manually searched using the same process as that adopted above with the journal *Australian Social Work* and its predecessors.

3.   Details of undergraduate course outlines and materials were sought from each school of social work. The AASW (2000a, p.4) requires programs of social work education to be informed by, amongst other things, the 'profession's commitment to the pursuit of social justice'. Given this requirement it was necessary to determine how social justice is constructed by each school of social work and presented to students. Accordingly, a request was made to each Australian school of social work to provide details of their course outlines and such course materials, as they were willing to provide (or sell). In addition, the Internet site of each school was also reviewed for information. Collectively, sufficient information was obtained on the programs offered by fourteen out of a possible twenty-one schools of social work to be able to make an assessment of the constructs of social justice inherent in each program. A limitation of this process is that it did not enable the exploration of the constructs of social justice that may be verbally communicated by lecturers to students. However, because of the diversity of messages about social justice, short of sitting in on a sample of lectures at each school of social work it would not be possible to assess the nature of the message delivered. Thus the course materials are considered to provide a more constant formula for revealing conversations about social justice in each university.

4.   A review of the five Codes of Ethics of the Association and other AASW materials such as the *Policy and Procedures for Establishing Eligibility for Membership of the AASW* (AASW, 2000a) was conducted to identify the references to social justice. A great deal of difficulty was experienced collecting copies of the five Codes passed since the AASW was formed in 1946 as they

were only to be found in diverse places. Two sets were assembled, one of which was given to the AASW while I hold the other.

Once this process was completed each identified reference to social justice was categorised in terms of the social work conversation from which it came. Within each conversation each reference was further categorised employing the previously identified properties, and the defined categories, of social justice.

Deconstructing the social work discourse using discourse analysis enables the constructs of social justice in the social work discourse, the history of social work in Australia and its historical relationship with social justice to be demystified to reveal:

(a)   the validity of claims by the social work profession of its commitment to, and historical relationship with, social justice,

(b)   the nature of the relationship between social work and social justice,

(c)   the degree of harmony between the proclaimed values of social work and those inherent in social worker's descriptions of social justice, and

(d)   the extent to which the AASW undergraduate course requirements result in the profession's stated commitment to social justice being passed on to undergraduate students as reflected in undergraduate course outlines and materials.

Drawing on the materials identified from within the discourse a construct of social justice consistent with Australian social work practice, values, beliefs and ethics and liberal society is developed in the final chapter of this thesis.

2.6   Limitations of the research

A number of assumptions are implicit in the discussion. The constructs of social justice and justice advanced reflect those found in the literature of western society and thus reflect western values and cultural beliefs many of which can be traced back to the Christian religion (Miller, 1976). As this thesis is concerned with exploring the constructs of social justice in the discourse on Australian social work, particular attention has been paid to those constructs of social justice and justice that are consistent with the beliefs and values of Australian society.

In addition, the identification of the various constructs as being either ones of social justice or justice reflects the divisions within the literature. As a task this was made difficult by the practice of some writers, such as Barry (1989) and Miller (1976), two of the more prominent writers on social justice, continually using the terms 'social justice' and 'justice' interchangeably, and also referring to social justice as a subset of justice. A number of Australian social workers, for example, Benn (1991) and Demack (1981) also refer to social justice and justice interchangeably.

In addition, while some authors identify their work as being about social justice and/or justice, in some instances authors, such as Pettit (1980), in reviewing the work of a number of third parties redefine their work as being about social justice when they have written about justice and vice versa. It is also observed that, no matter how each construct is categorised and labelled, the process is an arbitrary one that in another context may be divided along different lines, albeit for different reasons.

Lastly, noting that within the social work profession there is a tendency to not differentiate ethics from values (Clark, 2000), this is not a thesis about ethics, but one of the more significant values within the social work discourse that informs social work ethics.

SECTION TWO

Introduction

This section of the thesis consists of four chapters. Social justice does not exist in isolation of society and is subject to a range of influences, most notably, political and economic values. Accordingly, because liberalism has been instrumental in shaping social justice from when it first emerged (Seidman, 1983) chapter three provides an overview of the historical development of liberalism. Having provided the political context, chapter four sets out the historical development of social justice, the different constructs of social justice and justice, and how they have been influenced by changes in liberalism. Using thematic analysis each construct is evaluated followed by a general discussion and analysis of the practical implications of each construct. Because a number of authors such as Barry (1989) and Miller (1976) use the terms 'social justice' and 'justice' interchangeably, in chapter five the constructs of justice are identified and explored. Like the discussion on social justice, this involves a general discussion of each construct followed by an analysis of the practical implications of each construct

This enables a discussion, in chapter six, on the relationship of social justice and justice. In particular the chapter seeks to clarify whether social justice, both generally and in respect of individual constructs, can be referred to as a construct of justice and whether social justice can be referred to as a subset of justice. This in turn has implications for how social justice is constructed within the social work discourse.

3.0   LIBERALISM

3.1   Overview

Because social work and social justice developed in cultures structured by liberalism, not only is an historical perspective required, but also, in the first instance, it is necessary to review the development of liberalism. In addition, it is only through understanding liberalism that an appreciation of the Australian political discourse, and its influence on social justice in Australia and the Australian social work discourse over time, can be gained. The nation's beliefs, values and culture did not just happen, but evolved in an historical context as is evidenced by the fact that many Australian cultural values are built on and around political values taken from British and European political systems, some of which came to Australia via North America (Cook, 1999; J. Gray, 1995; Beloff, 1954).

Thus this chapter undertakes an exploration of the historical development of the discourses on liberalism, and the associated traditions and in the process reviews the different interpretations of liberalism. This lays the foundations for an exploration of social justice, its relationship with and to justice and the Australian political discourse, which then informs the discussion on social justice and social work in Australia.

3.2   History of liberalism

The use of the term 'liberal' was first used in Spain in 1812 as a derisory term in reference to those who supported the independence of the individual and an absence of government intervention in social institutions. However, as a political philosophy, liberalism initially evolved in Britain during the 16th and 17th centuries, rapidly spreading across Europe. The impetus for the development of the discourse on liberalism came from the British revolution of 1688 and the respective US and French revolutions of 1776 and 1789 (J. Gray, 1995; Salvadori, 1977). Each of these events assisted in legitimising the system of beliefs that came to be recognised as 'liberal', underpinning the never proclaimed British Bill of Rights, the ten amendments to the US constitution and the French Declaration of Rights. However, it was not until the mid 19th century that the discourse achieved a sufficient measure of legitimacy which enabled the term 'liberal' to come into general use to mean a system of beliefs which

sought to regulate social relationships through the power of reason (Schapiro, 1964; Beloff, 1954).

While initially a response to feudalism and absolutism, liberalism inherited and assumed from the medieval period the tradition of decentralised government and rule by impartial law. While 16th century liberals advocated religious tolerance they also challenged and succeeded in subjugating the belief that humanity was essentially sinful in nature. In seeking to redefine the subject they advanced the notion of the inherent goodness of the individual, holding that it was society that was evil in nature. The early liberals held that society needed to be changed to facilitate the good life rather than humanity needing to be redeemed through divine grace. In doing so the control of discourse regarding the nature of humanity was wrested from the church (Heywood, 1998; Schapiro, 1964).

The early liberal thinkers, unlike later classical liberals, argued that individuals were rational beings who were entitled to civil liberties. This led them to seek the emancipation of the lower classes from the feudal caste system and to promote an egalitarian classless society. They also supported the development of the industrial age and the creation of a new economic system based on a market economy. In adopting a rational approach liberalism became increasingly secular, confining the church to religious activities and resulting in the separation of church and state. Thus the origins of liberalism can in part be found in the theories of natural rights of man as well as utilitarian thinking, science, religion, humanism and the free market (Heywood, 1999; Schapiro, 1964).

Beloff (1954) notes that despite the triumph of monarchical rule over feudalism in England and Europe during the late 15th and early 16th centuries, the trademark feature of feudalism, being the linkage between political power and land ownership, continued on into the 16th and 17th centuries and early liberal thinking. The state, as represented by the monarchy, continued to determine each person's religion and sought to dictate what each person should think and value. Even during the 18th century power continued to reside with privileged groups that enjoyed particular advantages. As a consequence, liberals saw the state as the successor of feudalism, and as the bastion of the privileged few and thus the enemy of liberalism. A free society was seen as a

deregulated one, and not subject to the control of government, whose role was restricted to protecting the freedom of individuals (Shapiro, 1964).

In Britain liberalism came of age following the Civil War of 1640 to1645. With the defeat of monarchical rule and absolutism the people won the right to have a parliament of their choosing, laying groundwork for the establishment of constitutional government (Salvadori, 1972). This development also laid the foundations for representative parliamentary government and the democratic process, the modern state, recognition of the right of freedom of association and the private ownership of property (J. Gray, 1995).

However, it was not until the 18th century that, what became known as classical liberalism was expressed as a coherent philosophy. Advanced as a derivative concept of liberality it is described by J. Gray (1995, p.ix) as the 'classic virtue of humanity, generosity and the open mind.' When first expressed, classical liberalism stressed the independence of the market economy from government intervention and advanced a belief in the implicit equality of the individual and the state. This was based on a social contract, breach of which by the state entitled individuals to rebel (Heywood, 1999; Leach, 1993).

British liberalism, at this time, can be described as aristocratic liberalism and similar in nature to Continental or property liberalism of Europe of the same period (Ruggiero, 1927), as both were based on a class partnership between the landed aristocracy (as the dominant partners) and the wealthy merchants. With the development of the industrial revolution, changes in labour relations in combination with the emerging liberalism led to changes in the social order. From an agrarian aristocracy Britain, as the leading liberal country, evolved into an industrial society in which economic growth was measured in terms of colonialism and captive markets. Political growth was measured in the reduction of the barriers of class and privilege and a more even distribution of political power through the emergence of democracy, the electoral system and the trades and professions. All of these forces in turn provided for the consolidation of, and a further seedbed in which to nurture, liberalism (Leach, 1993; Bellamy, 1992; Schapiro, 1964).

While initially associated with values of generosity, tolerance, compassion and a tendency towards altruism, in the second half of the 18th century liberalism in Britain began developing in the direction of possessive or

economic individualism. By the mid 19th century the dominant interpretation of British liberalism shifted through merging classical liberalism with laissez-faire economics, advocating the deregulation of the market and the imposition of strict limits upon the role of the state. One of the defining features of this new form of liberalism was that it was narrowed to reflect a political ideology that sought to impose upon society a commitment to individual liberty and freedom from state intervention (Salvadori, 1977).

However these early experiments with a laissez-faire economy led to economic depression, unemployment and poverty, provoking a debate amongst liberals over what values should dominate the liberal discourse that commenced around 1850. The debate centred on the meaning and interpretation of liberalism and the extent to which it should be combined with economic theory. The outcome was the emergence of market based economic theory as the dominant component of classical liberalism that shaped and defined the discourse. However, more moderate liberals continued to argue for the need to control, define and mediate the effects of economic theory leading to the development of reform liberalism (J. Gray, 1995).

In 1870 reform liberalism began challenging laissez-faire economics as reflected in the debate over individualism and utilitarian thinking. Concurrently liberals in France flirted with, and rejected, laissez-faire liberalism. However, its association with the failed Second Republic of 1848 led to its subordination to the emerging philosophy of European liberalism (Bellamy, 1992).

By the end of the 19th century in Britain both classical liberalism and laissez-faire economics were discredited as support for revisionist or reform liberalism coalesced and gained domination of the discourse. However, even though the belief in laissez-faire economics did not survive due to its excessive and adverse impact on people, nor did it die. Rather it remained as one of the subjugated forms of liberalism and thus still part of the fabric of liberalism (J. Gray, 1995).

In Britain the new interpretation of liberalism, known as reform liberalism, was protectionist, less individualised and more supportive of state intervention (Beloff, 1954). Initially formulated by British utilitarians such as Bentham and J.S. Mill in the 16th century, reform liberalism sought to combine liberal and democratic ideologies to better reflect the common interest leading to the

development of a positive view of freedom that complemented the more traditional negative view (Waligorski, 1997).

In a development that would prove to be significant for the Australian political discourse and social justice, in Europe these values developed into a separate discourse on liberalism, referred to as European liberalism. At a time when some British liberals were still questioning the notion of democracy, liberalism and democracy concurrently came to maturity in France. This resulted in the development of a political model that was institutionalised in the French and later the US constitutions, both of which gave recognition to the individual and the democratic process (Heywood, 1999; Salvadori, 1977; Beloff, 1954).

In what would also prove to be of significance to the Australian political discourse, both reform and European liberalism are based on utilitarian thinking and a belief in the responsibility of the state to assist each person to achieve their potential. This led to the development of the welfare state, described by Saunders (2002, p51) as 'consisting of a series of rights, entitlements and obligations that are socially sanctioned and conditioned by the needs of citizens', and the equating of freedom with equality (Leach, 1993). Reform and European liberals advocated government intervention in society and the economy on a planned and systematic basis to ameliorate the more extreme features of the marketplace (J. Gray, 1995; Bellamy, 1992). However, despite the emergence of these competing discourses, and within them, different strands of political thought, a number of core features, as set out below can be identified.

3.3   Core values of liberalism

As a political philosophy liberalism represents a particular way of thinking about how the person is defined, both in terms of process and as an outcome, and how individuals relate to each other. It influences how individuals view the world, what they know, how they acquire knowledge and the manner in which they conduct themselves. Under liberalism the organisation of society is based on the social contract to facilitate mutually beneficial outcomes for the individuals involved. Society is structured in such a way as to provide individuals with gains from both having an organised society and from ensuring the continuation of society (Cook, 1999). Shapiro (1964) suggests that as a

system for regulating society, contemporary liberalism consists of a political system based on representative government, an economic system based on an industrialised society and a social order based on individualism. Yet, as Waligorski (1997) notes, contemporary liberalism, particularly Anglo-American liberalism, has yet to effectively address how notions of democracy, human motivation, freedom and community, and the location and meaning of power, relate to each other and can be harmonised.

Despite the diverse origins of liberalism and its spread across the political spectrum, which has resulted in the development of a number of competing discourses, historically these have been linked through shared values that have enabled it to maintain its cohesiveness and integrity (J. Gray, 1995; Salvadori, 1972). However, and seemingly in contradiction of the foregoing, but reflecting liberalism's adaptive capacity, it has embraced a wide range of concepts and principles, not all of which are compatible with each other (Waligorski, 1997; Emy and Hughes, 1991; Rowse, 1978).

As a system of beliefs it embraces values such as the autonomy of the individual, the primacy of reason, a commitment to justice and toleration, the freedom of institutions from government intervention and the emancipation of individuals through the elimination of superior and inferior social positions. As an ethical statement liberalism acknowledges the dignity of the individual and each person's duty to others. In giving recognition to the private ownership of property and a belief in the legitimacy and role of market economics it has become inseparably linked with economic theory, caught in a tension as to the degree of responsibility to be exercised in providing for the welfare of each person (Heywood, 1998; Salvadori, 1977).

The development of a direct link between the discourses on economics and liberalism, which is captured by the term 'liberal economics', is, as Waligorski (1997) notes, disputed territory which is further confused through the use of shared language. However, while linked to economic theory, the discourse on liberalism does not include economic theory, even if in some forms it underpins economic theory and practice.

Despite the many interpretations of liberalism and the changes that have occurred to liberal theory over time, Waligorski opines that it is possible to identify continuity in the theory's core values, which J. Gray (1995) suggests are that it:

1. is individualist, as it confers on each person superiority over society,
2. is egalitarian, as it gives all persons the same recognition, discounting political and legal differences,
3. is universalist, as each person, regardless of class, creed or culture, is considered to be part of one common humanity, discounting historical and cultural associations,
4. is meliorist, as it has the capacity to influence social and political institutions and make them responsive to change and correction,
5. adopts a voluntaristic view of society considering that all decisions should be of a consensual nature between individuals who are held to be equal,
6. advocates the ordering of society to achieve cooperation and mutually beneficial outcomes for individuals, and
7. holds that all individuals have the capacity to reason things out and act in a rational manner, providing the basis upon which society can progress in an ordered and reasoned fashion.

However, while there may be agreement on the core features of liberalism, there is an ongoing debate over how they are expressed. Liberal theory can be considered to consist of two discourses, one Anglo-American and the other European (Bellamy, 1992). As elements of both discourses are to be found in the Australian political discourse both will be explored to enable the Australian political discourse to be understood and to understand how they have influenced social justice in Australia. The Anglo-American discourse is addressed first as it has dominated the Australian political landscape for the last three decades (Johnson, 2000).

3.4 Anglo-American liberalism

Within the Anglo-American discourse a number of political view points compete for dominance, notably classical liberalism, contemporarily expressed as neo-liberalism, laissez-faire liberalism and reform liberalism.

Understanding the competing view points within the Anglo-American political discourse is not only necessary for gaining insight into the Australian political discourse. It is also informative for exploring the values of Australian social work, and therefore Australian social workers' understanding of social justice, as these have been shaped by Anglo-American liberalism (Camilleri, 1996; Healy, Rimmer and Ife, 1986; Tierney, 1965).

3.4.1 Classical liberalism

Waligorski (1997) and Bellamy (1992) observe that classical or ethical liberalism, which emerged in Britain in 1640, and which came to dominate the liberal discourse in the mid 18th century, was championed by intellectuals such as John Locke, Thomas Jefferson, Thomas Paine, Voltaire and John Stuart Mill. Waligorski (1997) say that each of these intellectuals emphasised the following as central elements of classical liberalism:

1. negative freedom and political rights (but not linked to economic freedom),
2. religious freedom,
3. the right of dissent,
4. social and individual concerns, as opposed to public and government concerns (the original private/public divide),
5. freedom of thought and expression, which was subsequently extended to include media freedom,
6. constitutional guarantees for liberal values,
7. reliance upon the social contract for defining the relationship between individuals and government,
8. limited individualism, but not individuality,
9. limited government,
10. tolerance for others,
11. the social nature of people, and
12. the artificiality of government

However, it was left to Adam Smith to give classical liberalism an identified form and structure (J. Gray, 1995). Central to classical liberalism is the person as an autonomous being who has the right to do as they see fit, provided no other person is harmed by their actions. In this context, liberty is the absence of any form of restraint, including legal sanctions, which may prevent a person from acting as they wish. Thus liberty is based on each person having control over what they do and knowing best how to advance their own happiness. The only limitation imposed upon personal liberty is the requirement to not harm or restrain others. Thus under classical liberalism each person accords all others the liberty to do as they see fit (Conway, 1995).

Early liberals sought to identify the differences between private concerns, such as religion, and those considered to be in the public domain and of concern to government. However, this divide, in line with liberalism's subsequent links with economic theory, was redefined in terms of private and public sector activities. (This in turn enabled laissez-faire theorists to claim that the economy was distinct from and superior to the political system, a consequence of which was that government was seen as a threat to economic freedom) (Waligorski, 1997).

Waligorski suggests that classical liberals, having embraced economic theory:

1. sought to discount and disregard power outside of government as only government is considered to have the capacity to exercise power and harm individuals,

2. hold that power, as a coercive force, cannot exist in the market as it is dissolved by the operation of the market,

3. hold that the market operates on the basis of voluntary exchange, and

4. hold that if individual rights are protected from government, issues of power will not arise.

Classical liberalism is based on the belief that it provides the best framework to enable people to acquire, via the market, the goods and services they want. This also enables them to acquire non-material benefits, such as knowledge, love and aesthetic pleasures, freedom of association and religion. However, classical liberalism has never been fully realised as a consequence of the adverse impact it had upon society at the end of the 19th century and the restraints imposed upon its functioning by legislation. The most prominent example is that of taxation law, which, to the extent that it redistributes income, is considered to constitute an unjustified restraint upon voluntary transactions between individuals, and thus a restriction upon personal liberty (Conway, 1995).

Waligorski (1997) observes that classical liberals have never developed a complete theory by which to justify or explain the functioning of either government or the state beyond the idea that the role of government should be limited to the protection of society and individual rights. Conway (1995) agrees, suggesting that classical liberalism has no inherent concept of community and, since the classical liberal polity is not a community, is hostile to the concept.

However, given classical liberalism's focus on defining the individual as an autonomous being who is held to be prior to society, this is not surprising.

The dominant contemporary liberal paradigm, identified as neo-liberalism emerged in the mid 1970s following the 1973 oil crisis and has informed the Australian political discourse since the mid 1970s (Argy, 1998). In nature it is similar to the classical liberal paradigm in regard to matters such as personal morality and life-style (Leach, 1993; J. Gray, 1995). While classical and neo-liberals agree on the nature of liberty, they disagree on issues of equity and the effectiveness of egalitarian public policies which neo-liberals are more inclined to accept. Neo-liberals are also more inclined to accept, albeit in a very limited sense, the need for some form of social welfare support, EEO legislation and even affirmative action strategies as the means of promoting equality. In comparison, classical (and laissez-faire) liberals restrict the concept of equality to equality before the law (Conway, 1995; Emy and Hughes, 1991)

Waligorski (1997) suggests that while there are differences between classical and neo-liberalism, there are also many shared values, such as the belief that:

1. through competitive neutrality and a value free context the market is able to solve all social problems such as discrimination and the need for regulation of financial institutions, unsafe working conditions and poor education,

2. only competition can control self-interest through equality of exchanges in the market, while any inequality that arises out of the operation of the market can be justified on the grounds of 'natural' differences,

3. welfare and social services create dependence and weakness, promote crime, riots, promiscuity and in doing so destroy freedom and independence,

4. public policy should not be used to influence the economy, while

5. all government 'think tanks' and committees on managing the economy should be dissolved.

Reflecting the historical distrust of government by classical liberals, Waligorski observes that neo-liberals seek to curb the power and sphere of influence of government. The market, through competition, should be allowed to take all decisions surrounding the regulation of social relationships and the formulation of social policy. Waligorski proposes that neo-liberals have

successfully lobbied against a range of government funding programs, arguing that they have distorted and harmed the private economy. However, this has also endorsed self-interested behaviour as the basic social reality. Reductions in the regulation of the economy and the market, in the provision of health and welfare services, environmental protection and occupational safety coincide with the interests of those who seek an increased share of the market, even total domination to the exclusion of both government and other competitors. According to Waligorski, this has resulted in funding programs being curtailed in regard to:

1. health care,
2. worker safety programs,
3. business regulation, job training programs,
4. income support and social security programs,
5. public education,
6. social policy research,
7. funding for the arts and public broadcasting, and
8. energy conservation research.

3.4.2 Laissez-faire liberalism

Closely related to classical liberalism, laissez-faire or individualistic liberalism, which is based totally on economic theory, rejects the concept of community. The idea of the individual as a discrete entity, was taken up by laissez-faire liberals who developed the idea of the atomistic individual for which community is no more than a vehicle by which to achieve ends (Heywood, 1998; Waligorski, 1997).

Laissez-faire liberals advocate a deregulated economy, an absence of all state intervention, and the resolution of all social problems through the operation of the market. Political and social relations are regarded as subordinate to the economic system. Laissez-faire liberals hold that all roles, including that of government, should be defined by the economy and the needs of the market. Negative freedom is championed to enable people to determine their own life course, free from interference, within the framework of a social structure defined by the market economy. Through the influence of the economy, individuals are able to engage in self-interested and determining

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behaviour by which justice and the general order and equilibrium of society is realised (Heywood, 1998).

Under laissez-faire liberalism competition is held to regulate all behaviour, protecting individuals from harm and providing the moral basis for all relationships. Competition is held to both organise and depoliticise the distribution of resources, advantages and disadvantages and fulfill all of the regulatory functions of government. The market is regarded as being natural, non-coercive and self-regulating. Individuals are seen to be self sufficient with their relationships with others being defined contractually and free from influence. Thus each person is free to pursue his or her own interests as a result of having the opportunity to participate in the marketplace in order to satisfy individual self-interest. To this end, producers only produce what consumers demand in terms of quality and quantity and at prices which enable transactions to occur free of government intervention or the influence of buyers and sellers. As a consequence, it is considered that the price paid for a product is 'naturally' determined (Waligorski, 1997).

According to Heywood (1998) and Waligorski (1997) laissez-faire liberals hold that through the operation of the market legitimate limits are imposed upon political activity, negating the need for government intervention and regulation of the economy. The provision of welfare services and the public promotion of equality is also limited as any of these forms of intervention are held to undermine the economy. Under laissez-faire liberalism the role of government is limited to protecting and guaranteeing the right of individuals to compete in the marketplace.

Thus as Waligorski observes, laissez-faire liberalism:

1.   has an economic origin,
2.   is based on the idea that individuals are self interested and participate in the marketplace,
3.   the market is considered to deliver just and economic outcomes,
4.   embraces neo-classical economics, social Darwinism, monetarism and libertarianism,
5.   advances the notion that power dissolves in the market, and
6.   considers the market to be a reflection of natural social relations and social structures, meaning that it legitimate is for markets to structure social relations.

3.4.3 Reform liberalism

Emerging to contest classical liberalism's domination of the liberal discourse in Britain in the late 1800s reform liberalism is associated with LT Hobhouse, TH Green, Louis Brandeis, John Dewey, John Maynard Keynes, Lester Thurow, Robert Reich and JA Hobson. Also referred to as state, progressive or economic liberalism, of all the forms of Anglo-American liberalism, it is the one most closely aligned with European liberalism and along with European liberalism shaped the Australian political discourse up until the mid 1970s (Leach, 1993). Developed in response to concerns over the amassing of concentrated wealth and economic power in the hands of a few it sought to challenge the free market philosophy as this was perceived to threaten the social and political order of the day, social justice and democracy. It also sought to challenge attempts to legitimate the concept of social Darwinism and to counter the impact of industrialisation upon individuals and society in general (Heywood, 1999; Argy, 1998; Waligorski, 1997).

Drawing on European liberalism, contemporary reform liberals oppose the deregulation of the economy, private power and inequality as the disadvantage produced is considered to outweigh the advantage gained. While reform liberalism has a large economic component, it also has other elements to which equivalent or greater weighting is given. Reform liberalism is a reactive concept, changing and adapting in order to respond to individuals unduly disadvantaged by the market economy. Waligorski (1997) observes that reform liberals believe that to be successful liberalism has to be able to adapt to:

1. changing social structures,
2. economic developments,
3. political changes,
4. changes in the nature of the market and market forces,
5. democracy,
6. inequality, and
7. the impact upon society of a deregulated market economy.

As a consequence of being a reactive paradigm, reform liberalism does not have a readily identified position other than a broad approach to limiting the excesses of the market economy upon people. Unlike European liberalism, reform liberalism is lacking in a theory of the state, institutions, government and

democracy, even though it is more aware of the relationships between the social, political and economic spheres than other forms of Anglo-American liberalism (Argy, 1998; Waligorski, 1997)

While reform liberals focus on the consequences of market based decisions rather than the process, classical and laissez-faire liberals reverse these priorities. Reform liberals recognise a set of values rejected by classical and laissez-faire liberals, including the common good, the impact of decisions upon individuals, feelings, fears, perceptions and is committed to making reality match theory and ideology. Reform liberals also recognise that there are goods other than private economic gain (Argy, 1998; Waligorski, 1997).

Arising out of their concern over the relationship between politics and economics, reform liberals reject economic determinism, asserting that economic practices should conform to social, political and moral values rather than the reverse. In doing so they step outside the traditional Anglo-American methodology and proffer new social and political goals by which to promote the well-being of society. They argue that concepts of freedom, equality and democracy should not be limited by market efficiencies and economic progress and that it is dangerous for individuals to subordinate themselves to economic theory as they can lose their autonomy and freedom. As a consequence reform liberals argue for the subordination of economic goals and the market to social and political purposes, emphasising the importance of wealth and production as the means by which social reform and social justice are financed. Such a position is based on the belief that the economy is for the benefit of society and individuals, not the other way around. Consequently, reform liberals accept the need for government intervention in society (Waligorski, 1997; Leach 1993).

Thus reform liberalism, like European liberalism, is concerned with communal relations and the common good. While recognising individuality and the right of individuals to achieve individual ends, reform liberals hold that regard has to be given to the extent to which individual actions impact upon others. While reform liberalism accommodates and embraces market freedom and self-interest, recognition is also given to the concept of community and the need to bridge the gap between the two concepts (Argy, 1998; Waligorski, 1997; Leach 1993).

Reform liberals do not accept, as do classical and laissez-faire liberals, that power dissolves in the market or that all exchanges are to be voluntary.

Reform liberals believe that not only do individuals often not have choice in the economic decisions they have to take, the economy is not devoid of power as it is managed by dominant individuals and groups. Conditions of employment and poverty, which are directly affected by economic decisions, are held to be determined by the distribution of power which impacts both directly and indirectly upon individuals and communities. Power can be used to undermine the ability of individuals to exercise their democratic rights. It can also limit the freedom of individuals through limiting access to government and the courts, even participation through the inappropriate use of legal sanctions in order to limit freedom of expression (Waligorski, 1997).

A further feature not usually associated with liberalism is empowerment as a positive right. Yet, as Waligorski and Heywood (1998) note, reform liberals advocate empowerment through reducing the restrictions upon individuals to exercise choice enhancing their ability to act. They assert that facilitating individual participation in the private sphere is not sufficient to empower people. Reform liberals believe that individuals should be empowered to the extent that they are able to participate in decisions that affect their lives. Mechanisms that seek to empower individuals include full employment, social welfare programs that embody rights beyond the welfare safety net, mutual obligation and forced employment programs. Through such measures a less unequal distribution of power can occur, leading them to reject the belief of classical and neo-classical liberals that inequality can be justified in the interest of promoting the market (Waligorski, 1997).

Reform liberals hold that political, social and moral considerations are essential components of the political economy, rather than matters which should be left to the operation of the market. They also believe that active government intervention is necessary to maintain democracy as well as social and economic well-being. As a consequence, reform liberals argue that government has a legitimate role in regulating the economy and society. Government is also required to have a role in advocating for the nation state's citizens, believing that such intervention produces superior social outcomes. Thus governments have to be responsive to systems of domination, oppression and discrimination, varying the nature of the intervention as the economy, the nature of society and the need for intervention changes (Heywood, 1998; Waligorski, 1997).

While classical and laissez-faire liberals consider the marketplace to be a private domain and thus should be free of government intervention, reform liberals recognise the need for government intervention in the market. They also refuse to classify all goods as private and disagree with the laissez-faire concept of 'private' based on self-interest and self-benefit. Rather reform liberals have adopted the concept advanced by the early liberals who defined 'private' in terms of autonomy and freedom from interference and control over personal information. (Waligorski, 1997)

Reform liberals consider that it is only through government intervention in the marketplace and the provision of social welfare that freedom can be promoted, equality facilitated and the consolidation of power into the hands of a few avoided (Waligorski, 1997; Leach 1993).

Reform liberals view both liberalism and democracy as complex structures that cannot be aligned with any specific form of capitalism. Reform liberals reject laissez-faire economics, instead opting for an outcomes based approach which is dependant upon a democratic government willing to intervene in the economy to provide for economic success, social welfare, individual freedom, democracy and social and political stability. While reform liberalism, underpinned by European liberalism, was the dominant form of liberalism in Australia until the mid 1970s, it has now been eroded and subordinated by elements of both classical and laissez-faire liberalism, as expressed in neo-liberalism (Waligorski, 1997; Leach, 1993).

3.4.4 Contested points in the Anglo-American discourse

Contemporarily, the competing views within Anglo-American liberalism have coalesced around neo-liberalism and reform liberalism. As noted, the latter is proximate to classical liberalism and laissez-faire liberalism, while reform liberalism is more aligned with European liberalism. It is the debate between reform and neo-liberalism, and its link to the economic discourse, that best reflects the ideological struggle for control of contemporary Anglo-American liberal thought (Heywood, 1999). The main points of difference concern:

3.4.4.1 The nature of individualism

The person is central to the liberal view, while society, which is held to exist for the benefit of each person, can only be understood in terms of individualism. However, there are significant differences of opinion as to what individualism means and how it is best operationalised. Differences also occur as to the nature of community and the relationship between the person and community. As a result, depending on how individualism is constructed, liberalism can either legitimate self-interest to the point of selfishness, or act as the point from which to understand the collective nature of society. Such differences also lead to a debate regarding the nature of the subject person (Cook, 1999; Waligorski, 1997).

3.4.4.2 The role of government

Liberals of all persuasion generally agree that the role of government is linked with how people should relate to each other, interact with society and what civil society can reasonably achieve. Classical and neo-classical liberals regard 'large' government as inherently bad and oppressive and are opposed to government intervention in society or the marketplace. In comparison, reform liberals, in drawing upon European liberalism, while not advocating government intervention are accepting of the need for it as it is considered, even if problematic, to be the least damaging option. Reform liberals have more regard to the impact of organisations and the market on individuals and society, and recognise that through the democratic process individuals can endorse government intervention (Waligorski, 1997; Emy & Hughes, 1991).

Reflecting the flexibility of the discourse, liberalism is sufficiently adaptive to accommodate both extremes in the relationship between government and markets from that of near complete separation to significant intervention and regulation, i.e. from laissez-faire to welfare state in both theory and practice. For Cook (1999) the question is one of the extent and manner in which government should intervene in the operation of the marketplace. Inherent in the question is a further question regarding the extent to which each person should be self-sufficient.

3.4.4.3   Extent of neutrality

Liberals in general are undecided on the extent to which liberal theory can and should reflect the neutrality accorded the operation of the market. Classical and neo-classical liberals argue for liberal neutrality through the concept of procedural fairness as this best reflects the neutrality and value free atmosphere of the marketplace. However, reform liberals counter that this fails to come to terms with how individual self-interest operates and underpins the operation of the market and the rise of large organisations. Reform liberals assert that self-interest is not only able to influence the market, but also governments and even the economies of nation states. Thus the debate around neutrality implicitly addresses the nature of the person and the extent to which the person acts out of rational thought or self-interest.

3.4.4.4   Public-Private Divide

While initially a debate regarding the degree to which each person's activities were considered to be located in the public or private domain, the public private divide was redefined in terms of the public–private sector divide (Waligorski, 1997). This also affects the extent to which democracy can be exercised. The more that is included in the private sphere, the less people are able to participate in decisions that affect them. As a result every time government privatises a service it minimises the democratic process and public accountability (Waligorski, 1997).

3.5   European liberalism

As noted earlier, like reform liberalism, European liberalism constituted a significance influence on the Australian political discourse. The values associated with European liberalism were advanced by a number of significant players, such as Alfred Deakin and Mr Justice Higgins, in their shaping of the Australian political discourse post-federation and the early expressions of social justice.

While there are many shared features between Anglo-American and European liberalism, there are also some significant historical differences, sufficient to have led to the development of separate discourses. Bellamy (1992) observes that if the British 'invented' liberalism, then the French socialised it. However, Laski (1997) disagrees, claiming that France was the

original birthplace of liberalism during the 1700s and suggests that England did no more than tidy the philosophy up during the 1800s. What-ever the origins there are both commonalities and differences between Anglo-American liberalism, which developed in Britain during the 1800s, and European liberalism, which initially developed in France during the same period.

Of the features identified by Salvadori (1972) in European liberalism, those shared with Anglo-American liberalism include:

1.   a commitment to personal liberty as reflected in freedom of speech, association and assembly, trial by jury, habeas corpus, observed legal procedures and security of private property,

2.   equality for all citizens as moral persons,

3.   the availability of equal educational and employment opportunities,

4.   political liberty involving the right to vote, free choice of political candidates, free election to office and the taking of decisions by representative parliaments elected by a nation's citizens,

5.   a formally constituted government founded on the separation of powers between the legislature, judiciary and executive with the executive being accountable to parliament which in turn is answerable to the people,

6.   a well documented and transparent process for the enactment, enforcement, revision and abrogation of laws,

7.   the separation of church and state to ensure political liberty (reflecting the origins of liberalism and the former power of the church),

8.   separation of the state and the economy accompanied by advocacy for the free market,

9.   parliamentary control over public economic power,

10.   rejection of the 'rule of man' in favour of the 'rule of law'.

In regard to the differences Bellamy (1992) suggests that while British liberals accepted the basic structure of society without question, the French did not. Bellamy also suggests that whereas British liberalism equated individual morality with social morality, the French thinkers of the day rejected this hypothesis arguing that institutions and economic forces impact upon each person in a way no one person could upon another.

Similarly, and reflecting the revolutionary nature of liberalism in France, French liberals rejected the British notion of liberalism as an evolutionary process. Whereas British liberals sought to limit state intervention in order to

maintain privileges, French liberals used the state to break down social barriers which maintained them. As a result, while liberty was shared by all in France, it continued to be restricted to the privileged few in Britain for a much longer period. In addition, in Britain liberty was defined in terms of freedom from state intervention, whereas in France access to liberty was facilitated through state intervention. As a consequence the development of liberty in France followed a different path than in Britain (Ruggiero, 1927).

The French, more than the British, sought to ensure the participation of the public in the political process through the promotion of liberty and public education in order to counter individual self-interest (Bellamy, 1992). As a consequence individual liberalism in France, due to state intervention in society and the economy, did not develop to the same extent as in Britain (J. Gray, 1995; Ruggiero, 1927). However, perhaps the most significant difference between Anglo-American liberalism and European liberalism is the differing relationship between democracy and liberalism. Ruggiero suggest that whereas in Britain liberalism dominated democracy, in France democracy dominated liberalism. Thus in France liberalism was used to provide checks and balances on democracy, while in Britain, democracy played this role with liberalism.

According to Salvadori (1972) the features that distinguish European liberalism from Anglo-American liberalism, and at the same time reflects how reform liberalism draws on it, are:

1. the extent of government intervention in society and the market to ensure individuals are able to exercise their liberty and to provide the authority for citizens to make rules for the regulation of society, by way of parliamentarianism or representative democracy,

2. the free use of the means of production with justifiable controls and limitations on private economic power,

3. the limitations on the right of the majority to govern in order to safeguard the rights of minorities,

4. the degree to which personal autonomy may be restricted to ensure the preservation of society, and

5. the extent to which power may be accumulated by those not accountable to society.

Regulated liberty is both central to, and the basis of, European liberalism. Emerging in opposition to absolutism and in rejection of the subjugation of

citizens to the dominant regime, liberty is expressed in the autonomy of the individual, the ability to exercise free choice and the right of each person to live their life as they see fit and act accordingly, subject to the well-being of society (Salvadori, 1972).

Since the 17th century European liberals have rejected authoritarian approaches to the governing of society as being harmful. Equally rejected is anarchy, as an extreme form of individualism, as the relationship between individuals and society is regarded as essential to the survival of society for the benefit of the individual (Salvadori, 1972). While the French experimented with laissez-faire liberalism, by 1890 it was perceived as facilitating the unfettered licence for each person to act as they saw fit. As this was seen to have the potential to destroy the social fabric of society it was abandoned and social reforms instituted to facilitate the harmonisation of individualism, corporatism and morality (Bellamy, 1992). The discourse on European liberalism went through a series of changes in response to the adoption of democratic principles in the 19th century, the application of government regulation in the 20th century to rationalise economic activity and the need to address social problems (Salvadori, 1972).

While European liberalism stresses process over outcome, and this constitutes a major point of difference with reform liberalism, it is a belief shared with classical and neo-liberals. The point at which European liberalism diverges from Anglo-American liberalism is the European belief that society should be structured to facilitate maximum liberty, subject to the imposition of sufficient order to preserve society and its individual members.

In summary, while Anglo-American liberalism is individualistic, instrumentalist, rationalist and ahistorical, European liberalism is collectivist, idealist, historicist and tending towards an organic model of society (Seidman, 1983). Thus the three key features that differentiate European liberalism from neo-liberalism are its willingness and capacity to accommodate democracy, recognition of the need for state intervention in society and the economy and the separation of the social, political and economic spheres.

3.6   Liberalism and democracy

The relationship between liberalism and democracy is at best problematic and at worst hostile. Democracy as a utilitarian philosophy conflicts with the individualism associated with liberalism. This conflict varies in intensity according to the nature of liberalism, being at its most extreme with laissez-faire liberalism and least with European liberalism. In comparison, true democracy requires active participation across the social, political and economic spheres in order to achieve social justice, freedom, popular control, and a sense of community. As an end in itself democracy requires a measure of equality, community participation and limitations on private economic power, all of which finds some compatibility with reform liberalism. However, implicit in the debate is a further debate regarding the nature of the person as an autonomous individual or a member of a community (Heywood, 1999).

First mooted in the closing years of the 18th century and born of the French revolution, democracy stood for the power of the majority and universal suffrage in opposition to the individualism of liberalism (Leach 1993; Salvadori, 1972). Thus while the French constitution of 1791 gave 60 percent of the adult male population the vote, at the same time only 5 percent of adult males in Britain and Ireland were eligible to vote. In France so great was the impact of democracy that within 50 years of the revolution the rigid class structure that had been entrenched in both law and custom had been dismantled in preference to the democratic process (Beloff, 1954).

While in France the constitution was adopted by a national vote in 1870, leading to the democratisation of liberalism (Salvadori, 1972; Schapiro, 1964) universal suffrage was not achieved in Britain until 1918. In Britain most liberals involved in overthrowing absolutism did not support the notion of democracy. While proclaiming their support for the equality of all humans, regardless of culture, nationality and sex they were antagonistic towards political equality as expressed in democracy as this went beyond individualism and reward by merit (Schapiro, 1964). Early British liberals associated universal suffrage with mob rule and a lack of reason that could only end up as a dictatorship. It was considered that for self-government to have any meaning, suffrage should be restricted to those citizens who were capable of rational thought. The masses were not considered to have sufficient understanding and education to be able to participate in a meaningful manner. Consequently, the criteria for

participation in political decision-making were defined in terms of property ownership and literacy. As a result the development of democracy in Britain lagged behind France by nearly a century (Salvadori 1972).

Waligorski (1997) notes that the Anglo-American liberal discourse has remained antagonistic towards democracy. In particular, classical, laissez-faire and neo-liberals reject the concept of democracy and advocate that private interests answerable only to themselves should determine the economy and related social and political relations. In comparison, while European and reform liberalism recognises the legitimacy of democracy, reform liberalism has yet to develop a complete concept of it due to the intrusion of economic theory. However, it is acknowledged that democracy is promoted by employment generating programs, minimum incomes, limits on economic power and the promotion of equality and freedom.

While classical, laissez-faire and neo-liberals seek to confine democracy to the political arena and the ballot box, the supporters of democracy counter that it has a legitimate role in determining how economic and social roles should be structured. However, in a market-based society, such views are treated with a deep distrust, being seen as the thin edge of the socialist wedge. The more liberalism moves away from an individualised, utility maximising model the more it is able to accommodate concepts such as participation and equalisation and elements of democracy such as freedom and consent. As the discourses on liberalism and democracy are part of the fabric of western society, there is a need for neo-liberals to work out how to better accommodate democracy rather than trying to change democracy to fit in with market economics (Waligorski, 1997). The relationship with democracy is one of the key differences between Anglo-American (excluding reform liberalism) and European liberalisms.

3.7   Conclusion

As the 18th century drew to a close and on through the 19th century the nature, interpretation and application of liberalism and its relationship with democracy was subject to an ongoing debate (as continues to be the case). However, liberalism is more than a political philosophy, it is also a reflection of the values of the cultures in which it has evolved and is applied. Accordingly, insofar as the European settlement of Australia is concerned, particular regard needs to be given to the state of liberalism in Britain, in combination with the influence of the

French on the development of liberalism in Ireland, in the 18th and 19th centuries and how these forces influenced and shaped the state based political discourses in pre-federation Australia.

The next chapter commences with an overview of justice, to enable an analysis of the differences between justice and social justice to be identified, followed by a review of the historical development of social justice and the influence of the discourses on liberalism, leading on to the identification and categorisation of the constructs of social justice in the non-social work literature using thematic analysis.

4.0   JUSTICE

4.1   Overview

Justice is about how best to respond, avoid, minimise and address injustice and compensate individuals who are the victims of injustice (Campbell, 1998). Barry (1989) suggests that justice, which he proposes is concerned with defendable social arrangements, is the name given to the construct that rational and self-interested people impose on themselves as the minimum price that has to be paid in order to obtain the cooperation of others and so minimise conflict.

However, whether justice emerges out of relationships or precedes them, is a negotiated outcome or is imposed in order to maintain society is open to debate. While Barry implies that justice is a negotiated settlement agreed upon prior to the development of relationships which justice is required to structure, Kolm (1996) and Campbell (1988) infer that it emerges out of such relationships. Kolm (1996) contends that justice emerges as a way of addressing the competing claims and demands of individuals for the means to pursue their individual ends. In this context 'means' include rights, powers, opportunities, accessibility and capacity to act. According to Kolm, when individuals are denied the right to resources, power, opportunities and the capacity to participate in political, legal, social and economic arenas without adequate justification subjugation is considered to have occurred.

Determining if a person has subjugated others or has acted in a morally just way involves the application of justice (Kolm, 1996). While justice itself is a moral value, it acquires authority over other moral beliefs and the actions informed by such beliefs because it determines the 'morally permissible terms' under which people can require anything of others or require people to do or cease doing anything (Reiman, p.8, 1990). Kolm (1996) argues that theories of justice can be singular and pure, or mixed and multi-valued. He contends that in order to meet the needs of contemporary society theories of justice need to be 'open ended moral polyarchies' (Kolm, 1996 p33) even though this may lead to theoretical tensions and conflicts. The need for different constructs of justice for different situations is supported by Campbell (1988) who advances the notion that justice and just actions are part of every strata and aspect of society, the social systems and social structures which go to make up society. As a

consequence, justice is either explicitly or implicitly associated with all decisions taken by politicians, communities, groups and even families.

Therefore any account of justice has to be able to embrace a wide range of applications and political ideologies. Not only does justice structure individual relationships, it is also intrinsic to the very structure of society and unless a healthy scepticism is maintained in regard to social structures, unjust structures can be unquestioningly accepted. However, this is not to suggest that any one meaning can be successfully applied across the social, political and economic spheres. Nor is it to suggest any one construct can address all areas within any sphere or meet all the demands of justice arising out of the complexity of contemporary life. Thus, the question arises as to which spheres and areas each meaning of justice can be applied without disadvantaging people.

As a social construct justice cannot exist in isolation of society. The difficulty lies in reconciling and harmonising public perceptions with the contested nature of justice (Reiman, 1990). Because it is contested terrain, Campbell (1988) argues that for a construct of justice to be effective the values that inform it need to be explicit. Similarly, the circumstances in which it can be applied, its limitations, the justification for it and how it can avoid being contaminated by related social and political constructs also need to be made clear.

Indeed, it is argued in the following discussion and analysis that the dominant constructs of justice have either been embraced and contaminated by, or aligned with, neo-classical economic theory. To explore this proposition and Campbell's (1988) assertion that any person formulating a construct of justice needs to make explicit their informing values, in the following pages the different constructs of justice identified in the literature are discussed and analysed.

4.2   Constructs of justice

4.2.1 Justice as contract

Justice as contract rests on two principles. The first is the obligation to keep promises, which in providing the basis for enforcing voluntary agreements, redefines such agreements as social contracts. The second is the right to take enforcement action if a promise is not kept (Campbell, 1988). The social contract, which is central to liberal theory, is based on the legitimacy of binding

agreements voluntarily entered into to enable the nature of relationships to be defined (Heywood, 1999). A social contract may be between individuals, between organisations, including governments, and individuals and organisations. The social contract is predicated upon the presumed equality between the participating parties concerning their capacity to negotiate an agreement free of coercion. The social contract provides the basis and reason for individuals to obey the law and the means for determining the rights and obligations of each member of society.

While there are many expressions of contract theory, justice as fairness (Rawls, 1971) and justice as impartiality (Barry, 1989) are two of the more prominent variations of the construct explored further.

4.2.2 Justice as Fairness

Promoted by Rawls (1971) as a form of contract theory, justice as fairness rests on a hypothetical construct that seeks to address the process by which the principles of justice are determined. However, despite the title, Rawls (p.12) does not seek to equate the construct of justice with that of fairness, but rather that the 'principles of justice are agreed to in a situation that is fair'. This leads Lebacqz (1986, p.39) to conclude that Rawls' proposition can be summarised as 'justice as fairness yields pure procedural justice'. For this to happen a climate of fairness is required to facilitate rational choice by individuals. Such a climate involves the creation of an atmosphere in which individuals are free from coercion, oppression, any form of prior obligation, constraint or self-interest. As a consequence they are considered to be free and autonomous (Campbell, 1988).

These conditions are necessary to produce the state of equality required to enable fair and just decisions to be made. However, because these conditions cannot exist in reality Rawls has had to create an artificial world in which individuals exist in ignorance of their own being, needs and desires. However, they are still presumed to have knowledge of economic and political theory in order to make informed, but disinterested decisions (Lebacqz, 1986). Through being unaware of the self, but retaining a dispassionate knowledge of politics and economics, individuals are able to make rational choices to ensure social cooperation.

The difficulty with the theoretical construct upon which Rawls relies is that it can never be more than a theoretical construct. Outside of the theoretical construct individuals are oppressed, coerced, subject to discrimination, have vested interests and seek to take advantage of others. This suggests that the preconditions necessary to achieve procedural fairness can never exist, and by extension, the principles of justice arrived at offer little to those disadvantaged and oppressed.

4.2.3 Justice as impartiality

'Justice as impartiality' is a variation on the 'justice as fairness' theme and is an individualised, process based construct. The feature common to both constructs is the idea of the disinterested observer who makes decisions without regard to personal gain. However, 'justice as impartiality' involves a different mechanism to achieve the same outcome. In place of individuals who are unaware of their own being are informed individuals who collectively agree upon some external standard or rule. In doing so each person agrees to forgo their own interests, as it would be unreasonable to pursue them at the expense of fairness (Barry, 1989)

'Justice as impartiality' is to be found in judicial decision-making and the rules of law, neither of which have regard to the circumstances of individuals, and which are seen to be necessary to establish and maintain a free and equal society. Thus the idea of 'justice as impartiality' reflects the view that justice should seek to differentiate the just and unjust, but avoid determining what is just and unjust. That is, the concern is with the process and not the basis of the decision (Campbell, 1988).

Discussion

Justice as contract is an individualised process-based construct that reflects the paradigm of impartiality. The basic mechanism underpinning justice as contract is that of individuals entering into an agreement to achieve mutually beneficial outcomes. However, justice as contract is assailed by numerous practical difficulties, any one of which is sufficient to negate the construct. Perfect societies do not exist while individuals cannot exist independently of society. Further difficulties arise as the idea of the perfect society required to give effect to the contract fails to acknowledge the flaws and imperfections in society, in

individuals and in their relationships due, in large part, to the uneven distribution of power and advantages. The nature and complexity of society is such that agreement with all the affected stakeholders may not be possible, while if agreement is not possible the only alternative is anarchy. It is also possible that the legitimate role of government may conflict with an agreement entered into by individuals. In addition, any agreement entered into by one group of individuals may result in other individuals being oppressed and disadvantaged.

The maintenance of the social contract relies upon a strong society being maintained. However, this not only tends to maintain the status quo, but also vested interests and imbalances in the distribution of advantages and disadvantages. The presumption that agreements are continually renegotiated by successive generations cannot be presumed, and yet in the absence of this occurring social institutions and structures built around the idea of the social contract may founder.

Problems with contract theory centre around the inability to resolve how the very existence of the contract presumes the prior existence of a social structure and relationships, being mechanisms that enable individuals to exist in harmony with others (Phillips, 1979). However, justice as contract can also be abused through people being coerced into entering into agreements. Within Australia this has occurred through the notion of 'mutual obligation' (Norton, 2000). As employed, 'mutual obligation' provides the basis for government imposing conditions upon the receipt of financial support for those unable to participate in the labour market (Saunders, 2002). However, such conditions are imposed unilaterally and being non negotiable are hardly reflective of the social contract.

There are a number of conditions associated with contract theory missing from mutual obligation. Firstly, individuals subject to the requirements of 'mutual obligation' have not freely given their consent, particularly as the 'agreement' limits individual freedoms. Secondly, 'mutual obligation' is not predicated upon the notion of free association directed towards securing individual interests on a collective basis. Thirdly, persons subject to 'mutual obligation' agreements do not have equal autonomy with the other parties.

The notion of presumed equality is central to justice as contract. If the presumption of equality is not made, then by default some social relationships must be unequal to the detriment of one of the parties. Such a position would

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preclude the application of contractually binding agreements, or at best, require the intervention of a third party to ensure such agreements are fair and just. Not all people are equal and it is not just for one person to take advantage of another. To presume their equality is to deny those who are not equally resourced or endowed (however defined), dignity and respect for their intrinsic value for the sake of enabling an agreement to be made.

A further difficulty in applying a construct such as justice as contract is that in application it cannot be allowed to rest upon existing social structures as they embody too much institutionalised inequality. As Nozick (1974) observes, if the basis of existing relationship is presumed, inequality may be institutionalised. However, to seek to undo these relationships would require reconstructing much of the present fabric of society. As a result it is problematic as to how to best proceed in the face of unwillingness by people to forgo vested interests, established relationships and the associated benefits. Therefore, in the absence of presumed equality and the existence of institutionalised inequality, it is more a matter of identifying the spheres and areas which justice as contract can be applied and the means by which this can be done. Its principal application is in the economic sphere and those situations where there is a need to formalise relationships. In particular, it allows people who have been wronged to seek redress for breach of contract. While first reflected in the common law, many of the responses to breached agreements have been codified in statutory law (Fleming, 1987). The principal example is the law of contract, which rests on the notions that the law is impartial and all are equal before the law. It is also reflected in the social sphere where it is necessary to formalise relationships, such as with marriage and prenuptial agreements. The creation of prenuptial agreements is also an example of the extent to which economics, in the form of property rights, is once again defining social relationships as it did in marital relationships up until the 19th century (Connell, 1987).

In addition, the complexity of contemporary society overwhelms the preconditions necessary for simple contractual agreements between presumed equals to be worked out. In contemporary society contractual agreements are frequently required between people, and people and organisations, without the benefit of being able to prescribe the conditions under which such agreements are developed. Reflecting this situation governments have passed a range of

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protective legislation such as consumer protection and credit legislation, providing for 'cooling off' periods for door-to-door sales and escape provisions for 'hard sells' and unconscionable conduct (NSW Office of Fair Trading, 2003).

Because it is presumed that all relationships are negotiated, justice as contract has difficulty accommodating those implicit agreements that underpin and maintain society with regard to acceptable behaviours and respect for private space and property. In addition, justice as contract does not fit well with the idea of representative or collective decision-making as it seeks to reduce each relationship to a contract between individuals. However, in the absence of demonstrated equality and respect for the intrinsic value of each person, it is necessary for the state to intervene and act on behalf of people to structure relationships. Thus government continues to have a responsibility to ensure that agreements are impartial, fair, freely entered into and do not institutionalise inequality. Because justice as contract has a limited application it needs to be compensated by constructs that accommodate those unable to equally participate in contract based relationships.

4.2.4 Justice as rights

Justice as rights is predicated on the belief that a right is an entitlement to be treated in a certain way, to be given something or to have an expectation of being so treated. While usually conceived of as pertaining to individuals, rights can also be attributed to classes of person, such as the right of women and children not to be abused and the right of citizens in a democratic society to vote. While rights are usually individualised, the obligation or duty they impose on others is borne by the larger society or identified community. This is particularly so for negative rights which impose upon others a duty not to treat people in a particular way (Smith, 1994). In comparison, positive rights bestow upon people entitlements such as freedom of speech and religion (Dworkin, 1977). However, because rights are socially constructed they vary across societies and cultures and what may be a significant right in one culture may have no meaning in another (Smith, 1994).

According to Smith (1994) and Dworkin, (1977), while being unable to detail just what they mean, the majority of citizens in western democracies believe they have 'rights'. If pressed they may identify legal, political and human rights. However, the rights they are often referring to are rights intrinsic to the

society in which they live. As such what is being referred to are moral rights which are the conventions, standards and values invoked to achieve the proper context or rules for achieving the well-being and interests of people (Campbell, 1988). Even though they are socially constructed and culturally specific, because moral rights are intrinsic to each society, they cannot be removed by passing legislation. In comparison, legal rights can be conferred and revoked by government, while political rights can be manipulated (Smith, 1994; Dworkin, 1977).

The belief in the intrinsic nature of rights, both positive and negative, is reflected in the way people view as an injustice the violation of their 'rights' suggesting that in such circumstances rights are equated with justice. Similarly justice is equated with recognising and respecting individual rights and responding to any infringement of them. As such moral rights go beyond the traditional negative rights of justice to include all social and political rights embedded in culture, laws and social institutions (Campbell, 1988).

So, are rights intrinsic or bestowed? If intrinsic, as expressed in liberal theory, while governments may pass laws to make certain acts illegal, such as banning street marches and freedom of association, the rights of individuals are not removed, not withholding the duty of individuals to uphold the law. In comparison, if rights are bestowed, questions are raised as to what rights can be bestowed and by whom. If bestowed, they can be also be removed. However, if governments acknowledge that individuals have intrinsic rights, as they appear to do, as reflected in the nature of the relationship between government and citizens, then governments have to accept that there will be occasions when in exercising their rights individuals will breach the law. As a consequence rights based constructs of justice determine the relationship between the individual and the state.

As a construct of justice, justice as rights places the individual at the centre of consideration and so emphasising the independence of the individual rather than conformity to community values (Dworkin, 1977). As a consequence they serve to protect individual thought and choice of action. While in the extreme this can lead to the anarchy of libertarianism, in a more modified form, rights based theories reflect liberal philosophy and its emphasis on individual freedom and autonomy (Phillips, 1979).

Dworkin argues that individual rights have evolved as a response to utilitarianism meaning that justice as rights is opposed to the utilitarian construct of justice (Campbell, 1988), which is egalitarian in nature (Smith, 1994). According to Dworkin (1977) justice as rights reflects the view that each person is entitled to equal concern and respect in recognition of their intrinsic dignity and has enabled the development of political democracy.

While society does acknowledge individual rights, they are also linked with obligations such as recognising that each person also has a duty to respect the law for the benefit of the larger society (Jordan, 1998). This exposes the conflict regarding the relationship between rights and duties, the individual and the state and the extent to which rights such as liberty and freedom should be restrained or constrained for the betterment of society. Examples of the restraint of individual freedoms include restrictions on freedom of speech and action through a variety of laws that have emerged over time out of social conventions and rules. It is the nature of western society that individual rights are not paramount, but have to be balanced with duties and obligations and the rights of others (O'Neill, 1996; Phillips, 1979).

As a consequence all persons have the right to free expression, but are limited by the right of others not to be defamed. They also have the right to freedom of choice of religion, personal and sexual relations, although this has not always been so. In such circumstances governments have a responsibility to decide how contested rights are to be resolved. In this respect government is expected to act impartially, unless to do so would unfairly disadvantage some people. The test of impartiality is whether each person is treated with equal concern and respect (Dworkin, 1977).

While rights-based theories of justice may well contribute to the idea of the equal worth of individuals, Campbell (1988) argues that the more plausible rights-based theories are too broad to be of use as theories of justice. In contrast, if sufficiently specific, because of the emphasis they place on individual liberty and choice, they can turn out to be partisan, favouring liberty at the expense of equality and can also institutionalise power relations and inequalities.

However, this is not to say that rights-based theories of justice should be dismissed. Rather, the evidence is to the contrary, with there being numerous

examples of moral rights being translated into legal rights, supporting Campbell's argument that moral rights can be found embedded in legislation.

Because rights precede legislation the basis of much legislation can be traced back to moral rights (Heywood, 1999). Thus some statutory laws have been codified from the Common Law, which in turn is an expression of moral rights. Freedom from harm (developed as negative freedom) in its multiple expressions is a good example of a moral right, applicable to all people, that first found expression in the Common Law and was subsequently codified and now appears in statutory form (Fleming, 1987). Group rights are those that are limited to a particular population. Examples include the 'rights' of employers and employees, racial and religious groups. Again, many of these rights have been codified and in the process individualised. However, as with industrial agreements and anti-discrimination legislation, they are limited to defined populations.

Discussion

Justice as rights is an individualised relationship-based construct reflecting the paradigm of mutual responsibility. However, individual rights, which can be both positive and negative, can conflict with democratic decision-making, the common good, the values underlying the market economy and some elements of liberalism (Phillips, 1979). This, however, has not prevented the integration of rights as a construct of justice being codified in statutory law. Indeed, society may well fail if rights were to be abandoned as they underpin some of the basic tenets of western society. The right to vote (even though the outcome may conflict with other rights as a result of some individuals and groups being denied access to services arising out of a democratically taken decision) is a good example.

However, rights are far from straightforward as, being a social construct, they may vary over time, reflecting their responsiveness to social change. There is no agreement, except in general terms, what rights individuals should have and when they should be put aside for the common good. Similarly, there is confusion over what rights are and how, when, where and why they should and should not be exercised. It is also unclear how conflicting rights between individuals are to be resolved, while the relationship between rights and duties is also unresolved, as is the relationship between rights and societal obligations.

The extent to which conferring rights should have regard to the obligations they impose upon others is also unclear. However, the biggest threat to rights, and therefore justice as rights, comes from the restructuring of social relationships by neo-classical economic theory (Kenny, 1997). Rights, which conflict with the operation of the market, have been eroded relative to the extent to which the market has been deregulated. Even the right of negative freedom is under threat as this can obstruct the operation of the market when the operation involves the exploitation of some individuals for the economic benefit of others (Campbell, 1988).

Debates about rights are also debates about political paradigms, the values they assign to people and the obligations of society. Rights are subject to popular perceptions, presumptions and interpretations. However, at the beginning of the 21st century Australia remains only one of a handful of English speaking western democracies that have not recognised the basic rights of its citizens in legislation (Aarons, 2003). Only a limited range of rights are recognised at law in Australia and these vary across jurisdictions, enabling governments to grant and withdraw rights at will (Salvaris, 2000). Thus, the Bjelke-Petersen government in Queensland in 1977 was able to impose a partial ban on the right to free association in the form of a prohibition on street marches, demonstrations and political gatherings without permission (Fraser & Atkinson, 1998). In comparison, basic rights such as freedom of association have been recognised in the Canadian Bill of Rights, and subsequently the Canadian Constitution, the UK Human Rights Act 1998 and, in New Zealand, in the Bill of Rights Act 1990 (Behrendt, 2003).

Despite the lack of recognition given at law to rights in Australia, they are reflected in accepted notions of freedom of action, speech, association, religion and lifestyle. However, if they are to have any substance they cannot be left to popular perceptions and goodwill. Rather they need to be structured and embedded in the very fabric of society if they are to be effective and unassailable. This can only be achieved by placing them above political influence and beyond the reach of parliament to change through their being guaranteed in the constitution.

The benefit of rights is that they enhance the social standing of each person through acknowledging their dignity and intrinsic worth. However, as rights need to be accepted by all there has to be an agreed process by which

they are determined. (As not all are equal, mechanisms are also required to facilitate equal participation beyond equality of opportunity.) Within Australia the democratic process is one manifestation of the collective nature of society. However, in Australia, the strand of Anglo-American liberalism, known as neo-liberalism, is not as supportive as European liberalism of democracy, or any other right (Waligorski, 1997). Neo-liberalism seeks to confine democracy to the ballot box, preferring representative democracy, and the two party system, as this limits the extent to which citizens can directly influence the political agenda and debate (Prior *et al*, 1995).

Reflecting the limitations of rights in Australia, the only rights recognised in the constitution are to be found in the political sphere, limited to the right to vote and stand for election to parliament (Commonwealth of Australia, 1995). In the social sphere one expression is the concept of freedom from harm (a negative right) that is enforced in legislation through recourse to both civil and criminal courts to seek redress for harm. Some rights, particularly positive ones, are group specific, as in the right of children to have a life that is not only safe, but which promotes their welfare and well-being, anti-discrimination and unfair dismissal laws. Rights in the economic sphere are limited to laws that provide that business transactions must be fair and just and not involve coercion or undue influence. The right of the members of society to participate in economic decisions affecting them have been, and continue to be, eroded through the sale and/or privatisation of government assets and services (Aarons, 2003).

Not only does limiting rights limit the obligations of the state and society in general, the further neo-liberalism moves to the right, the more hostile society becomes towards rights as they are regarded as interfering with the operation of the market and the exercise of individualism (Carney, 1998). As a consequence, in a market-based society lacking in rights people have their worth defined by the market and cease to be valued for themselves. Beyond the concept of harm this enables them to be used and manipulated without regard to the consequences. Thus, under neo-liberalism, the concept of rights is limited to the right to do as each person pleases, so long as they do no harm to, or adversely affect, others. With the dismantling of industrial relations legislation and cutbacks to legal aid funding and representation it can be argued that even this right is under threat (Saunders, 2002; Carney, 1998).

In contrast, the presence of rights requires observance of how people are treated, the standards to be observed and the nature of actions. Rights, appropriately developed, protected and implemented, acknowledge the intrinsic value of each person and thus are an essential component of justice (Sandel, 1998).

However, rights do not exist in isolation and have to be tempered by consideration of the obligations they impose upon others, being specific to each society. Thus, one definition of society is the existence of agreed rights and the obligation of others to recognise those rights (O'Neill, 1996). Balancing out these competing demands is implicit in the development of the common good.

4.2.5 Justice as reason

Advanced by Reiman (1990) and building on the philosophy of freedom from interference, justice as reason sets out the conditions under, and the process by which, individuals might agree to forgo elements of their freedom in order to gain a benefit from a system or systems of voluntary cooperation. It proceeds from the basis that individuals should be allowed to live a life free from interference. However, recognition is given to the need for some compromise in order to facilitate the development, maintenance and growth of social structures that inform and are informed by society. This in turn returns benefits to each participant. In making this compromise the principal issue is the process by which individuals forgo their freedom, the extent to which they are expected to forgo their freedom and the magnitude of the resulting benefit.

In this context Reiman asserts that freedom consists of negative and positive freedoms. In forgoing elements of their negative freedom, being freedom from coercion, their life choices will be enhanced. This is achieved through the provision of education and a sufficiency of resources to enable each person to better realise their life choices. This in turn enhances their capacity and opportunity to participate in the marketplace for the benefit of all. Thus, positive freedom is what each person in society owes to all others based on a mutually beneficial and enforceable system of mutual cooperation.

Reiman contends that through the application of reason individuals can determine if their positive freedoms will be promoted by some behaviours being socially regulated, in order to be protected from threat, coercion and subjugation. He argues that people will react adversely if such controls are

imposed without sufficient justification, that is, if they are imposed unreasonably. Therefore the exercising of control and authority over others can only be justified through the application of reason. Any claim asserting the truth of any moral principle seeking to justify the imposition of authority has to be able to withstand the test of reason involving the rational analysis of the facts of a situation or proposal. Justice determines the justness of the conditions and terms under which an individual can be required to do, or cease doing, anything. It is therefore the test of rationality that enables justice as reason to acquire authority over other values and determine the difference between 'right' and 'might'.

Discussion

Justice as reason is an individualised process-based construct reflecting the paradigm of impartiality. Justice as reason rests on each person rationally deciding to voluntarily forgo some element(s) of their freedom (from interference) in order to gain some mutual advantage from an agreed system of cooperation. Similarly, determining whether social structures constrain freedom, and therefore are unjust, involves determining if the individuals affected willingly surrendered their freedom. If they did not, the process and/or structure is regarded as unjust. While accepting that processes and social structures are instruments of oppression, a number of qualifications to the construct are required.

Justice as reason is based upon the exercise of personal freedom and autonomy, the justness of the process by which people forgo elements of their freedom for personal gain and the presumption of people as rational beings who are able to negotiate as equals.

The essence of the concept is bound up in what is considered to be just and unjust in regard to the manner in which social structures inform social relationships. A social structure is considered unjust if, as a consequence of its operation, people are coerced into forgoing their freedom, and just if they voluntarily do so. Thus justice as reason involves collective decision-making from which all who participate are expected to gain while those who choose not to participate are excluded from sharing in the rewards. Unless reached through negotiation, limits cannot be imposed upon individual freedom as this would amount to subjugation.

This raises the interesting issue that if positive rights are imposed for the benefit of all without consent, they would be regarded as a form of subjugation, no matter how reasonable they might be. This exposes the principal weakness of the construct, a weakness inherent in liberalism. The emphasis placed upon process can lead to inequality being institutionalised.

A further weakness is that the process of reasoning is socially constructed and dependent upon the initial premise and how reality is constructed and understood. If the initial premise is altered an alternate and reasonable outcome can be achieved. Knowledge and understanding of 'facts' may change over time and invalidate the 'facts' upon which a decision was made. By extension, reason is only as good as the quality of information available. In addition, not all decision-making is based on objective considerations, subjective factors can be more significant, resulting in individuals subjugating themselves for the 'wrong' reason.

Thus, while individuals may willingly forgo elements of their freedom, the decision to do so, and the decision making processes, may not be based on reason. This raises the question of how to respond to the loss of freedom willingly forgone, but not based on rational reasoning, but still nonetheless, based on an informed decision. Unfortunately, the question remains unanswered. This also raises the further question of how to respond to the emergence of new knowledge that can render the basis of past decisions inaccurate.

Implicit in the construct and essential to it are the assumptions that individuals always act in a rational manner when negotiating, are able to negotiate as equals, can negotiate mutually agreed outcomes and can reach agreement about what constitutes just and unjust behaviour. However, in practice this is not always the case. Through making these assumptions inequalities in personal attributes, skills, life experiences and therefore the capacity to negotiate any agreement is ignored. Because the assumptions are flawed and idealise the nature of people, the construct cannot be realised. In reality justice as reason is based on self-interest without regard to the impact of the outcomes upon others and thus is self-serving.

From this perspective, justice as reason can be very unjust as not all persons have the same attributes and, in such circumstances, forgoing some aspect of freedom for personal gain may involve one person, in relative terms,

having to give up more than another. The construct can also be open to misuse if advantaged individuals collectively agree to forgo elements of their freedom in order to gain further advantage over others who are not parties to the negotiations. This suggests that to be fully effective, justice as reason requires a controlling framework to ensure that its application does not produce, reproduce and maintain structural inequality. Within such a framework justice as reason is a positive construct. In the absence of a controlling framework justice as reason benefits those who have the most advantages to bargain with, as they stand to gain the most through giving up the least.

Conceptually it shares with justice as contract the same assumptions about people as equals, acting rationally to achieve agreed ends. Thus, other than sharing some of the values that underpin Anglo-American liberalism, it stands alone and has little or no relationship with the other constructs of justice and social justice. In another sense it is also a here and now concept, being concerned with how the present structures were developed. In doing so there is no regard for the historical environment that enabled the present social structures to develop. Thus the starting point is one that can lead to inequality being institutionalised to the benefit of those presently advantaged.

While predicated upon the notions of personal freedom and autonomy, these are not the only determinants that structure social relations. Little is achieved through personal freedom if, in the process, the very structure that makes freedom possible is so devalued that personal freedom is devalued and in doing so the dignity and worth of each person is devalued. To ensure the dignity and worth of each person are actively promoted regard also has to be given to the public good and how to balance this with personal freedom.

4.2.6 Justice as utility

Justice as utility is predicated on the idea that the right act is the one that causes the most good. That is, any act that maximises the overall utility is considered to be just. Justice as utility enables individual rights and claims of injustice to be set aside in consideration of the possibility of producing the greatest good or maximising overall happiness in order to promote the common good (Lebacqz, 1986). Hence, to take the life of a person could be justified if the end result benefits the majority. Similarly, not assisting those disadvantaged

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can be justified if to do so would result in the aggregated happiness of the total population being adversely affected.

According to Campbell (1988) justice as utility is informed by a number of assumptions. Firstly, the principle of diminishing marginal utility under which the affluent derive less pleasure from increasing wealth than that derived by a less wealthy person and enabling the overall level of happiness to be maximised. Secondly, an act is right if it maximises the aggregated happiness of the majority and wrong if it causes them suffering. Thirdly, the best utilitarian social arrangements benefit the altruistic and punish those who act out of self-interest or seek to harm others. Fourthly, justice as a political value and utilitarianism share the same intent of seeking to maximise well-being and minimise injury and harm. Finally, the rules of formal justice reflect utilitarian thinking in that they both serve the purpose of enabling happiness to be maximised through seeking to minimise the risk of harm and injury to the total population.

However, Campbell observes that empirical problems associated with plotting and demonstrating pleasure, pain, other feelings and psychological states which inform how individuals will act and react have led to the construct of pleasure maximisation being abandoned in favour of 'preference utilitarianism'. Broadly defined preference utilitarianism refers to the idea that each person maximises their utility through the choices they make and not the outcome. There is no consideration of how inappropriate the decision may be or whether the decisions they make will actually give them the greatest pleasure or satisfaction (Campbell, 1988). Under preference utilitarianism the construct of happiness as utility has been replaced by want satisfaction, expressed in monetary terms. Via want satisfaction anything can be given a price in the marketplace and therefore quantified based on what individuals are prepared to pay (Smith, 1994, Campbell, 1988).

This has led to the construct of utility being adopted by neo-classical economists to justify outcomes of assisting the greatest number of people, and discounting those disadvantaged. The attraction of utilitarian thinking to economics is the notion that individual interest can be harnessed to the benefit of all (Campbell, 1988).

The merging of utilitarian and neo-classical economic theories has resulted in the development of a construct of justice, referred to as 'welfare economics' under which the ends, being the maximisation of human utility, are

seen as justifying the means, being the unregulated operation of the marketplace. This has also resulted in the maximising of personal utility via exchanges in the marketplace being legitimated, with the aggregated degree of wealth being the criteria by which to assess the nation state's utility in lieu of happiness (Campbell, 1988).

Discussion

Justice as utility is a process-based individualised construct that reflects the paradigm of impartiality. Utilitarian constructs of justice have no regard for the intrinsic value of the individual, nor of individual rights (Nozick, 1974). This is reflected in the lack of consideration for those that do not benefit from the aggregated utility (however defined and measured). Enhancing or maximising the aggregated utility without regard to the impact upon those unable to benefit is unjust and constitutes active exclusion (Saunders, 2002).

The merging of utilitarianism and neo-classical economic theory, referred to as economic rationalism in Australia, has had an impact far beyond any individual construct of justice or economic theory. As Smith (1994) and Pusey (1996) argue, the combination constitutes a framework for the structuring and organising of social life directed towards the promotion of human welfare or utility. Within this framework anything that adversely impacts upon the distribution of goods and services has been put aside based on the belief that the supply and demand of resources via the marketplace should not be restricted. This enables utility to be maximised through the production of goods most valued by society.

However, as Lebacqz (1986) observes this has also resulted in individual rights and values being compromised in a number of ways. Individual rights have been limited to those endorsed by society which has led to negative rights being strengthened and positive rights being put aside. The imposition of rules is limited to those agreed upon by the majority for the good of society for ensuring compliance on agreed issues while notions of equality and impartiality have been subjugated to utility.

Justice as utility underpins neo-liberalism and neo-classical economics and continues to be a part of most economic theories. It has also been adopted by economists and governments under the banner of preference utilitarianism, to demonstrate economic growth, while ignoring the impact of such decisions,

acts and outcomes upon each person or classes of person.

To those who promote it, the usefulness of the construct lies in the way the gross value of a benefit can be uniformly attributed to all people. Thus the construct can be used to legitimate personal gain by constructing an argument that seeks to demonstrate how all benefit from certain decisions and actions, rather than focussing on who is advantaged and disadvantaged. In addition it can also be subject to manipulation. It can be used to influence or set political, social and financial agendas by constructing arguments which advance the notion of the benefits of change to society in general and which disguise, ignore, dismiss, and discount the adverse effects (Lebacqz, 1986).

The extension of this line of reasoning is that those unable to benefit from the utility enhancement are not just disadvantaged. They face the very real risk of being relegated to a life of poverty as under this construct of justice, the operation of the market is held to be the only just means by which utility can be maximised for the benefit of the nation state, even though not all can share in the rewards. In practice this has led to the marketplace redefining social relations as economic relations while those unable to compete have been removed from the market through the cessation of labour market programs and separation of assistance programs from the labour market (Argy, 2003). In addition, relationships have been structured according to the economic constructs of supply and demand while each person is defined according to the extent to which they contribute to the economy as producers and consumers, employers and workers (Kenny, 1997).

In addition the construct provides a platform upon which personal gain can be legitimated through arguing a positive outcome from which all are able to benefit. Thus, the proposed merger of BHP and Billiton was held by Prime Minister John Howard to be of benefit to Australia by implying a benefit to all Australians, while ignoring the possibility of steel workers losing their jobs as a result of the decision (Norington & Counsel, 2001).

Under the influence of neo-classical economic theory, justice has been reconstructed as an instrument that goes beyond resolving conflicts. It is employed to mediate and restructure social relations as economic relations and to legitimate economic constructs. In defining relations in economic terms, the intrinsic value of each individual is set aside in favour of a value based on each person's economic worth arising out of their perceived contribution to the

nation's economic development.

Implicit in the construct is the presumption that all actions are derived from decisions that are rational, informed, reasonable and have regard for the well-being of society. However, in practice no regard is had for each person's position in society, their attributes, opportunities or ability to take advantage of such decisions or acts. Nor is there any consideration of adverse consequences. As a result it can result in people being unable to benefit from the decision being (further) marginalised.

4.2.7 Justice as desert

Campbell (1988) proposes that all other things being equal people are entitled to what is due to them. He argues that the merit-based approach to justice is popular because individuals are regarded as being treated equally, based on their being given what they are due. Campbell notes that desert is most often expressed as a negative construct as it is considered just to punish individuals for breaching the rights of others.

In adopting a merit-based approach to justice individuals are treated as being responsible for their actions and accordingly are praised or blamed, rewarded or punished according to their conduct and character. Meritorian theory holds the view that a society is just when the benefits and burdens are distributed in accordance with the distribution of positive and negative deserts (Campbell, 1988).

Even if it can be agreed that people should be given what they deserve, there is no agreement on what they do deserve (Campbell, 1988). Notwithstanding this problem, Campbell suggests that desert provides a way of determining the merit of individuals as it can be readily and widely applied. According to Campbell, as a construct of justice, desert can be readily distinguished from the idea of entitlement unassociated with merit. It also legitimates the establishment of rules to facilitate the distribution of rewards and punishment and rests on conscious decision-making associated with individuals taking responsibility for their own actions.

In focussing on individual rewards and punishments there has emerged the idea that desert is part of the 'natural order' of things, as it does not presuppose pre-existing societal norms or rules of distribution. This idea has been taken up and used as a justification for the operation of the marketplace,

reflected in the expression 'economic desert'. Despite the inappropriateness of the 'natural order' argument, as nature is anything but just, the argument has taken hold (Heywood, 1999).

As Miller (1976) suggests, because desert focuses on the allocative side of the distribution of resources, economic justice introduces and justifies the idea of rewarding individuals for hard work and not depriving them or requiring them to share their rewards with others. From this perspective flows the belief that it is acceptable to reward skills and abilities relative to each person's contribution. The greater the effort a person makes the more they are deserving of the reward and should be compensated commensurate with effort.

Discussion

Justice as desert is a process-based individualised construct that reflects the paradigm of merit. As Campbell (1988) observes, justice as desert is a popular construct. The reason for its popularity is a simple one; it is readily understood and provides a ready means by which people can judge others. However, it is also a populist construct as it can be shaped by public opinion and public opinion can be shaped by charismatic figures. As a consequence it can be easily massaged, shaped and changed.

The problem is that it is far from clear what conduct is deserving and what deserves punishment, how desert should be applied and who determines how and what behaviours are good and bad. Questions about the extent to which the influence of factors such as hereditary, social, biological and environmental conditions should be considered and apportioned remain unanswered. It is also unclear how and which behaviours should be attributed to deliberate actions and which should not. In addition, it is less than clear how comparisons between individuals are to be made and societal baselines set to provide equal deserts for rewards and punishments. Similarly, the question is left open as to how the distinction is to be made between conscious and unconscious decisions such as crimes of passion (Campbell, 1988).

Being based on public opinion it is one of the more volatile constructs of justice as what individuals and communities hold to be just can rapidly change. It is also a conservative construct as it is backward looking, judging individuals for what it is alleged they have done within the existing social structure and thus acts to preserve the status quo. As such it does not seek to address structural

inequality as it assigns responsibility and rewards to individuals. It is not surprising that it is also known as 'rough justice' (Heywood, 1999).

The meritorian view of justice is not a neutral construct as it is concerned with making moral judgements about the worth of individuals based on their conduct. Campbell's (1988) justification is that it recognises common humanity and beneficence. To some extent it also reflects elements of the neo-classical liberal view that unequal outcomes are justified on the basis that they provide individuals with incentives and motivation to improve their circumstances (Waligorski, 1997). Intrinsic to such a view is the belief that there is a link between desert and taking personal responsibility.

This exposes the more ominous side to justice as desert. It can be used to justify excluding minority groups, such as young single female parents and the unemployed from elements of citizenship, through the creation of the belief that they do not deserve assistance. When linked with neo-classical economic theory such a process can also be used to legitimate the self-interest of the advantaged at the expense of the disadvantaged. The values and beliefs as expressed in the construct of desert can therefore shape social relations and produce structural oppression and discrimination. This can lead to some categories of people being disadvantaged through oppression and discrimination being legitimated.

Despite the differences, when applied by the majority to a minority, particularly where this results in a benefit, in economic terms, to the majority, justice as desert is closely allied with and complements utilitarian thinking.

4.3   Conclusion

Modern theories of justice reflect a range of theoretical positions. Justice does not necessarily reflect equality, even when based on egalitarian constructs such as equality of education and opportunity, and can be inclined to produce inegalitarian outcomes (Campbell, 1988).

As a reflection of the fact that justice is part of the system of values and beliefs upon which society rests, it is a central feature of debates on law, social policy, economics and politics (Campbell, 1988). While as an ideal, justice should be free from influence, by its very nature, being a subjective construct, it is subject to change and influence from other belief systems and social constructs.

Kolm (1996) argues that modern theories of justice represent an alliance between economics and philosophy, being as much economic in character as they are philosophical. He argues that while economics is about the allocation of scarce resources in which 'scarce' is defined by human wants, essentially justice is concerned with resolving conflicts that arise over the management and allocation of scarce resources.

Such an interpretation reflects the complexity of modern society and the manner in which economic constructs are increasingly structuring social and political relationships. As a consequence, no one construct of justice is sufficient to reflect and accommodate the complexity of modern society. Rather, the application of a variety of constructs is required. The feature common to all is their relationship with economic theory. As observed, the dominant constructs of justice have been embraced and acquired by neo-classical economic theory that has influenced their application and informing values.

Under this influence and through the selective application of individual constructs of justice to separate spheres of activity, the dominant constructs have been united to serve a common purpose, the legitimation of neo-classical economic theory (Kolm, 1996). Thus desert can be applied to the actions of individuals, while utility can be employed to justify structural change. Interwoven with these two constructs are those of impartiality and non-interference.

Justice as desert promotes the view that people get what they deserve and deserve what they get, presupposing that individuals have complete control over what they do and what happens in their lives. Thus those advantaged deserve to keep what they have, while those disadvantaged are disadvantaged as a consequence of their own actions (Campbell, 1988). No recognition is given to how social relations are structured, advantaging some and disadvantaging others. Having been embraced by neo-classical economic theory, justice as desert has been restructured to justify individual gains, legitimate the status quo and structural disadvantage as a result of which some are unable to compete in the market economy.

Although seemingly dissimilar to justice as desert, justice as utility, while purporting to promote those acts that produce the greatest good, has also been twinned with neo-classical economic theory. In economic terms, those acts that can be demonstrated to produce an aggregated benefit for the nation's economy, even if only one person is the principal beneficiary, are justified.

Under the influence of economic theory the outcome of utility maximising is seen to justify the means, being the deregulated operation of the marketplace and personal gain.

Complementing the above is the idea of justice as rights, but read down to limit the construct to negative rights and merged with the construct of impartiality and economic theory. Even the application of negative rights, while emphasising individual autonomy and freedom, has been constrained through government restructuring its intervention in the regulation of the society to facilitate the operation of the market economy at the expense of social relationships.

Further evidence of the influence of economic theory upon justice comes from the corruption of the liberal notion of the social contract in the form of 'mutual obligation'. While based on the notion of justice as contract, it has been restructured with authoritarian overtones to compel people to interact with the marketplace or face social exclusion and economic sanctions (Saunders, 2002; Norton, 2000).

As a social construct, justice represents a melting pot of ideas. However, while the individual constructs may conflict, if separately applied in individual spheres of activity, consistent with Walzer's (1983) discussion of justice, they need not do so. More importantly, justice seems to be no longer owned by the community. Rather it is subject to the influence of the discourse on economics under the influence of which it is employed for economic gain. While previously justice was only called upon when disputes arose, its role has been broadened to structure and mediate social relations. In the process appeals to justice have become part of the language of legitimacy while justice and social justice are often used interchangeably.

Having explored the expressions of justice in the literature, the following chapter explores the history, meaning and contemporary expressions of social justice. This will also enable the further consideration of the differences between social justice and justice

5.0   SOCIAL JUSTICE

5.1   Overview

Hayek (1993) records that the contemporary notion of social justice, which he equates with economic or distributive justice, was first used by Luigi Taparelli d'Azeglio (1840) in Italy and promoted by Antonio Rosmini-Serbati (1848). Hayek argues that by the late 1800s a reference to social justice was an appeal to the ruling classes to have regard for those less well off, at a time when government, concerned to facilitate the development of the market economy, did little to assist those most disadvantaged by the emerging paradigm. As a value it was the benchmark used to guide the personal conduct of those advantaged by the emerging market-based society to ensure their behaviour towards those unable to participate in the marketplace was ethical and moral. This, according to Hayek, gave rise to philanthropy and subsequently charitable works. This in turn led to the emergence of the view that the well-being of society depended upon government assisting those who were less well off. According to Hayek this has resulted in the development of various programs of assistance which he claims have been a millstone around society's neck ever since.

Calvez and Perrin (1961) also identify Taparelli d'Azeglio (1840) as the first to refer to social justice. They suggest that the construct he developed was taken up and formalised first by Lehon around 1880 and later Antoine (1896), both of whom proposed that social justice should replace legal or general justice and provide the framework for structuring social and economic relationships in order to promote the common good. These thoughts were taken up by Pius XI (1922-1939) who formally introduced social justice into the language of the Catholic Church which gave the construct further impetus and legitimacy (Calvez & Perrin, 1961).

However, there is also some evidence that the notion of social justice was being debated within the Church prior to this as Leo XIII (1878-1903), according to Calvez and Perrin, was known as the social justice Pope. Calvez and Perrin conclude that the notion of social justice as understood in the late 1950s and early 1960s, when they were writing, began taking shape from about 1880. Central to the understanding of social justice is the way it promotes the dignity of the person. Within this framework the economy is held to exist to

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promote the dignity of the person and all social life. Calvez and Perrin suggest that social justice, which they distinguish from distributive justice which is held to be a more limited construct, refers to the obligation of the state to facilitate the common good. In facilitating the common good, which is not incompatible with a degree of inequality, social justice accommodates neither individualism nor egalitarianism. Consequently, the common good, which is based on mutual recognition, takes precedence over the individual, but not at the expense of individual rights.

Del Vecchio (1952), following a review of English, French, German and Italian literature concluded that the social justice of the 19th century was concerned with the relationships between people, their relationship with society and society's responsibilities to the people. The objective of social justice was to further the common good and in so doing, promote the well-being of each person. He notes that it is only in a more restricted form that social justice is limited to the distribution of wealth, the organisation of labour and the conditions under which individuals make their labour available. He argues that 'social justice' at the end of the 19th century and in the early part of the 20th century was all embracing. Unlike Calvez and Perin (1961) Del Vecchio (1952) asserts that because justice is always concerned with relationships, by its very nature it is social in character and hence the term, social justice.

Wissenburg (1999) lends support to the explanations of Calvez and Perrin (1961) and Del Vecchio (1952). He suggests that the development of social justice occurred in response to political debate in early 19th century Europe and the emergence of liberalism. He further suggests that social justice began as a political slogan of the left, radical liberals and the first socialists in opposition to laissez-faire capitalism.

The common thread in the discussion by Wissenburg (1999), Calvez and Perrin (1961) and Del Vecchio (1952) is that social justice emerged during the early 19th century. At this time the United Kingdom and large parts of Europe were undergoing significant social change. Feudal society was being replaced by the market economy, the industrial revolution was gathering pace while secular politics and authorities, heavily influenced by liberal ideology, were taking over from the church as the ruling authority (Bellamy, 1992).

Thus it can be argued that social justice developed in Europe both contemporaneously with, and in response to, the industrial revolution, the

development of the market economy and the emergence of liberal ideology. Bellamy observes at this time liberal ideology did not initially have the narrow self-concerned interest of individualism associated with classical liberalism. Supporting such a starting point, Miller (1976) suggests that social justice was absent from feudal society. He observes that as a turning point, the development of market based economies marked the beginning of the demise of relationships structured around reciprocity and the commencement of market-based relations.

It was from this idea of reciprocity, expressed in the notion of the 'mutual promise' in feudal society, that social justice emerged, suggesting an identifiable lineage that predates the invasion of England in 1066 by William the Conqueror. Based on a system of land ownership, feudal society was hierarchal and class based, with social relationships being structured according to each person's social standing. In descending order, the ruling monarch exercised direct control over the major land owning nobles to whom the Crown has granted land. Beneath them were a series of level of tenant landholders, with the lowest being the freeman (Morris *et al*, 1996).

An essential component of these relationships was the 'mutual promise' (not to be confused with the contemporary notion of 'mutual obligation' which is a corruption of the social contract (Norton, 2000)). While all subjects owed their allegiance and loyalty to the monarch, each individual also owed their loyalty to the lord from whom they rented their land. As part of their tenancy, each tenant (mostly male) was required to provide their lord with a share of their harvest, and if called upon to do so, to undertake military service for the lord. In return, the lord promised to protect them and their families and to assist them in times of need (Morris *et al*, 1996).

While in practice feudal society was oppressive, the idea of the 'mutual promise' was a sound convention that helped maintain the stability of the society as it contributed to the common good. Each person was required to assist their monarch and immediate lord and in return, could expect their needs to be met and those of their families in the event of their death (Morris *et al*, 1996). Following the emergence of the market economy this idea of meeting the needs of those somehow disadvantaged was redefined as one manifestation of social justice.

Since being formulated the shape and nature of social justice has undergone a continuous process of transformation as it has been shaped and reshaped in response to changes in societal values and systems of belief. Being a social construct, it will keep on being reshaped. However, there is no one factor that can be identified as the most influential over the way social justice has developed. Rather it is subject to a plurality of factors, although political and economic theories are two of the more influential. Other factors that shape contemporary understanding of social justice include philosophies of justice, the nature of society and how the relationship of the person and society is constructed.

So what does social justice refer to? Miller (1976) notes that constructs of social justice are culturally determined and therefore specific to each society and reflect the historical development of the society. He observes that in market-based societies relationships between people are based upon contracts and exchanges between supposed free and equal individuals. Inequalities in market-based societies allow some to gain an advantage at the expense of others. This results in and legitimates each person pursuing his/her own goals and acquiring as many assets as circumstances will permit while disregarding the negative impact of such an approach upon those unable to benefit from the market. In promoting individualism, relationships based in kinship and reciprocal obligations have been eroded, while according to Miller, the notion of rights that underpin social justice has been deleted. Reflecting this, Taylor (1986) states that social justice in a market-based society refers to the distribution of benefits and resources according to the conflicting values of desert and need. However, according to Taylor social justice strategies are increasingly predicated upon desert at the expense of need. Wissenberg (1999) suggests that since the 1960s dominant interest groups have sought to reduce social justice to distributive justice and subjugate it to justice, which itself has been subordinated to economic theory.

Marshall and Swift (1997) observe that the principles most often associated with social justice are equality of outcomes, equality of opportunity, desert, merit, entitlement and functional inequality or need. They note that socialists emphasise need and equality of outcomes. In comparison they suggest liberals support equality of opportunity and are accepting of inequality

of outcomes if they arise out of the application of the principle of merit or procedural fairness.

Graycar and Jamrozik (1993, p.52) note that '[a]lthough it means different things to different people, social justice is essentially about fairness in the distribution of resources, rights and opportunities'. Similarly Smith (1994, p.1) asserts that social justice 'concerns the distribution of society's benefits and burdens and how this comes about'. The difficulty is that these explanations, as earlier noted, are not that dissimilar to some constructs of justice. For example, Miller (1976) states that justice is concerned with the manner in which benefits and burdens are distributed in society among individuals.

Within western society it is possible to find examples of social justice shaped by liberalism in its different guises, social democracy, communitarian thinking and even utilitarian thinking. As a result it can be difficult to know what values are being invoked when unqualified reference is made to social justice. So often when the term is used no attempt is made to qualify what is meant. Too often it is left to each reader or listener to place his or her own interpretation upon the phrase. Adding to this confusion, contemporary authors often make their own assessment as to whether another author's work is about social justice. To give some examples, Pettit (1980) offers three constructs of justice that he labels social justice.

Pettit's first example is Nozick's (1974) account of justice, which he refers to as proprietarian justice. Under this construct natural rights are the standards to be observed giving rise to justice as legitimacy of ownership. The second example he provides is Mill's (1987) construct of utilitarian justice which employs human happiness as the determiner of what is good and under which justice is seen in terms of the welfare of the majority. His final example is based on what he refers to as the contractarian account of justice, as expressed by Rawls (1971), in which the least advantaged are not to be disadvantaged by the manner in which goods are distributed. While Rawls is the only one of the three who actually states that his work, in part, refers to social justice, the basis of his argument rests on his assessment that as all are associated with the distribution of goods, they address social justice.

Thus what Pettit (1980) has done is to take three theories of justice, assert they are about distributive justice and in equating distributive justice with social justice, links these theories to social justice.

This chain of argument raises a further difficulty in identifying different constructs of social justice. This is exemplified by Miller (1991) who not only equates social justice with distributive justice, but also with justice. In discussing justice and social justice, Miller readily moves between the two terms in a manner that makes them interchangeable. He says 'Thus the reader searching for enlightenment on the subject of social justice is now presented with a large array of theories of justice ' (p.371), and still further on when referring to Okin (1989), he asks 'Is Okin offering us a general theory of social justice, or is she giving us a specific theory of justice? ' (p.390). Following this line of reasoning, if justice equates with social justice and social justice equates with distributive justice, justice is limited to distributive justice. While this seems nonsense, Pettit and Miller are not alone in making these linkages.

In reviewing the social justice literature and deconstructing the references to social justice, three elements can be either explicitly or implicitly identified within each reference. These are a construct setting out an understanding of social justice and how people should be treated, the strategies required to give effect to the construct and the informing theoretical framework. Typically, discussions on social justice revolve around the strategies to be employed. The actual construct and theoretical framework are not always identified. Thus as an example, social justice understood as 'fairness', as a strategy, could employ procedural fairness or equal shares in the distribution of goods, while the informing paradigm would be egalitarianism.

Reflecting the individualism and commitment to the operation of the market the most common expressions of social justice in the literature over the last forty years are based on either procedural fairness or distribution. Exploring the meanings, common themes, strengths and weaknesses in these and other constructs of social justice involves deconstructing them to make explicit each construct inherent along with the strategies and theoretical framework. Accordingly, in the next section the constructs of social justice are explored and analysed through the use of thematic analysis.

5.2   Constructs of social justice

5.2.1 Social justice as procedural fairness

As implied, social justice as procedural fairness is based upon ensuring that the mechanisms by which goods are acquired and/or are distributed are fair, reflecting the paradigm of impartiality (Miller, 1976). However, there are a number of ways in which this can be expressed. Winfield (1988) conceives of social justice as the right, preceding politics, of freedom exercised by individuals. He argues that social justice cannot be achieved through the unilateral allocation of goods to consume and jobs to perform, as it has to be accommodated within structures of freedom. Rather it is achieved, as is a just society, through the impartial operation of the market where individuals interact as sellers and buyers. This gives each person the choice of whether, through a social contract, to enter into reciprocal relationships with others, as either producers or consumers.

According to Winfield, achieving social justice requires a number of strategies. Firstly the regulation of the activities of economic interest groups to maintain individual social freedoms and so ensure that the right of each person to participate is not interfered with. Secondly, it requires that the state puts in place mechanisms that provide each person with the means to participate in the market. Winfield suggest this can be achieved by ensuring the market has sufficient and diverse goods to respond to all individual needs, and ensuring each individual has a sufficient supply of goods to exchange for other commodities.

Adopting a different approach, Rawls (1971) who also refers to social justice and justice interchangeably and implies that social justice is a subset of justice, argues that next to liberty, the most important component of justice is that the greatest benefit should flow to the least advantaged. Rawls' theory of justice has been reframed by some social workers, such as Rose-Miller (1994), as one of social justice.

Dismissing an outcomes-based approach to ensuring the equitable distribution of goods, Rawls contends that for a distribution to be fair, the process has to be fair. For the process to be fair and just, not only do the rules have to be agreed upon by all affected (in the true tradition of liberalism), but they have to be applied impartially, regardless of the outcome. If any advantage is conferred upon any person or group through the process, then it ceases to be

just. For the greatest benefit to flow to the least advantaged they are not to be disadvantaged in any way by the process and therefore are treated in the same manner as the most advantaged. By no longer being disadvantaged, and as the removal of disadvantage is of greater benefit to them than it is to the most advantaged, they benefit the most.

While Rawls relates social justice primarily to the application of procedural fairness, this is not the only institution he identifies that is necessary for social justice to exist. Rather, procedural fairness operates in combination with the public systems of rules that govern structures such as the political, health and education systems. Fairly constituted rules lead to the advantages of the better off flowing on to benefit the less advantaged and 'establishing social justice in the modern state' (p.87).

Campbell (1988) also conceives of social justice as a procedural construct. Moving freely between references to social justice and justice Campbell asserts that while justice should seek to differentiate the just and unjust, it should avoid determining what is just and unjust. That is, justice is concerned with the process and not the basis of the decision or the outcome. Arguing for a merit-based approach to justice he seeks to demonstrate that desert and individual responsibility underpin social justice. However, in suggesting that justice rests on due desert he notes that while it may be generally agreed that people should be given what they deserve, there is no agreement on what they deserve.

Reiman (1990) advances a construct of social justice, similar to Rawls' (1971) construct of procedural fairness. However, he limits its application to those who jointly produce benefits, which are distributed according to the difference principle. By this he means 'inequalities must work to maximise the share of everyone in society starting from the worst off individual' (p.3). To give effect to this principle, social justice considerations have to inform the conditions which lead to the design of a just social structure. However, for Reiman social justice only arises when individuals appreciate their capacity to change social structures that are considered unjust.

He offers an interesting analysis of what he perceives to be the relationship between natural and social justice. Building on the liberal concept of liberty, he argues that the application of natural justice should allow each person to live his or her life free from interference. While natural justice is seen

to structure the relationship between any two adults, regardless of their social standing, at a structural level such a relationship is reconstructed as social justice. However, the difference between natural and social justice is that under social justice a greater property right exists to permit ownership beyond immediate need, reflecting the difference principle and just social relations. Thus for Reiman social justice could be interpreted as a right to be sufficiently resourced to be free from interference. However, he notes that in order to be implemented, social justice strategies have to be agreed upon by each member of society, and having been agreed upon can be considered to be binding undertakings. He states that to do not do so is equivalent to demanding of people uncompensated sacrifice.

A further form of procedural fairness is that advanced by Nozick (1974), which he refers to as entitlement theory (p.150). While he does not identify his work as one of social justice, other authors, such as Miller (1991) and Pettit (1980) do and for this reason, it has been included. Nozick, however, would probably refute his work being so labelled. He argues from a libertarian position involving the recognition of individual rights and autonomy. Under this construct each person is required to provide for themselves in the context of the distribution or transfer of goods occurring as a result of decisions freely taken by individuals and not due to the intervention of the state. He also argues for a minimalist role for the state, as anything other than a minimal state is considered to violate individual rights to freedom.

He rejects the redistribution of goods on the basis of need. He argues that it is fair for a person to possess goods if the process by which they were acquired can be demonstrated to be fair. Nozick contends that an acquisition is fair if the original acquisition did not involve the removal of goods from another person, that is, another person did not originally hold them. It is also fair if where a person owns goods, their transfer to another person was undertaken on the basis of a voluntary exchange or freely given as a gift.

As a consequence, a person can claim ownership of goods if they were acquired by way of original acquisition or fair transfer. However, if it can be demonstrated that goods are held by way of their being unfairly transferred, or acquired, rectification is required to the person or persons unfairly dispossessed and the persons who were unwittingly involved in the unfair transfer. The framework for determining if goods have been justly acquired involves

consideration of how the goods were acquired, the extent of the holding, as this may adversely affect the liberty of others, what may be acquired, as the acquisition of some goods may also restrict the freedom of others, and the transparency of the acquisition process, to reveal any injustice. Nozick's position can be summarised as an historical construct which relies upon how goods were acquired to determine if they were fairly acquired and therefore if the present possession is fair.

Discussion

Social justice as procedural fairness is a process-based individualised construct that reflects the paradigm of impartiality. The principal recurring theme in the literature on procedural fairness is the view that inequality of outcomes should be discounted, so long as the process can be shown to be fair. The only qualification is that in order to implement the process the agreement of all the actors affected is required, reflecting the liberal concepts of autonomy and freedom. To act without their consent is held to constitute coercion and the loss of freedom and autonomy. The point at which there is a divergence of views amongst the various constructs centres on the role of the state and the relationships between the individual, society and the state.

While impartiality in decision-making and the application of rules might be appropriate in some circumstances, it cannot be a universal response to the resolution of all social problems. While appropriate in the electoral system, 'one person one vote', for equality before the law and in anti-discrimination legislation, it is not always appropriate where the outcome of impartiality produces greater inequality or allocates resources indiscriminately without regard to need. There is little value in providing universal benefits and services to all if only a small proportion of the population require them, simply to be impartial. Similarly, inadequately resourcing those in need of assistance through providing a benefit for all is nonsense. It is contended that people would not accept a failure to alleviate social problems, simply because universal agreement cannot be reached upon solutions, or the indiscriminate application of scarce resources.

5.2.2 Social justice as distributive justice

Social justice as distribution places primary emphasis upon the redistribution of goods to alter the end state or outcome of the distribution process to one degree or another in response to disadvantage. In doing so it reflects a needs-based approach. Unlike procedural fairness, theories of distribution recognise that the rules of distribution of themselves can produce unequal outcomes. Kolm (1996) states that the most important issue in distributive justice is the identification of need and the alleviation of poverty. While distributive justice is the most common representation of social justice, the variations are such as to warrant their individual exploration. Primarily the principles of distributive justice vary according to different conceptions of need and how poverty and the common good are defined. Further variations occur according to whether the common good can be realised by individuals without assistance or whether a communal effort is required. The position adopted reflects how the relationship of the individual and society is constructed.

Taylor (1986) is of the view that distributive justice should be seen in terms of community perceptions of justice and to enable its operation, clearly defined eligibility criteria need to be established. While he expresses the view that the criteria for distributive justice should enable each member of society to understand what their entitlement is, he acknowledges that there is no agreement on what each person's entitlement should be, how this is determined, distributed and the extent of each person's responsibilities to the other.

His response is to advance the idea that for social justice to be effective, distributive justice needs to be complemented by the addition of the 'contribution principle'. This holds that each person should be rewarded according to his or her contribution to society, raising the notion of desert. The contribution principle is based on a perception of relative values, which justify differential rewards related to a person's social standing, qualifications, effort and ability while having no regard for need or any notion of equality. While he points out that the basic limitation of the contribution principle is that it fails to recognise that individuals are only what they are, and can only achieve what they do because of the social systems they inhabit, he endorses the principle as it seems to have a general acceptance in society.

Adopting a different approach, Miller (1976) argues that social justice, which is distributive in effect, is best understood as a subset of justice. However, as already observed, it is difficult to make a clear distinction between Miller's construct of justice, which he states 'is the manner in which the benefits and burdens are distributed' (p.19) and social justice which 'concerns the distribution of benefits and burdens' (p.22), a confusion he maintains in his later writings (Miller, 1999; 1991)

He classifies benefits as advantages (but not rights) which may be offered to all, such as education, housing, public services, property systems, regulation of wages, distribution of profits, protection of legally endorsed rights, health, social welfare services and benefits. He also includes intangibles such as prestige and self-respect. However, he offers only a limited account of burdens, which he classifies as disadvantages, such as poor housing and onerous work.

He argues that the contemporary understanding of social justice reflects a market society that is unable to support a view of social justice based on equality. Any recognition of need only occurs as a modification of the principle of desert as individuals are entitled to rewards gained through the market as these are considered fair and just. He works from the premise that social justice in market-based societies is continually being redefined and restructured by the marketplace and in rejecting the notion of a single formula for social justice opts for a pluralistic approach to reflect the pluralism of society. Reminiscent of Hobhouse (1922) Miller advocates a model of social justice based on a limited model of equality in response to structural inequality which is inherent in market-based societies. He advocates a form of distribution based firstly upon desert, supplemented by a limited redistribution of goods according to need, utilising some undefined formula of disadvantage. Thus his market-based construct of social justice is built around the notion of desert reflecting the individualism of the market-based economy. Thus, according to Miller, social justice in a market society refers to the distribution of benefits and burdens according to the conflicting values of desert and need. Miller developed this theme further in his later work (Miller, 1999) in which he succinctly states that social justice as a subset of justice, is contextual, relational and having regard to desert, outcomes based.

Barry (1989) also likens social justice to distributive justice. He contends that social justice consists of 'rights and disabilities, privileges and disadvantages, equal and unequal opportunities, power and dependency, wealth and poverty' (p.335), which he describes as the 'criteria for appraising social institutions, including those that define the situations with which problems of fair division occur' (p.145) which are enabled and constrained by the structure of society. In a later work Barry (1995) further develops this theme, referring to social justice and justice interchangeably, while defining justice as an individualised, procedural, relational and impartial construct.

Adopting a desert-based approach Frankena (1962) conceives of social justice as the problem of justice in a just society. He suggests that a society is unjust if by its structure and practice it 'unnecessarily' impoverishes in a material or aesthetic sense any of its members. His criteria of social justice includes rendering to people their due having regard to moral and legal justice. Reflecting both a procedural and outcomes based approach he concludes that social justice 'consists in the apportionment of goods and evils, rewards and punishments, jobs and privileges in accordance with moral standards that can be shown to be valid' (p.3). That is, social justice can be found in any system of distribution and retribution grounded in valid moral principles.

Outlining a more dramatic form of distributive justice, Kolm (1996) suggests that under the influence of a social democratic philosophy all the resources used for production and consumption, along with the benefits of life, should be shared equally. If equality is not possible, those most in need should be responded to first. Brayne (1937, p.12) gives this further form when he states that social justice is the 'fair and equitable distribution of wealth amongst the member of the community' in response to the maldistribution of purchasing power. Brayne considers that the consequences of unfair inequalities in wealth can lead to the undermining of government and the social fabric of society. He proposes that the redistribution of wealth should be proportional to the degree of labour used to produce it, returning less to investors and capitalists as he argues for restructuring the economic system in line with what he perceives to be socially just principles.

Adopting a very different approach to distributive justice, and working from the premise that equality is an expression of the relationships between people, as reflected in the manner in which goods are distributed, Walzer

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(1983) rejects all unitary models of distribution. His charge against them is that as variations of simple equality, they rest on the distribution of the dominant good (money). As such he contends that they fail to address the oppression that occurs as a result of monopolies in the distribution of goods arising out of a few advantaged individuals being able to control the lives of many through the controlled distribution of goods.

According to Walzer, goods, or social goods as he refers to them, constitute the 'medium of social relations' (p.7) in a market economy. If the distribution of goods can be controlled those who control their distribution are able to define the nature of relationships between people. In Walzer's view this amounts to tyranny, which occurs when a good is distributed in such a way that it enables domination over others to be established. The challenge, which Walzer asserts unitary models of distribution are unable to meet, is to overcome tyranny.

His response is a theory of complex equality, which is based on the belief that it is possible to isolate the distribution of individual goods, or categories of goods, from each other and in so doing fragment and diffuse the effects of domination. Through eliminating the domination of tyranny, the autonomy of the individual spheres of distribution is established. This in turn minimises the impact of monopolies in the distribution of goods through limiting (but not removing) the impact. Through this isolation, Walzer argues that while a person may be oppressed in one sphere of distribution, they can enjoy equality in another. He contends that each sphere of distribution, which is determined by both the informing paradigm and the good or category of goods concerned, can be autonomous of the others.

As a theory that seeks to reflect the complexity of society, complex equality emerges out of the different values that different social goods have in different applications. Because each good, or category of goods, acts to define relationships it is possible for individuals to have different meanings, status and relationships in different spheres of distribution. A person's standing in one sphere is independent of their standing in other spheres. As a consequence of relationships in one sphere not translating into others, the autonomy of the individual is established. That an individual may be subordinate to another in one sphere and can have an equal relationship in another is possible because different rules of distribution apply to the distribution of different goods.

It is difficult to determine how Walzer's theory would be put into effect. It is unclear whether his theory involves existing patterns of domination being controlled in the first instance in order to establish individual spheres of distribution, or if through establishing spheres of distribution domination will be brought to an end. Either way, there does not seem to be an adequate account of how the existing and all pervasive influence of money, as a dominant good, and the manner in which it is used to both oppress individuals and convert goods in one sphere into goods in another is to be addressed. In addition, there seems to be little value in seeking to address the distribution of goods while leaving in place the mechanisms that corrupt the distribution process. There is little value in seeking to advance the cause of equality through modifying the process of distribution if the root structural causes of inequality are not concurrently addressed.

Discussion

Within the literature social justice, reframed as distributive justice, is primarily presented as an individualised outcomes based economic construct that reflects the paradigm of mutual responsibility. While an essential component of social justice, it does not equate with social justice, as on its own it does not solve social problems. Rather it can cause and maintain them. There are a number of limitations associated with distributive justice.

Firstly, while an appropriate response to inequality and disadvantage, it is not a solution as it fails to address the structural causes of inequality and disadvantage. Essentially, it is a just response built on injustice. Secondly, as an economic construct distributive justice only addresses one element of social inequality and disadvantage, and is unable to address the forces that structure social relations. Thirdly, those in receipt of some forms of distributive justice, if it is applied in isolation of other strategies, as in some social welfare assistance, such as unemployment benefits, can be stigmatised or discriminated against as a result of receiving assistance.

In the absence of structural change to address inequality, individuals who are disadvantaged can be ostracised through their being stereotyped as being unworthy of assistance. Thus the full benefit of distributive justice can only be realised in combination with other strategies.

Offsetting these considerations, one of the strongest attractions of distributive justice is that as an economic construct it is readily accommodated by a broad range of political theories. This attraction is enhanced when it is considered that society is not based on any single theory. Rather it reflects a range of theoretical constructs `blended' into an, at times, uneasy alliance developed to respond to the range of issues that arise out of the functioning of society. As a result, as social policies change, social justice strategies built on distributive justice can be readily modified.

5.2.3 Social justice as equality of employment opportunities

Employing a market-based approach social justice as equality of employment opportunities places emphasis on improving the capacities of individuals to participate in the labour market. This is achieved through the use of a carrot and stick approach that fails to provide for those unable to compete. Jordan (1998) argues that the present model of social justice employed by the governments of the United States and United Kingdom, and which has parallels in Australia, is directed towards enhancing the operation of the labour market and the restructuring of the welfare state. He argues that this construct of social justice is predicated upon three principal components.

Firstly, the creation of a skilled work force through the development of vocational training to ensure that labour skills reflect the needs of the marketplace. This has led to primary, secondary and tertiary education being dynamically restructured in order to be responsive to labour market needs Secondly, the development of a work ethic, which involves changing workers' attitudes and behaviour to make them more responsive, adaptable and productive, and therefore of more value, to the marketplace. That this has involved the subordination of social relations to the economy is seen as a 'natural' outcome of the restructuring of social relations. The work ethic is considered to be a component of social capital and a public good as it acts to benefit the general economic well-being of society.

Concurrently, unemployment programmes have been restructured to make them more labour market friendly, discourage welfare dependency and to optimise the incentive for individuals to return to paid employment. This has also facilitated the increasing use of casual and contract labour by employers, enabling them to 'hire and fire' according to demand. The third factor referred to

by Jordan is the element of reciprocity, or more correctly, 'nothing-for-nothing' and referred to as 'mutual obligation' in Australia (Norton, 2000). This approach is based on the view that those who seek to call upon the public purse for any form of assistance should be required to meet strict eligibility criteria, participate in return-to-work programs, demonstrate their genuineness in being unable to obtain paid employment and in doing so, demonstrating their worthiness to receive assistance.

In providing all with the opportunity to acquire the skills required to participate in the labour market, in fostering the work ethic and in making the labour market more attractive than being unemployed through the use of a variety of strategies, it is argued that equality of employment opportunities are enhanced.

Discussion

Social justice as equality of employment opportunities is a process-based individualised construct that reflects the paradigm of desert. There can be no doubting the value of employment, vocational and employment training programs, as strategies for empowering individuals. However, such programs have to be complemented by strategies to assist those unable to compete in the labour market. Similarly it needs to always be recognised that the economy and the marketplace exist for the people and not the other way around. When this order is reversed, people cease to have intrinsic value and instead become units of production and consumption to be dominated and oppressed by market forces.

It therefore follows that the central criticism that can be made of this construct of social justice is that it has no regard for the intrinsic value of people or society. All are valued in economic terms and the extent to which they promote and facilitate economic growth. People are valued according to their contribution to the economy as either producers or consumers. The less one contributes, the less value one is seen to have. In the extreme, those that are forced to call upon the public purse for assistance are seen in negative terms. They are required to forgo their dignity and standing in society by being compelled to participate in activities that have been deliberately structured to make them feel second rate citizens to `encourage' them back to paid employment.

The second major criticism of the model is that it is founded on the utilitarian principle of delivering the greatest good and has no regard for those unable to compete in a market-based economy, other than to require them to keep trying. As a market-based economy actually relies upon a certain level of unemployment to keep the labour market competitive, there is a certain level of dishonesty and deception involved in the equality of employment argument. While recognising the need for a more productive society from which all who contribute will benefit, there is little or no consideration of those who are unable to contribute and who thus are further marginalised.

5.2.4 Social justice as relative deprivation

Social justice as relative deprivation, while needs-based, seeks to place the responsibility for identifying need on individuals who perceive themselves to be disadvantaged. However, they are only considered to be in need if they themselves are able to identify and justify their deprivation relative to other members of society. Advanced by Runciman (1966), this construct of social justice is based on neo-classical liberalism and the need for each person to assist themselves.

While suggesting that all societies are inegalitarian Runciman asserts that inequality is relative to each society, being based on what disadvantaged individuals feel they are not receiving. Thus he argues that social justice is bound up in each person's notion of inequality. Under Runciman's construct the need for any social justice response is based on an awareness of need. If individuals have no perception of being disadvantaged then no need for social justice can arise.

Discussion

Relative deprivation is a process-based individualised construct reflecting the paradigm of desert. While the construct involves elements of a needs-based approach in combination with distributive justice, it is predicated on the view that people should only be assisted if they develop an awareness of what they do not have, relative to others within the same society.

If people can be kept ignorant of their circumstances through being deprived of knowledge regarding their circumstances they remain unaware of

their deprivation. As an active process, this construct of social justice represents a form of social exclusion (Giddens, 2000).

While constructed in individualised terms, in practice relative deprivation reflects the disadvantage that arises out of the way in which society is structured. While advantaging some, the structuring of society disadvantages others who in the main are to be found on the periphery of society (Levitas, 1998). These people are excluded, and thus deprived of the ability to participate in society as a result of inequality in the distribution of resources, value judgements being made about their morality and behaviour and whether or not they are working (Levitas, 1998).

However, as there is little or no structure to the notion of relative deprivation there is no agreed way of determining who, under this construct, is deprived and when this is significant. Thus the second richest person is deprived, relative to the richest one. Should this person becomes aware of this fact, he/she would then be entitled to compensation. While the matters covered by deprivation are limitless, ranging from the essentials of life such as shelter and clothing to the luxuries of life including the opera, travel and an extravagant lifestyle, it is those who are denied the opportunity to participate in society who are most affected.

5.2.5 Social justice as positive discrimination

Social justice as positive discrimination is based on the notion that each person has an equal and intrinsic worth, meaning that need is prior to desert. This is the basis of Honore's (1970, pp.62-63) thesis and informs his view that social justice provides that each person, without distinction and regardless of their 'conduct or choice [has] a claim to an equal share in all those things, here called advantages, which are generally desired and in fact are conducive to their well-being' and that '.... there is [only] a limited set of factors which can justify departure from the principle embodied in the first proposition.' Therefore any discrimination that disadvantages people is unacceptable while all members of society have a claim upon those advantages that are able to provide each person with an acceptable lifestyle. By extension, any person who is disadvantaged or subject to individual or systemic discrimination should be given preferential treatment. The basis for such a claim rests simply upon their

being members of society and their entitlement to be sufficiently resourced to achieve equal happiness and self-actualisation.

Advantages that may be claimed include the provision of food, shelter, clothing and housing, universal health care and education. Other advantages identified by Honore include opportunities for acquiring skill and training along with compensation for injury and disadvantage, aid to underdeveloped countries and the equitable distribution of resources and landmasses amongst the world's population.

Discussion

Social justice as positive discrimination is a relationship and needs-based construct that reflects the paradigm of mutual responsibility. The notion of social justice as positive discrimination to ensure the equal distribution of life's advantages has many advantages over the preceding models of social justice. This stems from the implicit recognition given to the need to address structural inequalities as the most appropriate way in which to address discrimination and unfair treatment. However, it has a number of weaknesses.

First and foremost, it is reactive and thus only comes into play when disadvantage occurs, allowing decisions in the first instance to be taken on the basis of desert and equality of opportunity. Secondly, the model is open ended in that it is as applicable to the more extreme wants of life such as the opera, travel and expensive cars as it is to the essential needs of life, such as food, shelter and clothing. Lastly, being based on the circumstances of each person and specific instances of discrimination, the model is individualised.

To implement this model would require a highly interventionist approach by the state as every time one person's circumstances altered an adjustment would be required in circumstances of the rest of society's members if none are to be disadvantaged by the change. Individual aspirations would have to be subjugated to society. This does seem to infer that Honore's model has similarities with Walzer's (1983) idea of simple equality, which involves every person having the same quantity of identified goods as every one else. However, it is unclear what quantity of any good each person is entitled to claim, the capacity of society to meet such a demand, whether all goods should be subject to this rule, or if there is sufficient of any given good available to achieve such an outcome.

5.2.6 Social justice as reciprocal relations

Reflecting the notion of need, social justice as reciprocal relations rests on the idea that those who derive the most benefit from interacting with their fellow citizens have the greatest responsibility to assist those disadvantaged by their gains (Etzioni, 1998). However, the idea of social justice as reciprocal relations, which is reflected in communitarian thinking, is poorly developed in the literature as there has been little explicitly written on the subject. Drawing on some of the key values associated with communitarian thinking it is possible to construct a profile of communitarian social justice. Rejecting the idea of the individual as an autonomous being, communitarian social justice is founded upon the idea of reciprocity of responsibility. In addition to assisting each other, society's members have a collective moral responsibility to maintain the common good and the public interest through each person being committed to the stewardship of societal values. These include the responsibility for individuals to participate in societal debates about the nature and shape of change.

This accords with Gopalan's (1972) construct of social justice, which is explicitly based on the intrinsic value of the individual, the significance of the relationships between people and the importance to people of the institutions they inhabit in society. In the extreme, social justice involves the strongest supporting the weakest, with each person being expected to assist their fellow citizens to the extent that they are able. However, those who gain the most from society have the greatest obligation to support those less advantaged, their community and the common good.

The expression of reciprocal relations is manifested in a number of ways. Firstly, communitarian thought recognises and accepts that inequalities exist between people in terms of wealth, education, social position, heritage and natural attributes. In response, a key function of social justice is to both lessen the extent of these inequalities and to ensure that these advantages are not used to legitimate the subordination, domination and oppression of those less advantaged.

Secondly, communitarian social justice seeks to eliminate oppression and domination through ensuring that the rules and social patterns that govern social institutions are transparent and open to collective action. By being open and accessible to collective action they can be challenged and changed to

facilitate fairness in the distribution of goods. Through fairness in the distribution of goods each individual is assured of being sufficiently resourced to participate in social activities, to be valued for what they are and achieve self actualisation (Young, 1990).

Thirdly, social justice seeks to promote the right and capacity of each person to participate in the activities of their community based on the premise that each person has an intrinsic value independent of and preceding their contribution of society (Selnizck, 1998).

Thus equality lies in the recognition given to the intrinsic value of each person through eliminating systems of oppression and domination. This Walzer (1983) suggests is manifested in the manner in which social goods are distributed which can be conceived of as occurring in a series of discrete, yet interrelated spheres, represented by social institutions.

Discussion

Social justice as reciprocal relations is a relationship-based construct that reflects the paradigm of mutual responsibility. However, it is not possible within liberal society to give all the same degree of wealth, power and influence and maintain society. Instead, within each sphere of distribution it is necessary to ensure that each person has a sufficient level of resources to ensure that they are able to participate. A further, but related weakness of the construct applied to a society founded on individualism is that it is presumed that it is possible for self-interest to be put aside.

Reflecting the strength of self-interest, since the 1980s the welfare state has been progressively modified involving a reduction in both the extent and degree of assistance provided, as well as a restructuring of the taxation system (Argy, 1998; Graycar & Jamrozik, 1993). All of these factors have resulted in the most advantaged contributing less to the well-being of society than previously.

5.2.7 Social justice as freedom from domination and oppression

Social justice as freedom from domination and oppression departs from all previously considered constructs, although there are some commonalities with Honore's (1970) idea of social justice as positive discrimination and the communitarian construct of reciprocal relations. Based on the intrinsic value of the individual prior to personal conduct it precedes any idea of desert or

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fairness. While this may not reflect contemporary liberal ideology, it does reflect the values inherent in early liberal thinking prior to the development of classical liberalism and its alliance with economic theory.

Advanced by Young (1990) social justice, as an absence of domination and oppression, is not intended as a theory of justice as Young regards it as being prior to justice. In form it is similar to the construct of social justice promoted at the end of the 18th century in that it presumes the intrinsic value of people. However, being based on the social group, being individuals with shared attributes, rather than the individual in isolation, it is distinguished from all other constructs. Young's choice of the social group rests on her belief that institutionalised relationships involve social groups and not individuals. Through belonging to or being assigned to social groups individuals may be dominated and oppressed through being negatively differentiated.

While domination and oppression can be, and often are, intertwined, neither exists independently of the other. Domination occurs in the institutionalising of relationships that prevent people from exercising control over their lives, limiting their choice of action in any given situation and in their being denied the right to self-determination. In comparison, Young argues that oppression occurs as a result of everyday practices concerning the way people treat each other reflecting social norms, habits and symbols. Oppression is also to be found in the assumptions that inform the institutional rules that are constantly being reproduced in dominant political, economic and cultural institutions. She identifies five forms of oppression, being exploitation, marginalisation, powerlessness, cultural imperialism and violence. Exploitation involves one group of people benefiting from the labour of another at the expense of the former. This form of oppression is produced and maintained by structural relations reflected in the work ethic and the manner in which people are 'educated' to take their place in the workplace. Marginalisation arises when people are unable to be employed as a result of their not having the necessary skills, education and social standing to gain employment. The provision of food and shelter is not sufficient to eliminate marginalisation, as they do not facilitate participation in the activities of society.

Powerlessness occurs as a result of the erosion of democracy through minimising opportunities for people to participate in the making of decisions that affect them. Powerlessness is reflected in the loss of personal authority, self-

esteem and the inability of members of social groups to realise their own capacity. Powerlessness is also reflected in the lack of control people have over their lives and decisions that impact adversely upon them. Cultural imperialism is the imposition of one set of cultural values upon those of another culture, subjugating and even destroying the subjugated culture. In the process the dominant culture is promoted as the norm and as being representative of society, leading to the establishment of stereotypes and the loss of identity for the members of the subjugated culture. Violence of a systematic nature, if accepted as a given, can become a norm and is often linked with cultural imperialism in combination with interracial violence.

Young proposes overcoming domination and oppression by enabling each person to achieve self-determination by employing a number of strategies. These include facilitating social relations that reflect and acknowledge differences, promoting democratic decision-making in the political, social and economic spheres and promoting difference in order to promote inclusiveness. Other strategies involve making social relations open and transparent to enable relations of power to be observed and differences acknowledged, even if not always understood or shared. Differences should be equalised and recognition given to the fact that strategies for addressing domination and oppression are culturally specific.

Discussion

Social justice as freedom from domination and oppression is a relationship-based construct that reflects the paradigm of mutual responsibility. Unlike other models of social justice which have emphasised strategies without setting out what social justice is, Young, while emphasising the construct does so at the expense of setting out the supporting strategies which are underdeveloped. The principal strategy advanced is the facilitation of self-determination through promoting difference and democratic processes in the political, social and economic spheres as 'democracy is both an element and condition of social justice' (Young, 1990, p.91).

There are a number of problems associated with the use of democracy as a strategy. Democracy itself can be oppressive when expressed as a utilitarian philosophy. It can have intended and unintended consequences that deny minority groups the right to participate, access to services and the right to

be heard. A further limitation of democracy is that it is only available to persons able to participate, even if oppressed. Yet some of the most dominated and oppressed people in society are those unable to participate such as children, the frail aged and the disabled. To avoid these limitations democracy has to be accompanied by complementary strategies in the form of positive rights, which recognise, support and promote difference.

Through recognising differences in social groups individual differences can be acknowledged and supported and the limitations of democracy overcome. According to Young, the consequence of not doing so is to suppress difference through valuing impartiality, commonality and sameness. However, an absence of domination and oppression of itself will not enable people to participate in society. The removal of mechanisms of domination and oppression has to be accompanied by strategies which facilitate the development of new social relationships otherwise a social vacuum will result, leading to former relationships being reasserted.

This construct of social justice has much to offer over those previously discussed as it identifies and describes the structural barriers to people achieving self-determination. If people are sufficiently resourced and empowered to be able to participate in society, inequality is not of itself problematic. While having more wealth and access to power may be preconditions of domination, oppression and inequality, this will only occur if wealth and access to power are used so as to structure relations in ways that result in disadvantage for some. It also provides a platform of sufficient flexibility to enable a range of responses or strategies to be developed without the construct being compromised.

5.2.8 Social justice as a subjective construct

Social justice as a subjective construct can be best described as being whatever each person or community perceive it to be. Advancing this account of social justice, Tyler *et al* (1997), social psychologists, provide a very different approach to the construct. They consider social justice is a subjective interpretation or response to policies, decisions, actions and injustices and is not necessarily based on any rational premise. As described by Tyler *et al*, social justice is both an objective and social construct as they consider that the meaning of social justice is shaped by society. Some of the more common

understandings of social justice they advance include relative deprivation, distributive justice, procedural justice and retributive justice, which involves how people respond when social rules are broken. They consider that constructs of social justice are both institutionalised and adapted constructs of justice that change as social needs change. Concluding that society has well established views on what is just and unjust, right and wrong, moral and immoral, fair and unfair, they propose that social justice, which they state stands in opposition to classical liberalism, is any interpretation that individuals have of justice.

Discussion

The values people hold are both informed by and inform the values of their society. In a market society based on liberal values it is not surprising that research would suggest that people's values and constructs of social justice would reflect a blend of desert, merit and redistribution and not acknowledge structural inequality. Thus it can be argued that as the need for social justice arises out of social practices informed by prevailing social values, to rely on social values to inform social justice is self-defeating.

5.2.9 Social justice as a reference

Not all references to social justice set out a theoretical framework. Within the literature and elsewhere there is a wide range of situations in which social justice is referenced without explanation. Examples include Behrendt (2003), Kitching (2001), Stewart (1998) and from the social work literature, Crawford (1997) and Smyth (1998). This is done through the use of the phrase in the title of the book or article, in the abstract or even in the body of the text as a single reference. Social justice as a reference seeks to use the term for symbolic purposes or as an appeal to particular values and is associated with its use as a subjective construct.

Social justice can also be used as euphuism for related, but less powerful values such as advocacy and empathy and to imply care and sensitivity. As used, it represents an appeal to implied beliefs and values to give legitimacy and suggest a particular social construct.

Discussion

While social justice based on individual perceptions is subject to the changing nature of public opinion, social justice as a reference is even more fickle. As a reference it can be employed by public figures and in the literature to shape and create meanings. It can also be used to mask undesirable change and to appeal to conservative values around the ideas of desert and entitlement. In doing so, there is an implicit appeal to perceptions of worthiness to have what one has, to what one is entitled to and the degree of assistance that should be offered to those disadvantaged.

5.3   Conclusion

In exploring and analysing the range of constructs of social justice it has been argued that social justice has three components: the construct, the informing theoretical framework and the strategies employed to give effect to the construct.

A number of issues have emerged from this analysis. There is little in the way of commonality across the different constructs as there are only a limited number of shared meanings and understandings upon which any commonality can be built. The most prominent commonality is the implied notion that social justice is concerned with the development of strategies, which to one degree or another, seek to prevent, minimise or counteract disadvantage, oppression, discrimination and inequality and so promote social relationships. The idea of promoting social relationships is to be further explored, as it may constitute a key feature of a construct of social justice for social workers. The strategies employed can range from impartiality in the distribution of goods, through facilitating a limited redistribution of wealth to those persons most in need, to enacting structural change as a means of eliminating discrimination against groups or individuals.

Rather than there being a shared understanding of what social justice is, in keeping with Foucault's (1972) concept of discourse, a series of constructs are seen to operate, each competing with the other for legitimacy. With the possible exception of Young's (1990) construct, no one construct can stand alone as an adequate response to disadvantage and discrimination. To mount an effective response a multidimensional approach is required which enables a range of strategies to come into play in response to specific circumstances. The

need for a multidimensional response is given added emphasis when it is considered that society does not rest upon a single theory, but rather, a wide range of social, political values and economic beliefs, which are reflected in and are reflective of societal values and practices across and within the different spheres of practice.

Thus, to adequately respond to the different spheres of practices requires a pluralistic construct of social justice. Accordingly, a unitary construct of social justice is rejected, as it cannot be applied under all circumstances. What is required is a polymorphic construct, supported by a range of strategies that can be adapted and changed in response to the changing nature of society. Within such a response there are bound to be tensions and conflicts as the individual strategies conflict and compete with each other for dominance and legitimacy.

However, prior to proceeding further in this direction the relationship of social justice and justice requires clarification. This lack of clarity is unexplored in the literature and, as earlier noted, has a lengthy history, being commented upon by Calvez and Perrin (1961) as occurring in late 19th century literature on social justice. This is best reflected in the way some authors, such as Miller (1999; 1991 & 1976) and Pettit (1980) use the terms social justice and justice interchangeably. Accordingly it is necessary to explore and clarify not only the differences between social justice and justice but also determine whether constructs such as procedural fairness and distributive justice are constructs of social justice or justice, prior to proceeding to explore the expressions of social justice in the social work discourse.

While there are some self-evident differences between justice and social justice, such as promoting the common good as opposed to mediating conflicts, a more detailed analysis, as set out in the following chapter, is required to clearly distinguish between the two terms through undertaking an analysis of the practice critiques of social justice.

6.0   ON SOCIAL JUSTICE AND JUSTICE

6.1   Overview

As observed in chapter two a number of authors, including some social workers, use the terms 'social justice' and 'justice' interchangeably, both generally and when referring to specific constructs of social justice. Therefore this chapter draws on the preceding two to explore the relationship between the constructs of social justice and justice. This enables consideration of whether it is appropriate for social workers to use the two terms interchangeably and the implications of doing so.

The approach taken involves the use of praxis in conjunction with critical theory, reflecting the belief of the social work profession that theory and practice need to inform the other in a purposeful way (Ife, 2001). Describing each construct of social justice, identifying the informing paradigm, and exploring the general attributes, expressions and limitations of each construct achieve this. This is followed by an evaluation of the extent to which each construct of social justice could be employed as a construct, or subset, of justice, and the implications for social justice and justice, which according to Campbell (1988) is concerned with mediating relationships.

Doing so also enables a clearer picture to be formed of the differences and similarities between social justice and justice. It also enables consideration of why some constructs of social justice have legitimacy and others do not. This exploration is undertaken in the following pages.

6.2   Practice critiques of social justice

6.2.1 Procedural fairness

Social justice as procedural fairness, under the influence of neo-liberalism, is a process-based, individualised construct directed to ensuring that the mechanisms by which advantages and disadvantages, goods and services are acquired and/or distributed are fair, reflecting the paradigm of impartiality (Rawls, 1971; Reiman, 1990).

Discussion

The most practical example of procedural fairness is the administration of justice. This is encapsulated in the legal concepts of procedural fairness, natural justice and impartiality, involving the disinterested decision maker. Other

examples include the process by which political parties are elected to government and the distribution of goods and services via the deregulated marketplace, a practice that impacts directly upon all people. This is held to operate in a neutral, impartial, value free manner, able to meet all needs and wants through transactions, which are held to be conducted between free and equal individuals.

However enacted, the emphasis on the process being fair and just is seen to legitimate the outcome, whatever it may be. Even unequal outcomes can be justified, as can disadvantage, so long as the process is fair. As such, it can lead to structural inequality.

Were procedural fairness only conceived of as a strategy its application would be restricted to the economic, political and legal spheres. In such circumstances it would lack the status to support and legitimate the inequality associated with market-based outcomes. In consequence one of the principal underpinnings of the deregulated marketplace would be removed. However, portraying and identifying procedural fairness as social justice rather than a strategy enables it to support and justify the purported impartial operation of the market.

Having regard to the foregoing expressions of procedural fairness, for social workers to refer to procedural fairness as justice is problematic as it would involve limiting the application of justice to issues of procedural fairness, regardless of the outcome. The real value of procedural fairness lies in its capacity to ensure that processes are fair and just.

6.2.2 Distributive justice

Social justice as distributive justice, while having been individualised under neo-liberalism, places primary emphasis upon the redistribution of goods to alter the end state or outcome of the distribution process to one degree or another (Taylor, 1986; Barry, 1989) and reflects the paradigm of mutual responsibility.

Discussion

Distributive justice is a financially-based construct and while limited to the economic sphere, has implications for each person's quality of life and their capacity to participate in social activities. Examples include centralised wage

fixing (a contested mechanism), pensions, unemployment benefits and other social welfare assistance such as income and child care supplements.

Under the influence of the present economic discourse the value of distributive justice, which increasingly is being individualised and targeted to specific categories of people, is only accepted so long as the strategies employed do not interfere with the operation of the market (Argy, 1998). Minimising intervention requires all cash transfers to be by way of social welfare programs and not involve (increased) taxation or employment generating programs. Similarly, centralised wage fixing is under challenge through the use of workplace agreements and non-union labour, mainly in the form of contract labour (Argy, 1998). Distributive justice has also been redefined and in the process limited to enabling people to become active participants in the market, rather than compensating them for the extremes of the market (Argy, 2003).

Of particular interest is Wissenburg's (1999) claim that distributive justice was the first of the economic-based strategies to be redefined as a social justice construct by those controlling the present discourse on economics. While this occurred in the 1960s, distributive justice has to be regarded as a transitional vehicle. It has increasingly fallen into disfavour as neo-liberal policies, which promote market-based strategies for the distribution of economic benefits, gain greater influence in society and the economy. As a result its legitimacy has been questioned and its application restricted. As its value has declined its dominance of the social justice discourse has been replaced by procedural fairness and equality of employment opportunity, the main constructs of social justice now being advanced by neo-liberals (Jordan, 1998).

As a construct of social justice, social workers need to be aware that distributive justice fails to address the underlying causes of the inequality that lead to the need for redistribution. If conceived of as a strategy the provision of financial support by way of redistribution is one mechanism by which personal and structural inequality are able to be addressed.

As demonstrated by the examples of distributive justice, none of them allude to any association with justice. Rather each expression reflects a strategy for alleviating and addressing unequal outcomes. Thus it is inappropriate for social workers to refer to distributive justice as justice.

6.2.3 Equality of employment opportunities

Social justice as equality of employment opportunities is a process-based, individualised construct directed towards improving the capacities of individuals to participate in the labour market (Jordan, 1998) reflecting the paradigm of desert.

Discussion

Referring to 'equality of employment opportunities' as social justice has enabled the language of social justice to be used to support neo-liberal economic paradigms (Jordan, 1998). As a construct it reflects the way in which the market assigns a value to people in terms of their contribution to the economy. Under such a construct it is better to work and have a low income (the working poor) and so earn dignity and respect (Argy, 2003).

Underpinning the idea of social justice as equality of employment opportunity is an implied assumption that each person is equally able to take advantage of and optimise the opportunities provided. However, as there is no common baseline of personal capacity and ability, not all are able to gain the same advantages from the opportunities provided. Thus the construct is not only antagonistic towards the intrinsic value of each person, but by requiring all members of society to be involved with the market, it institutionalises and reinforces inequality and therefore is unjust.

This construct of social justice serves the interests of employers and the economy at the expense of each person. While limited to the economic sphere, because of the way in which employment is being used to define a person's standing in society, its effects spill over into the social and political spheres.

As a vehicle of labour market control, equality of employment opportunity involves a three-pronged strategy (Jordan, 1998). Firstly, it involves making the education system more responsive to the needs of the marketplace, which has been achieved by allowing commercial interests to identify the education needs of the labour market and in the process, commodifying education. This is reflected in universities having to rely upon a mixture of private sector and government funding. Not only has this constrained their independence but has forced academics to respond and adapt to the needs of the commercial interests in proving educational programs (Argy, 2003).

Secondly, it involves reducing access to, and the attractiveness of, social welfare benefits (Jordan, 1998). In the extreme, benefits to young unemployed living at home with their parent(s) have been removed (Argy, 2003). It is also reflected in the restructuring of social welfare programs to make them less attractive and accessible through the narrowing of eligibility criteria and imposing 'tests' to be met by applicants and recipients (Argy, 2003). Those unable to participate in such programs are reluctantly accommodated, but are isolated and stigmatised through the use of language such as referring to unemployment benefits as the 'dole' while those unable to compete in the market are referred to as 'dole bludgers' (Argy, 2003).

Thirdly, through the use of contract labour and individual workplace agreements people have been conditioned to accept greater employment uncertainty, the need to be mobile in order to respond to changes in the geographical labour market requirements and increased casualisation of the workplace. Thus this construct involves use of a carrot and stick approach that fails to provide for those unable to compete (Jordan, 1998).

Social justice as equality of employment opportunity is directed towards adapting the labour market to the needs of employers and seeks to minimise the application of, and discourage the use of distributive justice through reducing access to services (Jordan, 1998). In comparison, if modified and used as a strategy and limited to the economic sphere it could make a dynamic contribution to employment training, complemented by funding support and social welfare programs. Those unable to compete in the employment market need to be supported and not further disadvantaged and stigmatised.

Because of its association with (justice as) desert 'equality of employment opportunities' can be readily construed as a subset of justice. Accordingly social workers need to exercise care when referring to this construct to distinguish it from justice as desert. To not do so can result in social justice being seen as a subset of justice defined in market related terms.

6.2.4 Relative deprivation

Social justice as relative deprivation, while having some needs-based elements, is a process-based individualised construct that seeks to place the responsibility for identifying and demonstrating need on those who perceive themselves to be disadvantaged (Runciman, 1966) reflecting the paradigm of desert.

Discussion

This is the most self-serving construct discussed and is associated with the more extreme right wing manifestations of neo-liberalism. As the means of articulating disadvantage is associated with empowerment, and those disadvantaged are mostly disempowered, this construct represents little more than an attempt to justify personal greed. It enables those who have gained most to keep their gains through the placing of impediments to assistance in the way of people unable to participate in the market.

Those disadvantaged are not only expected to have an awareness of their circumstances, but be able to articulate them in a way that they are able to persuade the rest of society that they should be assisted. It is unlikely that those disadvantaged (except some who while affluent are not as affluent as others, and who under this construct may be able to claim disadvantage) would be in such circumstances if they had the ability to define their circumstances. As those disadvantaged by the inequalities in society are often the least able to advocate for themselves, to require them to justify their need for assistance to their fellow citizens is unreasonable.

The approach of the federal government to the provision of social welfare assistance has some elements of this extreme position in that applicants are required to not only be able to demonstrate need, but also be able to persuade those administering the programs of their plight and worthiness (Argy, 2003).

The crucial issue in considering whether 'relative deprivation' has any association with justice is the criteria that those approached for assistance might rely upon in coming to a decision. While the most immediate possibility is the notion of desert, should social workers consider 'relative deprivation' to be a construct of justice they would institutionalise and endorse inequality and a two-tier notion of citizenship.

6.2.5 Positive discrimination

Social justice as positive discrimination is both a relationship and needs-based construct that argues for preferential treatment being given to individuals who are disadvantaged arising out of their being subject to individual and/or systemic discrimination (Honore, 1970) and so reflects the paradigm of mutual responsibility.

Discussion

Practical applications of this construct are diminishing in contemporary Australia. At a federal level funding has either been reduced or withdrawn for women's groups and Aboriginal people, as has support for the gay and lesbian movements (Johnson, 2000). This reflects a more conservative approach by government, which seeks to exclude and deny difference. Only by looking to the States can examples be found. One example is employment policies that designate identified positions for persons of a particular culture or sex. Other examples include consumer protection and child protection laws, domestic violence legislation and anti-discrimination laws (Carney, 1998). As a construct of social justice it is limited in application to those individuals disadvantaged by the operation of the market and society.

While contrary to the original intent of social justice, which was applied to all people, such a restriction is consistent with the current neo-liberal discourse. Thus it fails to address the structural causes that give rise to the need for positive discrimination. Not surprisingly, the notion of 'positive discrimination' finds little support amongst neo-liberals as it is held to interfere with the 'natural ability', or functioning, of the market (Funnell, 2001, p.58). A further reason for it not being well received is that it is held to conflict with individual autonomy through the imposition of restrictions upon some, in order to benefit others.

Like distributive justice, it has previously been endorsed as a strategy to counter social and economic inequality. Its application in the political sphere is limited to Labor Party policy directed towards ensuring sufficient women have the opportunity to stand for parliament. Social justice as positive discrimination is more effective if employed as a focussed strategy to address specific inequalities than as a general construct. However, it is likely to be further dis-endorsed and dismantled given the present coalition of power between a conservative government and the private sector, which is opposed to rights of any kind.

Social justice as positive discrimination has many similarities with justice as rights as both recognise the dignity and intrinsic value of the person. However, while justice as rights applies to all people, 'positive discrimination' is limited to those disadvantaged. Accordingly, for social workers to equate

'positive discrimination' with justice would be to construct justice in terms of, and limited to, disadvantage.

6.2.6 Reciprocal relations

Social justice as reciprocal relations is a relationship-based construct that seeks to respond to need and reflects communitarian values. It rests on the idea that those who derive the most benefit from interacting with their fellow citizens have the greatest responsibility to assist those disadvantaged by their gains (Etzioni, 1998) reflecting the paradigm of mutual responsibility.

Discussion

This construct, while needs-based, implicitly implies a financial approach and is therefore limited to the economic sphere. However, there are also implications for the social and political spheres as the provision of such support enables each person to exercise choice as to whether to participate in activities in these spheres. As a consequence it defines social relations in financial terms in much the same way the present economic discourse does. It does little to address structural inequality, and thus needs to be complemented by constructs that define relationships in terms of each person's intrinsic value. However, if people were sufficiently resourced, it would be a big step forward in facilitating the increased recognition of each person.

Based on the most advantaged assisting the most disadvantaged, this construct can be compared with distributive justice and positive discrimination as well as justice as rights. The most common manifestation is that of marginal tax rates which, in theory, result in the most financially advantaged contributing more to society than the less advantaged. However, in Australia this was 'eased' for high income earners following the introduction of the goods and services tax which saw top marginal tax rates reduced (Argy, 2003).

However, it is not acceptable to neo-liberals as either a construct or a strategy unless all the affected parties agree to its implementation and it occurs by way of volunteerism (Argy, 1998; Barry, 1996). The alternative position, supported by communitarian liberals, is that those most advantaged should be compelled to share some of their gains (Etzioni, 1998).

As a construct which seeks to balance the rights of the individual with the needs of the community, reciprocal relations creates a tension that has to be

constantly monitored, managed and adjusted in keeping with changes in the economy and the resultant changing capacities of those contributing to assist.

While potentially compatible with justice as contract, justice as fairness and as reason, to refer to 'relative deprivation' as a construct of justice is to construct justice in economic terms and in doing so, reduce social relationships to financial exchanges.

6.2.7 Freedom from oppression and domination

Social justice as an absence of domination and oppression is a relationship-based liberating construct that addresses institutional forces that deny people the right of self-determination (Young, 1990) reflecting the paradigm of mutual responsibility.

Discussion

Young (1990) presents an interesting construct that can be applied to all discourses in the social, political and economic arenas. By addressing the structural causes of social problems and the reasons for domination and oppression the construct outlined is prior to inequality, need and desert.

Addressing domination and oppression requires an active role for the state in regulating social behaviour in the political, social and economic spheres. It requires the state to keep each sphere of activity, while interrelated, separate from the other, in the manner described by Walzer (1983). This protects the gains in one sphere of activity from being eroded by losses in another. However, such an interventionist role by the state is inconsistent with the neo-liberal, free market paradigm (Aarons, 2003).

Being prior to need and desert suggests the construct is grounded in something more than the values imposed by a specific social order. It is contended that it is grounded in the dignity and intrinsic value of each person which itself is prior to need or desert. If this is the case then social justice as an absence of domination and oppression can be regarded as one expression of the original meaning of social justice described by Calvez and Perrin (1961) and Del Vecchio (1952) and thus is directed towards facilitating the common good.

Politically, 'freedom from domination and oppression' is more aligned with the idealist nature of European liberalism than the rationalistic nature of Anglo-American liberalism upon which Australia is increasingly drawing. The

interesting feature of this construct is it can accommodate most of the other constructs of social justice if they are reconstructed as social justice strategies. Indeed, in being applied to specific circumstances some of the previously problems arising out of their generalised application are solved, enhancing the credibility and role of context specific strategies.

It is tempting to regard 'freedom from domination and oppression' as a construct of justice. However, as Young (1990) observes, to do so is problematic, given that justice is about mediating relationships (Campbell, 1988), while 'freedom from domination and oppression' precedes justice. Doing so would corrupt this construct of social justice that seeks to structure relationships in such a fashion that there is no oppression or domination and thus no need to mediate relationships.

6.2.8 Subjective value

Social justice as a subjective value can be best described as being whatever each person or community perceives or accepts it to be (Tyler, et al 1997). The extent to which social justice as a subjective value is compatible with any construct of justice, or could be regarded as a construct of justice, cannot be assessed, as there are no criteria by which to make an evaluation.

Discussion

The most significant factor associated with social justice as a subjective construct is the lack of recognition given to the manner in which understanding and meaning can be manipulated. While usually associated with elements of desert, as a construct of convenience, it can also be portrayed as procedural fairness, distributive justice and utility depending upon the context or issue with which it is associated. However, because meaning can be contested, this construct can be reduced to little more than a linguistic exercise employed as a response to specific circumstances and developments. Consequently, it is necessary to question what is achieved through acknowledging this notion as either a construct or a strategy of social justice.

Social workers should be wary of social justice as a subjective value as it allows vested interests to shape community understanding of what social justice is, the circumstances under which the term is applied and who should and should not benefit from its application. As a consequence, social justice as a

subjective value can be readily manipulated and subject to the influence of value judgements, usually associated with some notion of desert.

6.2.9   Referential term

Not all references to social justice set out a theoretical framework. Within the literature and elsewhere there is a wide range of situations in which social justice is referenced without explanation. This is done through the use of the phrase without explanation in the title of a book or article, in the abstract or even in the body of the text. The extent to which social justice as a referential term is compatible with any construct of justice, or could be regarded as a construct of justice, cannot be assessed, as there are no criteria by which to make an evaluation.

Discussion

Like social justice as a subjective value, social justice as a reference seeks to use the term for either symbolic purposes or as an appeal to particular values, while used without explanation means not having to define what is meant. It is often used as a 'warm fuzzy' term to convey sympathetic values and attitudes, for example Mr Justice Kirby stated that 'In some matters of social justice …. the churches have an admirable record' (Kirby, 2000). However, as Goldsmith (1998) notes, it has also become a synonym for a range of competing interpretations and can even be used as a propaganda tool. According to Goldsmith, so strong are the values implicit in the term that for a politician to express an outright rejection of social justice is nothing less than political suicide. As a consequence, Goldsmith states that the Australian Liberal Party has had to come to terms with the term and impose its own interpretation of what it means.

Social workers need to exercise care, and seek clarification, when faced with this expression of social justice as it embodies the political ideology and values, which may or may not be expressed or able to be examined, of the person employing the term.

6.3   Conclusion

By the end of the 19th century social justice was held to be all embracing to the extent that it was considered to be both synonymous with, and encapsulating of, justice (Del Vecchio, 1952). This would provide one explanation as to why some authors readily shift between references to social justice and justice, treating them as if they are one and the same construct. It might also offer an explanation as to the durability of social justice, even if it has been reduced primarily to the more narrow constructs of distributive justice and procedural fairness. A further explanation is the reference, either explicit or implicit, to some form of rights in each construct of social justice and justice. Such rights are described by Marshall (1950) as consisting of individual civil, political, legal and social rights and have much in common with what Rawls (1996) refers to as basic rights, interpreted by Howe (2001) as referring to political, social and legal rights, to which all are entitled. Importantly, the references to rights introduce a further shared feature of a construct of social justice for social workers.

Within the literature nine constructs of social justice and seven of justice have been identified. As demonstrated each has its own distinctive features and application. Importantly, the interpretation and standing of each construct, while informed by a particular paradigm, is dependent upon which strand of liberalism is employed to provide the political framework. Accordingly, to use the terms 'social justice' and 'justice' interchangeably is problematic as it leads to a range of dysfunctional constructs. Constructs that are process-based conflict with those that are outcomes based which have quite different purposes. Similarly, process-based constructs also conflict with relational constructs as both have very different perspectives on the significance of social relations and the different attributes each person brings to any situation.

Thus it is not possible to mix process-based constructs, which under the influence of neo-liberalism, are increasingly dominating both social justice and justice, with those that emphasise either outcomes or social relations. In comparison, outcomes-based constructs and those that are relationship-based harmonise well with each other. Such conflicts can be avoided if each class of

construct is limited to particular circumstances. Of course, this leads to a debate about which class of construct should be applied to which circumstances.

Accordingly, for social workers to use the expressions 'social justice' and 'justice' interchangeably not only confuses things, but is theoretically flawed. As shown the differences between the constructs are sufficiently different that they cannot be conflated. Thus social justice should not be referred to as justice. In addition, to equate social justice with justice is to limit social justice, however defined, to individualised relations, usually associated with some form of mediation and dispute resolution.

While referring to social justice as justice can also reduce social justice to a subset of justice, from a very practical perspective, to refer to 'social justice' as 'justice', or a subset of justice, is to abandon social justice. Therefore, any consideration of any of the constructs of social justice being a construct of justice, or subsets of justice, is rejected. Accordingly, in the following chapters on social justice in Australia, and in particular, the Australian social work discourse, references to social justice, unless specifically identified, will be limited to those already identified.

Having noted the influence of liberalism upon social justice, prior to exploring social justice in Australia, and how it is expressed in the Australian social work discourse, it is first necessary to understand the forces that have been instrumental in shaping social justice and the social work discourse in Australia. Addressed in the next two chapters, principal amongst these is the Australian political discourse.

SECTION THREE

7.0   DISCOURSE ON AUSTRALIAN POLITICAL VALUES AND BELIEFS

'The dominant political ideology in any country derives from its cultural history and its cherished social myths' (Leach, 1993, p.101)

7.1   Overview

Australia is more than a country, a physical landmass. It is also synonymous with a culture, initially reflecting Aboriginal society that was supplanted and overwhelmed by the values that came with European settlement. These values revolved around democracy and liberalism and while Australian politics are distinct from that found in other western nations, there are also commonalities (Cook, 1999).

It is argued that Australian liberalism initially evolved out of European liberalism which also was instrumental in the introduction of social justice strategies, initially in pre-federation Victoria, following which they were adopted by the other states and the new Federal Australia. As an alternative discourse to British individualism, European liberalism achieved stability and came to maturity concurrently with democracy sooner than did British liberalism (Beloff, 1954). In evolving out of European liberalism (Ramsay, 1997; Rowse, 1978) Australian liberalism has a rich heritage. Its development was influenced by the demise of feudalism and absolutism in the 16th and 17th centuries and a series of cultural and political crises, including the French and North American revolutions in the last decade of the 18th century (J. Gray, 1995; Beloff, 1954). Its formation was also influenced by the emergence of the market capitalist society, democracy and socialism in the latter half of the 19th century. Each of these forces contributed to and shaped contemporary liberalism in Australia, providing it with the adaptive capacity to survive and flourish in response to social change (Ramsay, 1997).

Australia's emergence as a liberal democratic country occurred soon after European settlement. Australian society may have commenced with a culture, values and beliefs informed by 18th century European liberalism and democracy, however, it was also influenced by inputs from other cultures via an active migration program (Leach, 1993). Since Federation Australian liberalism has developed independently in a form that is unique to this country.

Lacking in a feudal history and institutionalised relationships, Australian society readily embraced liberal-democratic concepts making Australia one of

the more successful homes of European liberalism. While conservative elements in the late 19th century attempted to establish a 'squattocracy', because Australia lacked an aristocracy and institutionalised relationships, they were unable to do so in the face of demands for development of democratic practices (O'Farrell, 1991). The development of liberal-democratic values in Australia received further impetus as a consequence of the gold rush which resulted in increased migration rates and the demands of ordinary workers to have a say in the running of their adopted country's affairs. (Leach, 1993). While initial entitlements to vote were based on age, sex, wealth and education, the early organisation of labour, in which the Irish were influential, led to the rapid growth of democracy (Rowse, 1978). As a consequence the notion of representative government was well established prior to Federation. The democratic process found its earliest expressions in the election of the majority of members to the various legislative councils established during Australia's pre-federation colonial phase (Rowse, 1978). Thus at a time when the very idea of democracy was still being debated in Britain, in Australia it had not only taken root, but found free expression, making Australia one of the oldest democracies in the western world (Buckley & Wheelwright, 1988).

Australia also has a rich history in social myths. Because early Australia had no obvious mal-distribution of wealth amongst the European population the myth emerged of opportunity for all which lead to the adoption of utilitarian philosophies. While society was subject to continual class struggles and industrial struggles between labour and capital, the myth of the egalitarian nature of Australia was to survive until the 1990s (Mackay, 1999). Leach (1993) notes that Australia's link with Britain provided the foundation for many of its social myths, including that Australia was:

1.   a convict's hell on earth, but a working man's paradise,

2.   a society lacking social divisions and egalitarian in nature which provided the opportunity for all who were willing to work hard, and

3.   a belief in the value of rural life and its suburban equivalent, the self-sufficient nuclear family in their own home.

To this list might be added the myth that Australia has a heritage exclusively of British origin.

However, these myths are not the only sources of confusion regarding Australia's political heritage. In the same way as some authors use the terms

'social justice' and 'justice' interchangeably, there is a similar lack of clarity displayed by some authors concerning the origins of the Australian political discourse. While authors such as Ramsay (1997) and Rowse (1978) acknowledge the influence of European liberalism upon the development of Australia's political culture, others such as Macintyre (1991) and Maddox (1998) appear not to go beyond how liberalism, as a political theory, shaped Australian values and systems. However, a closer reading of such authors suggests that historically they have implicitly tied Australian liberalism to Anglo-American liberalism of the British kind and thus have ignored the European influences. In addition, following the formation of political parties in Australia in 1890 (Frazer & Atkinson, 1998) difficulties in observing the different discourses in Australian liberalism have been exacerbated as a result of the distinctions continually made between the values of the Liberal and Labor parties. As an contemporary example, Goldsmith (1998) suggests that the Liberal party supports liberalism and that the Labor party supports unspecified, but tending towards, socialist doctrines. In practice both espouse liberal values with the differences being around the notions of individualism and community and their relationship one to the other (Theophanous, 1994). As Maddox (1998) observes, because Australia is a liberal society it is not possible to identify Australian political values with state socialism. To do so, Maddox suggests would require a radical change in the values held by Australian society.

The reality is that as a liberal democracy, Australia is a complex and deceptive society, full of contradictions, the understanding of which depends on how any analysis is approached and the perspective adopted (Emy & Hughes, 1991).

7.2   Influences on the development of the Australian political discourse

Intellectually Australia has and continues to be exposed to British and North American influences, the balance of which has shifted over time (Cook, 1999). Since World War Two and particularly in the latter part of the 20th century, the influence of British culture and values has declined while the influence of American culture has increased. However, while both have contributed to the mix of contemporary Australian society, until recently neither significantly impacted upon the nature of Australian liberalism (Cook, 1999).

In comparison a number of writers, such as Ramsay (1997) and Beloff (1954), have drawn attention to the significant influence of European liberalism upon the development of the Australian political discourse until the 1970s. Equally important was the means by which this occurred. This took two forms, one being by way of the Irish (Macdonagh, 1994) while the second was via Victorian liberals. Under the influence of David Syme, who Melleuish (1995) describes as the father of Australian liberalism, Victorian liberals promoted values similar to those advocated by the Irish.

To understand the influence of the Irish upon the development of the Australian political discourse it is also necessary to briefly explore the influence of the French on the Irish. From the beginning of the 17th century and on into the 18th century France played a significant and influential role in the development of Irish political values. The receptiveness of the Irish to European liberalism came as a result of their both having predominantly Catholic populations who shared a dislike of protestant Britain (Salvadori, 1977). In addition, the Catholic Church also provided a link between Ireland and Europe, facilitating the communication of European culture, information and Catholic values to Ireland (Salvadori, 1977; Fehlmann, 1974)

At the end of the 18th century 400 Irish priests were studying in France where their learning consisted of both theology and French political values. Irish soldiers had fought in French armies, while in support of a planned Irish uprising against Britain in 1796, France mounted a failed invasion of Ireland (Elliott, 1982; Fehlmann, 1974). Following the French Revolution Ireland adopted French political values, language and behaviour, in particular, the politicisation of the common people, the creation of democratic political organisations and the idea of individual rights (O'Flaherty, 1990; Smyth, 1990). The influence of European liberalism, in the form of French political values, upon Ireland would prove to be particularly significant for Australia.

Even though the Irish never constituted more than 25 percent of the white Australian population in the 19th and early 20th centuries they, and in particular, Irish Catholics, constituted the largest minority group in Australia and were influential beyond their number. Seventy-five percent of the Irish in Australia were Catholic, fifteen percent Anglican and ten percent Presbyterian, and while presently one in five Australians can claim an Irish heritage, prior to World War One the figure was one in three. The Irish were involved in shaping

colonial institutions, language and lifestyles and occupied positions from convict to free settler, administrator to soldier and police to merchant (Macdonagh, 1994).

Most of the Irish who arrived in Australia between 1780 and 1825 were working class who arrived in a continuous wave of immigration, a pattern Buckley and Wheelwright (1988) maintain continued until the end of World War Two. This steady flow of immigration was responsible for the transportation of ideas from Ireland to Australia regarding democracy, state funding for education and the role of the state in the provision of public health services, law and order. In addition, Ireland provided Australia in the late 19th and early 20th centuries with most of its Catholic priests, effectively controlling the Catholic Church in Australia. This led to what Macdonagh (1994) refers to as British colonialism operating in tandem with Irish Catholic imperialism.

Macdonagh notes that of the Irish Catholics, Dr Daniel Mannix, the Catholic Archbishop of Melbourne from 1913 until his death in 1963, was one of the most influential. Significantly, he trained at Maynooth, Ireland's largest seminary, the curriculum of which was heavily influenced by French Catholicism. Thus he would have been exposed to the groundbreaking work by the French Catholic Church regarding social justice, which he would have brought to Australia.

Further reflecting the Irish influence, Macdonagh claims that the Australian Labor Party grew out of the cause for Irish home rule. Kieran (1992) supports this argument, stating that the Redmond brothers when in Australia in 1883 seeking funds for Irish home rule established a political structure under the banner of the United Irish League. This, he contends, subsequently became the platform upon which the Labor Party was built. The impetus for the establishment of the Labor Party, which was formed in 1891, arose out of the way, inter alia, in which the Irish and in particular, Irish Catholics were treated (O'Farrell, 1991). While Buckley and Wheelwright (1988) would dispute this connection, arguing that the Labor Party grew out of the union movement, they do acknowledge that the Irish were significant players in the development of the union movement in Australia.

Further impetus for the involvement of the Irish Catholics in the union movement arose out of the discrimination they experienced. Anglican and Presbyterian Irish were well respected, were well represented in the upper

levels of society and in positions of influence. They formed part of the ruling elite. In comparison, Irish Catholics were underrepresented on every measure, being mostly working class. In being Irish Catholics, they were not accepted as Australians. To be Australian was to be English, protestant, conservative and loyal to the Crown. As a consequence of their rejection and in order to repudiate moves towards English homogeneity they became involved with the union movement (Kieran, 1992; O'Farrell, 1991).

While the contribution of the Irish to Australia's development is often ignored or dismissed (Reece, 1991), O'Farrell (1991) suggests that the development of the nation cannot be understood without appreciating the active role played by the Irish who, in transferring ideas and values from Ireland, sought emancipation and equality. In the process they repeatedly challenged the values and attitudes of the dominant majority and were involved in:

1.   the development of, and state funding for, Catholic education,

2.   the role of religion in politics from the 1840s through to the 1950s,

3.   increasing opportunities for access to land in the 1820s,

4.   the conscription debate of 1916-17,

5.   formulating immigration policies from the 1830s on,

6.   defining the relationship between labour and capital, and

7.   shaping the nature of Australian society.

While the Irish Catholics were mostly working class their impact increased with their upward mobility to positions of influence (Macdonagh, 1994). Thus while early in the 19th century approximately 30 percent of state and federal Labor politicians were Irish Catholics, by 1910 this had risen to 37 percent, while by 1920 this figure exceeded 50 percent. This enabled the Irish Catholics to have a significant influence upon government policy, an influence that, according to Ford (1966), continued up until the mid 1960s.

While the Irish brought their values with them, the influence of the Victorian liberals needs to be considered in the context of the pre-federation free trade – protectionist debate. This debate was, in the main, one between protectionist Victoria, then the most populous state, and free trade New South Wales. As such the debate was a contest between two different forms of liberalism, in which Victoria was triumphant (Birrell, 2001; Hirst, 2000; Macintyre, 1991 and Buckley and Wheelwright, 1988). The significance of this 'victory' cannot be underestimated as it influenced the shape and values of

Australian liberalism up until the mid 1970s (Macintyre, 1991). This debate can also be reconstructed as a contest between European and Anglo-American liberal values to determine the nature of Australian liberalism and history (Melleuish, 1995). As a result it is worth going behind the 'protectionist' label to explore the key players and values associated with Victorian liberalism and, given the significance of the departure from British liberalism, the possible sources of such values as they are of significance to the development of social justice in Australia.

References to free trade and protectionist liberalism are, if considered in isolation from the liberal values they represent, at best simplistic and at worst, misleading. In this regard 'free trade' is an economic construct that refers to letting the market structure social relations and was associated with wealth and privilege. In comparison, 'protectionism', also an economic construct, is based on the imposition of tariffs imposed to protect local industry, and in doing so, also sought to structure social relations (Macintyre, 1991; Buckley and Wheelwright, 1988).

However, the values that underpinned and were associated with each construct are far more extensive than the narrow debate around the respective merits and drawbacks of free trade and protectionism. Each also implicitly defines the citizen subject in very different ways. Free trade liberalism sought to define the subject as economically independent, autonomous and self reliant not unlike the present neo-liberal construct of the person (Macintyre, 1999). In comparison, protectionist liberalism, which contributed to the development of reform liberalism in Australia, being more in the mould of European liberalism, sought to define the subject as a member of society for whom society had a collective responsibility. Protectionist liberalism espoused many of the values of European liberalism, particularly, as Birrell (2001) notes, the notion of equality, the common good and ensuring that each (male) person was sufficiently resourced to be able to take his place in society, all of which was achieved through the intervention of the state in the economy and trade.

Victorian liberals were opposed to the privileges of the wealthy, which they considered were gained at the expense of the majority. As committed democrats they sought to apply strategies that were considered to be of benefit to all. As such they stood in opposition to NSW liberals who, following the path of British or Anglo-American liberals, endorsed free trade and minimal

government intervention in the economy. The question arises as to the origins of such values. The question in regard to free trade philosophy can be answered in terms of British classical liberalism as the pre-federation liberals of NSW clearly identified with these values (Hirst, 2000).

However, no such ready answers are available to explain the position and values of Victorian liberals. One of the reasons for this is that much of the Australian literature implicitly assumes Australian liberalism has a British heritage, or treats any departure from individualism as a form of socialism, social democracy or even communism. Demonstrating this confusion, Maddox (1998) suggests that to define any collectivist approach in Australian politics as socialism is to misrepresent liberalism, yet at the same time, aligns liberalism in Australia with British liberalism that emphasised individuality. Melleuish (1995) also approximates protectionism with (state) socialism while suggesting that protectionist liberalism in Victoria was both prior to and mirrored the development of European liberalism.

However, to suggest it predated European liberalism needs to be challenged as European liberalism received its impetus from the second French Revolution of 1789, some sixty years before Victoria existed (Schapiro, 1964). A better comparison is to suggest that the discourse on Australian liberalism emerged at the same time as classical liberalism in Britain was coming under challenge because of its adverse impact upon many people (Beloff, 1954). Protectionist liberalism, like European liberalism, was idealist, sought to address inequality and promote the common good, advocated state intervention in the economy and while recognising the individuality of each person also saw them as members of society (Birrell, 2001).

Led by Alfred Deakin, Victorian liberals rejected British liberalism, as adopted by NSW liberals, who, led by Henry Parkes sought to establish an Australian aristocracy (Greenwood, 1977). Victorian liberals were opposed to political privilege and in seeking to promote democracy moved from facilitating the welfare of the individual to the welfare of society for the benefit of the individual (Birrell, 2001; Hirst, 2000). Perhaps one of the better insights comes from Melleuish (1995) and Roe (1998) both of whom note that in 1880 the Melbourne *Age* newspaper described the Victorian government as having assumed a role and ideals more in keeping with European governments than Anglo-American governments.

The further question that arises is how Victorian liberal values came to so influence Australian liberalism. Macintyre (1991) provides some insights, suggesting that the founding fathers of Victorian liberalism, who he identifies as George Higinbotham, Alfred Deakin and David Syme, were also influential in the establishment of Australian liberalism. Higinbotham was a member of the Victorian parliament where he was for a period Attorney-General and was subsequently appointed to the position of Chief Justice of Victoria by Deakin. Macintyre suggests Higinbotham in turn influenced JB Higgins who, following a period in the Victorian Parliament, became the President of the Commonwealth Arbitration Court, a position he held from 1906 – 1921. Melleuish (1995) suggests Higgins, while President of the Court, argued for the promotion of the common good and individual well-being through the regulation of industry and society in pursuit of social justice. For his part, Alfred Deakin was both Premier of Victoria and Australia's second Prime Minister. Both Roe (1998) and Melleuish (1995) identify protectionism with Deakinite liberalism which, like European liberalism, was idealist and inclusive and which through state intervention sought to empower individuals as members of society.

David Syme was the owner of the Melbourne *Age* and an advocate for protection. Described as the father of Australian liberalism, he was a Scot and a well-known critic of laissez-faire liberalism. He was critical of British economics and sympathetic to Europe economic theory (Melleuish, 1995). He sponsored the career of Deakin, persuading him early in his career to the protectionist position, and that of Pearson. Pearson was an Oxford don who taught both Deakin and Higgins and under Syme's patronage subsequently entered Victorian politics. Deakin and Higgins had an ongoing association that commenced in 1870 and continued on into their Commonwealth careers (Macintyre, 1991).

Insight into the philosophies and the values they held can be had from looking at the pre-federation Victorian government legislative program. Commencing in 1885, the Deakin government passed pioneering legislation, much of which was later copied by other states and the new federal government. This included legislation to control working conditions for women in factories that was amended in 1886 to extend the benefits to men. Similarly, in 1870 the Victorian parliament passed laws, sponsored by Higinbotham, establishing property rights for women that were subsequently strengthened in

1880. Higinbotham also sponsored women's suffrage, although Victoria would be the last Australian state to give women the vote (Macintyre, 1991). In 1887 the parliament enhanced women's rights by extending the grounds for divorce from adultery to include cruelty, drunkenness and domestic violence. In a groundbreaking move the lower house also introduced legislation to enable members of the Legislative Assembly to be paid, which following a lengthy dispute with the Legislative Council where privilege still reigned supreme, and was finally passed. This enabled those without independent means to also nominate for election (Birrell, 2001; Buckley & Wheelwright, 1988).

The Victorian government also led Australia in setting up mechanisms in the form of wages boards to ensure workers were adequately remunerated to enable a minimum standard of living based on need, putting it ahead of other capitalist societies of the day. Subsequently the NSW parliament, responding to demands for a more collectivist approach by the state, passed legislation to ensure minimum incomes in the form of the Compulsory Arbitration Act 1901 (Birrell, 2001).

Another Victorian and protectionist who went on to an influential Federal position was Sir Isaac Alfred Isaacs. In 1906 he was appointed a justice of the High Court, later Chief Justice, and went on to become the first Australian born Governor-General of Australia. Some Victorian Irish liberals also had a high profile. John O'Shannesy served as both Premier of Victoria and leader of the opposition for varying terms immediately prior to the formation of political parties. Similarly, Charles Gavan Duffy, an Irish rebel and former member of the Irish parliament became a colonial statesman in Victoria, was appointed a justice of the High Court in 1913 and succeeded Isaacs in 1931 – 1935 as Chief Justice (Frazer & Atkinson, 1998; Boyce, 1992; Macintyre, 1991).

Victorian liberals were prepared to sacrifice, or at least compromise, liberal values of individual freedom and autonomy where the welfare of individuals was considered to be at risk. Thus in Victoria, democracy was championed, as was the reduction in special privilege. Victorian liberals sought to create a community of citizens, civic equality before the law and the extension of democratic rights through an associated increased role of the state in regulating society, all of which led to conflicts between the elected Legislative Assembly and the appointed Legislative Council (Macintyre, 1991). Victorian liberals considered that in sacrificing or compromising the liberal values of

individual freedom and autonomy for some individuals, utilitarian values were enhanced for the majority and the welfare of society promoted (Birrell, 2001). These would be amongst the core values which, equally shared by the Irish, would shape Australian liberalism and facilitate many social justice strategies.

Thus to suggest, as Macintyre (1991) does, that colonial liberalism did not have a history, while correct in one sense, as it had to be established, is also incorrect when account is taken of how pre- and post-federation liberals chose to define themselves, the sources of their values and how they defined and interpreted their social environments. These values in turn also shaped the solutions they employed in response to situations and problems (Maddox, 1998).

7.3   Political developments

By 1851 self-government had been introduced into the colonies and Legislative Councils established, first in New South Wales in 1842, followed by South Australia and Tasmania. In South Australia the Legislative Council was elected on property ownership, as was the case for Victoria where eligibility for the upper house was based on a property qualification that extended down to licensed miners. In New South Wales proposals to create an hereditary order of Barons for the Legislative Council, mimicking the House of Lords, was defeated and by 1860 all males in NSW had the vote. Initially the membership of the Councils was based on two-thirds of the members being elected and one-third nominated. However, following the passing of the Australian Colonies Government Act 1851 in Britain responsible democratic government was established. During 1853-59 mechanisms for full parliamentary government were established in New South Wales, Victoria, South Australia and Tasmania. Queensland, which was constituted and formed during 1853/54, and established in 1855-56, followed suit (Greenwood, 1977).

Greenwood notes that all the colonies were remarkably uniform in politics and outlook, moving from liberal democracy to what Greenwood refers to as state socialism, as reflected in:
1.   state aid for schools which evolved into free compulsory secular education,
2.   state aid for religion being introduced and withdrawn, and
3.   schools being placed under the control of Parliament.

Because of the strength of the labour movement in which the Irish figured prominently and the influence of Victorian liberals, early political debate was critical of those with privilege while inequality of opportunity was high on the political agenda (Buckley & Wheelwright, 1998). Much of this occurred in the context of industrial unrest during 1860-90, which resulted in society being receptive to government intervention in the economy in order to ensure personal liberty. This was achieved through the abandonment of laissez-faire liberalism where it existed, such as in NSW, and individualism, the promotion of individual welfare, civic freedom and the maintenance of close harmony (Leach, 1993; Rowse, 1978). Further reflecting the collectivist approach, first Victoria and then NSW passed legislation under which the state financed old age pensions. Added impetus for change arose out of the failure of the colonial governments to respond appropriately to the needs of the people during the 1890 depression. This further reinforced the demand for a more collectivist approach involving recognition and acknowledgement of the need for the community to accept responsibility for the welfare of each citizen.

Early in the first decade of the 1900s this philosophy was taken up Australia wide leading to the development of egalitarian ideals post-federation (Birrell, 2001). Thus the *Bulletin* magazine, which was founded in 1880, represented, portrayed and defined the national image in terms of protectionism (Macintyre, 1999; Melleuish, 1995). These events, when combined with the adoption of utilitarian thinking in both politics and economic strategies, created a climate favourable to the development of a strong democracy (Leach, 1993).

Despite these developments and influences, the culture of Australian liberalism can be said to begin with Federation, being the Act that bound the Australian colonies, now states, both legally and culturally. Following Federation the discourse on Australian liberalism is best understood as a series of connected but individual periods rather than a tradition of thought, even though there are core values across the periods which enable the identification of a certain continuity of thought. Thus, within the history of Australian political values three distinct periods can be identified, each of which is associated with a distinct system of beliefs and values. The shift from one period to the next occurred as a response to a crisis of sufficient significance to upset the prevailing dominant values that served to maintain and dominate the discourse for the preceding period.

7.4   The political discourse from 1900 to 1945

At the time of federation five of the colonies had been self-governing for 40 years, a factor that had a significant impact upon the shaping of the Australian Constitution and the manner in which the AASW was formed. While the Constitution established Australia as a self-governing nation, it was not autonomous. Federation was not directed towards building a new independent nation, but rather a political desire to improve the efficiency of government and to facilitate trade. Thus Australia remained part of the British Empire up until 1939 and did not achieve true independence until 1986 when the British Parliament passed the Australia Act 1986, granting Australia complete independence (Emy & Hughes, 1991).

It therefore comes as no real surprise that the Australian Constitution is a minimalist document, an Act of the British Parliament, which sets out the relationship between the Commonwealth and the States. It is both a political and legal document, providing a system of law against which all other laws can be tested and a political document that describes relationships. While the Australian Constitution may be one of the oldest written constitutions in the world, its limitations in part reflect the time of its drafting, its cultural origins and the lack of influence of the labour movement and women in its drafting. At the time Britain was still not a true democracy and the Australian Constitution as an Act of the British Parliament reflects this lack of democracy and lacks any recognition of individual rights (Maddox, 1998; Emy & Hughes, 1991).

The Constitution was born of a desire for recognition of Australia as a sovereign nation that still sought to be part of the British Empire. While there was some debate in Australia on the nature of the recognition sought, the founding fathers, in keeping with conservative liberal values, made no attempt to provide the nation and the citizens of the new country that they desired to constitute with any clearly identifiable rights (Thornton, 2000; Emy and Hughes, 1991).

It can be argued that Australian liberalism, as reflected in the Constitution, is incomplete. While liberal traditions and beliefs regarding the individual and individual rights are well defined and embodied within the French and North American Constitutions and English political history, and more

recently the British Human Rights Act 1998, Australian history and the Constitution only reflect a limited acknowledgement of the individual and individual rights. Rather, the Australian Constitution is essentially a document that describes, in liberal terms, the relationship between the State and Federal Governments (Hindess, 2000).

Thus the finding by the High Court 1983 that the right to vote is not guaranteed by the Constitution and the lack of reference to any explicit defence of human rights is of no surprise. Similarly, other liberal rights, such as, political rights, civil rights, legal process rights, economic rights or any right to equality are neither guaranteed nor found in the Constitution. Notwithstanding these limitations, this is the platform upon which Australian society and liberalism has evolved (Emy & Hughes, 1991).

The founding federal government was protectionist in nature and supportive of democracy. In 1904 Australians elected the first Labor government in the world, reflecting the influence of the labour movement and the extent to which it had been organised post-federation. While those who sought to establish a ruling class continued to oppose unconditional democracy, they were forced to abandon their pursuit in the face of a well organised and politically significant labour force or risk being marginalised (Fraser & Atkinson, 1998; Maddox, 1998).

The period of 1906-16 saw the emergence of a new liberalism and the role of the state to ameliorate the excesses of capitalism. The consequent changes in government policy was described as both a move to socialism and 'adaptive liberalism', otherwise referred to as 'collectivist liberalism' and still later, 'reform liberalism'. In the chase for populist electoral support, government actively intervened in the affairs of society under the guise of presumed neutrality, though a recurrent theme was the sanctity of individual rights. Government, having been interventionist since settlement, became even more active through the passing of legislation enabling it to intervene in the market-place and the economy in general through arbitration, non-contributory pensions and maternity allowances. The view was held that government needed to intervene in order to protect workers' incomes. In the process recognition was given to trade unions and some protections for manufacturers provided while economic development was actively promoted (Frazer & Atkinson, 1998; Rowse, 1978).

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The handing down of the Harvester decision in 1907 not only guaranteed all adult males a minimum wage based on need and not productivity (Leech, 1993). It also further demonstrated the Irish-European connection as Mr Justice Higgins, who was born in Ireland of protestant parents, handed it down. As earlier noted, following a brief political career in the Victorian parliament he went on to become the president of the Commonwealth Arbitration Court. Philosophically, he could be described as a protectionist liberal whose view of the world was shaped by his experiences in Ireland. Having been born during the potato famine he saw first hand poverty, famine and disadvantage. His decision, in the Harvester case, that the basic wage should be based on need and not productivity, sufficient to support the wage earner (and his family) in reasonable and frugal comfort is well known. However, what is less well known is that in making his decision he was influenced by Pope Leo XIII, who was known as the 'workers' Pope' due to his commitment to social justice (Kelly, 1986). In handing down his decision Mr Justice Higgins borrowed from the papal encyclical of Pope Leo XIII, almost quoting him word for word (Rickard, 1984).

This decision, which was associated with the establishment of profit protection for industry through the introduction of tariffs, also sought to ensure workers received a living wage. Facilitated by the proclamation of the Australian Industries Protection Act 1906, this Act reflected the increasing power of the Labor Party and support for Deakinite protectionist policies. While the Act and therefore the basis for the minimum wage was found to be unconstitutional, the concept of a minimum wage retained validity. In addition, Higgins reframed his judgement when settling disputes under legislation that was not in dispute, referring to the minimum wage as the 'basic wage' for the first time in 1911. In doing so he introduced a term which, alongside 'a living wage', still has currency today along with the needs principle it embodies (Buckley & Wheelwright, 1998)

The legislation and the judgement established the government as the regulator of the economy and society, laying down a pattern of intervention that would last, relatively unchallenged, for the next 70 years. Rather than establish a self funded social insurance system the Australian government chose to intervene in the labour market through the use of tariffs to promote full employment and for those unable to benefit a system of non-contributory benefits was progressively introduced. The use of tariffs in the manufacturing

industry led to the number employed in the industry rising from 200,000 in 1907 to 330,000 by 1914 (Macintyre, 1999).

In 1919 wages of women were set at 54 percent of male wages. The 1920s saw economic depression and the return to conservative liberalism, although it would still be regarded as unduly interventionist by contemporary standards. In a pattern that seems to manifest itself each time the market contracts, producers argued that the Australian standard of living was too high and wages had to be reduced. This provided the rationale for the government to partially deregulate the marketplace and withdraw from citizen advocacy (Macintyre, 1999).

Significant industrial unrest occurred until 1925 as the debate continued over whether the Australian political system and economy should reflect free trade (Anglo-American liberalism, as expressed in classical liberalism and individualism) or protectionism (European liberalism). While the debate was again decided in favour of protectionism, and the stage set for continuing state intervention, which was to last until the mid 1970s, the discussion did not cease (Buckley and Wheelwright, 1998).

In a country whose social structure was still being formed, the conservative federal government during the depression of the late 1920s did little to promote well-being and any sense of self worth. Instead people were left exposed to market forces and to cope with the depression however they could. Programs, which recognised and promoted the intrinsic worth and inherent dignity of each person and the need for society to accept responsibility for the well-being of each member of society, were put to one side until the economy improved. One-third of the unemployed remained unemployed for three or more years. It was left to the states to respond to poverty, homelessness and unemployment as best they could (Buckley & Wheelwright, 1998).

However, while it was considered that wages were too high, the protections afforded manufacturers by way of tariffs and the link between Australian producers and British manufacturers remained intact and unquestioned to the detriment of Australian society. As a consequence of profits from Australian industry going to Britain, Australia was unable to develop an adequate manufacturing base, further exacerbating the economic downturn (Leach, 1993; Rowse, 1978). The subsequent inquiry into tariffs in 1927 found that without tariffs average wages in Australia could not have been maintained.

Thus despite changes in Government, tariffs were maintained (Buckley & Wheelwright, 1998)

The economic downturn in the early 1920s resulted in a return to a more conservative political stance from 1925- 1945. While, in relative terms, this resulted in a reduction in state intervention in the economy and the growth of support for free trade, government policies continued to remain heavily protectionist. However, Word War Two disrupted the move towards free trade as it led to the development of a wartime economy involving increased state intervention (Rowse, 1978).

Government policies from 1900 – 1945 defined the subject citizen as a person who was primarily male and employed and for whom society had a responsibility (Frazer & Atkinson, 1998). The period saw the Labor government introduce old age and invalid pensions and maternity benefits (Macintyre, 1999) while the Menzies liberal government introduced child endowment payments (Buckley & Wheelwright, 1998). The arbitration system in support sought to promote the common good, justice and the well-being of the people (Melleuish, 1995). Between 1930 and 1970 Australia, except for New Zealand, had the highest tariff protection rates for manufacturing in the world (Buckley & Wheelwright, 1998).

7.5 The political discourse between 1945 and 1975

World War Two saw the end of the production/manufacturing link with Britain as Australia developed its own manufacturing base in response to the demands of the war. While in the year before the war unemployment was still around ten percent the demands of the war time economy reduced the rate to five percent in 1940-41 and halved it again in 1941-42. Building on wartime planning, which was regarded as having worked so well during the war, continuing intervention was held by all political parties to be in the best interests of society. Post war efforts concentrated on maintaining full employment to underpin social reforms associated with state intervention in the economy. This reflected Keynesian thinking, which held that full employment could only be achieved through government intervention, as private enterprise could not deliver the objective (Cass, 1998; Smyth, 1998; Buckley & Wheelwright 1988). Significantly, the application of Keynesian economic theory resulted in social policy moving from a subordinate or dependent relationship with market-based economic theory

and practice to one in which social policy became an equal partner (Smyth, 1998).

The post war period saw Australia enter a period of growth and prosperity which saw the emergence of what Castles (1985) refers to as the 'wage earner's welfare state' which was to last until the mid 1970s when it came under attack (Rowse, 1978). Reflecting the values of European liberalism, the golden age of reform liberalism had arrived. Between 1940 and 1970, which is also the period during which the Australian social work discourse matured, government developed a social welfare system unique to Australia based on centralised wage fixing, low unemployment and a range of income protection mechanisms and support to provide a safety net for the disadvantaged, disabled, sick, aged and unemployed, the combination of which was credited with reducing poverty and inequality (Cass, 1998; Smyth, 1998; Smyth & Cass, 1998). While significantly restructured over the next 25 years (Funnell, 2001), the welfare state was built on foundations laid down in the 19th century. A crucial element was participatory democracy with compulsory voting being legislated for in 1920. In adopting preferential voting each vote was more significant than was the case for voters in the US and UK (Roe, 1998).

In 1945 the Commonwealth funded the states to provide low cost rental housing for low-income earners. In the same year and complementing employment support programs, Commonwealth tertiary scholarships were introduced for the children of low-income families. This development partially removed the poverty barrier to higher education which prohibited otherwise eligible students from attending university (Buckley & Wheelwright, 1998).

However, Australia remained a very conventional society. Post World War Two the wage earner was defined as male in both the public and private spheres, as reflected in:

1.   the taxation system,

2.   employment policies,

3.   social security system, and

4.   the minimalist approach to maternity leave, parental leave and child care. This construct was to remain until the 1970s when increasing numbers of women entered paid employment, forcing a range of social policy changes such as the provision of child care and maternity leave (Cass, 1998).

As conventional as society may have been, the period was one of sustained growth that enabled the development of the welfare state based on utilitarian principles underpinned by reform liberalism. During this period Australia achieved near enough to full employment, while each generation achieved a superior standard of living to that enjoyed by the previous one. This is attributed to the austerity during the 1940s in response to the restructuring of the economy to meet the demands of World War Two followed by a period of rapid growth and confidence during the 1950s. The 1960s saw Australia's relationship of dependency with Britain decline as it had found an identity as a part of the Pacific Basin region. The economy, while still productive, coasted as the nation lived off the wealth of former growth periods, believing that utopia had arrived. During this period so uniform were the politics of the major parties that they were judged for their management of the state without regard to their ideological beliefs (Macintyre, 1998).

The post World War Two welfare state in Australia up until the 1970s according to Cass (1998) was characterised by:

1.   centralised wage fixing and the centrality of the union movement in the process,

2.   low rates of unemployment (and low rates of married women in the workforce) which was maintained by industry tariff protections and public investment to promote economic growth,

3.   an income tested system of social security to assist those unable to compete in the labour market due to disadvantage, age, sickness, disability or the need to care for other family members, predominantly children, and

4.   high rates of private home ownership which minimised poverty as a result of which the aged did not need to pay rent out of limited incomes,

However, all of this came to an end in the 1970s as the long boom ended and unemployment started to rise.

The paradigm change that Australia underwent in the mid 1970s was made more dramatic by the 1972 election of the Whitlam Labor government. Whitlam made one last and grand attempt to arrest the change process and revive reform liberalism. Following its election, the Whitlam government introduced a range of social welfare reforms, ratified a number of international treaties and increased funding to the arts. Legislation was introduced to provide

for no fault divorce and prohibit a range of racially and sexually discriminatory practices, while increased funding for education was provided and tertiary fees abolished. The government also introduced universal health insurance along with measures introduced to alleviate poverty (Macintyre, 1999; Frazer & Atkinson, 1998). Most dramatically, attempts were made to secure an unauthorised overseas loan to enable national control to be imposed over Australian oil, gas and uranium processing. Whitlam's motto of 'crash or crash through' (Macintyre, 1999, p.233) could also be described as 'too much too late' as he sought to confront and halt social, political and economic changes which began in the 1960s. In the end the reform program resulted in the government being dismissed.

While Whitlam brought the process of change to a shuddering halt, it was only a temporary stay. Following the dismissal of the Whitlam government, what had commenced as an incremental change process in the 1960s became a radical policy shift to neo-liberalism. The impact of the changes was compounded by the application of policies by the Whitlam government based on the belief that the economy and society could simply absorb the changes without having to resort to structural change. However, this was not the case. The protectionist state, which achieved its zenith in the 1950s, by the mid 1970s was unable to respond to the demands of high unemployment that reached levels that had not been seen since the 1930s and a slowing economy (Macintyre, 1999; Battin, 1998; Leach, 1993).

The oil crisis of 1973 provided the final leverage to shift the political discourse to one emphasising individualism, personal responsibility and the withdrawal of the state from regulating the economy. These changes have been associated with an ongoing historical debate concerning the relative influence of individualism and democracy in Australian society and what is best for Australia. The extent to which the present swing of the political pendulum in favour of individualism and privatisation is regarded as eroding democracy has yet to be decided (Cook, 1999).

7.6   The political discourse since 1975
From federation until the mid 1970s the state sought to protect the people from the excesses of the market and promote industrial development. This was achieved by direct intervention by the state in the operation of the market

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through the provision of financial assistance and protectionism. During this period governments were judged not according to their policies but for the provision of service and support. The role of the state was regarded by the people as being to service the myth of the perfect society that was based on mateship, egalitarianism and utilitarian principles. This resulted in the development of a harmony between the perception of the people as to the role of government and the activities of government. Both Labor and Liberal governments, within a philosophy of reform liberalism, prioritised the needs of people, over the marketplace, through the management of the economy (Leach, 1993).

Commencing in the 1960s and on through the 1970s the domination of the Australian political discourse by reform liberalism was challenged by neo-liberalism, a form of classical liberalism (Argy, 1998). The principal distinction between the two paradigms is the emphasis placed upon the importance of community and collective decision-making, as opposed to the neo-liberal emphasis upon individual autonomy and responsibility (Argy, 1998; Waligorski, 1997). However, the debate is not limited to the differences between reform liberalism and neo-liberalism. It can also be constructed as a debate about a political, cultural and economic shift from the influence of European liberalism to Anglo-American liberalism. This change of discourse is of greater significance as it involves redefining all of Australia's social, political and economic institutions, and as a result and by necessity, the citizen subject. These developments also coincided with moves by Australian social workers, through their association, to clarify their values.

While successive governments initially resisted the process of change, during the 1960s and early 1970s it finally gained sufficient momentum and support for a range of economic, political and social changes to occur. As a result the mid 1970s saw a fundamental shift in the role of government as Keynesian economic theory came under increasing and sustained attack. Government began withdrawing from intervening in and regulating the market economy. This had social consequences far beyond the operation of the market, involving the redefining of the relationship between government and citizens and what it meant to be a citizen (Battin, 1998; Leach, 1993).

Emy and Hughes (1991) note that since these changes began the role of government and its relationship with society has changed in a number of ways.

Under the influence of managerialism government services and funding have been targeted to identified groups, rather than being provided for the general benefit of society. Empirical approaches, with their emphasis on proven benefits, have been employed to limit decisions and outcomes to those that are held to produce the most good for the lowest cost. This has been complemented by the promotion of individualism with its creed of self-help to limit the need for government intervention and support. Other policy changes include the application of economic rationalism with its emphasis on deregulation that has legitimated the structuring of social relations through the operation of the market. Related to this, has been the privatisation of government services which has not only eroded public ownership of natural resources, but also democracy, leading to reduced accountability and the elimination of public debate.

Under the influence of neo-liberalism the social contract between labour, land and capital was challenged, leading to the restructuring of the welfare state (Leach, 1993). The 'Australian Way' (Roe, 1998, p.69) with its emphasis on a guaranteed minimum wage, a range of benefits and a pension scheme came under sustained attack. Ideas such as a mixed economy and public enterprises were regarded by neo-liberals as outdated and inappropriate to contemporary society.

Society has undergone and is still undergoing structural change to embrace the market economy. Features of this change include the deregulation of the financial sector and marketplace, a move from collectivism to individualism and the withdrawal, some would say abdication, of government from its regulating role, all of which involves a move away from reform liberalism (Emy & Hughes, 1991). Social justice and equality, which were the benchmarks of a fair and just society, have been progressively abandoned, as have positive rights to compensate for the negative aspects of a market-based economy. Rights, even negative ones, are held to interfere with the functioning of the market. As such they were regarded as representing a degree of government intervention in the market considered to be inappropriate and obstructive to market policies. In their place emerged concepts such as individual responsibility and the allocation of resources by the market rather than the government (Emy & Hughes, 1991).

By 1990 welfare benefits had become more focussed and the eligibility criteria made more stringent as government continued to yield to market driven ideologies. The commitment to neo-liberalism was reflected in an increased commitment to free enterprise, the market-based economy and continuing deregulation. This was associated with a reducing role for the state, a greater emphasis upon individualism, individual responsibility and the restructuring of the welfare state to place greater emphasis upon means over ends (Leach, 1993).

While the Hawke Labor government (1983-1991) sought to protect individuals from the impact of change, the Keating Labor government (1991-1996) moved further to the right, partially deregulating the financial sector and arguing for a reduction in intervention in the economy and less control over the change process (Macintyre, 1999). Employment became less secure for many as tariffs protecting the clothing, footwear and white goods industries were reduced or removed, while the impact of computers saw the loss of many clerical and typing jobs. In some areas permanent jobs were replaced by temporary and casual positions as job security and a job for life disappeared. New jobs appeared in the tourism, computer and personal service industries. Redundancies and unemployment increased as industry restructured to become more efficient and competitive. While the government still promoted job training and job creation schemes, inequality increased at a rapid rate. Even though welfare benefits did assist the disadvantaged, little was done to address the increasing rich-poor polarisation and the resultant widening inequality gap (Macintyre, 1999).

While the Hawke and Keating Labor governments managed to keep the political and social spheres distinct and separate, the Liberal government of John Howard, which came to power in 1996, abandoned this policy (Battin, 1998). The Howard government further deregulated the financial sector, introduced additional economic reforms and sought to deregulate the labour market and diminish the power of the unions (Macintyre, 1999). Full employment, which previously was more than an economic policy as it also embraced social policy issues, was abandoned. The changes reflected a change in the balance of the relationship between government, the private sector and citizens. The previously dominant manufacturing sector, which supported full employment, was supplanted by the finance sector. This sector,

with its interest in maximising profits preferred to use unemployment to control wages. As a result the commitment to full employment by government was abandoned (Battin, 1998).

Even services provided by church, community and philanthropic organisations were not immune. The Howard government introduced competition into the non-government sector through the application of competitive tendering and applying private sector expectations to the running of non-government organisations. Philanthropy, as a factor for promoting social capital, was exploited through using funding to channel and direct functions to those organisations acceptable to the Federal government (Ernst, 1998). This has led to the division between public and private becoming blurred and democracy compromised through the public domain being increasingly treated as if private. Ideas such as community, solidarity, justice and equity find no place with present government thinking (Brennan, 1998). Social capital, rather than being developed, was exploited by governments in order to avoid resourcing the community (Pixley, 1998).

Neo-liberals sought to abandon collective bargaining and any sense of community in order to create an individualised, decentralised labour market. A dismantled community leaves individuals, who in isolation of each other are unable to resist the demands of corporate power. To ensure more people joined the labour market poverty has been more narrowly defined, individual responsibility emphasised and access to social welfare benefits restricted (Leach, 1993). This groundswell for change was reflected in reports such as Hillmer (1993), which led to the formulation of the National Competition Policy (COAG, 1995), and Sturgess (1994) who reviewed the role of government and contributed to the legitimation of the shift to a deregulated market economy (Bell, 1998).

As a consequence, the 1980s and 90s was a period of great change and uncertainty. During this time the benefits and security of living in a country that had, on average, provided its citizens with one of the highest standards of living in the world have been eroded (Argy, 1998). Australians feel that they are losing control over their lives, which are being dictated by anonymous power brokers associated with the financial markets. That this is seen to be happening is a reflection of the cultural shift associated with the increasing dominance of the political and economic discourses by neo-liberalism (Argy, 1998).

Under neo-liberalism those that benefit most from the operation of the market and competition, measured in terms of wealth and power, are regarded as the fittest (Emy & Hughes, 1991). Economic criteria have become the indicators by which both success and fitness are measured. Argy (1998) cites these criteria as being the reduction of inflation, achieving fiscal balance or better in economic policy, reduction in business regulation; and a push for small government in both size and the extent of intervention. Argy also refers to the erosion of industrial agreements protecting low paid workers and an increasing insensitivity by government to those disadvantaged by economic forces.

The labelling of the disadvantaged with terms such as 'dole bludgers' and 'welfare cheats' has facilitated the creation of a climate that has been used to legitimate government proposals to reduce social welfare spending and entitlements (Argy, 1998). Social security programs are portrayed by neo-liberals as encouraging laziness, eroding the work ethic, destroying self-reliance and creating a dependency upon the state. Policy has been directed towards requiring each person to become more independent and provide for themselves in order to reduce the demands upon society's scarce resources (Emy & Hughes, 1991).

While market inequalities in the past were tempered by social welfare programs to ameliorate the harshest features of the market, the Howard government has been less sympathetic and supportive, preferring to control inflation rather than unemployment (Argy, 1998; Neville, 1998). Instead, in the deregulated market, unemployment is used to control wages as they can be driven down through increased competition for scarce jobs (Smyth & Cass, 1998).

As a consequence of the ascendancy and dominance of neo-liberal policies Argy (1998) suggests inequality has increased. Cass (1998) suggests that the labour market now reflects a core of well paid workers in secure employment and a growing proportion of part-time casual workers at risk of unpredictable periods of unemployment without the security of sick leave, holiday pay or long service leave. Manufacturing has declined in importance as an employer to be replaced by service industries (Battin, 1998; Cass, 1998). The labour market has also seen the increased participation of women for a wide range of reasons such as single parenthood, better education and the cost of living. At the same time there have been increased rates of unemployment

due to structural inequality and a reduction in the level of unskilled industries due to increased mechanisation and technical development. These changes have been accompanied by a fall in real wages with the wages gap between low and high skilled workers increasing (Cass, 1998). As a consequence low and occasional income earners have had to increasingly rely upon income support due to, not only illness and disability, but also unemployment and under employment (Cass, 1998).

Markets and market-based policies have become central to political and economic reality and shape that reality (Emy, 1998). This has led to economic developments such as deregulation, privatisation and micro-economic reform involving tariff reductions, taxation reform and labour market changes during the 1980s and 90s all of which has impacted adversely upon Australian society (Neville, 1998). These changes have been supported and promoted by government, a proactive media, the business, farming, finance and banking sectors as well as key government departments involved in economic planning (Bell, 1998).

As a consequence society has become more individualised with those who are successful showing less concern for those who are not as successful. While the economy may be stronger, social problems have increased. This has led to an 'uglier' society as values continue to shift to the right and the economy is further deregulated, all of which has resulted in the emergence of tensions and divisions in society that were not present in the late 1980s and early 1990s (Argy, 1998). Australia is becoming a place of economic extremes in terms of income differentials as not all families have enjoyed the same degree of increasing affluence (Mackay, 1999). Between 1982 and 1994 the top 10 percent of income earners gained $100.00 per week, while the bottom 10 percent only gained $11.00 per week. Worse still, the 80 percent of workers in between experienced a decline in wages (Macintyre, 1999).

Mackay (1999) and Argy (1998) suggest that as a result of the loss of control over economic and social priorities a sense of individual and communal helplessness has emerged leading to a sense of impotency. They suggest that there are signs that society is becoming dysfunctional as reflected in increased social problems such as youth suicide, drug abuse and family breakdowns, increased rates of child abuse and a loss of trust and community along with a tendency to blame those who have the need to call upon the public purse for

assistance. In doing so there is no consideration of the structural changes that have occurred and how they are impacting upon society.

The social consequences of the present economic strategies are continued high levels of unemployment in order to keep control of the labour market and a minimalist state, resulting in a loss of aspects of the democratic process and increasing inequality. The differences between winners and losers have increased leading to increases in the welfare budget, increased volatility in the economy and greater insecurity (Bell, 1998).

Inequality is increasing as more people are not only being disadvantaged, but some increasingly so as a result of their missing out on the benefits that flow from the nation's increasing prosperity, demonstrating how inadequate the calculation of growth based on GDP per head is (Argy, 1998). However, neo-liberals argue that any consideration of compensation for structural reform can only lead to increased government intervention in the market and will have a negative effect on the gains made. Similarly any notion of equity is also discounted as it is considered inequitable to redistribute the gains to those who have not participated in the development of wealth from those who have achieved rewards through hard work. Rather, compensation is considered to occur via the trickle down effect (Argy, 1998).

The development of neo-liberalism in Australia has not occurred in isolation, but as part of a pattern of global change, elsewhere referred to as Reaganomics and Thatcherism. These changes are also reflected in the collapse of communism and the introduction of market economies in the former Soviet Bloc countries (Pixley, 1998). Within Australia views about the value of globalisation and how to best facilitate market-based growth, while still ensuring that individuals are not unduly disadvantaged, are more diverse than any time previously (Emy, 1998).

Bell (1998) suggests that the depressions of the 1890s and 1930s both had political implications and resulted in institutional changes in Australia, and elsewhere. They also affected fundamental changes in economic policies and practices affecting the relationship between the market and the state. Bell also suggests that the recession of the 1970s had a similar impact resulting in an economic and political shift in favour of a market economy, making the economy more capitalist and global. Support for local industry by way of tariff protection and subsidies failed in the face of global organisations able to move

capital across state boundaries with ease and whose economic power was able to influence local economies, employment policies and local industries which were not viable in the global marketplace. As a result Australia was caught between the rising costs of domestic production and increased competition from the international economy (Bell, 1998).

Emy and Hughes (1991) suggest that the extent to which neo-classical liberalism has been allowed to develop and democracy eroded can only be explained by the lack of understanding and interest by Australians in democracy, a view echoed by Hirst (2002). They suggest that because Australians have yet to develop the practice of active citizenship, a true civic culture has yet to emerge. While the extent and direction of future change rests with the people of Australia and what they demand of their elected representatives they consider that few demands are being made. They conclude that the Australian culture is characterised by a weak concept of citizenship, a one-way flow of obligation to the state and a lack of transparency in the political and policy processes. However, Mackay (1999), a social researcher, suggests that this may be changing, as he perceives a rising sense of civic or active citizenship, suggesting there are signs that people want to take control over events that affect them. Should this be the case the meeting of this emerging sense of civics with the erosion of democracy which, as earlier noted, is occurring as a consequence of present economic policies, will be interesting to observe.

7.7   Conclusion

Rowse (1998) argues that liberalism in Australia developed a particular flexibility in order to protect and institutionalise the domination of particular interest groups. This flexibility has enabled the state to change direction and even double back on itself in response to social, political and economic changes, all of which has implications for how social justice is perceived and expressed.

That this has happened, Emy and Hughes (1991) suggest, can be attributed to the fact that presently both of the major Australian political parties, in embracing liberalism, only divide on the extent to which the government should intervene in the affairs of society, the economy and more recently, the pace, nature and extent of economic reform. Both the Labor and Liberal parties assert the need to restructure the economy. As a result, the debate, rather than

revolving around what kind of society Australia should be, is about the pace of change. Both parties are committed to improving the effectiveness of the market but argue for the employment of different mechanisms (Latham, 1998).

In the process, the commitment to egalitarianism, which has been held to be one of the distinguishing features of the Australian Way, having an historical lineage that can be traced back to Federation and earlier, has been abandoned. However, in practice, egalitarianism has proven to be more of a myth than a reality. The belief in egalitarianism can be attributed to the lack of an autocratic class and huge wealth differentials when the Australian culture was still developing (Argy, 1998).

Cook (1999) suggests that the myth of the egalitarian nature of Australian society has been maintained to enable the advantaged to ignore the needs of the disadvantaged and those disenfranchised through being unable to vote or receive any benefits. Thus structural inequalities due to wealth, and exposure to better education, while unacceptable to philosophical liberals, are conveniently ignored by political liberals (Melleuish, 1998). While Howard (1994), when opposition leader, may have lamented the passing of the belief in an egalitarian philosophy, the policy changes that he has presided over since coming to power in 1996 have been responsible for increased inequality. There have always been disadvantaged persons that society has ignored such as Aboriginals, the unemployed and single parent families. A more appropriate description is that Australian society previously was not as unequal as it is now. Those marginalised and unable to benefit from economic development are more numerous than previously (Whitford, 1998).

Cultural conservatives such as Howard continue to seek to preserve the myths and values such as the patriarchal family, race and flag, links with Britain and the monarchy (Johnson, 2000). Their resistance to change is reflected in demands for tougher sentencing laws, the law and order debate, the rejection of single mothers and blaming the unemployed for being unemployed. Conservatives hold the welfare state responsible for the moral decay of society, unemployment, drugs and feminism while the disadvantaged and oppressed are considered be responsible for their misfortunes (Mackay, 1999)

In 1914 Australia was one of the most democratic countries in the world. In 1990 democracy was being constrained as the increasing influence of economic policies upon government erodes public participation and ownership

(Pixley, 1998; Emy & Hughes, 1991). The present swing to the right, which commenced in the mid 1960s and first became obvious in the 1970s, continues. Despite the uncertainty and discomfort some people are experiencing, the majority, as long as they believe they will benefit, continue to support the present process of change. It is certainly the longest period of domination by conservative politics (as opposed to the Menzies government which supported reform liberalism) in Australian history and has resulted in structural changes that will not be readily amended (Hirst, 2002). While government may have reduced its control over the economy, it has increased control over culture, via the education system, in order to facilitate further economic change (Melleuish, 1998) and in the process has redefined social justice in economic and market-based terms.

If the period up until 1975 was characterised by harmony, homogeneity and uniformity, it could also be described as socially restrictive as the voices of women, Indigenous people and minority groups were denied (Macintyre, 1999). In comparison, the present one is one of diversity and a search for a new identity in the midst of uncertainty yet at the same time difference is spurned (Johnson, 2000). Australia is going through a period of dramatic change as it continues to shrug off its rigid, conservative, imperial past. Contemporary Australia is characterised by a growing individualism, heavily influenced by liberalism, which has also moved to the right. This new individualism has resulted in the restructuring of the relationship between individuals and the social groups to which they belong resulting in increased inequality, a less caring community (Melleuish, 1998) and a resultant reduction in the commitment by the state to social justice.

However, despite all of the changes and the withdrawal of government from regulating the marketplace, aspects of Australian social policy continue to reflect a European heritage inasmuch as government at both a State and Commonwealth level continues to intervene in the operation of the market in less obvious ways. Many of the institutions which informed and were informed by reform liberalism, while under challenge and subject to change, continue to survive, as they cannot be readily dismantled (Waligorski, 1997). They are as intrinsic to society as some of the more recently introduced institutional changes. Thus, for example, social policy, expressed as legislation which impacts upon the operation of the market, exists with regard to industrial

relations, public housing, universal heath care and education, although all are subject to ongoing debate (Argy, 2003).

Macintyre (1999) suggests that up until the mid 1980s Australian individualism was founded on state intervention in the economy. However, in the mid to late 1990s the Howard Liberal government redefined the subject citizen as a self-supporting individual who did not need to call upon the state for assistance. Consequently, state intervention in the economy was reduced and those unable to compete in the labour market and fit within the definition of the self-supporting individual have been ostracised (Macintyre, 1999). This sits oddly with Howard's (1994) comments two years prior to gaining government that Australia could not allow policies of economic efficiency and rationalism to becomes ends in themselves as they are but a means to an end and thus must be tempered with social considerations. However, since election the Howard government has progressively moved incrementally to the right and ignored the very social consequences of the policy decisions over which Howard had earlier expressed concern (Argy, 1998; Mackay, 1999).

The present political discourse, which preferences individuals over a collectivist, community orientated identity, has a number of implications. It is antagonistic towards social justice and enables the needs of disadvantaged groups to be ignored as need is constructed around how individuals relate to each other and not the structural causes of inequality (Johnson, 2000). A further consequence of defining the subject citizen as a self-supporting individual is that those who have to rely upon the state for assistance are excluded from all forms of citizenship other than legal citizenship. As a result they forgo their rights to be heard, to be considered and acknowledged (Argy, 2003).

In the next chapter the influence of the Australian political discourse upon social justice and the Australian social work discourse are explored. The proposition is advanced that during the 19th century and up until the early 1970s the legislation passed by Australian legislators reflected European liberalism and its commitment to social justice, the common good and the intrinsic value of each person. Since that time, operating under the influence of neo-liberalism, society has undergone a series of rapid changes that have resulted in an increasing emphasis within social policy and legislation being placed upon individual autonomy, responsibility and desert which has seen social justice reconstructed in individualised terms.

8.0 SOCIAL JUSTICE IN AUSTRALIA

8.1 Overview

Expressions of social justice in the Australian literature and media reflect, and are part of, the Australian political discourse that defines them (Lingard, 1997; Sturman, 1997; Star, 1991). Not only does it define them, because social justice is part of the political discourse, the meaning and expressions of social justice change in line with changes in the political discourse (Rizvi & Lingard, 1993; Macintyre, 1985). Australian social workers, while located in the Australian social work discourse, are also located in the political discourse and are directly subject to its influence. In being subject to its influence and having an active interest in social justice (AASW, 2000) it is reasonable to expect that Australian social workers may be influenced by how social justice is constructed in the non-social work literature and media. Therefore, prior to considering the understanding social workers have of social justice, consideration is first required of the expressions of social justice in the non-social work literature and media in Australia.

Accordingly, in this chapter the expressions of social justice found in the Australian non-social work literature and media and their relationship with, and to, the Australian political discourse are explored. Being socially constructed both the meaning of social justice and the means by which it is expressed change over time (Connell *et al,* 1982) in keeping with changes in the nature of the relationship between the person and the state. In Australia this relationship is, and has been, reflected in a wide range of social policy, legislation, the print media and in the discourse on citizenship. This discourse is both inclusive and exclusive, defined in terms of citizenship, democracy, economics and a range of social institutions (Chesterman & Galligan, 1999).

The paradigm shift which involved Anglo-American liberalism achieving dominance over European liberalism in Australia has perhaps produced the most significance changes to social justice in Australia. It is argued that in response to the paradigm change social justice has been reconstructed more narrowly making it, as the 20th century came to an end, progressively less inclusive.

The chapter commences with a review of how the political discourse influences social justice and how social justice is theorised in Australia. This is

followed by an analysis of expressions of social justice since federation by drawing upon references to social policy, legislation, the print media and citizenship. This in turn is followed by criticisms of social justice and concluding comments.

8.2   The influence of political discourses

Starr (1991), Rizvi and Lingard (1993), Lingard(1997) and Sturman (1997) each hold that social justice is defined by the dominant political paradigm.

Starr (1991) considers that social justice only became popular in the 1980s and, without explaining why, goes on to suggest that the term has been so overused that it has lost all meaning. She considers that it is one of the most 'under defined, under theorised and capricious concepts around' (Starr, 1991, p.20). To the extent that social justice is informed by the dominant political discourse, Starr suggests that social justice needs to be considered in the broader social, political, economic and historical context. However, her work reveals a tendency to conceive of the political as a unitary theoretical construct and in doing so she ignores the manner in which political practice tends to reflect a range of political ideologies rather than a single strand of thought. A further difficulty with her work is that she conceives of social justice as a response to injustice rather than as a proactive construct, thus confusing it with justice.

Like Starr (1991) Rizvi and Lingard (1993) also conceive of social justice as a response to injustice, rather than a proactive construct and so also confuse it with justice. However, they disagree with Starr's analysis that social justice has lost all meaning, suggesting instead that the meaning attached to social justice is highly contested, echoing the thoughts of Macintyre (1985). This, they propose, has arisen as a result of it being an historical construct that has been shaped by a range of discourses. They observe that the more recent use of the term has been largely symbolic as it has been subordinated to justice within the dominant discourse of neo-liberalism and has been overtaken by the user pays principle and the notion of full cost recovery. While they consider that social justice should be concerned with issues such as equality of distribution, participation, democratic engagement and active citizenship, they suggest that these concepts are no longer practised in Australia. They suggest that the dominant political discourse since the 1970s, which they describe as liberal

individualist, being a blend of conservative, liberal and economic ideologies, is reflective of Rawls' (1971) notion of justice as fairness and Nozick's (1974) notion of justice as desert. However, because of the prevailing political ideologies social justice in Australia is now essentially an economic construct (Rizvi & Lingard, 1993).

Lingard (1997) takes the ideas he developed with Rizvi (Rizvi & Lingard, 1993) and proposes that social justice has been subordinated to the neo-liberal economic and managerialist discourses. Lingard (1997) suggests that even though social justice has to be taken as a given, because the meaning of the term has always been contested it has no agreed meaning. He suggests that historically there have been three strands to social justice, namely, liberal individualist, represented by Nozick (1974), in which emphasis is placed upon the means by which wealth is accumulated rather than distributed (a form of procedural fairness); liberal democratic, symbolised by Rawls (1971), involving the regulation of the nature by which goods are distributed (also a form of procedural fairness); and social democratic under which emphasis is placed upon need and legitimacy of the state intervening to protect society from the excesses of the market (positive discrimination).

Lingard (1997) considers that within the Australian political landscape the three strands are interwoven. While prior to the 1980s all three ideologies co-existed in a range of permutations with different degrees of tension, since then they have been limited to reactive constructs structured by the market which has little regard for structural inequality.

Taking the theme of the three political ideologies further Sturman (1997) is of the view that social justice is a value-laden term that is often used as a synonym for other phrases such as advocacy, equity and equal opportunity. He concludes that the four dominant definitions are distributive social justice in the liberal tradition, which he incorrectly attributes to Rawls (1971); entitlement social justice, in the conservative or liberal individualist tradition, which he also incorrectly refers to as meritorian social justice, as advanced by Nozick (1974); desert-based social justice, which seems to be an alternative way of referring to entitlement and merit; and a social democratic needs-based approach.

According to Sturman (1997) all are individualised constructs reflective of neo-liberalism. This is perhaps best reflected in his conclusion that in contemporary society social justice is regarded as an add on, an extra cost to

society that can be dispensed with as it is a sop to those unable to provide for themselves. Sturman observes that as long as social justice is regarded as an add on, those who, as a result of being disadvantaged, need to call upon the state for assistance, will continue to be marginalised. This also provides further insight into Sturman's understanding of social justice which he implicitly limits to those unable to provide for themselves, making his construct of social justice reactive and economically based. Thus, his finding that in Australia social justice equates with distributive justice comes as no surprise.

8.3 Theorising social justice

8.3.1 Social justice as positive discrimination

Macintyre (1985) suggests that social justice in Australia, which he defines as an entitlement to be treated in a particular way, is a unitary construct that has changed over time in line with changes in society and in the relationship between society and the members of society. He argues that by continually adapting to meet the changing needs of people it has been able to maintain its relevance across time.

Macintyre is of the view that this has resulted in social justice in Australia developing as a reactive construct that is able to be invoked as the need arises. Building on the notion of social justice as a reactive construct, Macintyre suggests that the need for social justice does not arise until the imbalances and inequalities in society reach a critical threshold and result in the denial and inhibition of social relationships.

While defining social justice as a reactive construct tends to limit its application it also enables it to be accommodated within a range of political ideologies as it can be readily adapted to reflect specific political values. However, as Macintyre observes, the downside of a reactive model is the implicit acceptance of a social structure that may advantage some people while disadvantaging others (Macintyre, 1985).

Significantly, Macintyre suggests that social justice can only be pursued through and by the state. He argues that only the state has the power to address inequality and to enable and facilitate the required structural change to prevent and limit inequality. Citing examples drawn from across time, he identifies as social justice strategies needs-based funding for schools, land selection and allocation, childcare funding and Aboriginal land rights.

Sawer (1990) adopts a similar but more restrictive approach, equating social justice with justice for disadvantaged groups (not individuals), through social reform, empowerment and the active pursuit of social goals and citizenship.

8.3.2 Social justice as procedural fairness

Theophanous (1994) also proposes a reactive construct, suggesting that social justice is a response to injustice. While basing his construct of social justice upon Rawls (1971) *Theory of Justice* and emphasising the need for procedural fairness, he fails to have regard for the unequal outcomes that can arise as a result of the application of procedural fairness. Consequently, there are a number of significant difficulties with his theoretical framework.

Firstly, while his theoretical framework is predicated upon procedural fairness, the examples of social justice he cites are all outcomes-based. Further difficulties arise as the outcomes he seeks rely upon state intervention in society to compensate for the inequalities which, in part, arise out of the application of procedural fairness. Secondly, there is difficulty in reconciling Rawls' (1971) theory of social justice with Theophanous' (1994) position on a universal right to employment as Rawls (1971) limits his argument to equality of (employment) opportunity via procedural fairness.

Thirdly, and further confusing his approach, Theophanous also seeks to locate contract theory, which Rawls (1971) identifies with justice, within a social justice framework. In doing so Theophanous (1994) further contradicts himself as the elements of social justice he identifies with contract theory are also outcomes-based and can only be achieved via state intervention, namely, the provision of a basic income, through redistribution, and universal social rights including the right to employment and a quality education. Theophanous considers education to be an essential part of the fabric of social justice as it enhances the opportunity for each person to participate in the labour market. Other rights include the right to free health care and affordable housing. He also argues that people in groups that are subject to discrimination should be provided with equality of opportunity, affirmative action and strategies to promote access and equity.

A fourth source of confusion in his work relates to his portraying social justice as a reactive construct, only applied when injustice arises. Theophanous

suggests that injustice arises when relationships between people fail and as a result one or more are advantaged while the remainder are disadvantaged. As Campbell (1988) notes, it is justice and not social justice that is concerned with mediating relationships between people when injustice occurs. In limiting social justice to assisting individuals who are disadvantaged by inequality in society, not only does Theophanous (1994) confuse social justice with justice, but he also individualises it.

Almost contradicting his starting point, Theophanous changes tack and also equates social justice with a just social structure which he suggests leads to active citizenship. He observes that citizenship in Australia has been defined in terms of being a member of the Australian nation whose citizens only have limited political and civil rights. This seems to imply that Theophanous is of the view that the social structure in Australia is neither just nor conducive to active citizenship. He suggests that civil and political rights are insufficient on their own. He contends that achieving active citizenship also requires social and economic rights if the active participation of all citizens is to be facilitated.

While Theophanous seeks to ensure rights are available to all, his interpretation of social justice as a response to disadvantage suggests that social justice is only invoked when individual rights are violated. However, to the extent that he argues for the need to further prevent the loss of rights and the further deterioration of the circumstances of the citizen subject, who is defined as an equal member of society, his construct of social justice has a proactive element.

8.3.3 Social justice as distributive justice

As demonstrated by Arthur and Hopson (1999); Farrar (1987); Hawke (1988-89); Walker (1993); Carter (1987); Brennan (1990); Harris (1989); Grace (1994) and Germov (1998) the most popular expression of social justice involves the distribution or redistribution of material resources.

Arthur and Hopson (1999, p.14) define social justice as 'the right of all Australians to participate fully in the Australian community' through being able to access information, resources and the option to participate in deciding how resources are distributed within society. Arthur and Hopson contend that social justice is achieved by translating the concepts of access and equity into practice.

Farrar (1987) suggests that despite the popular meaning of social justice being equity it is a contested term. He is of the view that the contemporary approach to social justice is about ensuring that those who are not deserving of social justice, both in terms of need and desert are denied access to economic assistance, suggesting a reactive construct. Hawke (1988-89) conceives of social justice up until the mid 1970s as being concerned with improving the standard living for all. As an economic construct it was an outcome of government action in combination with the operation of the marketplace. Hawke suggests that while Australia used British social justice terminology, such as the 'welfare state', the mechanisms of social change in the form of industrialisation and the development of raw resources to raise standards of living were taken from the United States. In adopting this approach a balance developed between the accumulation of wealth and a concern for those unable to directly secure benefits from economic growth. Hawke suggests that this led to the development of the notion of the lucky country and the wage earners welfare state when even to be poor was not to be unduly disadvantaged.

Walker (1993, p.36) considers social justice to involve 'the distribution of benefits and burdens throughout society'. Walker argues that in order to understand social justice it is necessary to appreciate the operation of the market and the need for the state to intervene in it to ensure the equitable distribution of economic opportunities and resources. Walker distinguishes justice from social justice by suggesting that whereas justice is concerned with rights, needs and desert, social justice addresses how society respects rights, rewards desert, meets needs and the equity of the process by which this is achieved. In individualising rights, needs and desert, Walker never quite comes to terms with structural inequality and thus how to address it. In not doing so he limits social justice to a reactive role.

Carter (1987) observes that social justice, which she describes in terms of the equitable distribution of assets, resources, rights, duties, goods and services, in Australia evolved for workers, who were mostly male, rather than citizens and for individuals rather than families. Carter, in contrast to Hawke (1988-89) also notes that there are similarities between social justice, as reflected in the welfare state, in Europe and Australia, with the additional feature of income protection for workers in Australia.

In suggesting that social justice is more important than the political or economic agenda, Carter (1987) sets social justice in opposition to politics and economics within the neo-liberal discourse. Reflecting this tension, she notes that while an entitlement to social justice was formerly based on citizenship, it is an entitlement no longer recognised by government.

Brennan (1990) proposes that social justice has two main meanings. Firstly, it is a synonym for redistribution and secondly, as a synonym for social welfare. Brennan proposes a third more refined meaning in which he seeks to differentiate social justice from justice. He defines justice as being about the claims individuals make against others, claims that are often legally enforceable. In comparison, social justice provides for the claims individuals make on society, and in particular, the state. In summary, Brennan describes justice in terms of individual rights while describing social justice as the obligation of the state towards individual citizens to redistribute resources to ensure a minimum standard of living for all.

Brennan's construction of social justice is problematic for a number of reasons. Firstly, having contractualised the relationship between the state and the individual, unless it is made non-negotiable either party can withdraw from the agreement at any time, which is what the state has done. Secondly, Brennan defines social justice in terms of distribution which he considers is a welfare right arising out of the contractual relationship between the state and each person under the terms of which the state is obliged to assist the disadvantaged. In associating social justice with the idea of a minimum income he focuses his attention on the need for a guaranteed minimum standard of living. Demonstrating the manner in which he has constructed social justice as being economic and redistributional in nature, Brennan states that increasing the rate of employment is not a matter of social justice, but rather reduces the need for social justice.

Thus Brennan limits social justice to a reactive neo-liberal economic construct. However, because citizens are increasingly able to make legally enforceable claims upon the state (Staunton, 2000), the thought emerges that there is little difference between Brennan's notions of justice and social justice even though he implies it is subordinate to justice.

Harris (1989) also conceives of social justice as a distributional construct. She sets out a neo-liberal theory of social justice involving the alleviation of

poverty, the facilitation of equality of opportunity and participation through meeting basic needs by redistributing income. The success of the strategy is measured by the extent to which personal choices have been optimised through each person's improved economic circumstances.

Grace (1994) proposes that social justice of itself cannot provide an adequate response to the social problems confronting society. An adequate response has to go beyond rights, even positive rights, and create a climate in which people care about each other. This reflects Grace's narrow construction of social justice that he limits to distributive justice, subject to something tangible being held in common to distribute. In the absence of a common holding, individuals have to be able to agree on a level of disadvantage before any claims can be made upon privately held resources.

Germov (1998) defines social justice as 'a belief system that gives high priority to the interests of the least advantaged' (p.35). He implicitly accepts structural inequality by proposing that society should respond to the needs of the disadvantaged rather than the structural causes of disadvantage. Such a response also infers a reactive distributive paradigm.

The Australian Episcopal Conference of the Roman Catholic Church (Catholic Church, 1991) also describes social justice in terms of the distribution of wealth, consisting of both tangible and intangible resources, including happiness and personal satisfaction. To include the distribution of intangibles, such as feelings, is problematic. Not only are they dependent upon other factors, such as a sufficiency of tangible resources, but it is not possible to redistribute happiness. Nor is it possible to take and aggregate measures of happiness from happy people and give to those who are less happy.

Providing the most detailed description of social justice, social justice strategies and the purpose of social justice, Graycar and Jamrozik (1993, p.52) observe that while social justice 'means different things to different people, [it] is essentially about fairness in the distribution of resources, rights, opportunities and duties'. Adopting a broad perspective, they state that social justice is not limited to the provision of welfare, but is about the allocation of social resources to all people, across all spheres of human activity, which are directed towards extending life opportunities rather than eliminating inequality.

Graycar and Jamrozik suggest that social justice strategies are reflected in the provision of community services, health programs, community housing,

public education, public transport, local government services, youth affairs, ethnic affairs, consumer affairs and recreation. According to Graycar and Jamrozik the entitlement to access social justice services and social rights is determined by citizenship and thus defines who is and who is not a member of society.

Social justice as distributive justice, being directed towards alleviating the disadvantage of some individuals in the absence of any means of addressing the structural causes of inequality, can be considered to be a reactive construct and thus limited in its effectiveness.

8.3.4   Social justice as a reference

Despite the Catholic Church having been instrumental in the transfer of social justice from Europe to Australia (Macdonagh, 1994), contemporary social justice statements by the Catholic Church are not as precise as in earlier periods. The Australian Catholic Social Justice Council (1990), while not defining social justice, freely invoked the term. While the Council suggested that a commitment to social justice is a core Christian value, it also proposed, in keeping with what previously referenced authors have suggested, that social justice is primarily the responsibility of the state. According to the Australian Catholic Social Justice Council of 1990, individuals also have a responsibility to reflect social justice in their lives. This is achieved through actively addressing injustice by working collectively to successfully advocate for the disadvantaged. Thus, while this notion of social justice includes both a personal and societal morality it is individualised and reactive and as a result can be confused with justice.

While the expression of social justice advanced by the contemporary Catholic Church may be problematic for a number of reasons, the intent of the Church is to advance both proactive and reactive models of social justice. It is proactive in that it is predicated upon a belief in the innate dignity of each person and their right to personal freedom and development in order to foster the common good of society. In seeking to address existing inequality, poverty and disadvantage it is also reactive.

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8.4 Constructing justice as social justice

8.4.1 Justice as rights constructed as social justice

Staunton (2000) and Sawer (1990) adopt a rights-based approach to social justice. Staunton suggests that social justice needs to encompass equitable access to civil, political, social and economic rights which, ideally, should be protected by being enshrined in the constitution. In the absence of such protection it has been necessary to have recourse to the common law, aspects of which has been codified, and to call on the courts to enforce them, which she suggests people are increasingly doing.

In describing social justice in terms of general and individual rights Staunton at one and the same time defines social justice as both proactive and reactive constructs. It is proactive in that she advocates for the provision of rights and reactive to the extent that they are only invoked when breached. This suggests that one of the roles of formal or legal justice is to uphold social justice. However, in limiting social justice to individual rights Staunton adopts a restricted view of the construct and fails to consider that structural inequality can effectively negate rights.

8.4.2 Justice as contract constructed as social justice

Like Theophanous (1994), Latham (1998) also seeks to set out a theory of social justice based on Rawls' (1971) theory of justice. Whereas Theophanous (1994) drew on Rawls' (1971) notion of procedural fairness, Latham (1998) draws on Rawls' (1971) construction of the social contract. As Rawls bases his theory of justice upon the social contract, Latham seeks to redefine justice as social justice. However, unlike Rawls' social contract, which is voluntarily entered into by adults, Latham's (1998) contract is between the state and the collective membership of society via the democratic process that involves compulsory voting.

In setting out his theory Latham introduces a number of qualifications to Rawls' (1971) work. Unlike Rawls' original position, Latham (1998) envisages the social contract being periodically renegotiated in line with the changing needs of society. His second qualification is to remove the veil of ignorance, allowing decisions to be informed by the democratic process. His third qualification further lifts the veil of ignorance by granting to the members of

society knowledge of the nature of government. Thus Latham's citizens, unlike Rawls' (1971) unseeing population, are fully informed.

The natures of the changes made by Latham to Rawls' theory of justice pose a number of theoretical problems. In qualifying Rawls to the extent that Latham (1998) does and, in particular, in removing the veil of ignorance he succeeds in dismantling Rawls' (1971) theory of justice. In doing so Latham (1998) removes the essential features that distinguish it from Kant's theory of justice and on which Rawls (1971) developed his theory (Sandal, 1998). Thus, in making the changes that he does he reverts to a Kantian construct of justice. In doing so he inherits an idealised construct of the subject that can only exist as an abstract expression, in place of Rawls' rational subject (Sandel, 1998). However, Latham (1998) continues to promote the rational subject. Thus, the changes he makes regarding the nature and the primacy of the individual takes his work in the opposite direction to that which he intends to travel, affirming the subordination of the common good to individual rights. This poses the question of how Latham (1998) proposes to construct a theory of social justice in which rights of the individual prevail over the common good and under which inequality is a legitimate outcome.

Further difficulties arise as a result of Latham interpreting the social contract in terms of the democratic process. The liberal social contract is achieved as a result of an agreement being voluntarily reached by consenting adults who are deemed to be equal. Those who choose not to participate in the agreement are excluded from the benefits arising. How this can be applied to achieving social democratic ends, such as land rights for Aboriginal people, citizens' rights and the provision of basic community services for all is not explained. In a society in which participation in the political democratic process is compulsory and citizenship is regarded as being passive, Latham does not make clear how agreement is reached or how those who vote against any particular proposal are to be treated.

Setting aside these difficulties, Latham is of the view that social justice programs need to address the insecurity generated by change and not change itself. He argues this can be achieved by the development of programs that are directed towards overcoming the economic and social uncertainties of life by guaranteeing that each member of society is sufficiently resourced to be able to participate in society. To do this Latham proposes that the social democratic

project initiated by Whitlam (1972-1975) (Lloyd, 2000) and furthered by Keating (1991-1996) (Day, 2000), but which was arrested when neo-liberalism subordinated Keynesian economics, be resumed. He argues that to do this requires a new strategy that can be accommodated within the current economic and political discourses. Latham proposes five strategies:

1. Introducing complex equality of the manner described by Walzer (1983) to replace the unitary notion of equality. This, Latham argues, can be facilitated by social participation, incentives to promote participation, social responsibility, mutual support and the devolution of government.

2. Restoration of national sovereignty to counteract the effects of neo-liberal globalisation by promoting education and research. This is in lieu of presuming that the interests of the state and global capital are aligned.

3. Confronting market failures by introducing dynamic systems of state intervention to facilitate employment and income redistribution. Reflecting a communitarian approach (Etzioni, 1998) this is to be achieved through the most advantaged assisting the least advantaged, being what Latham refers to as a national gain strategy in order to address economic insecurity.

4. Replacing existing forms of welfare as they continue to reflect Keynesian thinking with programs that require active participation by welfare recipients and the active management of welfare programs. Latham proposes this will be achieved through the use of income smoothing through promoting personal savings and the use of public resource funds in association with lifelong educational programs.

5. The devolution of government roles to self governing mutual community bodies and so promoting social capital.

Rawls' (1971) theory of justice is problematic when reconstructed as a theory of social justice because of the priority that is assigned to the rights of the individual over the common good (Sandel, 1998). However, the changes made by Latham are even more problematic. Being in the mould of neo-liberalism, Latham's framework is not accommodating of a proactive construct of social justice, yet this is what in practice he seeks to establish.

8.5 Expressions of social justice in Australia

8.5.1 In social policy and legislation

Early Australian liberals, both prior to and following federation had a concern for social justice that arose out of their belief that it was essential for national cohesion (Macintyre, 1985). While their concern was given expression primarily through the regulation of income and working conditions, those unable to participate in the labour market were also provided for. This was in the form of old age and invalid pensions, maternity benefits and allowances for widows and deserted mothers. However, social justice also had its limits as it was tied to citizenship that excluded Aboriginal people and those who did not fit in with Australian Anglo-Saxon culture (Macintyre, 1985).

The desire for social justice in Australia also underpinned the early development of the labour movement that was informed by egalitarian notions and a strong dislike of inequality (Theophanous, 1994). The labour movement believed that society had a responsibility to assist each member of society, which led to the development of policies to minimise disadvantage. This was reflected in the early formulation of a basic or minimum wage based on need and not productivity, unemployment benefits for those unable to compete in the labour market and the provision of health, education and welfare services (Theophanous, 1994).

Macintyre (1985) suggests that prior to federation social justice in Australia was manifested in three ways. Firstly, in the introduction by the States of mechanisms to enable all to have access to land as land ownership was held to be a symbol of national fulfilment. This was achieved through the state removing claims by wealthy landowners to vast tracts of crown land that they sought to control by squatting. This led to the freeing up of land, which was provided to those unable to work, and also had the effect of removing vested and privileged interests. Secondly, as Macintyre (1985) notes, at different times during this period, social justice also was sex-based to ensure that women and their dependent children did not suffer if abandoned by their male partner, reflecting a paternalistic approach to nation building. Social justice was also reflected in legislation that sought to prohibit the exploitation of women and children in the labour market.

Thirdly, from federation until the mid 1970s social justice supported the ideals of labour through promoting and protecting full employment rather than

the provision of social welfare, although initially a welfare safety net was not provided for those unable to work. During this time the Commonwealth increasingly assumed responsibility for social policy which, following World War Two, led to the development of the welfare state (Theophanous, 1994). In the aggregate social justice was directed towards achieving a high standard of living for all to enjoy. Macintyre suggests that social justice was also reflected in industrial relations legislation, first manifested in the establishment of State mandated tribunals to prescribe the terms and conditions of individual work groups. This resulted in the regulation of wages by arbitration to overcome the oppression of workers by employers and enable each person to actively participate in society. Efforts to regulate wages and conditions were based on a sense of morality associated with facilitating social relationships, as the unregulated relationship between the buyers and sellers of labour was too uneven to arrive at fair outcomes.

The gathering momentum of wage protection placed increasing pressure upon employers to pay a 'fair' wage. This found expression in the judgement of Mr Justice Higgins in 1907 in the Harvester case (Stilwell, 2000). However, while the concept may have been formulated early in Australia's federal history, it was not until after World War One that it was applied to all employees (Macintyre, 1985).

However, as Macintyre notes, Australian social policy from federation until the mid 1970s was also patriarchal, being premised on the notion that all adult women were married and dependent upon their husbands. As a result the state made special provision for women. For example, in 1912 a minimum wage for women was introduced, but at a lower rate to that for men. Women would have to wait until 1969 for equal minimum pay. In the 1920s insurance schemes were introduced for people injured at work and on the roads along with sickness benefits. This was followed in 1941 by the introduction of child endowment payments to mothers (Theophanous, 1994). Similarly, during World War One the army deducted five shillings from each soldier's pay of six shillings a week and provided it to his wife. Post war the state continued to support women, while men were expected to provide for themselves. In a patriarchal society women and children could not provide for themselves and the welfare state could not allow them to suffer because of the failings of the 'head of the house' (Macintyre, 1985). The provision of a minimum income for both men, women

and youth featured as a key social justice plank from the time of federation up until neo-liberal policies began to appear in the mid 1970s (Stilwell, 2000).

The early delivery of social justice was hampered by the historical responsibility for services that variously rested with the states and the federal government. Post World War Two saw moves to facilitate the development of universal services. The programs were not new, rather, existing programs were improved and those that were provided by individual states were developed and nationalised (Theophanous, 1994). From the early 1940s the idea of a minimum income was associated with notions of the universal right to health care, education, income and housing in order to overcome state differences. However, up until 1946 State and Territory governments were responsible for education that resulted in a range of education policies. To correct this in 1946 a referendum was successfully held to transfer responsibility for education to the federal government (Theophanous, 1994).

Similarly, in the period immediately after Word War Two the States were the providers of housing. However, the Commonwealth/State housing agreement, which was ratified in 1945, resulted in the Commonwealth assuming responsibility for funding public housing (Starr, 2001). In 1954 the Menzies government, seeking to encourage home purchase rather than renting, renegotiated this agreement. In 1973, there was a swing back towards public housing with limits being placed upon the sale of public housing. The program was again reviewed in 1984 to cancel the market rent scheme introduced in 1975 in favour of cost rents. In 1989 the Commonwealth restructured the funding, changing it to a system of grants rather than loans, while user rights were strengthened and increased security of tenure provided for residents (Theophanous, 1994).

The social security system came out of bipartisan support for a 1945 White Paper that sought to bridge the social policy and economic arenas (Roskam, 2001). This consisted of compromise between labour and business involving wage arbitration, high tariffs, occupational health and safety regulations which received bipartisan political, industrial and social support which continued to exist until the mid 1970s (Theophanous, 1994).

The 1950s saw the Commonwealth introduce a range of benefit schemes covering medical, health, pharmaceuticals, hospital and nursing home services (Theophanous, 1994). Enhanced support for the disabled was provided when

the Disabled Persons Accommodation Act 1962 was repealed and replaced in 1967 by the Sheltered Employment (Assistance) Act 1967. This enabled the provision of financial assistance for the establishment and running of sheltered workshops (Theophanous, 1994). Complementing these changes, the Handicapped Persons Act of 1970 was introduced to provide funding to eligible groups to offset the cost of facilities providing training and accommodation for handicapped children. In 1974 the Act was amended and retitled the Handicapped Persons Assistance Act 1974, extending the levels of subsidy provided for training, therapy and rehabilitation centres (Theophanous, 1994).

However, there were also periods when the welfare state was found wanting. The massive rates of unemployment, estimated at three hundred thousand (300,000) in 1968 at the end of the 'long boom' was one of the most fundamental injustices experienced in Australia (Macintyre, 1985). The impact was exacerbated by the rates of social welfare benefits that were not sufficient to lift recipients above the poverty line. The low rate of benefit payments is attributed to the belief that unemployment was only ever a temporary phenomenon and thus a residual problem. While this may have been acceptable in the short term, it was not the case for an extended period (Macintyre, 1985).

Funding for nursing homes and later a broad range of residential aged care, including hostels and self care units, was initially provided under the Aged and the National Health Act 1953, the Disabled Persons Act 1963 and Nursing Homes Assistance Act 1974. Attempts to introduce a user pays basis for funding aged care by the Howard Liberal Government in 1998, in association with a cut back in government funding following the proclamation of the Aged Care Act 1997, were opposed and defeated (Valentine, 1999).

In 1971 Australia signed the UN Declaration on the Rights of Mentally Disabled Persons that emphasised the rights of mentally disabled persons to participate in society by providing them with opportunities and respecting their inherent dignity (Theophanous, 1994). The 1970s also saw the introduction of funding for Aboriginal legal and medical services and discussions commenced regarding land rights legislation. At the same time entitlement to claim the supporting parents benefit was extended to include single male parents (Theophanous, 1994). In 1976 Australia ratified the UN International Convention

on Economic, Social and Cultural Rights which defined adequate housing as a basic human right (Theophanous, 1994).

While policy on multiculturalism was introduced during the Labor Whitlam years, it would be the Fraser Liberal government that gave the term its full effect (Kalantzis, 2000). In 1989 the Hawke Labor government sought to address social, political and economic issues affecting migrants by passing of the National Agenda for Multicultural Australia (Theophanous, 1994).

Macintyre (1985) observes that since the mid 1970s Australia no longer has universal social welfare or a guaranteed minimum standard of living to which all citizens are entitled. Gone also is the assurance that the welfare safety net, which has been reduced by politicians, will not be further reduced.

The election of the Fraser government in 1975 saw a change in government policy and a redefining of social justice in order to reduce expenditure and save money. Changing social attitudes resulted in the stereotyping of the unemployed through the application of labels such as 'dole bludgers, … drop-outs, loafers, no hopers, hippies, work dodgers and slackers', by both Labor and Liberal politicians (Macintyre, 1985, p.92).

Benefits to the most disadvantaged in society were also reduced. Assistance was only to be provided when the market was unable to and the family failed. To do anything more was considered to encourage dependence. Not only was inequality exacerbated, leading to greater injustice, but also through the consequential destabilisation of relationship, social justice itself was jeopardised (Macintyre, 1985). While the election of a Labor Government in 1983 did not result in the changes made being reversed, macro-economic policy was developed which sought to maximise growth while providing a secure minimum income and human services for each member of society. In addition, employment development programs and policies that sought to promote employment for all Australian citizens were introduced (Theophanous, 1994).

The signing in 1970 by Australia of the UN Convention on the elimination of all forms of discrimination against women also led to the development of a number of social justice strategies. In 1984 the Sex Anti-Discrimination Act 1984 was passed and followed by the Affirmative Action (Equal Employment Opportunity for Women) Act 1986. This Act required identified organisations to develop affirmative action plans for women. The Act also resulted in the

formation of the Human Rights and Equal Opportunity Commission. This was followed in 1994 by the Commonwealth National Action Plan and the Women's Employment Strategy while the Equal Status for Women (Half Way to Equal) report resulted in the development of further social policies to address discrimination against women (Sullivan, 2000; Weeks, 1996).

As a signatory to the United Nations Resolution on the Protection of Persons with Mental Illness and Improvements to Mental Heath Care, Australia made a range of commitments to address mental health issues. This commitment resulted in a number of legislative amendments to enable persons with mental illness to access the services and benefits provided for by the Disability Services Act 1986, the Aged and Disabled Persons Care Act 1954, the National Health Act 1953, the Health Insurance Act 1973, the Home and Community Care Act 1985 and the Disability Discrimination Act 1992 (Theophanous, 1994). In addition, in 1992 the Disability Support Pension replaced the Invalid Pension and Employment Allowance.

In the same year the Disability Discrimination Act 1992 was passed and a system of supported wages introduced in the 1993-94 federal budget. This was supplemented in the 1994-95 budget to enable disabled persons to access competitive employment programs. Similar funding was provided to assist disabled school leavers and persons with a psychiatric disability to participate in pre-vocational and other training programs (Theophanous, 1994).

In the employment arena, the 1993 Green Paper 'Restoring Full Employment' and the White Paper 'Working Nation' concluded that reliance upon market driven forces to resolve unemployment ran the risk of creating a permanent underclass (Theophanous, 1994). This led to the development of the Job Compact involving guaranteed employment for those unemployed for more than eighteen months. This was given effect by paying either a subsidised wage, a subsidised training wage, promoting self employment opportunities or work experience rather than paying the unemployed to work for the dole (Argy, 1998; Stilwell, 1996).

In the late 20th century there was one area that, for a while, defied the increasing dominance of neo-liberalism. During the mid 1980s the Federal Labor Government awarded to Aboriginal people between one-third and one-half of the Northern Territory (Macintyre, 1985). A decade later the Aboriginal and Torres Strait Islander (ATSI) social justice strategy developed during 1993-

94 led to the funding of the Aboriginal and Torres Strait Islander Commission and the Council for Aboriginal Reconciliation. Both the Commission and Council allocated funds to projects undertaken to raise the sensitivity of non-ATSI people to ATSI issues, to encourage the States and Territories to respond appropriately to the disadvantage of ATSI peoples and to advance reconciliation (Chesterman & Galligan, 1997). Further funds were provided in the 1994/95 federal budget for the purchase of land, to improve the health of ATSI peoples, to develop an ATSI women's health policy and culturally appropriate aged care services (Theophanous, 1994).

However, the empowerment of Aboriginal people was short lived. Following the election of the Howard Liberal government in 1996 discrimination, disempowerment and the dismissal of Aboriginal citizenship and sovereignty were resumed. Amendments to the Native Title Act restored and protected vested white interests (Macintyre, 1999). At the close of the 20th century, the Federal Liberal Government continues to deny the sovereign rights of Aboriginal people and the need for a treaty (Macintyre, 1985).

In summary, the majority of expressions of social justice in social policy and legislation have been in the form of redistribution and positive rights, both of which reflect the paradigm of mutual responsibility. However, both Labor and Liberal governments have created a range of social problems by progressively abandoning the notion of mutual responsibility and allowing the market to structure social relationships. Successive governments since 1975 have also eroded social justice by progressively modifying Australia's universal system of education through commodifying education (Argy, 2003; Macintyre, 1985). As a consequence of ties of mutuality and social relationships based on customary rights and obligations and which previously regulated social life, and provided the rationale for social justice, have been subordinated to market forces (Macintyre, 1985).

8.5.2 Social justice and citizenship

One of the features of social justice in Australia has been the relationship between social justice and citizenship. While access to social justice is limited to those able to claim citizenship (Macintyre, 1985), it is also the means by which social justice is facilitated (Kane, 2000). A further feature of citizenship has

been the way in which it has acted on and influenced the way in which social justice is expressed. Thus some consideration of citizenship is required.

Any discussion on citizenship is incomplete without reference to Marshall's (1950) classic work on citizenship. While recognising the contested nature of the term, Marshall defines citizenship as the full membership of a society, with each member having the same political, civil, legal and social rights. While given less emphasis, Marshall suggests that citizenship also entails certain duties and obligations, which, like rights are socially constructed and so change over time. A significant feature of Marshall's construction of citizenship is that in being framed by liberalism, it is individualised with the well-being of the person taking precedence over the well-being of society.

Writing some forty years later Rawls (1993) makes similar statements, suggesting that citizenship is a political construct agreed to by persons who agree to cooperate with each other for mutual benefit. According to Rawls each citizen achieves citizenship through recognition by other citizens of their status in a system of voluntary cooperation involving a mixture of consensual rights and obligations.

However, citizenship is not recognised in the Australian Constitution. One of the reasons for this is that at the time of Federation the states wanted to preserve their control over citizenship issues, including the power to discriminate in order to keep the nation white. As an example, in 1944 the Western Australia parliament passed legislation that denied Aboriginal people citizenship until its repeal in 1971 (Davidson, 1997).

A further reason why citizenship was omitted from the constitution was that it was considered unnecessary as all Australians were British subjects, but subjects without rights beyond those found in the common law. Thus the sole reference to citizenship in the constitution is found in section 44(1) which refers to 'a citizen of a foreign power', which by implication suggest all countries other than Australia have citizens (Thornton 2000; Davidson, 1997).

As a consequence of being silent on citizenship the constitution is essentially a document that defines the relationship between the states and federal government. In being silent on citizenship it is also silent on the relationship between the people and the state, as a result of which there is no obligation upon government to act in the best interests of society, or to be accountable for the well-being of society. However, this was not of concern as it

was assumed that the democratic process would protect the well-being of society. However, this assumption has to be called into question by the existence of political discourses that promote individualism and exacerbate inequality (Salvaris, 2000).

Thus while women were given the right to vote at the time of federation and as a consequence at federation gained citizenship they continued to be excluded from political life and the workforce and therefore were denied political and economic citizenship (Irving, 1999; Jordan, 1992). Lacking legal rights and an identity separate from being the wives of their husbands, the daughters of their fathers, the mothers of their children and a subordinate member of their families they were also denied any legal or social standing (Jordan, 1992).

Similarly, while Aboriginal people were granted political and civil rights in 1950 they were unable to exercise them as they were excluded from citizenship until 1967. The only way in which they could exercise political and civil rights was if, like immigrants, they first registered and formally applied to exercise citizenship rights (Chesterman & Galligan, 1999).

Hudson and Kane (2000) contend that since federation Australian citizenship has most often been expressed in the entitlement to claim assistance from the state. However, they note that entitlements and assistance have varied over time and have not always been extended to all members of society. In particular, Aboriginal people have been denied social justice by being refused access to assistance and resources to the extent that they are citizens without rights.

Despite the lack of a constitutional or legal basis for citizenship, following federation Australia developed a range of positive citizenship policies directed towards enhancing the material and social well-being of those members of society recognised as citizens. In particular, expressions of social justice can be found in the form of policies introduced which were directed towards securing a standard of living sufficient to facilitate social interaction and political participation. Other expressions of social justice included maternity benefits, public health and education and disability pensions. Economic policies included arbitration, minimum wages and social welfare (Chesterman & Galligan, 1999).

Salvaris (2000) suggests that these policies have resulted in the development of civil, political and legal rights (which are subject to judicial interpretation), including the provision of public education, health care, transport

and housing. To this Turner (1997) adds the right to speak one's own language and enjoy religious freedom, economic rights related to the basic need for food and shelter, socio-cultural rights related to access to welfare and education along with political and legal rights to sustain individual freedoms.

Significantly, Australia's political leaders have been reluctant to place in legislation and the constitution core values that society holds dear, values such as egalitarianism, tolerance, a fair go, social cohesion and the recognition of difference (Salvaris, 2000). In not being enshrined in the constitution citizenship lacks a clear definition or statement of citizen rights and duties and thus is contested terrain. (Chesterman & Galligan, 1999)

Contemporary Australian citizenship is the product of historical developments involving a mixture of state and federal jurisdictions and policies. Initially developed to be racially exclusive in order to maintain white Australia, it has undergone a series of changes in line with changing social values (Davidson, 1997). However, in some ways it remains unchanged. The same discretionary powers that facilitated the 'White Australia policy' today enable governments to decide how refugees will be treated. As a consequence of Australian citizenship being constructed out of a mixture of an exclusionary legislative framework, common law provisions and government policy refugees in Australia, regardless of whether they are legal, unless they have permanent residency or illegal have to rely upon the discretionary graces of government. At law and under policy they have no rights, other than an entitlement to due process (Galligan and Roberts, 2004).

Australian citizenship has also been shaped by regional and international, cosmopolitan and transnational as well as global issues. It can be defined in terms of sexuality, education, employment, media influences and participation in the armed forces as well as environmental, ecological and religious affiliations. Within each of these discourses citizenship and social justice are given particular meanings along with defining who is eligible to claim the benefits of social justice (Hudson, 2000).

While publicly Australian citizenship is primarily about the relationship between the individual and the state, the images and discourses in citizenship are far more complex, particularly when rights and duties are referred to. Beyond the Constitution citizenship involves unequal rights and duties arising out of some citizens being privileged, while others are disadvantaged (Hindess,

2000). The most common understanding of citizenship is that it is composed of a blend of political and legal rights that define the relationship between the individual and the state (Hindess, 2000; Hudson, 2000). However, because it is in part based on political rights such a construct is problematic. While emphasising membership of a political community involving a mix of rights and duties, in not being embodied in the constitution it is subject to government influence and therefore can be changed (Salvaris, 2000). Thornton (2000) is of the view that as a legal construct citizenship is an empty shell as at law citizenship is constructed as a neutral subject in keeping with the administration of the law (Thornton, 2000). In practice citizenship has been developed and defined through legislation, administrative practice and public policy (Chesterman & Galligan, 1999).

As previously noted, however constructed, citizenship defines who is, and who is not, a member of society and therefore who is eligible and ineligible for social justice (Macintyre, 1985). Citizenship determines who is eligible to participate in the political process and who can access scarce resources such as social security, health care, public education, subsidised housing, retirement benefits and taxation concessions (Turner, 1997) Reinterpreted as rights, the entitlements and obligations of citizenship in not being based on individual rights provided for in the constitution have found expression in common law protections, government policies and the social construction of the citizen as a member of the political community (Davidson, 1997).

It can also be demonstrated that changes in citizenship have been accompanied by changes in social justice as the language of citizenship legitimates the political messages that are framed within the language. Thus, constructs of citizenship are invoked by the far right and those who defend the welfare state, those who advocate social justice and those who do not (Hindess, 2000).

Between 1940 and 1980 reform liberalism, being the dominant political paradigm, supported welfare citizenship and social justice policies. This construct of citizenship reflected a belief in universal needs and rights of citizens and their equal or standardised treatment in the form of state intervention to ensure employment, occupational health and safety and social security benefits. However, during the mid 1970s this construct came under challenge as a result of which the legitimacy of both the welfare state and social

justice were called into question (Kenny, 1997) The decline of Keynesian thinking, as a result of the emergence of neo-liberalism and the contract state, led to changes in the way citizenship was constructed and the nature of social justice (Hudson & Kane, 2000).

The strongest period of citizenship in Australia was during the reign of the Whitlam government that introduced universal health care, free tertiary education and the Australian Assistance Plan, all of which facilitated participation, social relationships and social justice (Salvaris, 2000)

Since the 1980s neo-liberalism, as reflected in economic rationalism, has had a dramatic effect on how the citizen subject is defined, the need for and nature of social justice and programs that sustain citizenship (Salvaris, 2000). Reflecting neo-liberal values Australian society has become less fair and inclusive as reflected in constructs of citizenship that are individualistic and materialistic (Salvaris, 2000).

In particular Salvaris observes that programs which promote equity and equality, participation and community as well as social inclusiveness have, to varying degrees, been abandoned. This includes programs which address public education, health, dental services, housing, transport and broadcasting, social security, tax equity, industrial rights, unemployment programs, income protection, legal aid, child care and the enforcement of human rights.

Salvaris continues that the visible symbols of public ownership and community have been dismantled or reduced, leaving some communities worse off. The citizen subject, while previously defined independently of the economic discourse, is now predicated upon economic standing. The use of the market to define citizenship and to structure social relations has removed the need for the state to expend money promoting social justice strategies. However, according to Salvaris, these changes have led to increased inequality and the damaging of social relations.

Under neo-liberalism full citizenship is limited to those who contribute economically to society. Active citizenship has been redefined in terms of participation in the marketplace, social justice has been defined in terms of equality of opportunity, while the welfare state is regarded as only supporting passive citizenship (Jordan, 1998). The provision of support and assistance to individuals by the state is held to erode self-sufficiency, self-reliance, self-respect and the capacity of individuals to fully exercise their civil and political

citizenship. In consequence, a commitment to the welfare state and full employment has been abandoned (Kenny, 1997).

The neo-liberal citizen is a self-sufficient consumer who has no need for state support, advocacy or intervention, and thus no need for social justice. This has enabled government to become less inclusive, less concerned with promoting community well-being and the common good (Hindess, 2000). According to Johnson (2000) and Macintyre (1985) the formulation of a neo-liberal unitary construct of citizenship has resulted in the denial of differences in people and their diverse needs and legitimated the withdrawal of the state from intervening in society in order to maintain social relations. As a consequence, minority groups such as gays and lesbians have been excluded from a range of services, such as access to fertility programs and other benefits and services available to the heterosexual public (Sullivan, 2000). In a similar manner Aboriginal people have been defined as subordinate citizens by a range of social practices facilitated and legitimated by legislation (Thornton, 2000)

Sullivan (2000) supports Wearing's (1994) observation, noting that neo-liberalism, in placing weight upon procedural fairness without regard to outcomes maintains the exclusion of marginalised groups from active participation in society. This minimises the rights of the disadvantaged and maximises those of the financially affluent. Wearing (1994) also suggests that social citizenship has been replaced by economic citizenship as successive Australian governments have sought to restructure society to place a greater emphasis upon making the nation more economically competitive and in the process have dismantled state institutions to give market forces a freer rein.

According to Wearing, neo-liberal economic citizenship has led to the development of six constructs of social justice in Australia: economic social justice under which the nature and extent of services provided are dependent upon the nation's economic performance; spatial social justice which encourages the consolidation of the population through urban planning to minimise the need for infrastructure and services, as reflected in medium density housing; a user pays model of social justice involving the integration of service users and providers into the marketplace, including the creation of artificial markets through the use of competitive tendering for services by not-for-profit organisations; a participatory model of social justice which facilitates the involvement of an identified community or target group who are encouraged

to take control of a program and for which 'seeding' funds are provided to facilitate citizen involvement; local or decentralised social justice, being a variant of the community development mode; and a managerialist model of social justice which relies upon demonstrating program efficiency and cost effective outcomes to justify the provision of services. Based upon economic and/or legal constructs, such a model involves tightly defining the target population to ensure only those identified as being in need benefit.

Citizenship in Australia, in the absence of a stable definition, due to the lack of a constitutional or legislative framework, has always been dynamic in nature. As a result it has been subject to ongoing change consistent with changes in political, economic and social values. This is reflected in the series of dualities between Australian citizenship and a range of subjects. These include immigration and refugee policy, industrial rights and even whether Australia should remain a constitutional monarchy or become a republic (Tomilinson, 1996).

Despite these changes the language of citizenship continues to suggest that the state has a responsibility to promote social justice in order to produce positive outcomes for citizens. However, it is a responsibility and accountability that is increasingly denied by the state in the neo-liberal global economy (Johnson, 2000). Citizenship policy is increasingly leaning towards a narrow and passive construct of citizenship. This reflects the changes in the citizen subject from the welfare citizen during the period of 1945-1975 to the consumer citizen whose profile is defined by the market (Salvaris, 2000). This construction of citizenship has resulted in those who are excluded from market citizenship being denied their political rights and the right to actively participate in society (Davidson, 1997).

Citizenship should be free from interference and, in support of social justice, should guarantee access to sufficient resources for 'normal' social functioning and to promote the social and economic well-being of those who are disadvantaged and vulnerable (Chesterman & Galligan, 1999). However, under neo-liberalism this is no longer the case.

8.5.3 Social justice statements by government

At different times various Australian governments, notably the Federal, NSW, Victorian and South Australian Governments, have released social justice statements. However, the only one with currency is that released by the NSW Government in 1996.

The social justice statement released by the NSW Government (1996) consists of a confused mixture of proactive and reactive constructs and conceives of the individual only in indirect terms. Containing only minimal reference to the individual and community, it advocates harnessing market forces to produce socially just outcomes, rather than to seek outcomes based on social justice. As a strategy, the idea of using market forces to achieve socially just outcomes could only ever have limited success as it rests on minimal intervention by the state in the operation of the market.

Reflecting a more holistic approach, in 1989 the Federal Labor Government released a social justice strategy that reflected the paradigm of mutual responsibility (Commonwealth of Australia, 1988). This paper described social justice in terms of fairness in the distribution of economic resources, equality of civil, legal and industrial rights to provide all members of society with the opportunity to participate in political activities, community life and decision-making. This was to be achieved by improving the social wage for middle and low income earners, improvements to the education system, improvements to the welfare safety net and the state directly intervening to improve the circumstances of women, Aboriginal people and disadvantaged groups.

Cass (1990) portrays the strategy as a means of combating poverty, unemployment and the marginalisation of labour while Howe (1990), a former Federal Labor Minister, argues that Federal Labor's social justice strategy, rather than simply responding to disadvantage, sought to address the causes of exclusion and disadvantage. He suggests, the government sought to do this through the fair distribution of economic resources, enhancement of individual (but undefined) rights, fair and equal access to community resources and equal opportunity to participate in all aspect of society. The limitation of the strategy was that it was constructed in terms of individualism, being limited to the alleviation of disadvantage experienced by individuals. Thus it is difficult to understand how a social justice strategy that speaks to the circumstances of

individuals can address the root causes of the issues raised by Howe, that is, structural discrimination and oppression.

Even in terms of seeking to alleviate poverty, the strategy had its critics. Gorman (1989) suggests that the combined strategies of access, equity, equality and participation, as a means of protecting the most vulnerable citizens from neo-liberal economic policies, was too narrowly targeted and suffered from financial constraints.

8.5.4   Social justice, Aboriginal self-determination and reconciliation

According to Dodson (1993), who locates the individual within their community, the essence of social justice for Aboriginal people is absolute equality and fairness. Dodson considers that the biggest threat to social justice comes from it being overburdened with expectations that trivialise it. Dodson notes that when narrowly defined, social justice is limited to forms of social welfare. These are used to address specific areas of disadvantage through the redistribution of material resources and facilitating access to services. However, as Dodson observes, they are increasingly being made discretionary and subject to variations in government policy and funding.

Dodson contrasts this narrow definition with a human rights-based approach, which he argues is required if the needs of Indigenous people are to be met. Dodson argues that social justice for Indigenous people cannot be limited to alleviating suffering, but has to reflect the responsibility of the state to have equal regard for all citizens and promote equality, fairness and access to resources. Dodson contends that it is only through the provision of rights that Aboriginal people can achieve self-determination.

In defining social justice in terms of rights and thus the duties and obligations of society, Dodson defines social justice in a manner reminiscent of Honore (1970). As earlier observed in the discussion on Honore, rights of themselves do not correct and prevent structural oppression and domination. Rather, in the presence of structural oppression and domination and an absence of any remedial action, the provision of rights only serves to emphasise the need for rights.

In a very practical sense Dodson observes that for many Aboriginal people social justice is about an adequate water supply, cooking facilities and sanitation. It is about raising healthy and well educated children who have been

provided with the necessary skills for employment and to enjoy their cultural heritage. Dodson concludes that it is also about having a life of choices, opportunities and freedom from discrimination.

While Dodson defines social justice, Behrendt (2003), who writes on the same topic albeit from a different perspective, does not. While having the captivating title of 'Achieving social justice' (for Australia's Indigenous peoples), she proceeds to explore the legal, social and economic injustices that confront Indigenous people on a daily basis. In practice she writes on injustice and the need for justice, rather than social justice. The reference to social justice is only in the title.

Jull (1996) adopts a similar approach of using the expression, but not defining what is meant. While being critical (p.2) of the lack of clarity in the title of the report 'Towards social justice' (Council for Aboriginal Reconciliation, Aboriginal and Torres Strait Islander Commission and Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, 1994) because it does not make clear what is meant, Jull also leaves it to the reader to infer what social justice for Aboriginal and Torres Strait Islander peoples is about.

8.5.5 Social justice in the print media

The exploration of the expressions of social justice in the print media is limited to newspapers appearing in capital cities issued by Fairfax Press. No other newspaper publisher had a sufficiently sophisticated web site that allowed archived articles to be sorted by relevance and an abstract previewed. This limited the search to Sydney and Melbourne and to articles that appeared in the *Sydney Morning Herald* and the Melbourne *Age*. The articles reviewed were selected on relevance from the Fairfax Press electronic archive for the period of 1986 to 2001 inclusive.

An initial search across the whole archive revealed more than 200 documents. However, the program software only permitted access to the first 200 documents and did not indicate the total number of documents on social justice that had been published. This limitation was partly overcome by undertaking a year-by-year search of the archive. This resulted in excess of 2214 articles being found. However, as the years 1993-1997 each contained more than 200 documents on social justice, the real count is unknown. Contact with the website help desk confirmed the limitation.

As indicated, the documents found were sorted by relevance and the top 50 downloaded. As one document failed to download, the final tally of 49 documents was sorted on three criteria. The first was by subject matter, the second was determined by whether social justice was portrayed as a proactive or reactive construct, while the third category provided the means to sort the articles based on the construct of social justice advanced.

The first category produced the following subject area breakdown:

- Aboriginal people   11
- Advocacy   4
- Church issues   10
- Criminal justice   1
- Economics   2
- Education   5
- Government policy   15
- Health   2
- Homosexuality   1
- Race relations   1
- Society   4
- Taxation   2

As can be seen from the subject areas, social justice is applied to a broad range of issues, although it is most often raised in the context of Aboriginal people, the Church and government policy. Noticeably absent are the topics of welfare and the unemployed, although these matters are components of government policy. However, the range of subject areas with which social justice is associated suggests that it has application to issues central to the well-being of society.

As to whether the type of social justice described was, explicitly or implicitly, proactive or reactive, eleven articles set out a reactive model, another seven articles described a proactive model while for the remaining thirty-two articles it was not possible to discern whether the model was reactive or proactive.

In the third category, which sought to classify the articles in accordance with the type of social justice construct, forty-six of the articles did not set out a specific construct. That is, the term was only used as a reference, leaving it to the reader to associate it with whatever values they choose. As the remaining

three articles did identify a construct, it is now proposed to turn to them and explore the type of social justice described.

Barker (1994), in commenting upon the imminent launch of a government white paper on unemployment drew upon Theophanous' (1994) use of Rawls' (1971) difference principle as a social justice construct. Like Theophanous (1994), Barker (1994) unquestioningly accepts Rawls' (1971) difference principle, which rests on procedural fairness, and, in emphasising the process, decentres the subject. In doing so Barker (1994) perpetuates the flaws in Theophanous' (1994) argument discussed earlier in this chapter.

Williams (1988) describes the social justice package developed by the NSW government as a pluralistic construct based on a mixture of positive discrimination, the distribution of resources, rights and equality of opportunity in employment and decision-making. These, Williams observes, are reflected in the preparation of social justice impact statements and the application of a range of strategies to promote access, equality, rights and participation. While Cole-Adams (1993) reported on the social justice statement of Mick Dodson, the first Aboriginal and Torres Strait Islander Commissioner, this is better explored by referencing Dodson directly, as earlier addressed.

In summary, there is an enormous diversity in the areas in which social justice is expressed. In the print media it continues to be actively applied to a range of topics on average at least 150 times each year for the period 1987 to 2001 inclusive. At a time when it might be regarded as out of step with contemporary thinking, the use of the term has remained steady, being invoked 165 times in 2001, 162 times in 2000, 159 times in 1999 and 150 times in 1998. However, for the most part it has not been possible to discern the nature of social justice involved, or even if a reactive or proactive construct was being advanced. It may be that part of the appeal of social justice is its ambiguity, as a result of which it allows each person to make of it what he or she will.

8.6   Criticisms of social justice

However, not all support the need for social justice. Goldsmith (1998), a member of the Australian Liberal Party, parliamentary member of the NSW Upper House and a self-declared classical liberal, is scathing in her criticisms of social justice. While limiting it to the protection of, and assistance to, the poor she seeks to dismiss and discredit it, and all related constructs, blaming it for all

of society's ills. While she suggests that much of what has been labelled as social justice is fraudulent, she fails to spell out any particulars. However, it would appear that her comments are directed towards any policy other than a 'fair go' which she considers is how most Australians' view social justice. She considers that social justice is no more than throwing good money after bad, a comment that seems to be directed towards all government spending that she does not agree with.

Goldsmith, and Valadian (1998), who also identifies with the political Right, suggest that social justice policies have entrenched poverty, exacerbated income inequality and have not helped Aboriginal people. Both argue that since the 1970s social justice policies for Aboriginal people have led to a further decline in living standards while the Native Title Act has led to groups of Aboriginal people competing with each over land claims to the detriment of all. Valadian suggests prior to the Native Title Act social justice was primarily associated with the Christian church and expressed in, and an extension of, pastoral care. However, since the proclamation of this Act she considers that social justice has become associated with reconciliation and has become a cornerstone of political activity. As such Valadian proposes that social justice has become synonymous with the 1993 Native Title Act, as originally passed, Indigenous claims for land rights, education, health care, housing and equality before the law. Goldsmith (1998) continues that because social justice is more about propaganda than social welfare the position of Aboriginal people, the most disadvantaged of Australians, has worsened, particularly since the early 1970s.

Goldsmith (1998) also equates social justice with the welfare state and considers that it has only produced negative consequences. Warby (1998) counters that social justice as reflected in the welfare state has a role in ameliorating the excesses of capitalism and can even stand in opposition to capitalism. However, he considers that as the cost to society outweighs the benefits it is not sustainable. Goldsmith (1998) also suggests that public education programs have maintained rather than reduced illiteracy rates. She asserts that such spending has contributed to keeping the 'working class' out of tertiary institutions, to which Warby (1998) adds that public education is unjust as it involves coercive transfers.

While acknowledging that social justice has a positive meaning as an expression of community concern, Goldsmith (1998) suggests that in Australia social justice is only associated with the Australian Labor Party and in the process denies the history of the Liberal Party (Macintyre, 1985). Such comment also represents a denial of the self-acknowledged commitment of the founder of the liberal party, Robert Menzies (Menzies, 1942; 1964a; 1964b), to social justice.

Not surprisingly for one who considers herself a classical liberal, Goldsmith (1998), in a manner reminiscent of Hayek (1993) considers social justice to be a form of religious zealotry. Goldsmith (1998) asserts that the expression is no more than a euphemism for forced income and asset redistribution. As such, social justice, according to Goldsmith, is little more than socialism rebadged. She finds that social justice leads to totalitarian economically repressive welfare states with a low standard of living and results in the most repressed in society being further disadvantaged. She finds that social justice is a propaganda tool that provides people with an excuse not to think and to gain the sympathy vote. She concludes that social justice is 'oxymoronic socialist propaganda' (p.180)

However, notwithstanding her ideological opposition to social justice, the politician wins out. While seeking to dismiss social justice she also acknowledges that the term is so deeply embedded in the Australian psyche that to not acknowledge social justice is to commit political suicide. Accordingly, Goldsmith, who equates Australian political liberalism with classical liberalism, concludes that 'liberal social justice is about empowerment not dependence, opportunity and choices and not disincentives to achieve, respect for the individual not a deadening conformity of an equality of result' (p.181)

Supporting Goldsmith (1998), Abbott (1998) also a liberal politician who equates social justice with justice, states that what is advanced in the name of social justice is not justice at all. Rather, he suggests that social justice is used in lieu of justice as a result of which justice is denied to individuals. Abbott suggests that in Australia the advocates of social justice also tend to be the strongest critics of government funding of private schools. Equally dismissive of social justice is Akerman (1998) who states that social justice covers every cause left of centre in Australia today. He contends that claims of social justice

are used to excuse biased media reporting and criticism of the Liberal Party, both in opposition and when in government.

Pearson (1998) identifies social justice with disadvantage, a half-way point between the mal-distribution of wealth in 19th century Europe and socialism, a compromise between 1890's classical liberals and the papal encyclical 'Rerum Novarum', which rebutted laizze-faire economics (Calvez & Perrin, 1961) and which Mr Justice Higgins drew upon when handing down the Harvester judgement in 1907 (Macintyre, 1985). Implicit in Pearson's (1998) argument is the belief that social justice is a blend of charitable relief and a quasi-legally endorsed entitlement to assistance. Like Goldsmith (1998) he suggests that social justice is a ploy to discourage thought and critical analysis and adds that it is demeaning of Christian charity.

Harwin (1998) adopts a more moderate position, suggesting that social justice is concerned with securing a broad equity for all Australians beyond legal obligations. Harwin suggests that liberal social justice in the 1950s and 1960s was a combination of economic freedom tempered by industrial and social obligations. He conceives of social justice as a means of addressing intergenerational equity and the competing claims of different age groups upon scarce resources and in doing so defines social justice in terms of the allocation and distribution of resources across age groups.

Adopting a pro-marriage position, Bastick (1998) suggest that social justice for families should not be confined to families 'on the fringe', but should be made available for all families through acknowledging the importance of marriage. This, she asserts, could be acknowledged by funding marriage support services, pre-marriage education and the removal of inequities in the tax system that treats an income earner with dependants the same as one without. According to Bastick, further inequalities arise out of the lack of recognition given to mothers who choose not to work, the lack of recognition given to parenting, as reflected in the under funding of childcare and the lack of recognition for house and family work.

8.7   Conclusion

This chapter set out to review how social justice is portrayed in Australia in the non-social work literature and print media and its relationship to citizenship.

Within the social work literature only four constructs of social justice are apparent, whereas, in the non-Australian literature nine have been identified. It is also noted, as the bibliography demonstrates, that the majority of references to social justice in the non-social work literature have only appeared since neo-liberalism has increasingly assumed dominance of the Australian political discourse over the last thirty years.

One of the more significant features of the expressions of social justice in Australia is the absence of any original work. Rather, what exists is a combination of commentary on the work of authors such Rawls (1971), which is framed by the neo-liberal political discourse, and some development work where authors have sought to pose strategies, some of which are specific to Australia, for existing constructs of social justice.

As portrayed, social justice in Australia is most commonly an individualised, reactive construct that has been defined in terms of the strategies deployed within the dominant political discourse, rather than as a thought out construct. Where attempts have been made to develop a construct of social justice insufficient attention has been paid to the platforms employed. Thus while Latham (1998) and Theophanous (1994) both employ Rawls' (1971) theory of justice in markedly different ways, neither recognises the flaws in Rawls' work, or in Latham's (1998) case, the negative consequences of the changes made.

Within the media in the majority of cases it was not possible to discern if a proactive or reactive construct of social justice was being advanced. However, in keeping with the literature, the most common expression advanced is one that is reactive and individualised. That is, it seeks to compensate individuals who are disadvantaged, usually in a material sense. Importantly, as a reactive construct, it implicitly accepts the structural causes of disadvantage, structural oppression and is limited to material compensation. Perhaps the best explanation for the popularity of a reactive construct is its adaptability, being readily accommodated with a range of political discourses. In comparison, a proactive construct seeks to directly address the structural causes of

oppression and domination and as such challenges and confronts political discourses that fail to acknowledge the implicit dignity of the citizen subject.

Under the influence of neo-liberalism, which has resulted in changes in the relationship between the state and the citizen, and how the citizen is constructed, the nature and standing of social justice has also been changed. Under neo-liberalism and the role allocated to the operation of the market, the citizen subject has been defined as being economically self reliant and not in need of social justice. At the same time social justice has been reconstructed as an undesirable prop that encourages weakness, laziness and an unhealthy reliance upon the state (Goldsmith, 1998).

The next chapter explores how social justice is viewed in the Australian social work literature and assesses the extent of the similarities and differences with the expressions of social justice in the non-social work literature, government policy and legislation and the media.

9 SOCIAL JUSTICE AND SOCIAL WORK

9.1 Overview

Drawing on the preceding discussion on the expressions of social justice in the non-social work literature and media in Australia, this chapter explores the constructs of social justice in the Australian social work discourse, commencing with a discussion on the nature of the social work discourse. This is followed by a brief review of the history of social work in Australia, tracing its origins, political, educational and professional development and the development of the AASW. The chapter then moves on to explore the references to social justice in the conversations that constitute the social work discourse (Mills, 1997). The chapter concludes with a general discussion concerning the nature of social justice in the discourse and the relationship of social work and social justice.

9.2 The social work discourse

Danaher, Schirato and Webb (2000) and Weedon (1997) observe that a discourse is the means by which a group with a shared identity, such as a profession, speaks to itself, of itself and to others about itself, evidence for which can be found in both the written record and the oral memory. Rojek *et al* (1988, p.7) suggest that such talk 'is not neutral, but is evocative of a historically specific set of professional…. ideas and codes of intervention'. Thus the social work discourse reflects how social work defines itself and communicates its identity and image to others. Allan, Pease and Briskman (2003) suggest that discourses also shape concepts, such as social justice, their meanings and what is held to be truth through the language used. In doing so the social work discourse excludes other knowledge and limits social workers to a particular knowledge base (Pease & Fook, 1999).

However, analysing the expressions of social justice in the discourse is not straightforward for, as Rojek *et al* (p.18) observe, 'social workers talk to one another, and write for one another, as if the content of their talk and writing were self explanatory'. Talk by social workers, and therefore the social work discourse, can be conceived of as a series of written and oral conversations (Mills, 1997). The written conversations appear in journal articles and books written by social workers and AASW publications. The oral conversations, to the extent that they are recorded, are to be found in AASW conference papers. A

third series of conversations, which are a hybrid of the written and oral conversation occur in schools of social work in connection with the education of social work students.

Constructing the social work discourse to include all oral and written conversations differs from Camilleri (1996), who describes it as consisting of social work theory, constructed from an oral culture, and expressed in texts. While he suggests (p.28), that these theories 'provide histories of social work, theories and models of practice, arguments on the nature of research and practice in social work and a connection between and across national boundaries and times', it is considered that there are other elements, particularly the oral conversations and their standing within the discourse. Accordingly, a broader construction, in line with Layder (1994, p.97) who constructs discourse as 'all that can thought, written or said about a …. specialist area of knowledge', has been adopted, enabling greater regard to be given to the oral conversations of social workers.

9.3   Australian social work history

Reviewing the history of the social work discourse in Australia is difficult as there has only been a limited amount of research undertaken. The most significant continues to be that of Lawrence (1965) who explored the history of the AASW, as did Camilleri (1996). Adopting a different perspective, Osburn (1996) provides an informative historical account of the negotiations between the AASW executive and Universities over curriculum content. Others, such as Mendes (2003) and Martin (1990 & 1986) have contributed respectively to the history of Victorian and South Australian state branches. Both of these authors not only demonstrate the inter-relationship of these branches to the AASW, but also how the branches referred to have developed their own character and maintained a distinct identity. While there exist a number of accounts of different aspects of the history of social work in Australia, there is little agreement on when social workers commenced practising in Australia.

According to Lawrence (1965) the first social workers in Australia were limited to working in hospitals as this was the only field of practice available for them. While Davis (1961) dates the beginnings of professional social work in Australia to Victoria in 1927, this does not accord with James (1951) who dates it from 1929 with the appointment of a Senior Almoner from St Thomas'

Hospital, Westminster, in the United Kingdom, to Melbourne Hospital. In comparison McMahon (2003, p91) seeks to push the beginnings of Australian social work back to what he describes as 'proto-social work practice' of social welfare activists of the late nineteenth century.

Regardless of when social work commenced in Australia, Rosenman (1980) and Lawrence (1976) observe that its development has been significantly affected by, and continues to be affected by, the social work discourses in Britain and North America. Healy, Rimmer and Ife (1986) support this view, also suggesting that Australian social work drew upon the prevailing Anglo-American culture, values and political ideologies. Within these discourses the founders of social work regarded humanitarianism, liberalism, the work ethic and deregulated capitalism as virtues. Tierney (1965) suggests that Australian social work not only unquestioningly adopted North American social work principles and values, but also did so without adapting them to accommodate Australian culture, an influence that is increasingly reflected in the AASW Codes of Ethics.

As a consequence of drawing upon these two well-developed discourses Australian social work was 'born' modern and thus did not evolve a character of its own (Camilleri, 1996; Lawrence, 1976). Camilleri (1996) develops this theme one step further, suggesting that the British and North American influences have been maintained through the use of Anglo-American texts. This is still the case with texts such as Payne (1997) and Compton and Galway (1994) being used in schools of social work. Inherent in these texts is the construction of the person as an individual who is discussed in isolation from the society in which they live.

Camilleri (1996) suggests this has occurred because there are too few Australian texts, and those that there are pay little attention to the Australian social work discourse. As a result Australian social work owes more of its intellectual heritage to North American and British social work than to its own discourse. Like Tierney (1965), Healy, Rimmer and Ife (1986) attribute the greater influence to the North American discourse, an influence they contend continues to occur at both undergraduate and postgraduate levels of social work education.

Historically this influence has also been reflected in the teaching staff employed in schools of social work. Thus Rosenman (1980) found in 1980 that

of eight out of a possible nine schools of social work in existence only three had an Australian professor as head of the school. Of these three, two had North American postgraduate qualifications. The rest of the heads of school were either from North America or Britain. Similarly, of the full-time permanent staff, between one-third and one-half were Australian trained, while the great majority of the remainder had either North American or British qualifications.

The development of the Australian social work discourse is also linked to the development of the AASW, which, from its formation, was exclusively for qualified social workers with eligibility being based on the completion of a course of study run by a recognised school of social work (Lawrence, 1976). Not surprisingly, the AASW sought to play a role in social work education (Camilleri, 1996; Lawrence, 1976). However, state based associations preceded the formation of the AASW. The first association of social workers was formed in NSW in 1932, followed by Victoria in 1934. Similar associations were set up in Queensland in 1945, Western Australian in 1946 and Tasmania in 1947 (Lawrence, 1976; Lawrence, 1965). While proposals to form a national association were first raised in 1934, it was not until 1945 that sufficient momentum developed to enable this to happen. This led to the preparation of a constitution which was adopted at conferences in Sydney in June of 1946 and in Melbourne the following September (Lawrence, 1965).

While each university determined its own social work course content (Lawrence, 1976; 1965), from the mid 1950s the AASW, through prescribing membership requirements, progressively standardised undergraduate social work courses. While initially AASW involvement was limited to setting admission requirements, from 1966 the AASW prescribed the minimum requirement for AASW eligibility as a three-year undergraduate social work degree course. In doing so the AASW effectively determined the minimum course content for a social work degree, which in turn was used to assess the suitability of social work courses. In 1970 the membership requirements were altered, with effect from 1974, to require the completion of a four-year undergraduate degree (Lawrence, 1976; 1965).

These developments also reflect the evolution of social work education. Camilleri (1996) and Lawrence (1976) note that prior to World War Two there were five social work training bodies, namely:

1. the NSW Board of Social Study and Training which was set up in 1929;
2. the NSW Institute of Hospital Almoners set up in 1937;
3. the Victorian Institute of Almoners which was established in 1929, changing its name in 1933 to the Victorian Institute of Hospital Almoners;
4. the Victorian Council for Social Training established in 1933; and
5. the South Australian Board of Social Service Training, set up in 1935, which changed its name to the South Australian Board of Social Study and Training.

While each institution offered a two-year undergraduate course in social work, none were affiliated with universities. However, the Second World War saw the universities of Sydney in 1940, Melbourne in 1941 and Adelaide in 1942 take over social work training respectively from the NSW Board of Social Study and Training, the Victorian Council of Social Training and the South Australian Board of Social Study and Training. Attempts to extend the training of social workers from a two-year undergraduate diploma course to a three-year undergraduate diploma course were counteracted by the post war demand for social workers. However, this proved to only be a delay.

In 1947 the University of Melbourne extended its social work course from two years to three years. The first two years consisted of general social casework followed by the choice of elective subjects from medical social work, family casework, group work and personal practice. As a result of the university taking over medical social work training the Institution of Hospital Almoners disbanded. In 1956 Sydney University assumed full responsibility for medical social work from the NSW Institution of Hospital Almoners, however, unlike the Victorian Institution, the NSW body continued to function for a period. By the early 1960s social work training provided by the universities of Sydney, Melbourne, Adelaide and Queensland had also been extended to a three-year course (Lawrence, 1965). The three-year course was dominated by social casework in response to significant social changes that saw social workers diversifying into a range of human services (Lawrence, 1976; 1965).

However, as is implicit in Osburn (1996), it is difficult to assess the degree of influence in practice the AASW has had on social work education. Up until 1959, when the decision was taken to become involved in curriculum

content, the AASW deliberately limited its role in this regard. Thus while the membership requirements changed in 1966 to the possession of a three-year social work degree, all of the universities had already made the change (Lawrence, 1976). Similarly, while the AASW announced in 1970, that as of 1974, membership of the association would require the possession of a four-year social work degree (Lawrence, 1976), most of the universities had already made such a change, some many years before. However, as long as the AASW, which represents between fifty and sixty percent of social workers (Rentsch, 2000; Grace, 1999; Gaha, 1998), continues to be given standing by all Australian Universities that teach social work to determine course content the Association will continue to be a central player in shaping the Australian social work discourse.

In 1957 the University of Queensland moved to a four-year degree course, as did the University of Sydney in 1958 while in 1959 the governing body of the University of Western Australia gave approval in principle for the development of a social work course. Subsequently, in 1965 the Universities of NSW and Western Australia, Flinders University in 1966, Preston Institute of Technology in 1973, the Tasmanian CAE in 1974 and Monash University in 1975 all moved to four-year degree courses. LaTrobe University went one step further, making social work a two-year postgraduate course in 1976 (Lawrence, 1976; 1965).

9.4   Expressions of social justice in the social work discourse

As previously mentioned the social work discourse can be described as a series of conversations, some of which occur in written form, others are oral, while those which occur in universities are a blend of written and oral conversations.

9.4.1 Expressions in the written conversations

9.4.1.1   Expressions of social justice in the journal, *Australian Social Work* and its predecessors

Despite statements, such as that by Benn (1991) regarding social work's long association with social justice, there are only nine references to social justice in the journal *Australian Social Work*, all of which occur after 1990. Of these Crawford (1997) Wood (1997), Williams and MacMahon (1998), Noble and

Briskman (1998) and McDonald (2002) do not define what they mean by the term.

In comparison, Benn (1991) and Rose-Miller (1994) explore how they perceive social justice. Benn (1991) defines social justice in terms of Rawls' (1971) theory of justice and Miller's (1976) construct of social justice. The difficulty with Benn's (1991) use of Rawls' (1971) theory of justice is that it is limited to the promotion of procedural fairness, even if the subsequent outcome is unequal. Problems also arise in referring to Miller's (1976) construct of social justice as Miller freely interchanges the term with that of justice and in so doing limits social justice to a reactive construct. Benn (1991) also discusses distributive justice in the context of social justice, using the terms distributive justice, social justice and justice interchangeably, suggesting that she regards the three constructs as being one and the same.

While Benn acknowledges that cultural differences inform social justice, meaning that social justice is culturally specific, she proposes that social justice means that everyone should be treated the same and provided with the same access to resources based on their being part of humanity. In advocating absolute equality she fails to have regard to the differences between people based on culture, gender, age and other natural attributes. Benn also suggests that social justice, which she considers is the joint responsibility of government and community, is as old as Western civilisation, with a lineage that goes back to classical Greece. Benn further suggests, without citing any evidence, that Australian society and social work have a long tradition of social justice. She proposes that the principles of social justice, of treating all the same and providing equal access to resources, can provide an operational framework for social work.

In comparison Rose-Miller (1994), being one of the few social workers to turn to the non-social work literature on social justice, reviews a range of constructs of social justice, namely:

a) utilitarian social justice which seeks to produce the greatest good for the most people. She suggests that within this construct each person's needs are regarded as being the same as the rest of society while it is assumed that it is possible to equally distribute goods in response to the shared need. Such a response is a corruption of the utilitarian philosophy which is more concerned with aggregated outcomes and which

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presumes a mutual benefit for all, rather than responding to individual needs (Bonner, 1995). Rose-Miller (1994) rejects this expression as it fails to address social disadvantage and the way in which minority groups are ignored.

b) a libertarian or equal opportunity form of social justice which draws on Nozick (1974) and which she observes presumes that each person has an equal starting point to avail themselves of opportunities in society, even if the outcomes are unequal. Rose-Miller (1994) also rejects this construct.

c) social justice based on Rawls' (1971) theory of justice as fairness, which Rose-Miller (1994) defines in terms of the equal distribution of societal benefits, under which differences in the process can only be supported if it is to assist the most disadvantaged. In doing so she, like Benn (1991), confuses justice with social justice and in the process ignores Rawls' (1971, p.87) construct of social justice.

d) radical egalitarian social justice based on Halladay (1988) who Rose-Miller (1994) suggests draws on Neilsen's (1984) work which is individually focussed and involves each person contributing to society to the extent of their abilities and receiving assistance according to their needs. As a construct it defines the person as one who has responsibilities to, and is entitled to benefit from, society. In doing so, the construct seeks to promote the well-being of society.

Rose-Miller (1994) concludes that while social justice has no absolute meaning, it is about participation and the allocation and distribution of resources in the legal, political, philosophical and economic spheres.

Flynn (1997) defines social justice in terms of the commitment by social workers to equal rights and the equitable distribution of wealth and power to all members of society. While one of the few proactive operational definitions in the social work literature, Flynn argues that in the absence of social workers demonstrating their commitment, social justice ceases to exist. Asquith and Cheers (2001) provide a more limited definition of social justice, referring to it as the elimination and prevention of discrimination and the promotion of equitable access to resources for social work clients. While such an approach implicitly embraces a proactive structural approach, in limiting its application to social

work clients, the authors deny access to social justice to the greater majority of persons in society, as they are not social work clients.

In comparison to the references in Australian social work, a review of the British Journal of Social Work via the database ProQuest found seventy eight articles since 1988, which is as far back as the database reaches, in which the expression 'social justice' was used. However, social justice was the subject of only one article (which had been submitted by Australian social workers). Similarly, a review of the United States social work journal, Social Work found the expression 'social justice' was used in 122 articles, and while the database identified 23 articles in which social justice was the subject, examination of the identified articles found none defined or addressed social justice as a topic.

9.4.1.2   Expressions of social justice by social workers in journals other than *Australian Social Work*

While not defining the term, Jayasuriya (1987), writing in the *Australian Journal of Social Issues,* describes social justice as a vague and complex concept with strong ideological overtones in both policy and practice as a result of which its use needs contextualising. In the process Jayasuriya equates social justice and justice with equality, implying a certain parity between social justice and justice.

Approaching the issue from a different perspective, Hawkins *et al* (2001) undertook interviews with new and experienced social workers to explore the extent to which the language they use involves the language of social justice. They also sought to explore whether the way the profession talks about social work inhibits social justice. However, they were unable to determine what each interviewee meant when using the term. In response they sought to identify the implicit meaning by reviewing the language associated with the use of the term. They found that in practice social workers use little in the way of social justice terminology, suggesting that there is incongruency between practice and one of the Association's stated core values.

9.4.1.3   Expressions of social justice in social work monographs

While Smythe (1998) refers to social justice without explaining what is meant, as do the contributors to Pease and Fook (1999) and Pease *et al* (2003) on twenty-one occasions, Jones and May (1992) regard social justice as an individualised construct. They identify access, equity, rights and participation as

key concepts and elements of the social justice agenda. However, in adopting an individualised approach Jones and May see no role for social justice in addressing structural inequality and oppression.

In comparison, Ife, who is probably one of the most vocal social work advocates for social justice, identifies (Ife, 2002; 1995) four constructs of social justice:

1. an individualist construct based on Rawls' (1971) theory of justice;

2. an institutional reformist construct which seeks to address inequality caused by the institutional structures in society;

3. a structural construct which seeks to address structural oppression; and

4. a post structural construct which focuses on the discourse associated with specific problems.

Ife, for his part, advocates the structural construct as the most dynamic form of social justice, arguing, like Young (1990) who suggests that social justice is an absence of domination and oppression, that unless oppression is addressed, inequality will be perpetuated in society. He contends that it is only through addressing structural oppression, such as that which arises out of relationships based on class, gender, race and ethnicity, as well as age, sexuality and disability, to name but a few, that inequality can be addressed.

While in his 1997 book Ife (1997) for the most part does not define what he means when using the term, clues can be gleaned which suggest an affinity with his earlier and later work (Ife, 1995; 2001). In suggesting that there is a social justice agenda concerned with structures of gender and patriarchy (p.96), he implies that social justice, in part at least, is concerned with enabling relationships. This finds some support when Ife also suggests that social justice is concerned with dismantling structures of oppression (p.96). More explicitly he also argues for a universalist construct of social justice for social work, equating social justice with universal human needs (p.118), as opposed to human rights, and in doing so infers a needs-based approach to social justice.

Even though Ife attempts to advance an argument for a universalist construct of social justice, in suggesting that there are multiple constructs of social justice (pp.3, 35,136), some of which he suggests harmonise with social work, while others do not, he negates this argument.

9.4.1.4   Expressions of social justice in AASW Codes Of Ethics

There have been five Codes of Ethics since the AASW was formed with each
successive Code being more complex than its predecessor. Ratified in 1957,
1965, 1981, 1988 and 1999, there is no mention of values until the 1981 Code,
while social justice is not mentioned until the 1988 Code. As presented in the
1988 Code (AASWc, nd, which was subsequently published as a 1989 Code of
Ethics when by-laws were introduced to the AASW) social justice, while not
defined, is identified as one of the Association's nine principles of practice.
While its application is limited to 'the most vulnerable in the community' (p.3), a
broader construct which is more inclusive is also to be found (p.4), and while
embracing all people, identifies the need for a 'special regard for disadvantaged
or oppressed groups and persons'.

It is in the 1999 Code (AASW, 2000, p.30) that social justice finds a fuller
expression, being identified as one of the profession's five (formerly nine)
principles. Drawing upon Graycar and Jamrozik (1989) the Association defines
social justice 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 Code states that social justice provides for basic human needs, the
equitable distribution of resources, access to public services and benefits,
recognition of individual and community rights and responsibilities, equality
before the law and social development and environmental management for the
benefit of human welfare.

The 1999 Code asserts that social justice is achieved through social development and social change involving advocating for the rights of people, working with individuals, groups and communities, raising awareness of structural inequality, promoting the fair distribution of resources and social change to address obstacles to personal growth.

Members of the Association are required to have a commitment to social justice and uphold human rights, access, equity and participation. They are also required to act without prejudice, to address negative discrimination, promote positive discrimination where indicated, empower individuals, families, groups, communities and societies, acknowledge the cultural diversity in Australia and promote participation in the development and implementation of social policies and services.

Implicit in the expression of social justice in the 1999 Code is an individual focus, reflecting Anglo-American values, which hints at materialism at the expense of facilitating social relations, the liberal separation of public and private, the limitation upon the redistribution of resources to those in the public sphere and an implied acceptance of the prevailing social structure. Thus the meaning of the construct is essentially a reactive one.

9.4.1.5 Expressions of social justice in the Australian Association of Social Workers National Bulletin.

A review of years 1997 to 2004 found only three references to social justice, two of which fitted the category of 'social justice as a reference', that is, there was no explanation of what was meant. The third reference (Travers, 2001) sought to define what social justice is by referring to a dictionary, quoting an eclectic list of terms, but without expressing a view as to which definition was preferred.

9.4.2 Expressions of social justice in the oral conversations, as presented at social work conferences

It is in the oral conversation that the greatest diversity of views regarding social justice is to be found. However, in exploring the meanings ascribed to social justice in the oral conversation it is often not possible to determine if the meaning is context specific or has a broader application. Where the application of the meaning is unclear it is considered to be context specific.

Every two years since the AASW was formed in 1947 the Association has held a social work conference, with each conference being organised around a particular theme. While the first identified reference at an AASW conference to social justice occurred in 1965 (Tierney, 1965), the next reference to social justice in the oral conversation had to wait until 1981. It was at the 17th conference, which had as its theme 'just welfare – social work and social justice' (AASW, 1981). Since that time social justice has been a part of the oral conversation.

Commencing with Tierney (1965), a number of authors, while referring to social justice, do not explain the term, leaving it to the reader to develop an interpretation to the context as they see fit. Similarly, Smiley (1981), while suggesting that one of social work's functions is social justice, does not explain what social justice is. Hiskey (1999) while also referring to social justice and social justice values never sets out what the term means. In the same vein, Blaskett (1999) refers to the need to consider social justice when participants are involved in research but leaves the term undefined. While Hood (1997) also does not define what social justice is, she regards its pursuit as a professional obligation.

Turning to those authors who sought to explore the expression, the majority of the papers presented at the 17th conference were about the relationship between social work, the law and the legal system notwithstanding the conference theme of 'just welfare – social work and social justice (AASW, 1981). While most of the papers equated social justice with justice only three of the papers had social justice in their title.

Armstrong (1981) in a paper on accessing and achieving social justice implies that social justice can be achieved through being able to seek legal remedies via the legal system. Like Armstrong, Quinnell (1981) defines social justice in terms of rights, access and protection. In suggesting that the law is used to facilitate social justice, Quinnell and Armstrong (1981) not only equate social justice with justice, but in doing so limit social justice to a reactive individualised construct that accepts structural inequality as a given.

Similarly, Demack (1981) defines social justice as a legal response to injustice, citing consumer protection law as an example. Demack considers that professionalisation is a major barrier to achieving social justice, suggesting that this diverts workers' attention to themselves at the expense of assisting clients.

Demack also considers that conflicts which occur between the professions and the way in which language is used to construct meaning to exclude some while privileging others, constitute additional barriers to achieving social justice. In Demack's view the need for individuals to have writing skills to enable them to fill in forms is a significant barrier to social justice in the legal system. Demack suggests that the administration of justice can be an impediment to social justice if the procedures adopted enshrine the roles of those who work in the legal system to the detriment of those who turn to legal institutions for justice. Continuing with this theme Demack proposes that the more social systems are structured to control behaviour the more people are denied social justice. In concluding Demack suggests that the Bible encapsulates much of what social justice is about.

Chamberlain (1981) equates social justice with justice and distributive justice, with the common theme being the notion of desert. While Brown (1981) also considers that while desert is the primary determinant of social justice, it is also predicated upon right and need. Brown (1981) is of the view that the primary purpose of social work is social justice, but not in an abstract sense. Brown expresses the view that by itself the social work profession is unlikely to achieve social justice and should not hold itself responsible for more or less social justice in society. While suggesting that there can be no single construct of social justice, Brown proceeds to equate social justice with justice.

Tesoriero (1985) adopts a broader horizon suggesting that there is no distinction between social justice, social reform and social action, describing social justice as an ideal rather than an achievable goal. Battye (1987) questions whether social justice is limited to human rights, is about justice or something more. Battye suggests that while social justice does not establish rights, deserts and duties it does seek to protect them and in doing so accords each person human dignity. In seeking the basis of social work commitment to social justice, Battye equates social justice with justice and like Demack (1981) suggests that social justice has it basis in biblical teachings.

Martinez (1993) identifies access to services, equity and participation as the basis of social justice in a cross-cultural context and in doing so offers an individualised construct. Martinez defines social justice in terms of policies and structures within a philosophical framework that considers and embraces, reflects and supports just treatment, equality and access to services. Tynan *et*

al (1993) refer to the 1989 Federal Labor Government's social justice strategies, but do not offer a definition, referring instead to the definitions used by Bryson (1992), Thompson (1992) and Benn (1991), the former two being conference papers that could not be located. At the same time she aligns social justice with a just society, which is more aligned with justice than social justice.

Tynan *at al* suggest that the 'quality' of social justice is informed by how the 'common good' is constructed, which they propose can be facilitated and neo-liberalism challenged, by confronting political values that erode the common good; by promoting political values that facilitate the common good; and through promoting social action and policies that promote the common good. While Tynan *et al* observe that social justice, unlike human rights, is culturally specific, they still argue for universal concepts of social justice. Significantly, Tynan *et al* promote a construct of social justice that applies to all people and all circumstances and which most closely approximates the original concept, locating the person in their community and establishing linkages between the person and community.

While distinguishing social justice from legal justice, Hood (1997) suggests that the justice system violates social justice, the definition of which she takes from Benn (1991). Hood (1997) suggests that Benn (1991) defines social justice as social work's commitment to structural change and improvement through the provision of resources that enhance dignity, individuality and self-determination (p.33). However, Hood (1997) misrepresents Benn (1991) as Hood (1997) refers to Benn's empowerment model of social work. In comparison, Benn (p.33) defines social justice as 'ensuring all people have the same access to …. resources' which of itself does not empower people.

Gaha (1999), when giving the Norma Parker Address, identified social justice with human rights. This is problematic as human rights are regarded as universal whereas social justice, as noted by Tynan *et al* (1993) is culturally specific. The difficulty of equating social justice with human rights is that it could lead to social justice being read down. Ife (1999) proposes that social exclusion is an alternative way of addressing poverty, injustice and oppression and implies this is what social justice addresses. This can be problematic as, in part, it equates social justice with justice, which can result in social justice being limited to a reactive construct.

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9.4.3 Expressions of social justice in the university conversations

The social work conversation that occurs in schools of social work consists of a combination of the written and oral conversations. The written component is composed of monographs and journal articles, lecturers' notes, essays and written exams. The oral conversation is made up of the representations of different aspects of the social work discourse by social work academics, discussions between academics and students, student presentations and study groups.

However, the only accessible aspect of the conversation is in the form of course outlines, social work subject outlines and guides, reading lists, identified monographs, journal articles, and assessment tasks. While the oral component could have been researched it would have unduly skewed this project to the contemporary conversations instead of researching the discourse over time.

While twenty-one schools of social work were approached, thirteen responded. One declined to participate while a second provided insufficient material. In addition the web page of each school of social work was searched for information, enabling the inclusion of three other universities, giving a total of fourteen. The material accessed included detailed subject outlines, reading lists, reading packages and assessment tasks. Several universities were extremely generous in the materials they provided and in the transport cost they incurred.

Upon receipt of the materials, each university was assigned a number and the materials examined for a course outline, individual subject outlines (usually less than a page) and/or subject guides which detailed the subject content and requirements, a list of compulsory texts and journal articles for each subject, and the extent to which students were required to display their understanding of ethics and values as part of the assessment process. Additional or recommended readings were not reviewed. Elective subjects were not reviewed as by definition not all are undertaken by all students.

Although the focus of the research was upon the core social work subjects as prescribed by the AASW (2000a), the first stage of the analysis sought to identify references to social justice or social work values in the course outlines and individual subject outlines and guides. Where social justice or social work values were referred to in the course or subject outline or guide the texts and any journal articles referred to were also reviewed for references to

social justice. The reading packages provided by some universities made this aspect of the task considerably easier.

9.4.3.1   The University conversations

The following table sets out in summary form details of the materials accessed and the extent to which each school of social work that provided information on their undergraduate social work course addresses social justice. A full discussion on each university conversation follows immediately after.

Table 1 - References to Social Justice in the University Conversations

University	Material Accessed				Social Justice Content							No Explicit Reference to Social Justice
	Course Outline	Subject Outline(s) and/or Guide(s)	Reading Pack	Reading List Reviewed	Specific Subject(s)	Part of Subject(s)	Lecture On	Social Justice Defined	Social Justice Explored	Social Work Values and Ethics Addressed	Under-standing Social Justice part of Assess-ment	
1	•	•		•		•				•		
2	•	•		•						•		•
3		•		•		•						
4	•	•		•		•				•		•
5	•	•		•	•				•		unknown	
6	•	•	•	•						•		
7	•	•	•	•	unknown	unknown	unknown			•	unknown	
8	•	•		•	•	•						
9	•	•		•		•				•		
10	•	•	•	•		•	•					
11	•	•		•	•	•	•	•	•	•	•	
12	•	•		•		•				•	•	
13	•	•		•	•	•			•	•	unknown	
14	•	•							•	•	unknown	

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University 1

A course outline along with all of the core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. These suggest that students are introduced to values and ethics as a component of one subject and undertake another subject on social advocacy informed by social justice. While students are referred to the AASW Code of Ethics (2000) and Ife (1997) and elsewhere are directed to Graycar and Jamrozik (1993) and MacIntyre (1985), the subject outlines do not provide for any discussion on social justice, nor does an exploration of the different constructs of social justice constitute any part of the assessment process.

University 2

A course outline and all of the core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. These suggest that while students are introduced to values in their first year of social work education, with Ife (1997) and the AASW Code of Ethics (2000) being required reading, there is no specific mention of social justice in any of the subject outlines, nor does an exploration of the different constructs of social justice constitute any part of the assessment process.

In their final year students are introduced to Graycar and Jamrozick (1993). While this text contains one of the more detailed discussions on one construct of social justice, it is not required reading for the purpose of exploring social justice.

University 3

All the subject outlines associated with the course, prescribed texts and assessment tasks were reviewed. These suggest that students are introduced to social justice in the context of social policy, however, there is no indication of any exploration of what social justice is, nor is demonstrating an understanding of social justice part of the assessment process.

University 4

A course outline, all core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. While the absence of subject guides limited the extent of the analysis that could be undertaken, social work values are identified as part of the course content, while discussion is

limited to a component of one subject. No specific reference is made to social justice, none of the required texts address social justice, nor is an understanding of the constructs of social justice a component of assessment.

University 5

A course outline, all of the core social work subject guides plus a number of others and reading lists were reviewed. Details of assessment tasks were not provided. While two lectures have social justice in their title, only in one is social justice explored, although the primary emphasis is upon empowerment. Students are referred to Hawkins *et al* (2001) who explore the language of social justice and the extent of its usage by social work practitioners. However, no provision is made to explore what social justice is. As details of the assessment tasks were not included it was not possible to determine whether the exploration of social justice was required of students for any assessment task.

University 6

A course outline, all core social work subject guides plus a number of others, reading lists and assessment tasks and a reading pack were reviewed. While students are introduced to the values that underpin social work practice and contrast them with societal values, no provision is made for discussion on social justice. Nor is the exploration of social justice required of students as a part of any assessment task.

University 7

A course outline, all of the core social work outlines plus a number of others, reading lists and reading packs were reviewed. No assessment tasks were provided. The absence of any subject guides limited the extent of the analysis that could be undertaken. Students are introduced to social work values and the AASW Code of Ethics (AASW, 2000) as well as Ife (1997), Theophanous (1994), an Australian author who is not part of the social work discourse and Ambrosino *et al* (2001), North American social workers, who equate social justice with justice.

University 8

A course outline, all of the core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. Within the course outline while social justice is mentioned it is not explicitly defined, although it is associated with inequality. However, in drawing upon the manner in which the references to inequality are constructed it can be deduced that a proactive construct of social justice is adopted as the course seeks to make students aware of structural inequality.

Continuing this theme, the subject outlines advise students that they will develop an in depth understanding of the application of social justice to a range of client groups and settings. In one subject outline the term is used interchangeably with justice, suggesting that for the subject in question social justice is regarded as a reactive construct.

While a number of social justice constructs are to be found in the list of texts provided, the most detailed descriptions are to be found in Theophanous (1994), Ife (1997), Jordan (1998), a British author who, while influential, is not part of the Australian social work discourse, and Graycar and Jamrozik (1993).

However, the subject outlines do not define social justice, suggest any exploration of, or discussion on, social justice. In addition, the exploration of social justice is not required for any assessment tasks.

University 9

A course outline, all of the core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. Students are introduced to social justice as both a value and as an element of the philosophy informing social work practice. While students are directed to Ife (1997 and 1999) and the AASW Code of Ethics (2000), no provision is made for any discussion on what social justice is, while the exploration of social justice is not required for any assessment tasks.

University 10

Material over-viewing the social work course, one subject outline specific to social justice and a reading list, complemented by a reading pack was reviewed. Assuming that references to social justice in the course are limited to the subject material reviewed, while social justice is identified in the subject title, its exploration is the subject of only two lectures. Within the subject outline and

the required texts social justice is equated with justice. Analysis would suggest that as outlined in the subject guide and readings, social justice is treated as a reactive construct based on need and desert.

Understanding social justice is not part of the subject learning objectives nor is the capacity of the student to demonstrate what social justice is part of the assessment criteria.

University 11

A course outline, all of the core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. Based on the materials reviewed this university seeks to demonstrate to students how social workers can promote social justice in their professional practice in a range of arenas through confronting individual inequality and structural oppression. Students are informed that social justice rests on a number of principles, including the satisfaction of basic human needs, equity and fairness in the distribution of resources, access to services, participation in society and equality of opportunity.

Students are also informed that because a wide range of values is attributed to social justice there are no shared meanings as to what social justice is. Demonstrating this, students are introduced to Mary Rose-Miller's (1994) article in which she reviews a range of social justice constructs. Students are also referred to Theophanous (1994), Ife (1995) and Mick Dodson's practical interpretation of social justice (Annual Report of the Aboriginal and Torres Strait Islander Social Justice Commissioner, 1993).

Within one subject guide a further interpretation of social justice is also provided as referring to a society that places a high value upon the intrinsic value of people. There is also a suggestion that social justice can be a response to social injustice, implying a certain equality between social justice and justice. To demonstrate their understanding of values, and social justice, and their relationship to practice, students, in part, are assessed on their understanding of the values, and in particular social justice, that inform social work practice.

University 12

A course outline, all of the core social work subject guides plus a number of others, reading lists and assessment tasks were reviewed. Students are introduced to social justice by way of a discussion on values and ethics and the

AASW Code of Ethics (2000). However, while the Code provides a definition of social justice, no provision is made for the exploration of what social justice is, or of its contested nature, other than to describe it, in accordance with the AASW Code of Ethics, as a value and a principle.

To demonstrate their understanding of values (and ethics) and their relationship to practice, students, in part, are assessed on their understanding of the values that inform social work practice. In addition, as an assessment task of a second core social work subject, students are expected to explore a practice situation from the perspective of the AASW Code of Ethics with particular regard to social justice.

University 13
A course outline, copies of all core social work subject outlines plus a number of others and reading lists were reviewed. However, it was not possible to review the assessment tasks. Students are introduced to social justice as a core subject that is complemented by a discussion on social work values and ethics in another. While referring to the AASW Code of Ethics (AASW, 2000), the principal discussion draws on Boucher and Kelly (1998). This is an English non social work text in which the majority of authors equate social justice with justice, while the remainder equate social justice with distributive justice. While students are introduced to a range of thinking, the constructs employed are reactive and relate to individuals, meaning that structural oppression is not adequately addressed.

University 14
A course outline and all of the core social work subject outlines plus a number of others were reviewed. It was not possible to review either the reading lists or the assessment tasks. While students are introduced to the Code of Ethics, there is no reference to values or social justice in any of the subject outlines.

9.4.3.2   Analysis of the University conversations
According to statements in the oral and written conversations and the AASW Code of Ethics (2000) social justice is central to contemporary social work. However, there seems to be significant differences between this claim and the amount of time spent by social work students exploring social justice. Furthermore, there is no uniformity in what is presented to students regarding

social justice, making it difficult for there to be any shared understanding across the profession as to what social justice is. There are a number of explanations for these differences.

The first is that the AASW's (2000a) accreditation requirements do not require undergraduate social work education to include material on social work values and thus social justice. While the principles (pp.4-5) underlying social work education include references to core values which 'derive from our profession's commitment to social justice', the content specification of undergraduate social work education (pp.7-10) does not mention values. Rather they specify that undergraduate social work courses must address the Association's Code of Ethics, for the purpose of enabling students to practice in an ethical manner. Accordingly, and notwithstanding that ethics are informed by values (Banks, 2001; Clark, 2000; Reamer 1999), the inclusion of social work values is not a required component of course content. The best that can be said is that the inclusion of material on values and social justice is implied. However, this is problematic, for as Clark (2000) and Reamer (1999) note, social work values are poorly conceptualised and are often treated by social workers as being interchangeable with ethics, as a result of which each is confused with the other.

While there may be no requirement to include social work values in the content of courses, it is, however, stated (p.4) that one of the goals of social work education is to engender in students a commitment to social justice. To produce such a commitment requires not only social work values to be addressed, but, if the research by Hawkins *et al* (2001) on social workers' use of the language of social justice is any guide, a far more significant amount of time than is presently the case, needs to be devoted to social work values, and in particular, social justice.

Secondly, within the AASW (2000a) undergraduate education framework each school of social work is free to adopt its own approach as to how ethics (and values, and thus social justice) are addressed in undergraduate curricula. This is reflected in course and subject outlines and guides which are highly varied and suggest that the amount of time devoted to social work values, and thus social justice, ranges from a single lecture through to a number of subjects, usually in the students' first year of social work education.

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It is recognised that this assessment ignores the oral transactions that occur between lecturers and students and the extent to which, by way of this interaction, social justice constitutes either an explicit or implicit theme of undergraduate education. However, such exchanges are highly individualised and will vary from lecturer to lecturer. It cannot be assumed that other lecturers will continue the theme of one lecturer in subsequent semesters. Accordingly, in the absence of an explicitly outlined course structure that actively promotes social work values and encourages social work students to internalise them such exchanges cannot be relied upon.

However, the significance of social work academics cannot be underestimated. Not only are they well positioned to pass on to new social workers ideas about the theory and practice of social work, but also the oral history of the profession. Social work academics are the principal medium of communication between experienced social workers and social work students during the time students are being educated and introduced into social work values. It is they who are instrumental in defining and passing on the values associated with the social work discourse to new social workers. As such, social work academics can be considered to be amongst the culture bearers of the profession. In passing on the discourse they both explicitly and implicitly determine the mix of the conversations from the arenas of literature and practice and thus are significant in shaping the social work discourse over time. Post graduation this role is taken over by experienced social workers who through supervision produce, transmit and reproduce social work values (Camilleri, 1996).

In summary the fourteen different universities reviewed have fourteen different approaches to social work education and fourteen different views on how to approach social work ethics, values and social justice. Notwithstanding the AASW Code of Ethics, it has to be questioned how social workers can have a shared vision for social justice when there is no shared value framework to pass on to new social workers.

9.5   Discussion

This chapter set out to explore the relationship between Australian social work and social justice involving a brief outline of the history of Australian social work

and a detailed analysis of references to social justice in the different social work conversations.

The absence of an agreed meaning for social justice, or of the term being defined, makes it even more difficult to review the validity of claims of an historical relationship between social work and social justice. Accordingly, it is not possible to correlate claimed past values and actions, which may have also been reframed to fit contemporary meanings, with the values that are associated with the current use of the expression. Thus, attempts to define identified strategies and actions as social justice, or as expressions of social justice are not accepted. Accordingly, this paper rejects this approach in favour of identifying when specific terms were first used and values were first expressed.

In doing so a number of findings were made. There is some evidence to suggest that Australian social work did start out with a full set of Anglo-American liberal values and meta-narratives regarding the nature of society, the relationship of the people and the state, the role of the state and of social work (Healy, Rimmer and Ife, 1986). However, there is also evidence, as reflected in the construction of the person in the Association's Codes of Ethics, (1957; 1965; 1981; 1988; 1989) which suggests Australian social work has adapted over the years, in line with the dominant Australian political discourse.

In the 1957 draft Code of Ethics (AASWa, nd) and the 1965 Code (AASWb, nd) each explicitly construct the person as a member of their society, with the person and society each having responsibility for the other. Later Codes reveal a shift in the construction of the person who is described as an individual with little or no consideration of their relationship to their society. Thus in the 1981 Code (AASW, 1982), and reflecting the beginning of the shift to Anglo-American liberal values, the person is implicitly defined as an Anglo-American liberal person through references to self determination and freedom from harm while still retaining some references to social responsibility. The 1988 Code (AASWc, nd) develops the Anglo-American theme further with the client being constructed as a person who is free to act as they see fit, so long as the rights of others are not violated. In this Code there is no reference to each person's responsibility to the other members of their community. The 1999 Code (AASW, 2000) embraces both the person as an autonomous being and a member of society, but does not refer to any responsibilities of the person to

their society or the society for the person. Rather, the emphasis continues to be upon the right of the client to be free from harm and 'to make their own choices and decisions free from interference' (p.30), mirroring the Anglo-American liberal construct of negative rights, suggesting the discourse has been captured by neo-liberalism.

In searching the social work discourse for references to social justice and social work values the value with the longest lineage, being addressed by a range of authors from Green (1955) through to Hood (1997), is self-determination. While frequently addressed in the written conversation, in the oral conversation only Davis (1961) refers to it. In comparison, the majority of the references to social justice are to be found in the oral conversations.

From another perspective, while references to self-determination in the social work discourse have a long lineage, the term social justice is relatively new to the social work discourse. Within the written conversations the first explicit reference to social justice occurs in 1987 (Jayasuria, 1987). Within the oral conversation the term is first used by Tierney (1965), but without explanation. It is not until 1981 that the first recorded discussions on social justice occur when it was an AASW conference theme (AASW, 1981). As a conference theme it was constructed as a form of justice and thus an individualised reactive construct.

However, despite references to social justice being fairly recent in both the oral and written conversations, attempts have been made to create an historically based relationship between social work and social justice.

In the written conversation Martin (2003), Tesoriero and Verity (1993), Camilleri (1999), Ife (1999) and Benn (1991) suggest, without offering any supporting evidence, that social work has a lengthy historical relationship with social justice. Tesoriero and Verity (1993) extend this claim further by suggesting that social justice was one of the wellsprings of social work.

Within the oral conversation Tesoriero (1985) refers to social work's historical pursuit of social justice and commitment to the ideals of social justice. Tesoriero suggests that social work grew out of a 'concern for and commitment to social justice' (p.42), but cites no proof to support such a claim while at the same time equating social justice with justice. While doing so he also attempts to construct an historical record of social justice by referring to programs constructed during the late 1800s in Britain and the United States to alleviate

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poverty, suggesting that those involved 'were strongly committed to social justice and acted to redress injustice' (p.42).

Yet such attempts to date references to social justice to late 19th century Britain and the United States not only predate the earliest recorded Anglo-American references to social justice by Willoughby (1900), Leacock (1920) and Hobhouse (1922), but also predate the use of the term outside of Italy and France (Hayek, 1993).

Similarly, in the oral conversation, Foley (1981) suggests that social workers in the United States in the 1890s sought increased consideration of social justice. However, the examples given by Foley (1991) all refer to justice and the influence of the law upon social work practice, rather than social justice. However, like the use of the term 'social justice', this predates the use of the title 'social worker' in that country by somewhere between ten years according to Camilerri (1996) and twenty years according to Leiby (1985). Similarly, the first recorded references in Britain to social workers, and the practice of social work, were made by Bosanquet (1901; 1898).

As contemporary Australian social work has its origins in Anglo-American social work, while social justice has its origins in Italy (Hayek, 1993) these claims cannot be reconciled with the historical record. In comparison, Battye (1987) suggests that social justice in Australia gained its impetus from the International Federation of Social Workers International Code of Ethics for Professional Social Workers adopted in 1976. While she suggests that the mission of social work is to achieve social justice, she also asks what social justice is, if it is, or is to be, the purpose of social work.

It is hard to avoid concluding that Australian social workers are seeking to revise the history of social work and its relationship with social justice. As Alveeson and Dietz (1996, p.193) put it, 'social histories are types of fictions [that] …. often serve the present social purposes more than record the past.' That is, they construct ways to think about the present. In the social work discourse this is being attempted through making claims regarding the existence of social justice in the Anglo-American social work discourses to a time that predates the use of the terms social justice and social work in North America and Britain. By claiming an historical lineage of values social work seeks to legitimate the contemporary system of values through claims of their historicity. To support these claims attempts are also being made to define an

historical relationship with the construct by seeking to redefine past values as contemporary ones.

In comparison to the statements regarding the centrality of social justice to social work within the social work discourse, there is only minimal debate and discussion about the nature of social justice, social justice strategies and how social justice is shaped by the political discourse. There are also no shared meanings of social justice within the discourse, but rather there exists a range of meanings expressed with varying degrees of clarity. Apart from Rawls (1971), whose construct of justice, which is based on contract theory, is misrepresented as social justice, there is only the occasional evidence of social workers' awareness or consideration of the discourse on social justice in the non-social work literature. Similarly, the education provided to undergraduate social workers, while reflecting the social work discourse, offers no evidence of students being introduced to the social justice debate that occurs outside of the social work discourse.

To the extent that a view on social justice can be solicited from the discourse, social justice is most frequently equated with justice. The majority of social workers who equate social justice with justice also leave justice undefined. However, those that do define what they mean lean towards justice as desert, which is an individualised reactive construct based on notions of merit. In adopting an individualised construct the opportunity to address structural oppression is lost.

It was also found that there are significant differences between the oral and written conversations and the way in which the relationship between social work and social justice is constructed in each of them. While the majority of written conversations appear in refereed journals and reviewed monographs, there is little in the way of 'quality control' exercised over the oral conversation. Because conference papers are not refereed and are not always referenced, unsupported claims can be made regarding any aspect of the social work discourse. Thus Ife (1999, p.51) suggests, without validating his comments, that human rights and social justice are central to social work, that they underpin social work texts, are referred to in the Code of Ethics and descriptions of professional practice and provide a moral justification for social work practice. Ife contends that social justice is the dominant construct in the literature and considers that it is the single most important aim of social work. He also

suggests that the term has been applied in a careless fashion with little consideration of what it means or the appropriateness of its use. The available evidence only supports the last of these claims.

Lending support to Ife's claim that social workers use the terms social justice indiscriminately, Mendes (1998) suggests that the AASW has not been sufficiently explicit about its values. Mendes is of the view that the AASW possesses a number of ideologically ambiguous statements that, due to their lack of clarity, can be equally located in conservative and socialist paradigms. He is critical of the failure of the AASW to make clear which social structures and policies it supports, those which it does not, its views on existing social relations and the strategies it would like to see put in place to achieve change. This, he concludes, has had the effect of politically disempowering social workers through leaving them without clearly defined values and ethics.

According to Mendes the AASW has also sought to define itself as non-political arising out of a desire to be seen as apolitical. However, in doing so it has denied itself the opportunity to join social policy debates for fear of being seen to have a particular political leaning. Such a position is problematic as, in effect, the AASW has to deny its stated commitment to effecting social change, alleviating inequality and promoting social justice. Mendes suggests that in order to rectify this situation the AASW needs to declare a value position and its political leanings, or at least a set of core values and beliefs with which to inform all social policy debates and submissions. In short, the AASW needs to be able to identify itself with a particular position consistent with its stated values and ethics.

This changed to some extent in 1999 when the AASW adopted a new Code of Ethics (AASW, 2000) in which social justice and other related values are defined. Prior to this date, while a commitment to social justice appeared in the 1988 Code of Ethics (AASWc, nd), the term was neither defined nor were strategies in place to promote social justice (Mendes, 1998). However, even within the new Code of Ethics the Association's ambiguity over values continues. The definition of social justice (p.30), drawn from Graycar and Jamrozik (1993), contains a range of options covering the distribution of social resources, rights, opportunities and duties in order to achieve equity, rights, access and participation. As earlier noted, implied in the definition is an individual focus, reflecting Anglo-American values, hints of materialism at the

expense of facilitating social relations, the liberal separation of public and private, the limitation upon the redistribution of resources to those in the public sphere and an implied acceptance of the prevailing social structure. Reflecting one of the more frequently portrayed expressions of social justice in the Australian social work discourse, the construct is essentially an individualised reactive one and distributive in nature.

9.6   Conclusion

Writing a quarter of a century ago Channon (1974) suggested that while values are awarded importance in social work practice and professional issues they are rarely the focus of attention. This continues to be reflected in statements by social workers regarding social justice. Ife (1999), for example, states that social workers have a commitment to social justice. The AASW (2000) regards it as a core social work value, while still others, such as Martin (2003), state that the profession has an historical relationship with social justice. However, there is little in the social work literature that demonstrates an understanding of social justice, nor is there any evidence to demonstrate any original thinking by social workers on social justice or ownership of any particular construct of social justice. In addition, social workers have not contributed to the debate in the non-social work literature. The references to social justice, with few exceptions, are not detailed and when they are, are often confused by being used interchangeably with references to justice.

As a result it is not possible to arrive at a clear understanding of what constructs of social justice there are in the Australian social work discourse or the extent to which there is a shared understanding of what social justice means. Similarly, no evidence was found for the claimed historical relationship between social work and social justice. Indeed, there is a lack of awareness of the history of social justice. It might be argued that the profession's understanding of, and historical relationship with, social justice is more part of the oral history of social work. However, the research of Hawkins *et al* (2001), which found little evidence of the language of social justice in social work practice, tends to refute such a hypothesis.

In comparison, there is an active debate in the non-social work literature regarding the nature and intent of social justice. However, not only are social workers not participating in this debate, they only make infrequent references to

it. One explanation for this is provided by Pease and Fook (1999) who suggest that social workers tend to discount knowledge from outside their discourse. A further explanation is that the claims by social workers regarding their profession's commitment to social justice is an insular one, being limited to social work practice and clients rather than having application to the wider community. However, even this is hard to support as not only have social workers not contributed to the discussions about social justice outside of the social work discourse, within the discourse they have not made any original contributions to the profession's understanding of social justice.

For social workers to be able to demonstrate a shared understanding of and commitment to social justice a multi-dimensional response is required. Firstly, they need to come to a more informed understanding of the range of constructs of social justice in the non-social work literature, their relationship to the different political paradigms and the issues under debate. This will enable them to contribute, keep informed of developments and establish their credentials as major players in the debate. Secondly, they also need to determine whether their interest in social justice is confined to social work practice or extends to communities and society in general as implied in the Code of Ethics (AASW, 2000).

Thirdly, it would be beneficial for the profession to further clarify its values as the uncertainty in these in part contributes to the lack of a shared understanding of social justice (Mendes, 1998). In particular social workers need to reconsider the value of self-determination. Historically, it is not only the most frequently referred to value, but it also has the longest lineage of all social work values, being first mentioned by Green (1955). However, because of its Anglo-American underpinnings (Healy, Rimmer & Ife, 1986), when given expression, it tends to be at the expense of social justice unless it is defined in individualist and reactive terms. Fourthly, and related to this exercise, the profession needs to review how it constructs the person and the relationship between person and community as both of these also contribute to how social justice is constructed and understood. Fifthly, the foregoing needs to be consolidated through the profession developing a coherent and transparent framework of social, political, economic and legal values as they all impinge upon how social justice is constructed.

Turning to social work education, the profession, via the AASW, also needs to promote a more structured approach to the teaching of social work values in universities. This can be achieved by the AASW more clearly setting out its course requirements and outcomes to be achieved. In the process consideration might be given to separating out social work values and ethics as within the course requirements these are not distinguished.

In summary, there is no evidence to suggest that there are any shared meanings amongst social workers as to what social justice is or of social work's role in promoting social justice. The most common expressions of social justice in the social work discourse reflect those in the Australian non-social work literature and media. In the main in these forums, social justice is constructed as individualised responses to disadvantage, fails to address the structural causes of disadvantage and, in keeping with neo-liberalism, constructs the person independent of society. This tends to suggest that the social work discourse is a passive one in which concerns about social justice are limited to the inequality and disadvantage experienced by social work clients.

However, as Grey (1995a) suggests, social workers need to adopt a position that is consistent with the profession's beliefs and values, as expressed in the Code of Ethics. This is not to deny the wide range of views held by social workers regarding social justice. However, it needs to be acknowledged that there are consequences of holding a diversity of views. Unless, as a profession, social workers can demonstrate a shared understanding of social justice it will be hard for them to demonstrate an identifiable commitment to social justice. Fortunately, as will be demonstrated in the concluding chapter, the discourse offers ample scope to develop an active and comprehensive construct of social justice. It contains all of the necessary elements to promote a shared understanding of, and demonstrate an active commitment to, social justice. However, doing so requires the profession to locate the client as a member of society and to recognise that in the absence of responding to structural forces that can adversely affect some people, social work clients will continue to be disadvantaged and denied the right to participate in society.

10.0   A CONSTRUCT OF SOCIAL JUSTICE FOR SOCIAL WORKERS

10.1   Overview

Historically social justice was formulated as a response to the emergence of classical liberalism and the market economy (Bellamy, 1992; Del Vecchio, 1952). In many respects society is back at the selfsame starting point in as much as classical liberalism, in the form of neo-liberalism, has re-emerged and legitimated the deregulation of the market (Leach, 1993). In the process of neo-liberalism achieving domination of the political discourse social justice has been reduced to an individualised economic construct which itself is under threat of being replaced by the neo-liberal notion of equality of opportunity (Jordan, 1998).

However, a construct of social justice for social workers and the supporting strategies needs to be informed by, and reflect, the beliefs and values inherent in the social work discourse, rather than the political discourse. Even though the social work discourse may be subordinate to a number of other discourses, such as the political and economic discourses, this does not mean that the profession cannot hold beliefs and values that are different to, and may even be antagonistic to, the beliefs and values associated with these other discourses. In addition, the fact that social work values, such as social justice, may be unattainable in a particular setting, or at a particular time, does not invalidate their importance (M. Gray, 1995).

Drawing on the previous analysis of the different constructs of social justice and the beliefs and values of social work, a construct of social justice for social workers, if it is to promote social relationships, should not promote or endorse structural inequality or processes, the outcomes of which advantage some to the detriment of others. Instead it should be proactive and contribute to either preventing or reducing the impact of adverse social changes. At the same time it should also have a reactive component to enable a needs based response to be made to existing social problems.

While able to be targeted to identified groups and communities, primarily it should promote relationships across all of society, reflecting the paradigm of mutual responsibility. In addition, it should function in such a way that all members of society, by having the opportunity to be active participants and not be excluded, are able to promote it and contribute to its maintenance. It also

has to be consistent with a number of statements made by social workers in the oral and written conversations, namely:

1. social work is the profession committed to social justice (AASW, 2000);
2. social work is interested in, and has a commitment to, people in general, while having a focus upon those who are disadvantaged or in need (AASW, 2000);
3. the profession of social work acknowledges the inherent dignity of each person (AASW, 2000).;
4. within the social work discourse, the values set out in the AASW Code of Ethics (2000), are reflective of the values that inform, and are informed by, the discourse;
5. social justice has to link the personal and political; and
6. social justice has to reflect praxis and link the philosophy, theory and practice of social work (Ife, 2001).

Having regard to the foregoing, developing a defendable and sustainable construct of social justice for social workers demands a number of features:

1. it must be readily distinguished from justice;
2. it be able to address structural and individual concerns;
3. it must be able to accommodate a wide range of strategies;
4. it must be accommodated within, be consistent with, and add value to, the social work discourse;
5. it must be able to accommodate every context in which social justice may be employed;
6. it must provide social workers with a reference point from which to assess the impact of social, economic and political changes for social work practice, social work clients and society;
7. it must give credence to the stated commitment to social justice by social workers; and
8. it must enable a shared understanding of social justice, if social work as a profession is to demonstrate an identifiable commitment to the construct.

This poses three questions:

1. What construct of social justice would accommodate all of the preceding?
2. What strategies would be required?

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3. What political values would support such a construct of social justice?

These three questions lead to a fourth, which is how the answers to the foregoing three questions will impact upon AASW values as set out in the Code of Ethics. A potential field of further study is the exploration of the extent to which the practices of social workers, with their commitment to social justice, differ from that of other professions committed to social justice.

10.2 Developing a construct of social justice for social workers

The shared feature of each of the expressions of social justice previously explored and their supporting strategies is that they all play a role in enabling social relationships to one degree or another, in one way or another, for a range of purposes. Drawing on this feature a single construct of social justice defined as 'enabling social relationships', is advanced as the most appropriate way for social workers to define social justice. It can also be said that the proposed construct contributes to the promotion of the common good by facilitating social harmony. As such it is reminiscent of Taparelli d'Azeglio (1840), who first conceived of social justice, and of Hobhouse (1922) who was amongst those who introduced it to Britain and Anglo-American thinking.

However, a number of tests need to be applied to assess whether the expression 'enabling social relationships' is an adequate description of social justice for the social work profession. That is, does it sufficiently reflect the beliefs and values of the profession? Firstly, it can be argued that it satisfies the test of a single construct and thus could be employed by the profession to promote a shared meaning. Secondly, while the notion of enabling social relationships is not context specific, neither is it obviously applicable to all social relationships and could be limited in its application by context specific strategies. Thirdly, as a construct it is not limited to matters tangible, such as goods and services, and could have application across the social, political and economic spheres of activity to the extent they can be seen as separate entities. Finally, 'social justice as enabling social relationships' is distinguished from justice as it cannot be associated with mediating or negotiating relationships, the most common construct of justice (Campbell, 1998).

The most significant question that arises is whether it is sufficiently explicit and broad enough to embrace and reflect the beliefs, as reflected in the profession's aims, and values of social work.

The Code of Ethics (AASW, 2000, p.1) identifies the aims of social work as being:

1. the 'pursuit and maintenance of human wellbeing';
2. to 'maximise the development of human potential'; and
3. the 'fulfilment of human needs'.

These are reflected in the social work values (AASW, 2000, p.4) of:

1. human dignity and worth, in recognition of each person's unique worth;
2. social justice, to maximise the well-being of each person; and
3. service to humanity, to promote personal well-being and potential.

Accordingly, it can be argued that the central feature of the aims and values of social work is that they embrace, and are equally applicable to, all people in Australia, regardless of their legal, social, political or economic status. In comparison 'enabling social relationships' is non-specific and lacking in purpose to the extent that it could:

1. legitimate unequal relationships;
2. be limited to specific contexts; or
3. be limited to identified persons or classes of persons.

Thus to define social justice as 'enabling social relationships', while expressive of the previously identified strategies, is not sufficiently purposive, expressive or reflective of the aims and values of social work. In addition, as a construct of social justice for social workers, because it is open ended, it poses a number of problems for the profession. Most significantly, it could result in the profession's commitment to maximising 'the development of human potential and the fulfilment of human needs' (AASW, 2000, p.1) being limited to specific situations and persons. The implications for social workers is that the adoption of such a construct could lead to social work practice being limited to situations defined by the dominant political discourse.

To reflect the aims and values of social work, to provide an alternative to the values of political discourse and to provide social workers with a reference point from which to assess and evaluate change, the definition needs to be broadened to reflect egalitarian values and the relationship of the individual and society (M. Gray, 1995). Accordingly it is proposed that social justice be defined as:

> *'Enabling social relationships, to promote the well-being of society, through providing each person with the capacity to participate in society, socially, politically and economically, as an expression of the inherent and equal dignity of each person'.*

As a construct it:

1. captures all people in Australia regardless of their social, political, legal or economic status;
2. recognises that all people in society are entitled to participate in social, political, legal and economic activities of society;
3. promotes the well-being of society by providing each person with the resources to participate in all spheres of activity;
4. acknowledges that all members of society should not only be empowered but also have the capacity to enable others, and in doing so, empower society;
5. regards all people as being equal;
6. values each person as a person and not for what they contribute to society;
7. facilitates and enhances each person's social, legal, economic and political status;
8. captures both tangible resources and intangible resources (such as human dignity);
9. fits well with a range of liberal philosophies, other than neo-liberalism, and even then, is adaptable;
10. provides social workers with a reference point from which to assess the impact of social change and all manner of policy changes;
11. acknowledges that social workers not only work in a liberal society but also live and play in one and so need a value system that fits well into all spheres of their lives; and
12. reflects the aims and values of social work.

However, any construct of social justice is only as effective as the strategies deployed to support and facilitate it. Strategies can give effect to, limit the application of and, in practice, redefine a construct of social justice. In addition, the ability of a policy to act at the individual and/or structural level is dependent

upon how it is implemented. Thus the selection of strategies will determine whether the proposed construct is applied at the individual and/or structural levels of society. So development of the supporting strategies requires careful consideration.

10.3 Enabling strategies

Social justice has to be supported by strategies that give effect to, and not limit, its application. In addition, in order to promote and harmonise individual and societal well-being the supporting strategies have to also reflect a symbiotic relationship between each person and society and should not address the person in isolation of this relationship. Enabling social relationships and promoting the well-being of society and each member of society requires a departure from the current thinking around individualised and context specific strategies as set out in the literature. Rather, a limited number of broad based, inter-connected strategies are required if social justice is to enable social relationships, promote individual well-being across all of society, and not be limited in application to specific situations or identified individuals. Referred to as major strategies, five are proposed: addressing social exclusion to create a more inclusive society; minimising social inequality to create a less unequal society and reduce social tensions; promoting active citizenship to facilitate participation; and developing social capital and social cohesion. Importantly, they are inextricably bound up with each other. Their collective impact is greater than their individual impact while their effectiveness is weakened if applied individually. (A more detailed discussion on these strategies, the need for them, and their application can be found in Appendix 2).

10.3.1 Addressing social exclusion to create a more inclusive society

Social exclusion is a European concept, originating in France in the 1970s, which encapsulates how ongoing patterns of social interaction in society advantage some and disadvantage others (Byrne, 1999). Historically, exclusion has been justified for a range of political, social, legal and economic reasons (George, 1999). Intrinsically an active and dynamic process, social exclusion arises when some individuals and groups are excluded by other individuals and groups from society (Saunders, 2002).

Social exclusion can occur as a result of both existing structural arrangements, and changes in the nature of society. Being inherently dynamic, exclusion is an active process, instituted by people, that occurs over time and changes in line with changes in society (Saunders, 2002; Byrne, 1999). Exclusion both prohibits, and reduces, the formation of social bonds and undermines social cohesion, fragmenting society into smaller and smaller groups with competing interests (George, 1999). Because it is what people do to others, it is an active process which distinguishes it from poverty or any lack of material resources. As a result it cannot be overcome by income support and social transfers in isolation of other strategies (Saunders, 2002; Byrne, 1999). Long-term unemployment can be a factor, along with cycles of poverty, poorly paid work and income support, coupled with insecure employment in a flexible labour market. However, social exclusion is multi-dimensional and encapsulates the idea of 'relative deprivation', a consequence of which is that those affected do not really earn enough to take their place in society (Saunders, 2002; Byrne, 1999). Thus there are links between social inequality and social exclusion, income inequality and inequality of opportunity (Saunders, 2002). While those in the bottom one-third of the income distribution pattern can be considered to be socially excluded, it can also involve successive periods of unemployment and low paid work and an absence of social participation (Byrne, 1999).

Social exclusion can be described in a number of ways. It can be thought of as thick or thin and weak or strong, depending on the degree of exclusion. It can be relational or structural, depending upon whether people are excluded as a result of social practices or social structures. Byrne (1999) contends that those who are excluded are often negatively stereotyped and regarded as being difficult people in some way. This has led to responses, such as training and education programs in combination with income support, that seek to address perceived personal deficiencies. However, too often such responses only result in a person's status being changed from excluded to insecure (Byrne, 1999).

Social exclusion occurs whenever societal processes deny people the right to participate (Saunders, 2002). Drawing on Atkinson (1998) Saunders proposes three different dimensions to social exclusion. It can be relative to a particular place and time. It can occur as a result of one group of people intentionally excluding another, or as a result of people voluntarily excluding themselves and so depriving society of their contribution. However, it is always

a dynamic process that can be observed both over time and in time (Saunders, 2002).

However, social exclusion is usually characterised by, and constructed in terms of, classes of people who have lost their independence and status in society as citizens. While not defined by poverty, poverty is a significant determinant and indicator of social exclusion (Saunders, 2002). People can also be excluded from participating in society through the combination of private affluence and public disadvantage when public services, to those that rely upon them, are reduced in scope and quality in response to funding cutbacks and privatisation. The more restricted the public sphere becomes, the greater the potential is there for social exclusion to develop for some individuals and groups (Saunders, 2002).

As a social justice strategy addressing social exclusion requires consideration of who is excluded and by whom, how they are excluded, why they are excluded, what are they being excluded from and the means by which they can be included (Saunders, 2002). It also involves addressing poverty, income distribution and the provision of public health, education and transport services and even the creation of public recreational facilities (Saunders, 2002). While enabling participation can overcome social exclusion, it is more important to prevent it from happening by having an inclusive society. Giddens (1998) equates social inclusion with equality, and in its broadest sense, to citizenship. Unless people are included they are denied the rights of citizenship and the associated civic and political rights and obligations as members of society, the opportunity to participate in public affairs and access to work and education.

Inclusive societies are those that seek ways to prevent individuals and groups from becoming excluded from mainstream society, either as a result of an active process of exclusion or a voluntary one to avoid contributing to society. Promoting inclusiveness requires some measure of equality, some limitations on the principle of meritocracy and the reclaiming of public time and space. The creation of inclusive societies also involves acknowledging that there is more to inclusion than work and a well paid job (although both are significant determinants of well-being in liberal society), such as positive welfare and an investment by the state in the well-being of society (Giddens, 1998).

In addition, while it is acknowledged that individuals, groups and communities can be excluded (Saunders, 2002) inclusion and participation are

usually described in individualised terms (Harris, 2000; Race and Buchy, 1999; George, 1999). As an example, within Australia there have been a number of constructs of participation since the 1940s. Following the Second World War participation developed around the idea of individuals exercising their rights, while exclusion prevented them doing so. This view survived until the 1970s when the idea of participation shifted to involving people in the making of decisions that affected them, particularly welfare decisions. This too has now been superseded (Harris, 2000). According to Harris (2000, p.279) the term as presently used in Australia is a euphemism for 'self sufficiency, for paying your dues and team effort'. While applicable to all, in practice its application tends to be reserved for those socially disadvantaged and in need of assistance from the state.

Harris contends that there are a number of shared features with each of these interpretations of participation. Most significantly is that the voluntary membership of a local group or community, which operates for the benefit of the members, has been adapted and extrapolated to membership of society. Such membership, which is individualised and rests on the observation of agreed rules and requirements, is obligation based. This means that participation is something members are required to do. Harris argues that to apply such thinking to society is to create a mythical society of which membership is voluntary and, as such, is not unlike Rawls' (1971) disinterested decision makers.

Harris (2000) contends that the adaptation of voluntary membership of a group or community to membership of society is flawed. Harris argues that the notion of participation upon which it is based cannot accommodate involuntary membership. Harris continues that the idea that people may be compelled to contribute to a society that has social divisions from which some may be excluded does not resonate with the models at all. Voluntary membership carries with it the value that each member has equal access to benefits, is equally self sufficient and equally able to contribute. In addition, the demands made upon members are democratically determined and freely agreed to, while the group or community is socially homogenous and harmonious (Harris, 2000).

In such a formulation there is no consideration that individuals, groups or communities can be excluded and denied the resources and opportunities to participate (Harris, 2000). Not only is membership of a group, community or

society not always voluntary, it can be determined by others and therefore is not always a matter of choice. In addition, because benefits do not accrue equally to each person democracy can be partial, while social relations are not always equitable or harmonious (Harris, 2000).

By extension, participation cannot be unconditional if inclusion is not unconditional. In addition, if inclusion and exclusion are multi-dimensional, as George (1999) asserts, so too is participation. Therefore enabling each person and community to participate in society requires that they be provided with a minimal sufficiency of social, economic, legal and political resources. To do otherwise, or to make their provision conditional upon certain behaviours, is to revert to and endorse exclusionary policies and practices (Harris, 2000).

However they may be defined, inclusion and exclusion are not unitary concepts, but are multi-dimensional, having application in the social, economic, legal and political spheres of activity (George, 1999). Consequently, a person or community can be both included and excluded at the one time. What is unclear is how much social inclusion is necessary for individual and societal well-being, and conversely, how much social exclusion is damaging to a person and society (George, 1999).

Promoting social inclusion

In working with some of the most marginalised people in society social workers are well positioned to identify individuals and classes of persons that have been, or are at risk of being, socially excluded and the processes by which this occurs. From their contact with clients they are also able to describe how people who are socially excluded respond to and cope with social exclusion.

Responding to social exclusion requires the removal of the mechanisms of exclusion rather than resourcing excluded individuals and groups. Unless individual social workers are suitably positioned in society to be able to influence social structures and practices responding to social exclusion requires collective action. Individual social workers can act to empower individuals and communities through community development programs; can act to promote awareness of socially excluded individuals and groups and the impact of social exclusion upon them and can promote awareness of what it means to be, and requires to be, an inclusive society. However, achieving social change demands the capacity to influence the political and economic agendas.

Few social workers acting alone have such power, even the AASW acting alone does not have such power, meaning that it will need to join forces with other organisations and individuals who have similar agendas. However, the social work profession can identify and draw attention to social exclusion, initiate, promote and maintain the need for change, even though achieving social change can take a generation or even more.

Barriers to addressing social exclusion

As an active process which involves some individuals and groups excluding others, or excluding themselves, from society, attempts to address social exclusion will encounter social, political, economic and legal resistance to sharing whatever it is people are excluded from accessing or participating in, or that which those who exclude themselves do not wish to share or participate in. Any proposals to address social exclusion will need to include strategies to address such resistance.

10.3.2 Minimising social inequality to create a less unequal society and reduce social tension

Social inequality refers to the inequalities in the relationships between people and is inevitable due to the differences in natural abilities and opportunities arising out of the social stratification of society (Turner, 1987). Because social inequality is not limited to an insufficiency of material resources, but is concerned with unequal relationships and the patterns of social interaction that inform them, it is both personal and structural in nature. Social inequality can occur in the social, legal, political and economic spheres in terms of class, race, gender and sex (Jennet & Stewart, 1987).

Social inequality is not limited to an insufficiency of material resources, but involves all aspects of a person's, community's or society's activities in the economic, political, social and legal spheres and affects the ability of people to interact with each other and the extent to which they are prevented from doing so (Jennet & Stewart, 1987). Because social inequality is multi-dimensional and pervasive, responses cannot be limited to unitary ones, such as (re)distribution. Therefore consideration of inequality has to have regard to the social context and interdependence of people and how this affects the maintenance of society,

the concepts of self-determination, moral autonomy and social responsibility (Koggel, 1998).

Giddens (1998, p.40) suggests that social inequality can threaten social cohesion in democratic society because of the tensions and conflict it produces. According to Argy (1999) social inequality exacerbates the difficulties people have in accessing education, health and legal services. Giddens (1998) also suggests social inequality is harmful to society as it means that society does not maximise the skills and talents of its members and so achieves less than it otherwise could. Similarly, Argy (1999) suggests that social inequality erodes the idea of the competitive neutrality of the market.

However, as the Commission on Social Justice (1998) observes, not all inequalities are unjust, if for no other reason than the random way in which personal attributes and skills are distributed across a population, those that are should be reduced. Acknowledging inequality has substantive consequences for social justice as it can only be realised by a free society based on the equal worth of all citizens (Commission on Social Justice, 1998). Giddens (1998) suggests that the most popular contemporary construct of equality is the neo-liberal idea of equality of opportunity or meritocracy. Giddens argues that such an approach is intolerable as it only exacerbates inequality and has the potential to threaten social cohesion. Adopting an alternative approach, Modood (1998, p.210) states that 'Equality is not having to hide or apologise for one's origins, family or community'. Equality is expecting others to respect one's origins, family and community. In a similar vein, Young (1990) asserts that 'a goal of social justice is social equality' and advances the idea of equality as acceptance of difference. Young concludes that to not acknowledge difference constitutes a form of cultural oppression while equality is sometimes best served by differential treatment.

Supporting the views of Modood (1998) and Young (1990), Miller (1999) suggests that social equality, and inequality refer to how people regard each other, how they interact, address and refer to each other each other and how social relations are conducted. However, Miller makes the important distinction that social equality does not demand equal power, prestige or wealth or given features such as strength and intelligence. Miller is of the view that it is how differences are regarded and responded to that is significant. Differences

should not lead to or create social hierarchies. Rather, people should accord each other equal standing (Miller, 1999).

The Commission on Social Justice (1998) notes that minimal equality involves equal political and civil liberties, equal rights before the law, equal protection against arbitrary arrest, all of which are needed to create a civil society of equal citizens. However, it is not sufficient to make statements to this effect, it has to be possible to demonstrate equality in practice. Thus equality before the law includes the right to representation. Equality means providing each person with the means to make use of freedom and rights (Commission on Social Justice, 1998).

Thus social equality describes the nature of social relationships and the manner in which people interact with each other as equals (Miller & Walzer, 1995). Accordingly, social equality is not just about the distribution of social goods. It also includes the full participation of all people in all of society's institutions and their being provided with 'socially supported substantive opportunities' to develop and exercise their full potential and the right to decide and choose (Young, 1990, p.173).

Promoting social equality

Just as social workers are well positioned to identify and describe social exclusion, they are equally well positioned to identify social inequalities that arise out of the structuring of society, patterns of interaction and that some people do not have sufficient material resources to participate. Significantly, a person does not have to be socially excluded to experience inequality. Where-as responding to social exclusion requires responses to the processes of exclusion, responding to inequality and promoting equality involve both addressing the causes of inequality and putting mechanisms in place to promote equality. Social workers need to have regard to the social context in which inequality occurs, the interdependence of people and the concepts of self-determination, moral autonomy and social responsibility.

However, because social inequality can affect individuals, classes of persons and communities, there can be no one response to social inequality, nor can there be one solution, rather a multiplicity of responses and solutions are required. In working with clients social workers can seek to empower them through promoting self-determination, creating an awareness of structural

inequality and how this affects them, as well as ensuring they are accessing all benefits to which they are entitled. Collectively, social workers can advocate for the implementation of job creation and social welfare programs that provide each person and family with sufficient income and resources (eg, housing, education, health) to enable them to take their place in society. However, to be successful the redistribution of resources has to be accompanied by social development programs that facilitate the empowerment of people, promote their self-worth and a belief in their personal autonomy. Further, structural inequalities that advantage some to the detriment of other need to identified and addressed.

While inequality will always exist, if for no other reason than the random way in which personal attributes and skills are distributed across the population, much can be done to minimise social inequality. This can be achieved through the use of job creation and social welfare programs that provide each person and family with sufficient income and resources (eg, housing, education, health) to enable them to take their place in society. However, to be successful the redistribution of resources has to be accompanied by social development programs that facilitate the empowerment of people, promote their self-worth and a belief in their personal autonomy. Further, structural inequalities that advantage some to the detriment of others need to identified and addressed.

Barriers to addressing inequality

Because inequality rests on a combination of social and economic considerations based on both personal advantage and utilitarian considerations of promoting the well-being of the greater majority, there will always be resistance to promoting equality. As a consequence, while social workers can work with individuals to empower them through promoting self-determination, collective action, in concert with organisations holding similar values is required.

10.3.3 Promoting active citizenship to facilitate participation

While often constructed as a unitary concept, in practice citizenship is pluralistic. Like social exclusion, a person can be included as a citizen in one domain and excluded from citizenship in another (Hudson, 2000). However it is constructed, citizenship should provide each person with comparable life choices by overcoming social exclusion, such as that faced by women, social

minorities, the disabled and Indigenous people. Citizenship should promote autonomy, justice and equality and democratic forms of association, and in doing so, address social subordination and exclusion (Higgins & Ramia, 2000).

In addition to the unitary-pluralistic duality, citizenship can also be described as active or passive. However, it is only through active citizenship that the members of society can maintain their personal freedom, as passive citizenship represents freedom surrendered (Prior *et al*, 1995). For citizens to be active participants in society, citizenship needs to be dynamic and involve the individual, state and civil society. In addition, for people to avail themselves of the opportunity to be active participants and to feel included, they have to have equal standing. Being part of a dynamic process provides each person with the option of participating in the process under which his or her rights and obligations, freedoms and restrictions are constantly revised and renegotiated (Prior *et al*, 1995).

Within the citizenship discourse belonging and responsibility equate with inclusion and participation. However, as inclusion of itself is a passive concept, it is only through participation that a person can become an active citizen. That is, active citizenship is based on process rather than status (Kane, 2000). As Pring (2001) and Miller (2000) observe, active citizenship occurs when each person has the opportunity to play an active role in determining his/her future through participating in political debate and decision-making and so promote the common good.

This is not to suggest that active citizenship disregards the importance of individual and equal rights, free speech and personal growth. While these values are acknowledged, primary emphasis is placed upon the idea of each person actively contributing to the shaping of society that, in turn, is part of the collective responsibility to assist (Miller, 2000; Prior, *et al*, 1995). Active citizenship is less about a person's legal status and more about process and role. Active citizenship lays stress on each person's obligations and responsibilities and their being willing to actively defend the rights of others, even when not agreed with, and to promote the common good. An active role in the formal and informal political arenas is one way of expressing a commitment to society (Miller, 2000).

Active citizenship is further characterised by people who are helpful, trusting and respectful towards each other, even when disagreeing on matters

of substance. While not conflict free, there are conventions, based on tolerance and respect, for managing disagreements (Putnam *et al*, 1993). The essence of participatory, or active, citizenship is that it is based on the process and not the outcome to be achieved. It is citizenship as a practice, and not a status. While active citizenship seeks to promote individual belief and practice in the liberal tradition, it does so in the context of promoting overall community well-being and not at the expense of the community (Prior *et al*, 1995).

However, more recently active citizenship, under the influence of neo-liberal policies, has been expressed as consumerism with each citizen being required to participate in the marketplace. This has subordinated reciprocal relations with others, and society in general, to a series of separate identities depending on what each person consumes (Prior *et al*, 1995). Prior *et al* are of the view that active citizenship cannot be achieved if citizens are reduced to customers. Nor can it be realised under a regime of representative government that reduces the political citizen to an elector and in so doing limits the majority to passive political citizenship. Not only does it reduce the elector to a passive citizen, it also reduces the party politician to a passive citizen who has to toe the party line, further weakening citizen representation. To represent is to serve, be held accountable and to make known the views of those who elected the representative in a collective sense, and in so doing, promote the common good (Prior *et al*, 1995).

While not arguing for direct democracy as society is too complex, Prior *et al* suggest that a workable construct of representative democracy requires action prior to, and between, elections to facilitate representation. Active representative and participatory democracy are means of empowering people. Empowerment gives people the control that the market does not. However there is no one way to facilitate participation and thus active citizenship. Thus, the means of participation has to be constantly adapted in line with changes in society and its institutions (Prior *et al*, 1995).

In summary, while acknowledging that the means of participation will change over time, promoting active citizenship involves integrating the relationship between each person and society (Jayasurai, 1996). Unlike the neo-liberal notion of the individualised citizen who has no responsibility for the well-being of society, under active citizenship each person is situated or embedded in their society with their rights, duties and obligations linked to the

common membership (Jayasurai, 1996). This means that civic, political, economic and social rights, as well as duties and obligations, cannot be viewed, applied, withheld or dismissed in isolation of each other, as they are collectively 'integral to a sense of community, and membership in a community' (Jayasirai, 1996, p31).

Promoting Active Citizenship

While active citizenship is something social workers can promote and facilitate, it is not something they can undertake on behalf of their clients. Nor is it limited to social work clients. Active citizenship can only be exercised by each person, subject to there being suitable social conditions. However, promoting active citizenship means that the profession cannot be apolitical as it also means challenging neo-liberal values, as they are not conducive to active citizenship or democracy.

Active citizenship can be promoted when working with clients and through taking collective action. While acknowledging that some social work clients are amongst the most disempowered in society, as an aspect of empowerment, social workers can encourage their clients to pursue their political right to participate, to be heard and make their views known on matters of interest to them. Collectively they can take action to promote active citizenship by raising the consciousness of citizens as to how they can become more involved in their community, society and the political process. Doing so also involves raising the consciousness of citizens of the limitations of passive citizenship, why neo-liberal political power brokers support passive citizenship and, in comparison, the possibilities offered by active citizenship.

For a person to be active in contemporary society they need to have a degree of knowledge, access to information technology, know how to use it and have written and oral communication skills. Accordingly, social workers also need to lobby for each person, not just social work clients, to receive a minimum standard of education which includes civics to enhance their understanding of society, how it functions, the role of government, democracy and the opportunities for participation.

Barriers to Active Citizenship

Because active citizenship is a political value, aligned with democracy, not all will agree with the idea. Thus active citizenship is opposed by neo-liberals who support the current regime of passive citizenship, which limits the participation of citizens to the ballot box to vote for persons selected by political parties. A further limitation is the failure of the social work profession to clarify its values which results in, and from, an apolitical position. As a consequence the profession finds it difficult to endorse a strategy that requires a political stance. In addition, active citizenship can be denied a person if they do not have access to sufficient resources and knowledge to enable them to participate.

10.3.4 Developing social capital

The capacity of each person to participate in their community and society is in part determined by how they are received and treated by others (Latham, 1998). Social capital can be used to enhance participation and address social exclusion by contributing to the creation of more inclusive communities and society in general (Healy & Hampshire, 2002). Developing social capital can also be a valuable way of empowering local communities as the building of trust upon which social capital rests can contribute to overcoming isolation, poverty and social inequality (Alston, 2002a).

Cox (1995, p.15) conceives of social capital as 'the processes between people which establish networks, norms and social trust and facilitate co-ordination and cooperation for mutual benefit' and also as the 'social fabric or glue' that holds society together (p.15). While having much in common with the earlier concept of community development, as both seek to create stronger communities, it is also differentiated from it. Where-as Ife (2002) sees community development as an activity undertaken by one person, developing community capacity (which includes social capital) is more expansive as it potentially involves all citizens, business interests, all levels of government and state instrumentalities and community based organisations (Edwards, 2004).

Latham (1998) defines social capital as the product of relationships built around trust and shared feelings of cooperation. According to Latham, vertical social capital emerges out of the trust and faith people have in the systems of authority and responsibility such as the legal and education systems. In comparison, horizontal social capital emerges out of the confidence and trust

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people have with friends, neighbours and colleagues facilitating reciprocity and cooperation.

Similarly, Scott (1998) says that social capital consists of the trust and mutuality that is to be found within the relationships that constitute society. Social capital is built upon shared values and norms of participation, social cohesion and caring for others, such as donating blood, foster parenting and volunteering (Scott, 1998). Adopting a more formal approach, Putnam *et al* (1993) conceive of social capital as the features of social organisation such as trust, norms, networks that facilitate coordinated action and increases societal efficiency. Accordingly mutual aid practices are an investment in social capital.

Trust is central to social capital. Giddens (2000) refers to it as dynamic rather than institutionalised, as it requires constant renegotiation and adaptation to situations as they arise. However, it is the resultant generalised reciprocity that trust generates and which leads to networks of social exchange, that is the productive component of social capital (Putnam *et al*, 1993). Giddens (2000) and Putnam *et al* (1993) observe that social capital can be invested and reinvested to generate further social capital. However, it cannot be banked and if not utilised begins to disintegrate as the essential characteristic of social capital is the quality of relationships which enable people to work out together in common cause. Thus social capital is a resource for collective action and development (Stone & Hughes, 2000).

While there may be general agreement on both sides of the Australian political spectrum on the need to strengthen civil society and of the need to build and develop social capital, there is no agreement about the extent to which the actions of government affect social capital, how civil society can be strengthened or social capital promoted (Alston, 2002; Smith, 1998). Rather, there is a debate regarding how to determine the balance between state, market, community and family, the responsibilities of each of these institutions and how needs should be defined and met (Scott, 1998).

Smith (1998) suggests that while government is unable to create social capital, it can assist in creating the social climate and social cohesion which facilitates and maintains the development social capital. Latham (1998) expresses a similar view, suggesting that while government cannot create social capital it can facilitate it and influence the nature of social relations, and in doing so, the extent to which people trust or mistrust each other. Latham is also

of the view that while government plays a key role in facilitating social capital, it is society itself, in the form of each person, which is responsible for the development and maintenance of social capital. However, of all social institutions government is best positioned to influence the development, or erosion, of social capital (Latham, 1998).

Social capital and civil society are central to liberal society and the moral and political values of liberalism and provide a means of achieving consensus in preference to coercion (Stewart-Weeks & Richardson, 1998). Similarly Emy (1998) proposes that management of the volatility of capitalism and liberal democracy is dependent upon social capital. However, Saunders (2002) and Emy (1998) suggest that contemporary Anglo-American liberal society, with its emphasis upon competition, individualism, commercialism and deregulated market economies, is eroding social capital by destroying the cooperative trust people have in each other. As a result civic society upon which democracy relies is being eroded.

Reflecting the values of neo-liberalism, Stewart-Weeks and Richardson (1998) seek to individualise social capital by suggesting that inherent in social capital are obligations and expectations concerning each person's relationship with others and therefore with their community. This, they argue, provides a means of achieving outcomes, including less reliance upon government, than would otherwise be possible in the absence of people working together. Stewart-Weeks and Richardson contend that social capital has its basis in the family and is generated when people accept they have obligations to each other, their community and in turn, society.

However, Scott (1998) adds that social capital does not mean, or arise out of, greater self-reliance. Rather, it is linked to the development of social networks that are based on rules of conduct and notions of reciprocity based on ideas of voluntary mutual obligation. Reciprocity can be specific, a 'quid pro quo' approach or generalised and based on an expectation that all will assist in general and according to their abilities for the betterment of society, constituting generalised reciprocity (Putnam, 2000). As Putnam observes, a society based on general reciprocity is not only more efficient than one based on distrust, individualised autonomy and contractualised relationships. In addition, a cohesive society can only arise out of people trusting each other.

Social capital can be used for good and bad. It can enable people to do things for better or for worse. As such it does not moderate society, but enables things that otherwise could not be achieved, or not achieved as efficiently. The positive consequences of social capital are mutual support, cooperation, institutional trust and effectiveness. The negative consequences are sectarianism, ethnocentrism and corruption (Putnam, 2000).

Fortunately, the development of social capital can be undertaken using a wide range of social relationships as it is not specific to particular conventions and social norms. In association with other resources it can be employed to rebuild communities (Stone & Hughes, 2000). However, because social capital is not a unitary construct it needs to be uniformly promoted in the social, political, legal and economic spheres of activity. It is not possible to have more in one sphere and less in another. Society cannot function on a collective basis if employment is individualised and contractualised, democracy eroded and political participation restricted to compulsory voting once every four years (Latham, 1998).

Promoting social capital involves validating the social through seeking to create a civic society and not individualising people through treating them as if they are disconnected from each other (Cox, 1995). If the shared meanings, understanding and values of society reflect individualism and mistrust there will be little in the way of social capital. Social connectedness cannot occur unless people trust each other and actively seek to work and play together as it is from active relationships that social capital comes (Latham, 1998).

Promoting Social Capital

Social capital, which has a mutual inter-dependency with social equality, active citizenship and social cohesion, is best promoted through voluntary associations.

Because it is situated within communities the social work concept of community development can be employed to promote and support the building of trust, a spirit of cooperation and social capital. In addition to working with communities social workers engaged in community development programs are well positioned to lobby government for resources, and other organisations for philanthropic assistance, to facilitate the participation of people in their community.

However, if social workers are to move beyond promoting social capital, through community development programs to selective communities, being the communities social work clients represent, they need to adopt a broader understanding of their role and who they regard as their clients.

Barriers to promoting social capital

The biggest barrier to social capital is the individualised community, which places no value upon cooperation and participation, two essential elements. Barriers also occur when governments employ social capital to their own ends, but without sufficiently resourcing communities to facilitate its growth and replenishment. While not strictly a barrier, ideological differences over its nature and how to best resource it, can hinder the promotion of social capital.

10.3.5 Developing social cohesion

Whereas social capital is primarily the end product of voluntary associations (Latham, 1998), social cohesion is facilitated by the structuring of society to promote social harmony (Jensen, 1998). '[S]ocial cohesion is about what links societies together' (European Committee for Social Cohesion – Council of Europe, 2000, p.2). While it does not mean an absence of conflict and disagreement, like social capital, it does involve a commitment to shared values and community (Jensen, 1998). The strength of social cohesion depends on the number and quality of linkages people have with each other rather than the number of people with whom they have linkages, although this is also important (Moody & White, 2001). A lack of social cohesion can be indicated by high crime rates, fragmented neighbourhoods, inequality, social isolation, unemployment and marginalisation (Stone, 2000).

Active participation in the economic, political and cultural affairs of society is essential to the development of social cohesion (Department of Justice, Canada, 2002). Thus, social cohesion is enhanced by promoting social and economic rights, reducing the gap between those advantaged and disadvantaged, overcoming poverty and combating social exclusion. It is also enabled by providing access to information technology and adequate means of communication for all members of society (Council of Europe Development Bank, 2000). Other enabling factors include reducing unemployment through promoting business enterprises that generate new jobs, vocational training,

providing good housing for the vulnerable and disadvantaged, promoting education and an inclusive health care system (Council of Europe Development Bank, 2000). It is also assisted by promoting minimum wages and job creation strategies, improving government responsiveness to citizens and by meeting the aged related needs of all persons by way of adequate pensions, allowances and benefits and the promotion of pro family policies (Council of Europe Development Bank, 2000; European Committee for Social Cohesion – Council of Europe, 2000).

Government can promote social cohesion through stimulating the economy to create employment opportunities; by ensuring basic needs are met and through ensuring social rights are facilitated, human dignity is acknowledged and voice is provided for all people, particularly those who are disadvantaged (European Committee for Social Cohesion – Council of Europe, 2000). The role of government can be complemented by social institutions and organisations such as churches, political parties, trade unions, non-government and voluntary organisations. Working in partnership with the state, they can assist in developing and maintaining social cohesion through developing interpersonal networks (European Committee for Social Cohesion – Council of Europe, 2000).

Cohesive societies are those that have efficient systems for managing social conflicts, as one of the contributing factors to social cohesion is the sensitive management of societal friction points (Jensen, 1998). Accordingly, maintaining social cohesion involves identifying and addressing those factors that cause divisions in society. These include income disparities, lack of employment opportunities and social exclusion particularly in regard to health, housing, education, training, employment, social services and income distribution (European Committee for Social Cohesion – Council of Europe, 2000).

Indicators of social cohesion include rates of access to education, people orientated economic reforms, reductions in the levels of poverty and social exclusion and fairness in income distribution (Commission of the European Communities, 2000). Social cohesion cannot be imposed or achieved through appeals to tradition as it consists of active processes and acceptance of responsibility by community members for each other (Giddens, 1998). Social cohesion also benefits individuals directly. Their well-being can be enhanced by

active citizenship which enables them to participate in decisions that affect them; through the strengthening of societal links and by each person being given standing and recognition by the state (European Committee for Social Cohesion – Council of Europe, 2000).

Social cohesion is necessary for democracy as divided and unequal societies produce, and is produced by social, economic and political instability (European Committee for Social Cohesion – Council of Europe, 2000). Accordingly, '[s]ocial cohesion requires economic and social equity, peace, security, inclusion and access' with diversity and differences being valued attributes because of the value they add to political and social life (Department of Justice, Canada, 2002, p.5).

Jensen (1998) suggests that neo-liberalism is counter productive to social cohesion in the way it privileges the market for the distribution of resources, limits the role and influence of the state and emphasises individual and family freedoms as core values. Jensen further argues that market driven economic policies such as competition, consumerism and individualism are antagonistic to social cohesion and impair the functioning of democracy.

Pursuing a similar theme Stokes (2000) suggests that neo-liberalism can also damage social cohesion through eroding trust and encouraging people to be suspicious of, and resistant to, community-orientated programs and policies. According to Jensen (1998) neo-liberalism has provoked stress and tension in social cohesion and has led to people turning away from political processes, the development of intolerance, exclusion, distrust the politicising and of the market, state and community.

Economic policies and social relations cannot be determined solely by market forces without unacceptable social consequences and a loss of social cohesion (European Committee for Social Cohesion – Council of Europe, 2000).

Promoting Social Cohesion

Social workers can take direct and indirect action to promote social cohesion. Indirectly, one of the outcomes of, and demonstrating the linkages between the various strategies, is the way in which by addressing social inequality, and promoting social capital and active citizenship, social workers can promote social cohesion through enabling people to participate in their communities.

When undertaking community development work social workers can directly facilitate community cohesiveness by identifying the linkages that are needed, or need strengthening. Through undertaking social mapping and identifying which linkages will best promote social cohesion social workers can seek to grow inter and intra community linkages and networks. The greater the number of linkages and more developed the networks, the stronger the social cohesion

These activities need to be complimented by social activism in the form of drawing attention to those social structures, such as community, that promote social cohesion, and conversely, identifying those that do not. Social activism to promote social cohesion also involves lobbying for job creation strategies, minimum wages and advocating for all persons to have access to information technology. Encouraging a community-based approach to resolving social issues and identifying and promoting the values that promote social cohesion are further means of creating cohesive societies.

Barriers to Social Cohesion

One of the more significant barriers to social cohesions, like social capital, is the individualised society in which individual well-being is preferred over the collective well-being of society. In such a setting promoting social cohesion requires not only the restructuring of society, but also the rules that inform social relationships. A further barrier to social cohesion is a lack of commitment by government to addressing disadvantage, social exclusion, inequality and to an integrated society.

10.4   Person and context specific strategies

The use of broad based strategies, as discussed above, which seek to create a more responsive, people orientated society by facilitating structural change, do not preclude the use of, or remove the need for, strategies that are person and context specific. In this context some of the previously identified constructs of social justice, such as procedural fairness, positive discrimination and distributive justice, can be reconstructed as person or context specific strategies. If applied appropriately, they can be used to as adjuncts to the major strategies, and even assist in facilitating them, as they are all associated with enabling relationships. Thus distributive justice, in the form of social welfare

assistance for those who are disadvantaged due to their being unemployed, or who due to a disability are unable to be employed, will always be required. However, because these strategies are either person or context specific the potential exists for them to conflict with each other and the major strategies if they are applied inappropriately. Thus, if a process related strategy, such as procedural fairness, which informs staff recruitment processes, was applied in combination with an outcomes based strategy, such as positive discrimination in order to increase the employment of say, women, the potential exists for conflict unless the points of conflict are mediated.

Promotion of person and context specific strategies

Social workers are positioned, perhaps more than any other profession, to both identify the circumstances in which the major strategies need to be complemented by the use of person and context specific strategies and the type of strategy required. In being so positioned social workers are also able to identify the adequacy of these strategies and the classes of people to whom they should be applied.

The biggest challenge facing social workers is to develop systems to enable them to coordinate the collection of data to facilitate the taking of collective action to lobbying for improvements to existing programs, to have new programs introduced and to raise society's awareness of the social disadvantage facing some sections of society.

Barriers to person and context specific strategies

As most social workers are employees they are bound to adhere to their employer's code of conduct, as well as their own code of ethics, regarding ethical practice and confidentiality. While they may be unable to use specific data collected by their employer, they can report on their perceptions of need and disadvantage which collectively can be assembled in non-identifying aggregated form. Amongst other uses such data can provide the basis for research.

A further barrier to the use of person and context specific strategies is that many are policy initiatives and there is little to prevent their being discontinued or devalued. A good example of this are the changes that have been proposed

to social welfare benefits to force the single parents of older children and persons with a disability back into the labour market and so compete with others for jobs and income (Argy, 2003). In addition, those programs that are resource dependent can be the subject of politically and ideologically based decision-making involving arguments about those who deserving and undeserving of assistance.

10.5   A supporting political paradigm

It is not sufficient to identify a construct and the supporting strategies. It is also necessary to describe the informing political paradigm, without which the construct cannot be sustained. Australian social workers work in a society in which the prevailing political discourse is liberalism. Despite its diverse origins and manifestations and its spread across the political spectrum, resulting in the development of a number of competing strands, historically liberalism has been constituted by a single discourse (J. Gray, 1995; Salvadori, 1972).

However, the liberal discourse can also be considered to consist of two principal conversations, one Anglo-American and the other European (Bellamy, 1992) with elements of both being reflected in the Australian political discourse. This occurs as a result of the pre-federation colonies experimenting with different strands of liberalism and the subsequent political amalgamation at federation. Post-federation and until the mid 1970s the state, drawing upon state or reform liberalism, was to one degree or another, the great facilitator and protector of individuals and industrial development (Leach, 1993). Since the 1980s there has been a fundamental restructuring of Australia's political system as neo-liberalism increasingly coming to dominate the political discourse (Emy & Hughes, 1991).

In reviewing these paradigms, those most compatible with the proposed construct of social justice are European liberalism and an Anglo version developed by Hobhouse (1965), which Simohony and Weinstien (2001) refer to as New Liberalism. In Australia many of the features of these two forms of liberalism are to be found in reform or state liberalism, the central features of which are a concern for communal relations and the common good. While recognising individuality and the right of individuals to achieve individual ends, reform liberalism holds that regard needs to be had to the extent to which individual actions impact upon others. While accommodating and embracing

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market freedoms and self-interest, recognition is also given to the concept of community and the need to bridge the gap between them (Argy, 1998; Waligorski, 1997; Leach 1993). Reform liberalism also embraces a belief in universal needs, the rights of citizens and their equal or standardised treatment in the form of state intervention to ensure employment, education, occupational health and safety and social security benefits for all. Finally reform liberalism seeks to promote democracy, recognises the need for state intervention in society and the economy and the separation of the social, political and economic spheres.

This political paradigm, allowing for some inconsistencies in the social work discourse, is also compatible with the values of social work as set out in the AASW Code of Ethics (AASW, 2000). In emphasising the symbiotic relationship between people and each person and society, the paradigm is supportive of social justice as enabling social relations.

10.6 Conclusion

A market-based liberal society, such as Australia, is predicated upon inequality and disadvantage. Neo-liberalism with its emphasis upon the market structuring social relations and personal autonomy and responsibility exacerbates inequality and disadvantage.

Social workers are well positioned to advocate for and promote social change as they work with some of the most disadvantaged members of society. However, in order to demonstrate their commitment to social justice they need to be proactive in promoting and supporting social justice for all of society and not just social work clients. If confined to clients there is an implicit acceptance of the structural oppression experienced by many members of society, the majority of whom are not clients. Doing so is the responsibility of both individual social workers, and via the AASW, the profession.

Accordingly, the social work profession in Australia needs to broaden its horizons to consider the impact of neo-liberalism upon all members of society and not just social work clients if it is to limit the number of people who need to call upon social work services. Primary prevention, in the form of facilitating social relationships, is of greater benefit to society than seeking to restore them and picking up the pieces after they have been deconstructed. Yet all too often this is the limit of the social work vision. The social work profession needs to

adopt a more proactive position and address the structural causes of inequality and disadvantage. Making a commitment to contribute to the strengthening of society though promoting social relationships is one way of doing so.

At the beginning of this chapter three questions were posed which led to a fourth, which was to query how the answers to them would impact upon the AASW Code of Ethics. The simple answer is that the Code can readily accommodate the proposed construct of social justice, the supporting strategies and the informing political paradigm. However, statements in the Code of Conduct can be too easily read to support the full spectrum of liberal values, including neo-liberalism.

There is a great need for social work and, in particular, the body that represents the social work profession, the AASW, to identify and declare a clear political position and supporting values. The construct of social justice advanced, in association with the informing political paradigm, as summarised below, provides the basis for such a position and affirms the profession's commitment to social justice.

A definition of social justice for social workers:
'Enabling social relationships to promote the well-being of society through providing each person with the capacity to participate in society socially, politically and economically, as an expression of the inherent and equal dignity of each person'.

Supporting strategies:
1. *Address social exclusion to create a more inclusive society.*
2. *Minimise social inequality to create a less unequal society and reduce social tension.*
3. *Promote active citizenship to facilitate participation.*
4. *Develop social capital.*
5. *Promote social cohesion.*
6. *Person and context strategies*

The informing political paradigm:
The strands of liberalism, known as European liberalism, and the Anglo version known as New Liberalism, referred to in Australia as reform or state liberalism.

SECTION FOUR

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