

Chapter 6

Justice

Introduction

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Introduction

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Questions

Questions

1. Distinguish between an instance of particular justice and social justice.
2. Some have argued that civil disobedience is impossible without the distinction between particular and social justice because being civilly disobedient can only take place within a political system that is basically just. Using Martin Luther King's protests as an example, explain how civil disobedience presupposes a just system. In *1.2 Dancing a legal dance*, could Mary have engaged in civil disobedience to protest the judge's decision?
3. What is the formal principle of justice? Give an example from social work practice or from the cases in the book of treating like cases unlike. Of treating unlike cases alike. Explain why they are prima facie wrong.
4. What is the difference between the formal principle of justice and substantive principles?

5. The formal principle of justice has substantive ethical weight. Explain how by using an example from your own experience or from the cases.
6. Standing in line may seem an ethically unchallenging procedure for determining the order in which one is to be seen. But consider each of the following scenarios, first determining what is being distributed and the order in which individuals are being served and then laying out the harms and benefits to all involved.
 - (a) In the emergency room of a hospital, those most severely injured are seen first regardless of the time of their arrival. So others may sit in the waiting room for hours for what are judged minor injuries by the staff on hand. Those waiting may include elderly individuals who are unable to sit for such long periods without extreme discomfort. Is this just? Is there anything that could be done to mitigate any harms?
 - (b) Two social work practitioners in an agency are seeing first-time clients on a first-come first-served basis. The clients line up in two lines, one in front of each practitioner, the clients presumably judging which line will move the fastest. Or deciding which practitioner they want to see.
 - (c) This time the clients line up in one line, the first in line going to whichever social work practitioner is free.
 - (d) The honor system is used. An elderly woman comes in, asks for a number, and when told that the honor system is used, says, 'Good. I'm next.'
7. Now imagine yourself a social work practitioner who is being queried by a client about why they are being treated in a way they perceive to be unjust and so harmful. For instance, a client waiting in the office when the elderly woman in (6)(d) enters and announces 'I'm next' will not see you as soon as the elderly woman if you take her word for it. The honor system requires honor, that is, and disputes can readily break out that will need mediating. If you are the social worker, you will need to have at hand a procedure for mediation and an explanation of how it applies in the situation at hand. The mediation procedure will obviously itself need to be just. So lay out a mediation procedure for such disputes, one that is just, and apply it to the case at hand where the elderly woman is taken ahead of others who have been waiting.
8. Distinguish between perfect and imperfect procedural justice.
9. Explain how the welfare system is an instance of procedural justice. What is being distributed? How is it being distributed? Is the procedure imperfect or perfect? In either case, if either is applicable, why is it one or the other?
10. Suppose that the welfare system is a system of imperfect procedural justice. Could it be made perfect? What would that require?
11. The criminal justice system is imperfect, and it can be designed either to protect the innocent, which means that some who committed a crime will not be found guilty, or to ensure that those who committed a crime are found guilty, which means some who are innocent will be found guilty. Disagreements about what to do about

'welfare cheats' center on where to put the burden of proof. Should we try to ensure that all who need help obtain it? Or should we try to ensure that those who do not need help do not obtain it? The former remedy will let some who do not need help get it, and the latter will not let some who do need get it. Using the method of tracking harms, assess the relative merits of these two remedies and determine which is ethically preferable, if either is.

12. What are the conditions of justice? Give an example of something of concern to social workers that is so prevalent we need not concern ourselves (at least overly much) with its just distribution. Why not? Give an example of something of concern to social workers that is so scarce there is little sense concerning ourselves with its just distribution. Why not?
13. One of the powerful appeals of justice as free transactions is that we often obtain goods and services in our society through free transactions and no one thinks them unjust. We buy a blouse or shirt, when others cannot afford one, and we do not think that in itself ethically wrong. Provide an instance from social work practice or from a case in the book where those involved engaged in free transactions and everyone thought the result just. What made it just -- according to the theory in question?
14. What two particular problems come to the fore for social workers if the society is committed to justice as free transactions? Why are those problems the ones that come to the fore?
15. Is it ethically right to blame the client for a failure to achieve success within a social system organized to express justice as free transactions? Lay out the benefits and harms of such a practice and then assess the practice as a feature of justice as free transactions. That is, if it is harmful, is it so harmful that we ought not to organize our society to express justice as free transactions? If so, why? If not, why not?
16. What is the substantive principle of justice that animates justice as free transactions? What is the formal principle?
17. What is the substantive principle of justice that animates justice as fairness? What is the formal principle?
18. How might one argue on ethical grounds that natural features and social circumstances are morally irrelevant in the distribution of social benefits and burdens?
19. Explain how each different vision of a just society accentuates some human traits as being ethically more valuable than others. Compare the traits and assess, on those grounds alone, which theory is ethically preferable.
20. Justice as free transactions and justice as fairness mark out differing forms of social organization. Lay out how a classroom or any social structure would be organized under each view. Explain in particular how the differing forms of social organization would make different personal features and acts ethical. For instance, in a society that expresses justice as free transactions would individuals who help those who are least advantaged be acting justly? If not, what moral virtue would they be

expressing? What about the same sort of act in a society that expresses justice as fairness?

21. If the same act expresses different moral virtues in different forms of social organization -- as the answer to the previous questions suggests -- what kind of moral character is each theory of justice holding up as the ideal? For instance, if someone who helps the least advantaged is just in the one society, but kind in another, does that make for a difference in the kinds of moral character each theory implies is ideal? What are those differences?
22. Marxist theory says that everyone ought receive according to their needs. Does justice as fairness go farther than that? If so, in what way(s)? If not, how does it differ from Marxism? In what way(s) does justice as free transaction deny that claim?
23. The social system in which we live cannot be ethically right just because it seems 'natural.' It may seem natural just because we have been reared in it. Its arrangement of benefits and burdens is contingent and so can be changed. The questions are whether the arrangement ought to be changed, and if so, how and why. Assess the system and determine which of its features, if any, social workers have an obligation to examine and change if that is necessary. How are they to go about doing that?