

Social Justice Simplified: How to Teach a Contested Concept

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ABSTRACT

Social or distributive justice refers to just distributions of income and wealth. Because social justice is an essentially contested concept, it has no true or core meaning, only several conflicting interpretations. This pluralism creates a problem for teachers who must explain to students how the various interpretations differ and underlie policy disputes. We propose that the plurality of interpretations can be understood as differences between a basic set of norms: equality, merit, contribution, effort, and choice. These norms are associated with familiar political ideologies. We illustrate each of these norms in a series of cartoons and suggest that moral opinions about the best norm result in irresolvable conflicts between the norms. We apply our theoretical analysis to these ideological conflicts in the policy areas of income, education, and discrimination in employment.

INTRODUCTION

Since the term emerged in the 19th century, “social justice,” also known as distributive justice, refers to just distributions of income and wealth. Philosophers have been on a quest for the single best interpretation of the term. They have not been successful. In Gallie’s (1964) opinion, the reason is that social justice is an essentially contested concept: There is no true or core meaning, only several conflicting interpretations (pp. 157-191). This pluralism creates a problem for teachers who must explain to students how the various interpretations differ and underlie policy disputes.

We believe that our kind of analysis improves teachers’ understanding of the perennial disputes about income inequality. Using it puts teachers in a better position to help students understand how disputes about the justice of economic distributions and policy derive from commitments to different norms of social justice. We will use the term “norm” in this article. Feinberg (1973) uses the term “principle,” as do others (Miller, 1999). Terms such as “criterion” and “standard” are possible, but, in our opinion, “norm” more clearly conveys the moral connotation of social justice.

Based on the work of Feinberg (1973), we propose that the plurality of interpretations can be understood as differences between a basic set of norms: equality, merit, contribution, effort, and choice. Choice is our addition to Feinberg’s set of principles. Merit, contribution, and effort are desert norms. Karl Marx is famous for the formula, from each according to _____, to each according to _____. Filling in the second blank with one of the norms is one way to differentiate political philosophies, theories and ideologies. For example, to each according to “need” yields the communist norm.

We illustrate each of the norms in a series of cartoons.¹ Moral opinion about the

best norm accounts for irresolvable conflicts between equality and the desert norms of merit, contribution, and effort. All of these norms conflict with choice. To demonstrate the usefulness of our analysis to teachers and students, we describe these ideological conflicts in the policy areas of income, education, and discrimination in employment.

Our approach to teaching social justice is a proposal, which we have not actually implemented. We hope to try it with students in the near future. Then, we will ask students to fill in the balloons in the cartoons and describe what they see and understand. We have filled in the balloons with what the characters might say and offered commentary, which we intend to share with students at appropriate points in the discussion.

HISTORICAL ORIGINS

The idea of justice as a fitting reward for desert is found in the three major Western religions. As expressed in the Christian version, “Whatever a man sows that shall he also reap” (Galations 6:7). At judgment day, each one of us will be rewarded or punished according to our good or bad works. The first philosophical definition is found in Book I of Plato’s *Republic*: “justice consists in rendering to each his due.” According to Aristotle in his *Nicomachean Ethics*, rewards and punishments should be distributed in proportion to merit (Pojman, 2006, p. 17). In early understandings, desert is a matter of individual responsibility and distributive justice mainly applies to the distribution of benefits and burdens by political authorities (Feinberg, 1973, p. 107).

Aristotle’s organization of the subject matter of justice and the classical concept of justice as desert remained unchanged until the nineteenth century. In *Utilitarianism*, published in 1861, Mill (1979) was the first to link social and distributive justice but only implied that society itself is ultimately responsible for the distribution of goods. Karl Marx did not say anything about social justice, and he identified justice only as part of bourgeois ideology which he argued would disappear with the end of capitalism. He is famous for the communist slogan, “From each according to his ability, to each according to his need,” which appeared in the *Critique of the Gotha Program* published in 1875. In the same letter, he also provided the reasoning behind a lesser known socialist slogan, “From each according to his ability, to each according to his contribution” (Marx, 1972). These slogans should be understood as descriptive, not normative, propositions. They introduced contribution, which will later be understood as a basis of desert, and need into discussions of the meaning of social justice.

In his 1931 encyclical, *Quadragesimo anno*, Pope Pius XI shifted the focus from individual to social responsibility and from political to economic distribution. He also introduced equality as the norm of social justice (Burke, 2011, p. 72). Pius’s concept of social justice was widely disseminated as official Catholic social teaching. This is one reason for the association of social justice with the left. Another reason is the dominance of the views of philosopher John Rawls in intellectual circles in the twentieth century. Rawls (1999) argued that income and wealth should be distributed equally unless economic inequalities are “to the greatest benefit of the least advantaged,” which is his well-known Difference Principle (p. 266). He also accepted the attribution of injustice to impersonal states of affairs and offered a critique of desert as an acceptable principle of social justice that persuaded many philosophers. Equality became the assumed norm of social justice for progressives and welfare liberals.

Nozick (1974), who was critical of Rawls's *A Theory of Justice* of three years earlier, introduced choice as an alternative norm of social justice. Choice became the assumed norm of social justice for classical liberals and libertarians. Since the nineteenth century, philosophers have argued for the liberal and libertarian norms of equality and choice, but desert norms continue to be part of the popular imagination.

IDEOLOGICAL FORMULATIONS OF SOCIAL JUSTICE

Historically, as we have seen, social justice became associated with liberalism in which equality is the ideal, but, in principle, any norm can be the ideal of social justice. Depending on the norm, social justice can be a libertarian, liberal, conservative, socialist, or communist concept. Using Marx's formula, the norms and political ideologies are related in the following way:

Libertarian: from each as they choose, to each as they are chosen

Liberal: from each as they choose, to each an equal share

Conservative: from each according to ability, to each according to desert (merit, contribution, effort)

Socialist: from each according to ability, to each according to contribution

Communist: from each according to ability, to each according to need

The libertarian formulation is taken from Nozick (1974); the socialist and communist formulations are from Marx (1972). The liberal and conservative formulations are the authors'. Contrary to popular opinion, Marx was not opposed to the classical notion of justice. In fact, he thought that in the absence of economic abundance, a socialist society would be regulated by contribution, which is a desert norm. Libertarians and liberals share the first part of the formula, from each as they choose, because they belong to the same family. Their common ancestor is classical liberalism, represented by such historical figures as John Locke and Adam Smith. Libertarianism is the twentieth century child of classical liberalism. What is today called "liberalism" is a reformed version of classical liberalism and sometimes known as modern or welfare liberalism (Ball & Dagger, 2011). Liberals have usually not insisted upon absolute equality, that is, exactly the same share of economic goods for everyone, but they believe that wide disparities in income and wealth can lead to economic instability and stagnation (Stiglitz, 2013). For liberals, equal shares is an ideal toward which we should strive. Liberals also support distribution according to basic needs.

SOCIAL JUSTICE AS AN ESSENTIALLY CONTESTED CONCEPT

Which of the norms of social justice is correct? The majority of philosophers favor equality as the norm and assume that society, not individuals, is responsible for distributive outcomes. Some philosophers, however, have recently begun to reconsider the merits of desert (Olsaretti, 2003). Aside from philosophers, there is significant popular support for the desert norms and individual responsibility. Based on cross-cultural research, moral psychologist Jonathan Haidt offers an explanation for the popularity of desert norms: Our evolved moral intuition is that justice is a matter of proportionality and individual

responsibility. “People should reap what they sow. People who work hard should get to keep the fruits of their labor. People who are lazy and irresponsible should suffer the consequences” (Haidt, 2012, p. 169).

W. B. Gallie says that concepts like social justice are “essentially contested.” This means that “there is no one use of any of them which can be set up as its generally accepted and therefore correct or standard use” (Gallie, 1964, p. 157). It is not as if there are no arguments for each of the interpretations or that the endless disputes between adherents are not genuine. Rather, the disputes are “not resolvable by argument of any kind” (Gallie, 1964, p. 158).

Gallie (1964) claims that social justice seems to be involved in only a single rivalry between an “individualist” and a “collectivist” conception (p. 181). This rivalry developed historically. Almost everyone in the West before the nineteenth century supported the individualist conception with its desert norms and assumption of individual responsibility. Since the nineteenth century, the collectivist conception of equality norms and social responsibility has been dominant. The individualist conception focuses on individual transactions, but the collectivist conception focuses on results, de facto states of affairs, or overall pattern of distribution in society.

Theoretically, these conceptions do not necessarily conflict, but in practice they routinely do. Economic actors may distribute benefits according to any norm they choose. If most of them distribute benefits equally then the overall result in society will be a relatively equal distribution. Individualist and collectivist conceptions do not conflict. In practice, most economic actors distribute benefits according to one or a combination of the desert norms, intentionally or not, in order to ensure the motivation of workers and succeed in business. The overall result is some degree of social inequality. Individualist and collectivist conceptions do conflict. Liberals who condemn the unequal distribution of income and wealth in society imply that producers act immorally by distributing individual benefits according to desert or choice. This implication seems to be obscured by the assumption that individual decisions about distribution are not morally relevant and society as a whole, not individuals, is responsible for the result. If society is responsible, it is also a collective responsibility to correct the mal-distribution through governmental redistribution.

TEACHING THE NORMS OF SOCIAL JUSTICE

In this section, we outline an approach to the admittedly difficult task of helping students and non-expects in the field to understand the norms and how they are, ultimately, contested in an insoluble, essential way. Our approach is based on a number of pedagogical assumptions:

1. We use mental imagery in thought.
2. We learn about familiar concrete objects such as cars, telephones, and computers by storing poly-sensory images of them.
3. Words are shorthand for other kinds of images.
4. We come to understand abstract ideas such as social justice by grounding them in concrete scenarios.

The following cartoons, involving caricatures of the norms of social justice, represent concrete scenarios that might help teachers and students understand the abstract meanings of social justice.² We imagine a situation where the problem of distribution is paramount: shipwreck survivors in a lifeboat with a limited supply of food. Personifying the norms as individuals combined with visual representation seems a promising approach to stimulating practical understanding of admittedly rather abstract and complicated concepts. Following Feinberg, we divide desert and equality into their component parts or facets (or, as Feinberg would put it, “bases”), leaving us with seven identifiable core beliefs: equality as equal shares, equality based on need, merit as virtue, merit as skill and achievement, contribution, effort and choice (Feinberg, 1973). In our cartoons, each norm is illustrated by a caricature: equality as equal shares is Professor John Ralls’s idea; equality based on need is a plea from Jude the Gourmand; merit as virtue is embodied, if that is the right word, in Sister Inconsummata the Saint; merit as skill and achievement is the claim that the Olympic Champion Eel Wranger Preston Sturgeon makes; Max the Fisherman argues for contribution; and Lester the Sailor pleads for effort. In reality, of course, everyone is moved by all the norms, just in different proportions.

Of course, there are other distribution issues brought up by such a situation, such as who gets on the lifeboat, whether or not there are enough life preservers, and what happens if the lifeboat springs a leak or is attacked by sharks. But such pressing emergencies do not allow for much reflection and are usually addressed by the application of a single norm, equal shares in the case of who gets to be on the lifeboat, who gets a life preserver, who fixes the leak and who gets to fend off the sharks. Such emergency situations are reflected in famous maxims: “Women and children first” would today be considered a gross violation of the equal shares norm, but it is imposed by scarcity, not principle. Only up to the Titanic era could this particular maxim be construed as an expression of moral norms, such as merit as virtue (women’s purity) or equality based on need (women as the weaker sex). It is the same with “Every man for himself”: This is simply an admission of complete normlessness where none of the norms work because of *force majeure*. “The captain is the last to leave the ship” or even “goes down with his ship,” on the other hand, does seem to express moral rather than pragmatic considerations: Merit as skill and achievement combined with contribution are probably uppermost in this tradition, which, when looked at from a purely utilitarian point of view, does not necessarily make any sense. To facilitate understanding the distinctions between the characters’ various norms, and their reactions to each other’s norms, our lifeboat situation represents a pressing but not dire situation (food supply).

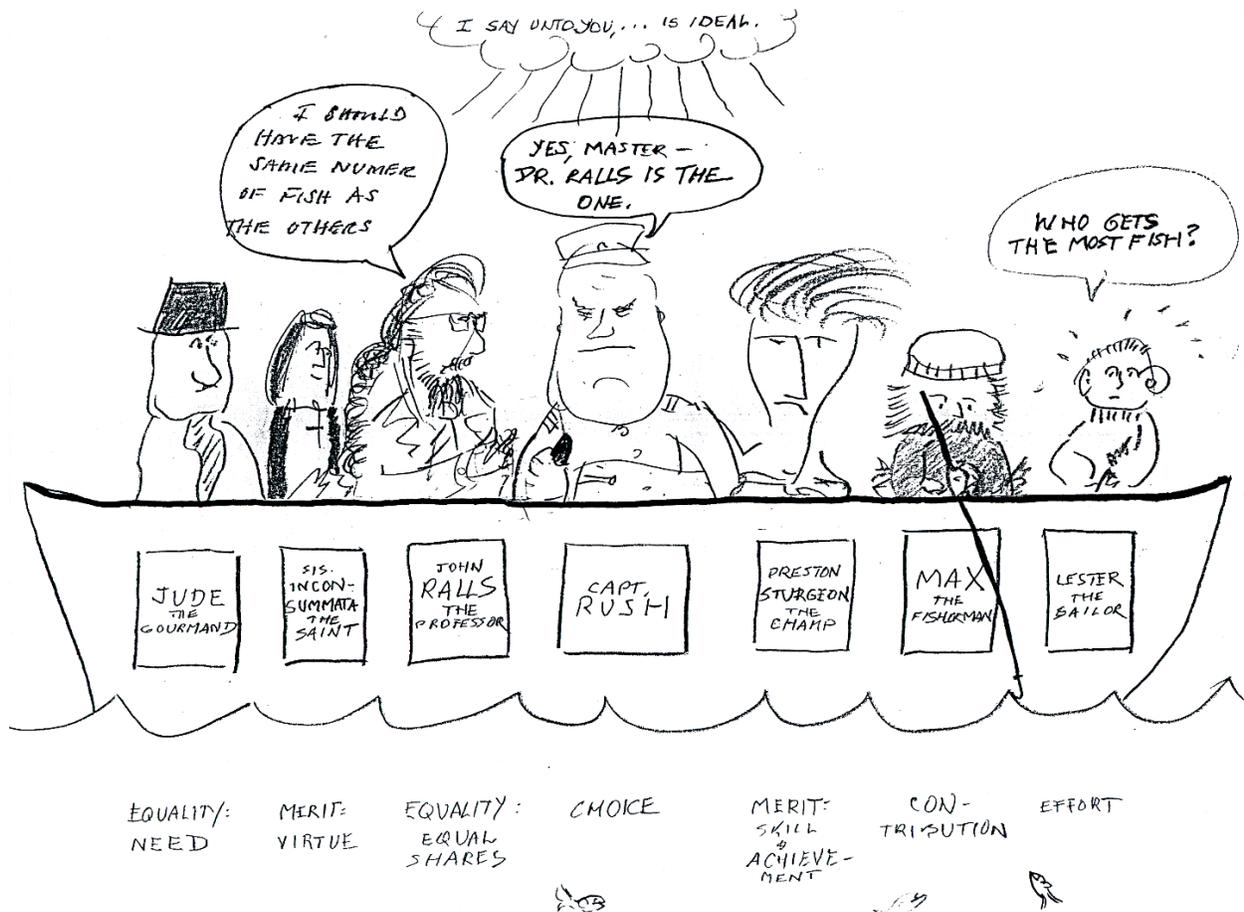


Figure 1. Equality as equal shares. Captain Rush represents all economic distributors. **John Ralls** the Professor illustrates economic distribution according to the norm of equality as equal shares.

In Figure 1, fish are visibly scarce in this part of the ocean, although the seas are calm. Note that we let Captain Rush on board and continue with his leadership role, because we need an embodiment of a resource distributor. But we make him unappealing, as if he unconsciously knows he violated a long-standing tradition of seamanship or, even worse, was responsible for the sinking. Any resemblance to a well-known right-ring talk show host is completely intentional. Captain Rush grudgingly listens to the appeals of each of the survivors, but thinks that each norm somehow comes from . . . what? We put in the sky a godlike voice to suggest the way most people think they receive their norms; but we also placed them in the water, to satisfy those who prefer an evolutionary tack, which begins in the sea.

Feinberg (1973) says that distributive justice refers to both acts of distributing, which requires distributors, and de facto states of affairs—the product of some process of distributing (pp. 107-108). There is no central distributor in the economy. Captain Rush represents all the economic distributors, who produce an overall pattern in the economy, which is a state of affairs that is not the intention of any individual or group. The pattern of distribution that results from all the distributive choices in the economy can be evaluated

by a norm determined independently of the actual choices. Unlike the other norms, if the norm is choice, the pattern is just without an independent evaluation because it is the result of all the distributive *choices* in the economy.

The first of two equality norms is equal shares of the economic pie. To embody this norm, we have chosen the combination of a left-wing political activist and Ivy-League professor, John Rawls, in a character named **John Ralls**. Ralls is pronounced “Rolls”, suggesting both his physical situation – rolling with the waves – and his academic training – rolling with the opinions of the others by considering, as he was trained to do, the pros and cons of their statements from a purely objective point of view.

In Professor **Ralls’s** view, individuals are not required to have any particular trait, moral or otherwise, or do anything. The assumption is that they should receive equal shares because they are all equally human. This assumption seems to be intuitively correct in many contexts: We should all have equal protection of the laws, the same number of votes in democratic elections, and equal rights as citizens.

Sister Inconsummata seems pleased by the idea of equal shares, as we would expect from a saint; Jude the Gourmand is obviously disappointed and seems to be losing weight; Preston Sturgeon the Champion is clearly unhappy; while Max and Lester are oblivious, too busy trying to solve the distribution problem directly by catching some fish to reflect on moral issues. They will have their say later on in the sequence.

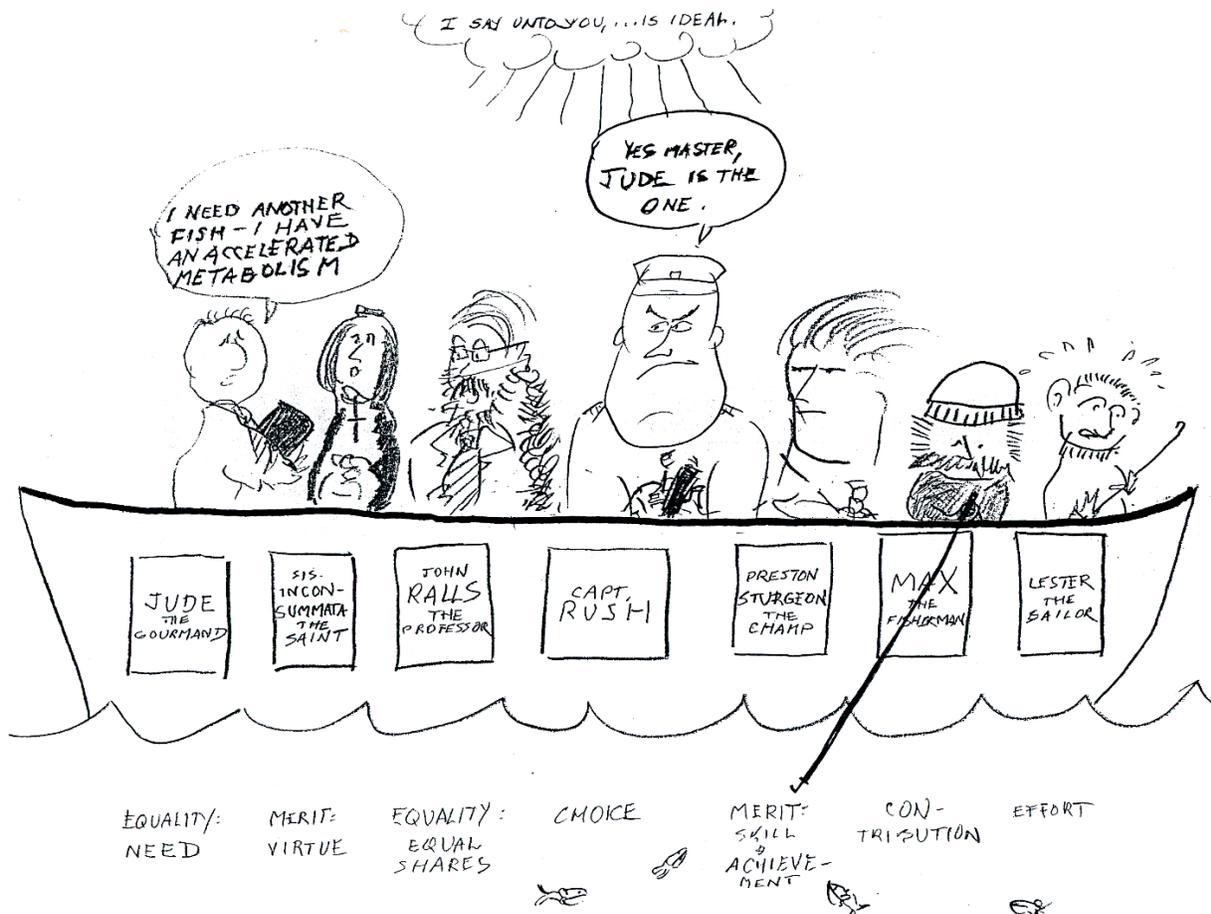


Figure 2. Equality as need. Captain Rush, the representative of economic distributors, is inspired to distribute resources according to the norm of equality as need, illustrated by **Jude** the Gourmand.

In Figure 2, Jude, who is a gourmand (as opposed to a gourmet), embodies equality as need. He is a character who loves to eat just about anything, which is due to a pathological condition: a metabolic abnormality beyond his control. The apparent sympathy of Sister Inconsummata and the obvious surprise of Professor Ralls indicates how others with other norms – virtue and equal shares – might plausibly react to the argument from need. Need is a profound equality norm. It represents burdens or deficiencies that differ among individuals. Individuals become equals when their needs are met. Our illustration shows how unobvious this principle is to many people: While the Sister seems sympathetic to **Jude's** supposed need (having been trained to respond similarly to any need), Professor Ralls seems alarmed, perhaps because need complicates the ideal of simple equality, or perhaps because he realizes that it would be very difficult under the circumstances to medically verify **Jude's** metabolism. The Olympic Champion, being a model of health and good looks, is typically dismissive of any physical abnormality. But what would it matter if **Jude** were lying, or misinformed? What if he were a gourmet rather than a gourmand? Would the norm of equality based on need be in any sense compromised? If the issue were lifesavers, and he were obese, it would be

obvious that he would deserve more than one. But here the case of need is not so easy to decide.

Meeting everyone's needs seems like an impossible task. This is the reason that philosophers argue that it is more plausible to meet basic needs for such goods as food, clothing, shelter, and medicine. This is the practice, for the most part, in social democracies: Governments use existing standards to define the needs they will meet (Miller, 1991, p. 262).

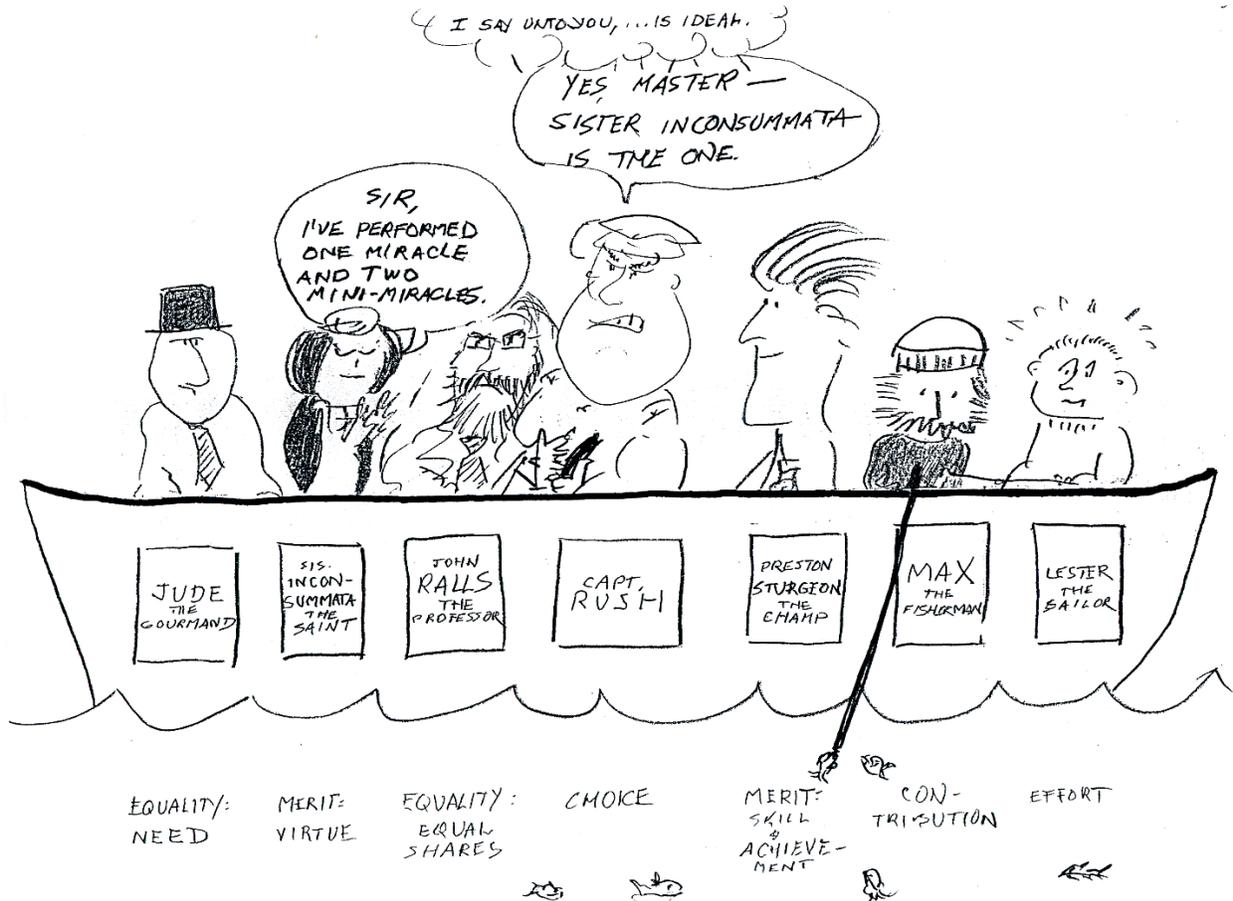


Figure 3. Merit as virtue. In this figure, Captain Rush is urged to distribute resources according to the norm of merit as virtue. The norm is illustrated by **Sister Inconsummata** the Saint.

Divinely designated saintliness is probably the most obvious example of virtue, although the term can also refer to the classical virtues of faith, hope, love, courage, or wisdom. It might also include more contemporary virtues such as generosity and conscientiousness. For pedagogical purposes, we have gone for the obvious in Figure 3: **Sister Inconsummata** with her churchly honorific. Her name reflects her appearance and attitude, both of which are not wholly of this world.

Basing economic distributions on virtue probably does not hold much appeal in the twenty-first century. There are also the practical problems of deciding upon the “correct” virtues and measuring them in order to make the distributions. Such qualms are expressed

in various ways by our cast and crew: Professor Ralls is starting to get angry, partly because he is being overshadowed by an ideology he would consider a mere shadow: theology. Captain Rush is none too happy either, but it is not clear due to his apparent direct conduit to God. Perhaps in addition to being a coward and a cigar-smoker, he is a womanizer who is repelled by the Sister's desiccated appearance. But after all, she is unconsummated. On the other hand, Preston the Champ seems pleased – recognizing a related form of merit, and perhaps secretly envious of a life devoted not to competition but to self-abnegation.

One perhaps fanciful interpretation: Perhaps **Sister Inconsummata** the Saint is promising another “mini-miracle,” this time on the model of Jesus feeding the multitudes. This possibility would probably carry the day in the pre-modern era, but today most professionals at least discount the possibility of miracles.

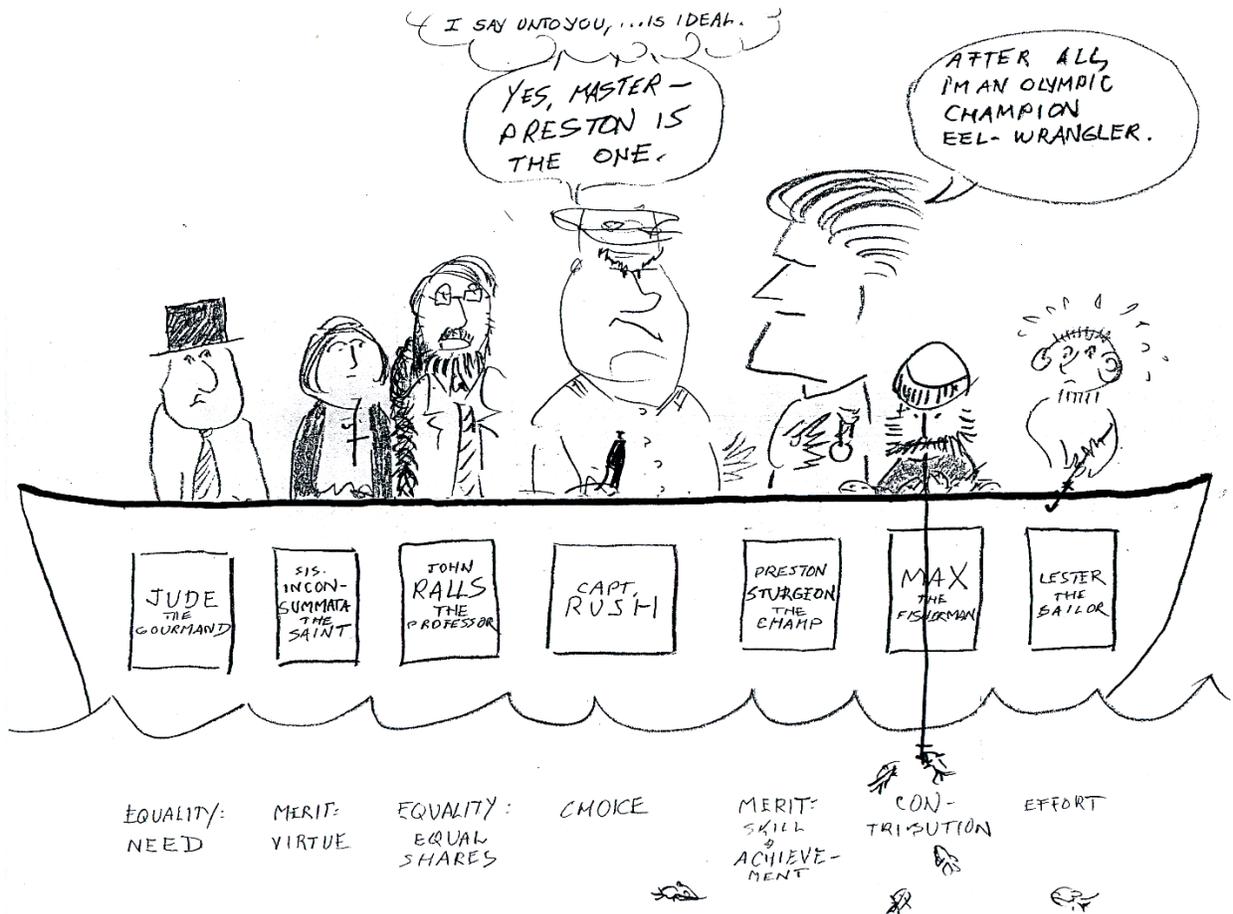


Figure 4. Merit as skill and achievement. This time, Captain Rush is commanded to distribute economic resources according to the norm of merit as skill and achievement. The norm is illustrated by **Preston Sturgeon** the Champ.

In Figure 4, our choice for the embodiment of this variety of merit is a handsome, confident Olympic eel wrangler, **Preston Sturgeon**. His position is more plausible as a principle for distribution than virtue alone, because of the element of skill. In fact, every time we present a resume for employment, we are asking a potential employer to give us a

job based at least in part on the skill we have developed in the past to do the current job. Merit as achievement is a familiar basis of desert. In this case, the focus is not on a person's character traits or skills but on what the person has done. People gain merit through sports contests, such as competing for a medal in the Olympics, or achievement in some other area of human activity, such as winning a Nobel Prize in science or Pulitzer Prize in journalism. We all recognize many kinds of academic achievement, such as getting a good grade on an exam or a degree.

Of course, not all the people on the boat are happy with this norm. Jude seems indifferent (low blood sugar?) and Sister Inconsummata seems blasé, but Professor Ralls seems especially perturbed. Is this personal, a case of one accomplished individual envying the superior accomplishments of another? Or does he simply think sports are superficial compared to scholarship? Max as usual is not impressed, perhaps because he understands the difference between catching fish and wrangling eels. Besides, he is very busy doing what he does best.

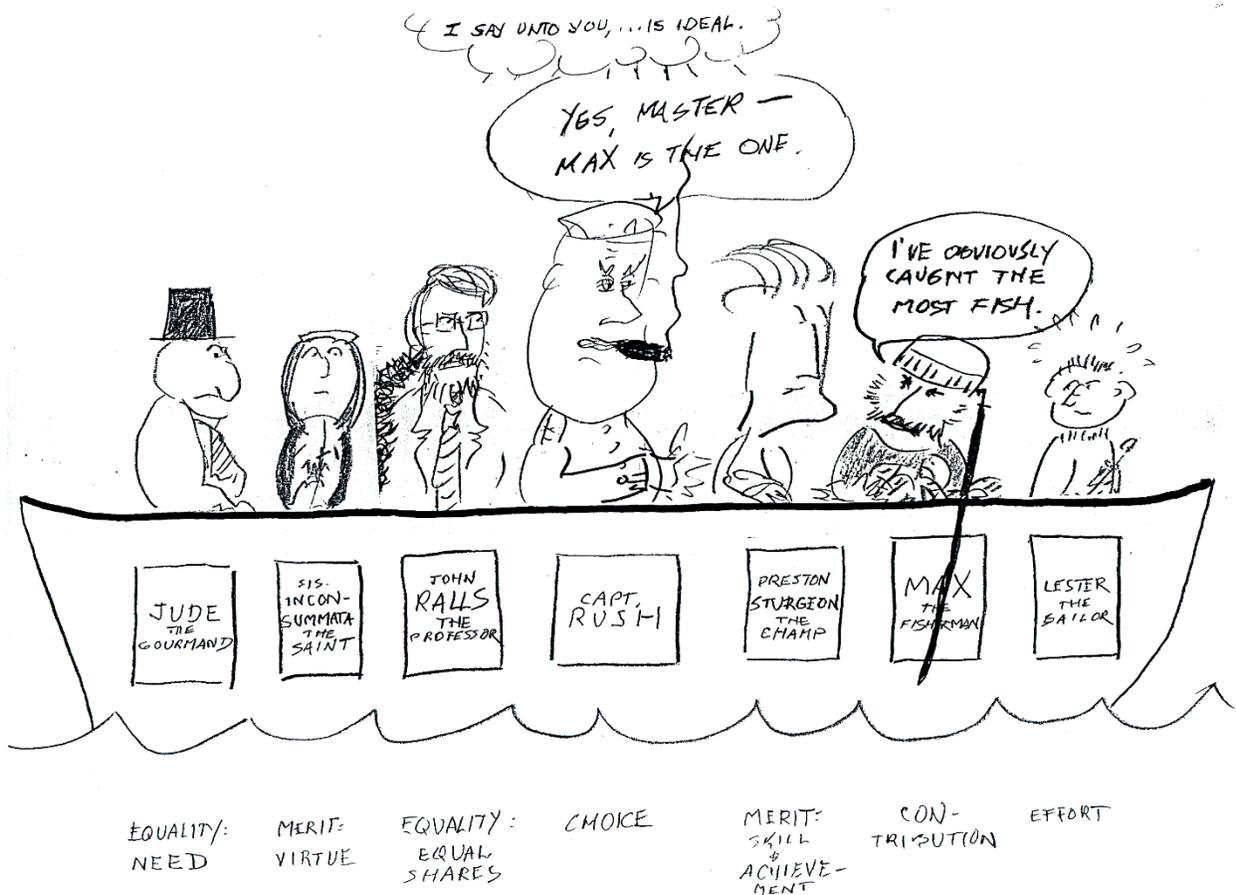


Figure 5. Contribution. Captain Rush receives an instruction to distribute economic resources according to the norm of contribution. **Max** the Fisherman illustrates this norm.

One basis of desert that is especially relevant to the workplace is contribution. To illustrate contribution in our imagined situation, we use **Max** the Fisherman in Figure 5, who, although he is not especially saintly, meritorious or attractive on any other grounds,

nevertheless seems to be getting the fish. Significantly, he refers to his norm as “obvious,” which could be due to several causes: his unsophisticated command of moral issues, his selfish personality, or his instinctive embrace of mainstream American values. Whatever it may be, he is clearly making an attempt to hoard his fish. Perhaps as a reaction to Professor Ralls’s request for equal shares. What does a professor, or a gourmand, or a saint, or even a captain or ordinary sailor know about fishing? And who has **Max’s** kind of luck? The fish seem to love him. We know that individuals are keenly aware of what they have contributed to a product or service, even if the contribution is not tangible. For example, a person might believe that sales would not be very high without his or her idea for marketing a product. We are also aware of the part we played in producing a tangible product or service: I added a significant part on the assembly line, I developed the annual budget for the company, I sold more shoes than anyone else in the store, I wrote a report, or I developed the curriculum for a college program.

Again, note the reactions of the others: While the Captain seems fairly satisfied (perhaps his training is kicking in here), the Sister seems to be having a brief moment of realism, the Professor is considering the merits as he always does, and the Champion is disturbed by his perception of the unfairness of the comparison between his past record and **Max’s** present accomplishment.

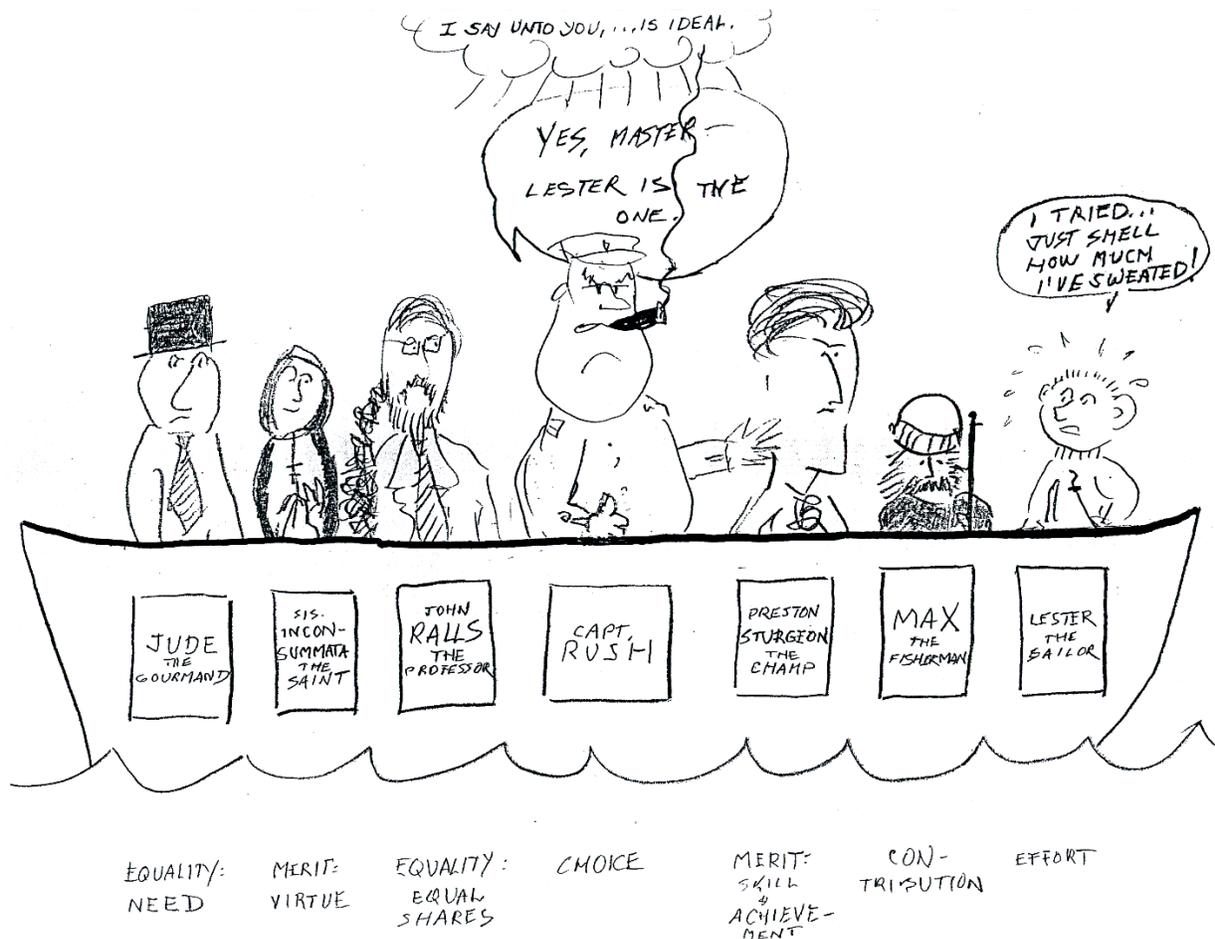


Figure 6. Effort. Captain Rush is commanded to distribute economic resources according to the norm of effort, which is illustrated by **Lester** the Sailor.

Effort is the other basis relevant to the workplace. In Figure 6, for effort without obvious contribution we have chosen a common sailor, **Lester**, who is plainly inferior to Max in catching fish and yet is genuinely devoted to doing his personal best. In fact, his concern for the distribution problem has been evident from the beginning: He was the one who posed the problem, and he has been “sweating it” from the beginning. In this case, effort refers to the time and energy devoted to work. At least one criterion of increases in salary or promotion should be how hard one works, and we are resentful, despite contributions, if someone who tries to do as little as possible receives more money or a promotion. Effort, however, is not exclusive to the workplace. Teachers are repeatedly confronted by students who say they should receive a better grade because they tried very hard. When it comes to allowances, parents are likely to hear the same plea from children. There are many places in our daily lives where effort and contribution are invoked in the distribution of some good, benefit, or reward.

Jude, the Sister and the Professor seem to be in a reflective mood, considering the value of his particular kind of merit. Even Champion Sturgeon does not seem especially upset. Effort is one of the merit norms that is *prima facie* conclusive to a great many people,

as anyone who has had to deal with students' tearful requests for an "A" for effort knows.

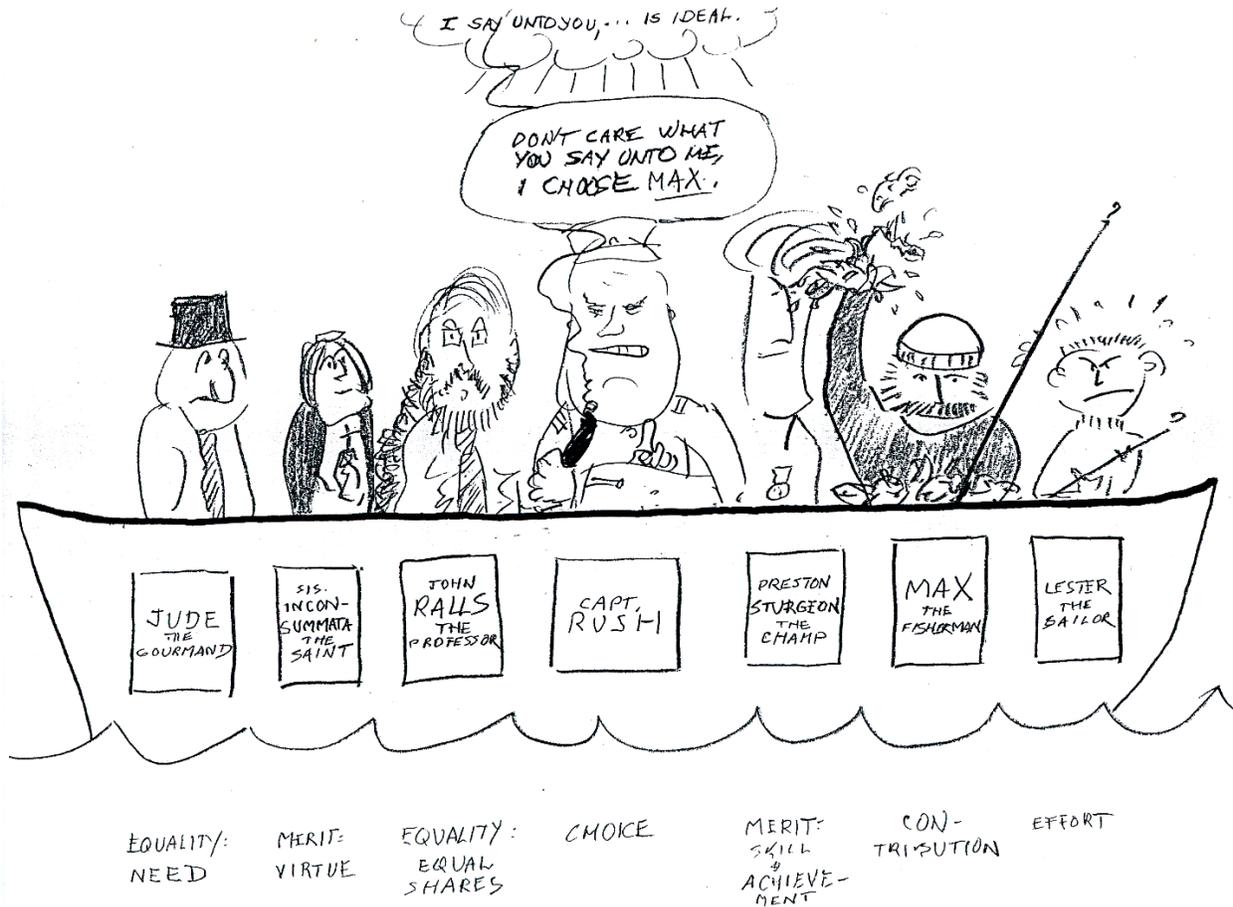


Figure 7. Choice. In this figure, Captain **Rush** disregards inspiration, instruction, or command from the outside and makes his own decision, which will likely be to distribute economic resources according to the norm of merit as skill and achievement or contribution.

As illustrated in Figure 7, choice is the final norm for consideration. Here we have imagined Captain **Rush** breaking away from all the other traditional norms, including their apparent origin from on high, to proclaim his own power of choice. In this libertarian perspective, owners, managers, and any economic actors who are in a position to make decisions about the distribution of economic resources and benefits are free to decide based on any criteria they choose. This means that an employer might decide to hire only the sexiest applicants. As a practical matter, employers probably would not use sexiness as the sole criterion because they would go broke if employees were sexy but unable to do the job. The employer most likely will try to base hiring decisions on merit as skill and achievement or contribution.

We note that while Jude the Gourmand is simply depressed, the Sister seems pleased, perhaps because of her training to tolerate the irrational. Professor Ralls seems surprised and a bit discombobulated, perhaps because of his training not to tolerate the

irrational. Captain **Rush's** choice might be motivated by his individualism, but the most interesting detail is the interaction between Preston Sturgeon and Max the Fisherman. Max is slapping his fish in Preston's face, but Preston doesn't seem offended. Perhaps this is because Max didn't do it on purpose, but if he did do it on purpose, we can assume that it can be put down to a combination of victorious enthusiasm and well-earned envy.

IDEOLOGICAL CONFLICTS IN SOME POLICY AREAS

In the rivalry between the individualist and collectivist conceptions of social justice, we can discern the basic pattern of ideological conflict between liberals and conservatives in arguments about just distributions. Liberals tend to assume the equality norms while conservatives gravitate toward desert. The libertarians' preference for choice conflicts with both the liberal and conservative norms, but when it comes down to formulating policy they tend to skew toward conservative norms on the assumption that those are the norms that are usually necessary to foster a thriving economy. Thus, for many economic issues, it makes sense to group libertarians and conservatives together at the right end of the political spectrum.

The basic pattern of ideological conflict is visible in irresolvable disputes in a number of policy areas. The most fundamental area is income. Assuming an equality norm, liberals argue that everyone should have a good-paying job. Such a job will make it possible to at least meet basic needs and probably some wishes and desires too. Good-paying jobs mean a higher level of consumer spending, which increases effective demand in the economy. In contrast, conservatives, who assume a desert norm, argue that jobs should be awarded on the basis of educational achievement and ability or contribution to the product or service. Guaranteeing everyone a good-paying job will only decrease motivation to work hard. Disregarding merit, contribution, and effort will also result in ineffective job performance. Businesses will be less successful and economic growth will slow down.

We see the same conflict between the norms of equality and desert in the area of education. Liberals believe that everyone should have a college degree, which will flatten the social pyramid. Higher education is fundamental to upper mobility. Increasing everyone's knowledge and ability, that is, social capital, will increase everyone's income and contribute to economic growth. On the other hand, conservatives believe that the level of education should be based on merit—ability and other traits like conscientiousness—needed to achieve a degree and upward social mobility. Conservatives do not think it is possible to equalize social capital because there are natural differences in individual ability. A college education will be wasted on many who will not be able to develop the knowledge and skill necessary to acquire the kind of good-paying jobs that liberals want for everyone. Simply having a college degree will not guarantee a high-paying job in a knowledge-based, high-tech economy.

Discrimination in employment is another volatile area of conflict between liberals and conservatives. In a well-publicized case, *Ricci v. DeStafano*, which has been called a "reverse discrimination" case, liberals and conservatives clash again over the norms of equality and desert. This is a 2003 case in which a group of white firefighters charged that the city of New Haven, Connecticut discriminated against them by discarding the results of a test for promotion. The white firefighters passed the test at a 50% greater rate than blacks. None of the blacks would have been promoted if the city accepted the test results.

The city of New Haven argued that promotion on the basis of the test results would have a disparate impact on the minority firefighters. The city also argued that the test results were not scientifically valid.

In a 5-4 decision, the Supreme Court ruled against the city, holding that “Fear of litigation alone cannot justify an employer’s reliance on race to the detriment of individuals who passed the examination and qualified for promotions.” The court’s reasoning aside, a conflict between the norms of equality and desert underlies differences of opinion about how the case should be decided. Liberals believe in the promotion of an equal number of blacks and whites. At least, the promotions should be proportionate to the percentage of whites and blacks in the New Haven community. Conservatives, on the other hand, would promote firefighters, white or black, on the basis of merit, that is, the score achieved on the test.

CONCLUSION

Teaching social justice is challenging because interpretations of the concept are essentially contested. There is no true or core meaning. A basic pattern of conflict between liberals and conservatives underlies a host of policy disputes. We have strong moral opinions about the norms of social justice, which is evident in the heated exchanges between liberals, conservatives, and libertarians. Policy disputes seem to be interminable and irresolvable, and the prospects for consensus are grim.

NOTES

¹ For a review of the literature on the use of cartoons in teaching, see Hammett and Mather (2011).

² See McCloud (1993) for illustrations of how words and images are combined to produce meaning.

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