1. Introduction

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1.1 TIMELINESS OF THE QUESTIONS OF JUSTICE

Over the last decades Europe, as a continent and as a political project,[1] has stumbled over a number of crises and has been faced with challenges that put into question the validity of justice ideals deemed constitutive of European values, the European Social Model (ESM) and European democracy. These challenges include: social and economic solidarity in and between nation states in reaction to the financial, economic and social crises lasting from 2008 to 2015; the growing socio-economic inequalities within and between European societies; the accelerating trends of economic and financial globalization, coupled with the flexibilization of the labour market and shrinking social protection, which pressure and ultimately alter European welfare states; the crisis of liberal democracy, marked by a rise in populism, a drift towards authoritarianism and attempts to dismantle the rule of law; rising nationalisms with their antiforeigner rhetoric and strong resistance to accommodating the soaring number of refugees; and – last but not least – a mounting global health crisis (sparked by the outbreak of the Corona pandemic at the outset of 2020) that suddenly exposes the fragility of individuals, societies and the nation-state institutional order.

In his recent 'Introduction' to the *Handbook on Global Social Justice*, Gary Craig (2020) reflects on the meaning of social justice in times of increasing inequality in multi-cultural and multi-religious nations by assuming that notions of justice change as political conditions change. This volume raises a similar question though from a different perspective; it takes a wider scope by not only analysing social (redistributive) justice but also recognitive and representative justice. At the same time, its focus is narrower due to its orientation on Europe instead of the globe. A central question posed in this volume revolves around the issue of how the various economic, social and political challenges may lead (or might have already led) to a reformulation of the ideals of justice as we knew it – its normative foundations, premises, scope and boundaries. Some of the pressing questions we ask include: What is just and what is unjust? Where does (in)justice start? Who is entitled to (what kind

of) justice? On what grounds? Who should secure justice and how? And – last but not least – what barriers to the realization of justice are there and what are their sources?

These questions are of great significance for the 22 per cent (or over 109 million) of Europeans living at the risk of poverty and social exclusion (Eurostat 2019), whose precarity – enhanced by the neoliberal spirit of 'responsibilization' – cannot be prevented or remedied by decimated public budgets and institutions (Shamir 2008; Schulze-Cleven 2018). They are also very relevant to the 38 per cent of the inhabitants of Europe who feel discriminated against because of their minority status and/or otherness associated with race, ethnicity, different cultural and religious belief systems, gender or disability (FRA 2017). And to the hundreds of thousands of refugees camping in Europe (Turkey, Greece, France and Italy).

At the same time, the questions of justice are of high pertinence to the European Union as an integration project founded not only on common economic interests and legal frameworks but essentially also on the assumption of a common history, common cultural heritage and above all common values (Treaty of Lisbon 2009). In this time of crisis and trial, Europe as an integration project has yet to prove its merit. The challenge lies not only in responding to its critics and addressing the strikingly contradictory reactions to the processes of Europeanization, but also in coming to terms with Europe's 'original sin' of being founded on contradictions, where respect and adherence to justice and human rights co-exist, and often blend, with their violations. Paraphrasing Habermas (2007), Europe could be in fact seen – just like modernity – as an 'incomplete' or 'unfinished' project, whereby justice is the result of ongoing struggles over rights (economic, social and political) as well as over the boundaries of inclusion and scope of participation. In the face of the recent crises, this project seems to be desperately in need of revisiting and strengthening (or rebuilding) its (normative) foundation.

This volume constitutes an attempt to answer, at least partially, some of the above questions in relation to justice in Europe. It is an outcome of a collaborative Horizon 2020 project 'Towards a European THeory Of juStice and fairness' (ETHOS).[2] In its essence, the project aimed to construct a, possibly specifically European, theory which is in tune with European values and reflects the achievements and shortcomings of the European integration process. Such a theory, according to Kochenov et al. (2015), has so far remained unarticulated. The main goal of ETHOS was thus to develop an empirically informed European theory of justice by: (1) refining and deepening the knowledge of the European foundations of justice – both historically based and contemporarily envisaged; (2) enhancing awareness of the mechanisms that impede the realization of the justice ideals that live in contemporary Europe; (3) advancing the understanding of the process of drawing and re-drawing of the boundaries, or

fault lines, of justice; and (4) providing guidance to politicians, policy makers, advocacies and other stakeholders on how to design and implement policies to reverse inequalities and prevent injustice.

The guiding premise of the contributions collected in this volume is that justice is not merely an abstracted moral ideal of universal reach, deduced from abstract (philosophical) paradigms or foundational legal frameworks, such as the European Convention on Human Rights (1950), the Treaty of the European Union (2007) and the Lisbon Treaty (2009), deemed binding for all (for example, as a deontological or teleological concept). Rather, it is a continuously re-enacted and reconstructed 'lived' experience, embedded in firm legal, political, moral, social, economic and cultural institutions, and reflected in public attitudes, discourses and individual experiences. Although a theory of justice and fairness may have roots in abstract moral principles of what is socially desirable and appropriate, in order to resonate with the 'here and now' and to form a realistic (and binding) reference for social and political praxis, it needs to take into account people's actual views of and attitudes towards what 'ought to be' as well as their experiences of what actually 'is'. Important here is the realization that (justice) principles are always historical constructs, embedded in particular conjunctures, as well as the fact that even the most concrete formulation of justice principles (for example, as codified 'rights') tells us very little about the 'practicalities of justice', that is, whether 'justice' is actually being done. Therefore, we take a conflict-based approach, whereby perceptions of injustice play a key role in the formulation of (collective) claims to justice as well as in the search for practical justice-seeking solutions. In analysing justice, contributions in this volume are led by the non-ideal theoretical approach to justice that starts from a diagnosis (what 'is', usually an *in*justice that can be identified[3]) and then unravels the structural and cultural problems underlying these injustices, the conflicting claims behind them and the various perspectives on how to overcome injustices. Therefore, we focus not so much on the articulation of an 'end-state' of perfect justice, but highlight instead the importance of incremental, 'transitional' improvements towards more justice in the real world (Sen 2010; see also Van den Brink et al. 2018; Chapters 3 and 12 in this volume).

1.2 COMPLEXITY OF IN/JUSTICE: BEYOND FRASER'S MODEL OF PARTICIPATORY PARITY

In order to cover – and simplify – the wide range of justice principles present in political philosophical traditions, such as equality, liberty and democracy, and the goals of the European Union (EU) – peace, well-being of citizens, freedom and security, combatting social exclusion and discrimination, pro-

moting solidarity among EU countries, and respecting Europe's rich cultural and linguistic diversity,[4] we make use of Nancy Fraser's tripartite distinction between justice as *redistribution*, justice as *recognition*, and justice as *representation* (1995, 1998, 2005, 2007, 2009) as a starting point of our theoretical and empirical investigations, complementing it with the capability approach (Sen 1999, 2010; Nussbaum 2000). Fraser conceives justice as *parity of participation*, which she defines as 'the condition of being a *peer*, of being on a *par* with others, of standing on an equal footing' (1998, p. 12, emphases in the original), and argues for a multi-dimensional approach that treats redistribution, recognition and representation as three primary, irreducible facets of justice that have broad independent application to addressing real-world injustices (Fraser 2009). While redistribution taps into (in)justices rooted in the *economic structure* of society, resulting in poverty, exploitation, inequality and class differentials, justice understood in recognitive terms is about *social status* and the relative standing of a person vis-à-vis others regardless of their gender, race, ethnicity, sexuality, religion and nationality, or any other axes of social differentiation (Fraser 2007, 2009). Recognitive justice implies absence of cultural domination, marginalization in the public space, cultural and social invisibility, and disrespect and disparagement in everyday life. Finally, representative justice taps into being put on an equal footing in political participation, which involves being included in a political community as well as being granted an equal democratic voice (Fraser 2009). Importantly, as noticed by Fraser herself, while analytically distinct, the various facets of justice are in real life interwoven in a complex and often tensioned way. They may mutually reinforce one another, that is, 'just' representation might be contingent on 'just' recognition and/or 'just' redistribution of resources that enable participation. However, in other cases the realization of some justice claims, such as identity claims, is likely to impinge on other claims and/or claims of other members of the community. Useful in analysing such conflicts is also the capability approach, originating in the work of Amartya Sen (1999; see also Nussbaum 2000), which views justice through the lens of a wide range of means that are necessary for people to function in ways that make their lives valuable; and which recognizes how individual opportunities and choices are historically and culturally determined, and contingent on the choices of others.

Rooted in European social and political theory and developed in the spirit of the 'non-ideal', the 'context-sensitive' approach in critical social theory of the Frankfurt School, Fraser's framework offers an outstanding social-theoretical tool for understanding real-world experiences of in/justice, as many chapters of this volume will testify. Yet, while useful as a lens in exploring the complexity of in/justice claims, Fraser's ideal of justice as *participatory parity* leaves room for additional normative and empirical approaches to (in)justice. Chapters in this volume demonstrate that while some forms or facets of justice

fit well into Fraser's tripartite categorization and/or Sen's capability approach (Chapters 8 to 10), there are also justice dimensions that go beyond Fraser's or Sen's conceptualizations, such as restorative justice, historical justice, epistemic justice or procedural justice (see Chapters 4 and 12). Moreover, the chapters on legal theory and the institutionalization of justice in legal frameworks (Chapters 5 to 7) demonstrate that Fraser's model seems unable to capture law as an important site and medium of in/justice. This might be due to the fact that her theory mainly focuses on the public domain, thus excluding private law; on participatory parity, thus not making personal liberty central (see also Scheuerman 2017); and on substantive and 'real' justice, while law and legal theory mainly deal with procedural justice and 'law in books' (Chapters 5, 6, 7 and 12).

1.3 JUSTICE AS LAW, RIGHTS AS MEANS TO SECURE JUSTICE?

Although law and justice are often bundled together, among legal scholars there is no agreement whether law should be informed by moral justice considerations or separated from those questions (Salát 2018; see also Chapter 6). Relevant here are also doubts whether it is at all possible to achieve justice through law, and if so, how and by whom, that is, through which processes and institutions (Herlin-Karnell and Kjaer 2017).

As discussed in Chapters 5 to 7, 'rights' constitute the legal vehicle for formulating and pursuing claims to justice in Europe (Douglas-Scott 2017) and beyond (Pogge 2013). Indeed, commitment to the protection of rights, which informed early European integration (see Chapter 5), found its expression in 1950 in the adoption of the European Convention of Human Rights (ECHR) that is legally binding on all Council of Europe Member States. It was further confirmed in the Treaty on the European Union (TEU) in 2007, in which 'respect for human rights' was declared a European value (Article 2) and 'fundamental rights' were acknowledged to constitute a 'general principle of the Union's law' rooted in the constitutional traditions of the Member States (Article 6). Also a number of other treaties and legal instruments – the Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), to name just a few – testify to the fundamental importance of human rights in the European normative and legal space.

Still, the relation between justice and (human) rights is not necessarily straightforward and/or unquestioned. Zygmunt Bauman, for example, dismissed the usefulness of the 'human rights' principle for the realization of social justice for its contribution to 'boundary wars' and the perpetuation

of differentiation and divisiveness' (2001, p. 141). Similarly, Sen criticized the 'human rights' framework for being 'intellectually frail – lacking in foundation and perhaps even in coherence and cogency' (Sen 2005, p. 151). Moreover, framing justice in terms of rights better serves some groups than others, depending on the status of the groups in question, the legal recognition and protection this status entails, and the moral grounds (such as needs, deservingness or vulnerability) upon which the protection is granted. Furthermore, enforceable legal rights seem better equipped to secure recognitive justice than to ensure representative or redistributive justice (Chapters 6 and 7). This disconnection of recognitive, redistributive and representative justice in the application of the human rights framework appears to be the major obstacle to achieving justice understood as Fraserian participatory parity. Blind spots regarding human rights seem particularly pertinent in the European multi-level legal order, where international law, EU law, national law and regional law overlap, and sometimes clash.

1.4 EUROPEAN JUSTICE?

Our focus on justice in Europe and European societies might seem a limitation, especially given the rapidly globalizing world, growing human interconnectedness and the widening range of possible agents of in/justice. It may also seem to go against the grain of budding 'global justice' approaches (Craig 2020; see also Chapter 2). However, Europe constitutes a very particular multi-layered site of justice. Formed by a common history, a shared normative core and a set of political and legal institutions that extend beyond national boundaries, Europe remains to a large extent a collection of nation states – each defined by (and defining for) its distinctive political community with its own (cultural) identity as the basis for recognition, shared rights and obligations of citizenship, and distinct path-dependent institutionalization of (in)justice. This multi-layered-ness, coupled with the blurring of boundaries between the 'ins' and 'outs' of justice (discussed in one of the following sections), and the co-existence, not always peaceful, of alternative ideals of justice, makes the study of justice in Europe not only (theoretically) interesting but also pressing.

Another reason to focus on justice in Europe, narrowed down for our research purposes to the EU, its Member States and accession countries that are (allegedly) bound by common normative and/or legal frameworks, is the growing social and political awareness of how the EU as a project has deviated from its normative ideals: democracy, recognition, respect for human rights and fundamental freedoms, non-discrimination, recognition of the special needs of vulnerable groups, solidarity, and – last but not least – social justice and social inclusion and integration.[5] For example, in its striving for a strong European internal market, the EU has allowed for a far-reaching transformation of the

social rights-based citizenship regimes, which led to the infringement of social and economic rights of European citizens (see Chapters 7 and 11). Thereby it decompactified Marshall's (1950 [1992]) model of citizenship, according to which social rights are indispensable for the ability of all citizens to fully exercise their political and civil rights. Furthermore, the decimation of social rights, in coincidence with the accelerated erosion of national decision making and the growing importance of supranational governance, seems to have resulted in the citizens' diminished sense of being protected and represented by the traditional (nation) state. This in turn has contributed to the reconstruction and/or strengthening of exclusive cultural identities and ethno-national egoisms, articulated through support for political movements and 'parties that base their political programmes on exclusion on ethnic, sexual orientation or religious grounds' (EPR 2015). Coupled with inadequate reactions of the Member State authorities to instances of hate speech and hate crime (EPR 2014, 2015), the popularity of such self-described 'patriotic movements' puts in question the normative strength of 'respect for human dignity' as 'the inviolable foundation of all fundamental rights' (LIBE 2015) and the core of European identity. Scrutinized against the grim reality, 'justice in Europe' could be thus seen as a 'concept in transition', an ideal that is currently being redefined to fit the new socio-economic, political and institutional order; a concept that is desperately in need of renewed reflection.

There are at least two approaches to understanding and studying 'justice in Europe' (Rippon et al. 2018). First, by treating 'justice in Europe' as an object of study, where Europe constitutes a 'site' of justice, a concrete spatial and institutional location where justice and injustice take place. All of the empirical studies in this volume (Chapters 5 to 11) focus on justice in European states and institutions, investigating the degree to which the ideals of redistributive, representative or recognitive justice actually 'live' in those states and institutions. Together our contributions show how the relevance of different justice principles varies between European societies, reflecting their unique histories, values, legal traditions and the political philosophy that guided their development as modern (welfare) states. The various chapters also demonstrate how 'justice as praxis', embedded in national laws, policies, discourses and institutional practices, even if informed by (and constitutive of) the common European discourse, may result in divergent outcomes, determined, for example, by the country's economic and political position (Chapters 6, 10, 11 and 12). They show as well that ideas about justice vary not only between but also within European societies, that is, within their legal systems, between different institutions of social life and/or different population groups.

Second, 'justice in Europe' can be approached as 'the particular, *sui generis* character of the European legal and political order' (Rippon et al. 2018, p. 26). As noted by Rippon et al., '[t]o the extent that European institutions are

unique, the evaluation of their normative significance – and particularly the extent to which these institutions help to realize justice (or, conversely, sustain or promote injustice) – will be a particularly European vision of justice' (2018, p. 26). In the current volume, the *sui generis* character of 'justice in Europe' is explored in chapters focusing on the institutionalization of justice in the European legal order (Chapters 5 to 7). The general conclusion with respect to the EU as a site and agent of justice points to a discord between the normative ideal and the social and political praxis. As argued by Trudie Knijn and colleagues (Chapter 14, p. 247):

> Both the EU and the national governments of the Member States created a perfect vacuum of irresponsibility, in which they can blame each other for most of the perils those residing in the EU face. This suggests that Europe is characterized by justice *in default*. Justice values and norms are present in the official rhetoric, less so in practice.

1.5 JUSTICE AMONG WHOM?

One of the basic questions addressed in ETHOS and several contributions to this volume relates to the question of the boundaries of justice, or what philosophers call the 'scope of justice'. Most theories of justice (implicitly) deal with justice relations among people belonging to a single political community – usually a nation state. 'Membership [in a political community]', claims Michael Walzer, 'is important because of what [its] members … owe to one another and to no one else, or to no one else in the same degree' (Walzer 1983, p. 64). However, with enhanced globalization of markets and finance, war refugees at Europe's borders, internal European mobility and shifting sources of belonging, the distinction of who is 'in' and who is 'out', while vital for (non-)realization of justice, is increasingly difficult to draw. The growing incidence of double and multiple citizenships co-exists with rising statelessness, and the category of (non-)citizen – embedded in various sub-state, cross-state and supra-state political communities – becomes increasingly multi-layered (Anderson et al. 2014; Yuval-Davis 2011). As a result, access to primary social goods such as rights, opportunities and the social basis of self-respect differs substantially not only per country but also according to the status of individuals as national citizens, European citizens, citizens of an associated country or citizens of a (particular) third country (Anderson et al. 2014). Crucial as well is the emergence of alternative identity-based sources of belonging (for example, as a member of a specific cultural collectivity or unbounded cosmopolitan), which further complicates the traditional 'in-or-out' division based on formal membership (Yuval-Davis 2011), especially as neither the inclusion of all of

the formal community members nor the exclusion of all of the non-members is absolutely identical.

In this volume, questions about the nature and normative basis of the boundary drawing that defines the 'ins' and the 'outs' of justice are tackled in Chapter 8 by Bridget Anderson, which zooms into the experiences of the Roma to problematize the legal status of citizenship as institutionalized in European nation states, and in the integrative Chapter 14 by Trudie Knijn, Jelena Belic and Miklós Zala, which synthesizes findings of various ETHOS studies on boundary drawing across various spheres of social life.

1.6 VULNERABILITY AND JUSTICE

While vulnerability is considered one of the crucial justice concerns, its meaning and consequences for the realization of justice is frequently contested. On the one hand, vulnerability is understood as 'a universal, inevitable, enduring aspect of the human condition' (Fineman 2008, p. 8). Within this approach, everybody is vulnerable, if not actually then potentially. On the other hand, as noted by Butler, 'precarity is not simply an existential truth'; it is 'lived differently' (2015, p. 20) by different social groups, co-determined by their social location and/or position vis-à-vis other social actors. Thus, while constituting a fundamental feature of human existence, it is also connected to personal, economic, social and cultural circumstances within which individuals find themselves at different points in their lives. Certain social categories – frail older citizens, persons with disability, migrants and members of ethnic minorities, youth and women – are thus often (classified as) more vulnerable than others; and their vulnerability is frequently exacerbated by intersectionality (Chapter 13).

Since the concept of vulnerability carries a particular moral weight, it implies both a need and a moral obligation to take action (Goodin 1985). People or groups defined or seen as 'vulnerable' are often prioritized in the allocation of redistributed resources and/or protection (Brown et al. 2017; see also Chapter 6). However, linking vulnerability with specific social categories and/or situations (like phases in the life-course or adverse circumstances) may have detrimental effects for social justice. First, it may lead to 'naturalization' of vulnerability, for example, when some people are considered 'naturally' more vulnerable than others (Brown et al. 2017), or when vulnerability is considered pathogenic, as in the case of 'morally dysfunctional or abusive interpersonal and social relationships and socio-political oppression or injustice', or in special cases when attempts to alleviate someone's vulnerability result in 'the paradoxical effect of exacerbating existing vulnerabilities or

generating new ones' (Mackenzie et al. 2014, p. 9). Undeniably, as noted by Butler (2015):

> no one person suffers a lack of shelter without there being a social failure to organise shelter in such a way that it is accessible to each and every person. And no one person suffers unemployment without there being a system or a political economy that fails to safeguard against that possibility … in some of our most vulnerable experiences of social and economic deprivation, what is revealed is not only our precariousness as individual persons ... but also the failures and inequalities of socioeconomic and political institutions. (Butler 2015, p. 21)

Second, considering 'vulnerability' in 'situational' terms may lead to the 'stigmatization' of vulnerable 'populations', which are then 'associated with victimhood, deprivation, dependency, or pathology' (Fineman 2008, p. 8), evaluated along the criteria of deservingness and/or risk, denied agency and voice, and subjected to social control (Brown 2011, 2014; Brown et al. 2017). In such a case, 'vulnerability' may in fact become a mechanism for impeding injustice, as analysed in Chapter 13 by Trudie Knijn and Başak Akkan.

In this volume, the concept of vulnerability is explored in Chapter 3, which examines the significance of the concept of vulnerability for theorizing justice in the real world. Further, in some of the empirical contributions (Chapters 8 to 11), the specific theoretically fed ideals of justice and ways of understanding justice are scrutinized from the perspective of vulnerable populations. This explicit focus on the experiences of 'the vulnerable' constitutes a conscious attempt to escape the danger of overemphasizing the already dominant claims while neglecting the less obvious sources of harm and less visible claims to justice. It also allows us to position vulnerable groups as ethical and political subjects, and a source of justice norms. The various contributions explore the perspectives of ethnic and religious minorities, but also other marginalized populations, such as women, the young and the old, poor people and people with disabilities. Since claims to justice may be determined not only by the characteristics of the individual or the group formulating the claim (members versus non-members of a collectivity), but differ as well per sphere or domain of justice (for example, political freedom, freedom of speech and participation, security and welfare, care and work), our investigations touch upon distinct realms of social life: education (Chapter 9), care (Chapter 10) and labour market (Chapter 11) as well as the questions of mobility and citizenship (Chapter 8).

In their unique ways, each of the empirical studies presented in Chapters 8 to 11 problematizes the notion of vulnerability and exposes the working of the cross-cutting, often mutually reinforcing, vulnerabilities. By emphasizing differences between the various sub-categories of 'the vulnerable', each with their unique needs, identities and preferences, the authors of those studies

draw attention to the constructed nature of the notion of 'vulnerability' and the injustice inherent in the (implicit) treatment of the various 'vulnerable groups' as a generic social category. They also show how categorization into specific (allegedly vulnerable) groups enhances vulnerability (and injustice as misrecognition) through stigma. At the same time, all of the contributions testify to the universality of vulnerability as the human condition in the face of which certain classifications and distinctions, such as between 'citizen' and 'migrant' or 'dependent' and 'independent' prove essentially irrelevant: under specific circumstances all of us are vulnerable regardless of our (formal) status. Next, they demonstrate how the category of 'vulnerability' presupposes the existence of a normatively preferred *modus vivendi*, governed by neoliberal ideals of self-sufficiency, responsibility and *in-* rather than *inter*dependence (see Chapter 10). Those results resonate with the observations by other scholars (Fineman 2008; Butler 2015; Brown et al. 2017). Finally, all of the empirically based chapters demonstrate how socio-economic and political institutions, through policy failures, negligence and inadequate institutional practices, create or enhance 'vulnerability' of various social categories – mobile citizens, minority children, frail older citizens, persons with a disability, (female) carers and young workers. In Chapter 13 that classification is further explored as a mechanism that impedes injustice. Indeed, as observed by Butler, 'none of us acts without the conditions to act' (2015, p. 16). At the same time, however, the numerous examples of resistance and coping and attempts to redefine the dominant discourse prove that a conceptualization that reduces 'the vulnerable' to mere 'victims' of circumstance and state (in)action constitutes a harmful simplification and is in itself an act of misrecognition (see Lepianka 2018; Chapters 11 and 13).

1.7 CURRENT VOLUME

All of the chapters in this volume reflect ETHOS research efforts. The book starts with a number of theoretical contributions that discuss how justice is approached and conceptualized in the academic disciplines included in the project: philosophy, legal studies, social and political science and economy (Chapters 2 to 4), followed by empirical studies of the European legal framework that sets the foundation for the realization of justice (Chapters 5 to 7) and studies of how justice and injustice take form 'on the ground', within the realm of experience of those deemed 'vulnerable' (Chapters 8 to 11). The volume ends with three integrative chapters reflecting on the applicability of Fraser's tripartite approach to justice in contemporary Europe (Chapter 12), mechanisms that impede justice (Chapter 13) and boundaries of justice (Chapter 14). Set in the tradition of non-ideal theorizing, all of the chapters in this volume take a critical stance. They problematize not only the issue of justice but also

the notion of vulnerability, questions of the relationship between justice and law, and Europe, the EU and its Member States as sites and agents of justice. Moreover, as seen especially in Chapter 4 and Chapters 12 to 14, the bridging of the empirical 'is' with the normative 'ought' is informed (and complicated) by different academic disciplines: political philosophy, sociology, law, economics and political science, each of which approaches and conceptualizes justice in a distinct, sometimes contrasting, manner. Such interdisciplinary approaches to studying justice are scarce (but see Sabbagh and Schmitt 2016; Roberson 2018). Most academic studies on justice rely either on normative philosophical theories (especially Rawls 1971 [1999]; but also Honneth 1996; Fraser 1998; Walzer 1983) or psychological theories (see, for example, studies by Tyler 1997; Kay and Jost 2003; Pettigrew 2004), while most sociological, economic and legal studies assume but do not problematize the concept of justice. The interdisciplinary approach of this volume can be therefore seen as rather innovative, just like the approach to studying justice in its interdependence between the ideal and the real, the normative and the practical, the formal and the informal – all set in the highly complex institutions of modern European societies.

NOTES

1. In this volume, we understand Europe in the broad meaning as the continent involving 47 countries that are members of the Council of Europe and in its narrower definition as the European Union with its 27 Member States. This distinction is relatively unimportant for our theoretical framework as presented in Chapters 2 to 4, nor is it crucial for the challenges European countries meet in dealing with vulnerable populations or for the analysis of political and media discourses concerning these populations. The distinction is, however, crucial for understanding the legal and institutional order and practice of justice. While the European Union intends to be – or become – a semi-supranational entity, the Council of Europe has a looser aim and structure, mainly oriented at a combination of economic exchange and human rights.
2. The ETHOS project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No. 727112.
3. One of the biggest challenges we are confronted in ETHOS is the implicitness of justice. While people tend to have strong ideas about what is unjust or unfair, they do not necessarily find it easy to say what is just (see, for example, Simon 1995). This is related to the empirical, temporal and psychological appeal of injustice and its call for the immediate eradication of the negative (Simon 1995). However, trying to understand ideas about justice via studying grievances is not unproblematic: injustice is not necessarily the opposite of justice and absence of injustice does not imply justice (Shklar 1990; Simon 1995). In fact, injustice has its own dynamic quite independent from justice. Moreover, paraphrasing Wolff (2015), there are many different ways of avoiding injustice, or – in other words – there are many different ways of doing justice in response to, or in avoidance of, a specific grievance.

4. https://europa.eu/european-union/about-eu/eu-in-brief_en, accessed 24 January 2020.
5. REPORT on the situation of fundamental rights in the European Union in 2015 (2016/2009(INI)) Committee on Civil Liberties, Justice and Home Affairs Rapporteur: József Nagy; Council of Europe (1995) *Framework Convention for the Protection of National Minorities and Explanatory Report*. H (95)10. Council of Europe: Strasbourg; see also Advisory Committee on the Framework Convention for the Protection of National Minorities (2008) *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs*. ACFC/31DOC(2008)001. Council of Europe: Strasbourg; Committee of Ministers of the Council of Europe (2016) *2.4 Action Plan on Building Inclusive Societies (2016–2019)*. CM Documents CM(2016)25. Council of Europe: Strasbourg.

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