

ETHOS Newsletter

ETHOS Project
Newsletter 05/2019
Special POLICY Edition



1. What is ETHOS?

ETHOS is a multi-disciplinary research project funded by the European Commission under the Horizon2020 programme. The ETHOS project seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. In the project, we strive to refine and deepen our understanding of justice, in order to answer questions about: What is 'justice'? How is justice understood and experienced? Who is entitled to justice? Who is responsible for securing justice?

The project will inform a wide range of stakeholders about different understandings and experiences of justice with a view to supporting attempts to reverse inequalities and to promote justice.

Six institutes work together on [“themes”](#) (or thematic focal points). ETHOS is coordinated by the Utrecht University (the Netherlands) and has partners in Austria (European Training and Research Centre for Human Rights and Democracy, Graz), Hungary (Central European University, Budapest), Portugal (Centre for Social Studies, Coimbra), Turkey (Boğaziçi University, Istanbul) and the UK (University of Bristol).

ETHOS is a 3-year research project which started in January 2017 combining the disciplines of philosophy, social policy, sociology, law, economy, and political science.

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2. On the integrated Theory of Justice and Fairness in Europe

During the course of three years, the ETHOS project aimed to develop a European Theory of Justice and Fairness without privileging any particular theory of justice, set of values, or any particular beliefs by seeking building blocks founded in what is already implicit in European cultural heritage, attitudes and practices. I did so by weighting normative and theoretical assumptions and experiences of vulnerable and marginalized populations in a deliberative, constantly evolving process. In other words, the ETHOS project seeks to investigate, understand and synthesize the diverse experiences of justice in Europe into an integrated theory, that is nonetheless reflective of the dynamic and ever-changing process underpinning justice experiences.

Keeping this in mind, one of the major tasks of the ETHOS project is to bridge the gap between empirical and theoretical work. The empirical component of the project has been completed, culminating in dozens of country studies on the economic, political, social and legal domains of justice in six countries. At the same time, comparative reports have provided overviews over commonalities, differences, unique experiences, and their relation to justice. All this work is underpinned by a breadth of philosophical and theoretical papers, which provided the basis for analysis along the parameters and background of justice.

When turning to the question of how this applies to the real world, yet another dimension is added: how to bridge the gap between empirically informed theory and policy practice?

The ETHOS project already began with a comprehensive view of justice, best exemplified by Nancy Fraser's three-dimensional model of justice. This model conceives justice as occurring in three spheres: (re)distribution, representation and recognition. Beyond Fraser, justice takes many more forms and can be viewed through many more different lenses, including capability, restorative justice, procedural justice, and many more. In the project we quickly found that all justice spheres are intersecting, intertwined, and relational meaning they influence each other, and can be both mutually inclusive and exclusive.

Against this backdrop, the final stages of the project saw the challenge to devise concrete and realistic policy-recommendations for stakeholders in Europe. These policy recommendations should on the one hand build on the empirical findings of the project, and on the other hand remain true to the dynamic and reflexive philosophical foundations (as were outlined in the previous newsletter). These policy recommendations and "practical" aspects are vital to our European Theory of Justice and Fairness - after all, a theory on justice alone will not influence discourse or practice by itself.

During this last year the ETHOS project was able to develop concrete policy recommendations that acknowledge these boundaries, fault lines and grievances, and that reflect the various interrelated and intertwined (in)experiences of justice. We want to highlight the nuanced and differentiated character of justice and provide tools to help overcome barriers to articulating justice claims. By developing our European Theory of Justice and Fairness, we hope to contribute to a Europe that is doing better than “largely holding together”.

This newsletter seeks to explain – in simple terms – the developments surrounding the development of policy recommendations, and how they tie into the integrated European Theory of Justice and Fairness in Europe.

3. From philosophical theorizing to policy inputs

The previous [ETHOS Newsletter: Special PHILOSOPHY edition](#) explained that in creating a theory of justice and fairness, a fundamental problem had to be bridged: how to combine empirical findings, which reflect *what is*, with normative assumptions and ideals about justice that constitute an *ought be* situation? Several aspects surrounding this problem emerged, including the question of how to formulate policy proposals and inputs that are reflective of real-world problems, but at the same time seek to prescribe methods and areas for action based on some ideal vision of what is just and what is unjust.

These considerations and the research that ensued gave rise to the use of a heuristic framework inspired by the philosophical process of reflective equilibrium. The process of reflective equilibrium, understood in this context as constituting the building blocks for the integrative theory of justice and fairness, consists of three components that bridge the gap between philosophical, theoretical and empirical findings in the project. This, in turn, sets the groundwork for the policy recommendations as it allows a move away from prescription à la “*for X to work, Y must be done*”.

The first component characterizing the heuristic framework includes drawing on the attitudes, beliefs and experiences of marginalized groups. These are crucial to formulating an empirically informed European theory of justice. Indeed, considering these beliefs can itself give insights on new justice claims and understandings, which in turn drastically influence normative assumptions about justice altogether.

Second, the heuristic framework makes use of “Real World Philosophy”, a framework of philosophical thinking that considers and identifies cases of “manifest injustice”. These cases, real-world realities, provide the basis and gap for tangible reform and intervention. In other words, those injustices that manifest highlight where interventions are possible. This is crucial to the formulation of policy recommendations.

Third, the heuristic framework works with ideal type analysis. An ideal type analysis is a frame of reference that can be used to diagnose real world inconsistencies. At the same time, it acts as a lens for integrating and interpreting these realities. Ideal types for analysing justice issues and making recommendations is beneficial because ideal-types can be contrasted against normative demands of justice, and they can be the basis of policy recommendations that prescribe certain reforms as the way to pursue more coherent policies in line with a particular ideal-typical approach to understanding justice.



4. Real world remedies for real world problems

By using a framework of reflective equilibrium and moving away from prescriptive notions, a new form of policy recommendation can emerge. These recommendations are not absolute but rather provisory: *“reform X would further the ideal type of justice of representation”*. Or, *“reform Y would take us further from the ideal type of justice as recognition”*.

While this may seem simple, there are two vital factors to consider: first, these recommendations are the synthesis of three years of theoretical and empirical research, meaning that they are in fact complex idealizations of this vast body of research. Second, this very research is original and innovative, multi-disciplinary and including the voices of a multitude of actors. In this sense, throughout the project the focus was put on justice as a *lived* experience of vulnerable and marginalized populations. Policy recommendations formulated in such a provisory manner reflect this background.

At the same time, the real world philosophy approach helps consider and identify instances where injustice and unfairness are manifest, and think about the types of practical reforms that could help alleviate these - even if there may be no consensus on how these justices are to be understood. This allows for alliance-building without the need for agreement - in other words, injustice is what unites people in their experience, not their interpretation of how to make sense of the justice. The same is then true for remedies - people are united by having their unjust experiences remedied without having to necessarily agree on what the best possible society would look like.

Against this backdrop, policy recommendations were drafted for four work packages and explicitly touch on justice and the law, political and media discourses on justice, social rights, and economic rights and related struggles against (in)justice.



5. Policy recommendations

‘Mobilizing European law for a More Just Europe: Challenges and Opportunities’ – by Marie-Pierre Granger, Orsolya Salat, Tom Theuns

The Policy Brief shows that there is significant value in carrying out comparative legal analyses through justice lenses, as this casts light on different conceptions of justice institutionalized in laws in Europe, and the diverse legal treatment of injustices. The rules regulating relations between different, overlapping and interacting, legal orders, litigation strategies, and the framing of justice claims as enforceable legal rights, are not neutral for substantive justice outcomes. These legal dynamics do not benefit all types of justice claims and ‘vulnerable’ groups equally. national frameworks for the elaboration and implementation of the relevant policies increasingly give way to local regulatory frameworks, which further narrow the scope of justice. EU and national policies and legal rules increasingly allow, and even call, for the participation of private actors (business, NGOs, churches) in the setting and implementation of justice goals. Justice claims, when processed through legal norms and judicial systems, tend to focus on procedural and institutional aspects, in particular when substantive justice ideals are contested.

The Policy Brief recommends seven aspects for strengthening justice in Europe:

- fostering procedural and institutional justice
- leveraging EU legal competences to promote justice
- addressing the mobility component of (in)justice
- reinforcing the ‘social’ component of the Impact Assessment (IA) of EU regulatory activities
- monitoring member states’ ‘justice’ performance by including affordable housing and inclusive education in a European Social Scoreboard
- developing a ‘justice informed’ assessment and strategic frameworks, in implementation of the European Pillar of Social Rights
- better directing the EU redistributive and fiscal capacity.

‘Lessons from studying the discourses of justice and fairness’ – by Dorota Lepianka

Public discourse – political and media discourse in particular – is of paramount importance to the design, implantation and public legitimation of policies. Through the media, politics is able to direct public attention toward some and away from other objective or putative condition and thus contribute to a specific rank-ordering of ‘social problems’ that demand public attention. On the other hand, media may constitute an important outlet for popular discontent with existing policies and practices. Various stakeholders may also mobilize media, and/or public opinion via media, for strategic advantage, for example, during electoral campaigns or periods of important social reforms.

In our research, it was found that there is a fundamental difficulty in defining justice and ideas about justice are often implicit. In discourse per se, various types of grievances are interwoven, which form complex and pluralistic models of justice. These multilayered tensions may impede the realization of justice. At the same time, there is difficulty in defining the 'scope' or boundaries of justice. A common trend that was identified in media discourses is grievances related to reverse discrimination (the majority population feeling minoritized). Such grievances are often path-dependent, rooted in the history of inter-group relations. It also became evident that political and social actors use discourses rather eclectically, selectively drawing from different and sometimes contesting frames.

The Policy Brief recommends five aspects for strengthening justice in Europe:

- to challenge the belief that some forms of injustice are natural and their reproduction is inevitable
- to develop awareness of the complexity of justice and the entwined nature of justice claims
- to identify justice related tensions in order to resolve them or accommodate them
- to engage in design of tailored made measures that would accommodate human diversity
- to facilitate dialogue & search for commonalities in the process of deliberation, including in particular measures that would facilitate building grass-roots alliances and connections

'Learning from the unrecognized' – by Trudie Knijn

Existing interrelationships between the three forms of justice distinguished prevent vulnerable populations to simultaneously express needs, claim rights and an own identity and act as autonomous agents. The de-institutionalisation of care as embedded in national, regional and local practice affects the availability and accessibility of care services with consequences for people in need of care. Care in Europe lacks recognition as a public good. At the same time, being acknowledged as a person in need of care goes at the risk of being denied agency while being acknowledged as an independent agent may implicate being deprived of care. Dependency is mainly articulated in relation to the state and public resources while family dependency is an ignored dependency or even a presented as independency. Newly introduced and regulated forms of care work, such as cash-for-care systems, the personal assistance model as well as the system of bidding for care contract are based on precarious work relations.

Several aspects for each justice type were identified to strengthen justice in Europe:

- There is a need for publicly subsidized good quality facilities for home care and residential care that are suited for every stage and form of care need of disabled and/or elderly persons
- Starting an EU wide campaign for introducing a stepwise, needs-based and affordable care system
- Workers should be paid according to their qualification levels for care work
- The EU should harmonize and regulate the market of mobile care workers

- Recognizing and clarifying the meaning of 'interdependency' is crucial for policies that acknowledge agency of people in need of care, avoid reduction to one aspect of people's identity, combat stigmatisation because of disability and/ or old age, and redistribute resources to people in need of care
- The taboo on being in need of care should be broken down
- Care work as the right to *give* care must be incorporated in the EU's social and labour market policies
- Trade unions and political parties should promote common interests of native born and migrant workers, of workers with different contracts, and of (in)formally employed workers
- the voices of elderly and/or disabled persons in search for a good quality residential setting/home care or a good should be strengthened

'Struggles for justice' – by Maria Paula Meneses, Sara Araújo, Barbara Safradin, Laura Brito

This Policy Brief seeks to contribute to the question of how the European barriers to economic equality between countries and people shape both institutional and non-institutional struggles for social justice. It was found that the crisis and austerity measures did not hit all citizens in the same way, neither did the "one size fits all" character of the austerity and structural adjustment reforms. European countries were affected by the 2008 crisis in different ways, and also started from different starting points in terms of economic growth and social policies at place, and went through different austerity levels and structural adjustment measures. Some groups were particularly affected by the economic crisis resulting in distributive injustice, including women, (non-Western) migrants, older people, younger people, people with disabilities, and Roma.

Several aspects were identified to strengthen justice in Europe:

- The European Social Model must be consolidated by democratizing democracy
- Policy-makers must recognize the struggles against patriarchy and colonial, euro-centric prejudices in creating policies to enhance redistributive or representative justice. EU policymakers open up to different voices and if vulnerable groups can represent themselves
- social rights enshrined in the EU Charter that have the legal status of principles should become enforceable rights and have the same equal status as civil and political rights, allowing individuals to invoke them before Courts
- more awareness on the use of the EU Charter in the judicial domain should be created, particularly when it comes to the application of this instrument by national judges;
- the EU should prioritize the EU's accession to the European Social Charter to better integrate its internal market rational with its social dimension
- Fair labour relations can only be raised by listening to the voices of less powerful parties and by accommodating conflicting interests

6. Engaging stakeholders at the final ETHOS Conference in Graz, Austria

During the project, we worked with a breadth of different stakeholders including, but not limited to, media representatives, civil society and interest representatives, vulnerable groups, policy makers, academics, and the general public. One of the biggest challenges is to “bring justice” away from only being discussed within the project, to open the discussion, and to engage in a fruitful back-and-forth similar to the reflective equilibrium described above. Particularly now, in the final stages of the project, we asked ourselves how to share our inputs with those stakeholders outside our project, who are engaged with the topic of justice in one way or another every day. On the one hand, it is important to share ETHOS findings. On the other hand, it is crucial to make heard the voices of experts, to take into account their expertise and experiences, and to unite the two.

To solve this challenge, we chose to give life to the idea of reflective equilibrium by setting up a platform for exchange, in which all stakeholders can come together and deliberate.

In this vein, the final ETHOS conference, held in Graz, Austria on November 14 and 15, will feature a large-scale discussion with stakeholders from policy, media and beyond, with the goal of engaging these stakeholders in dialogue with each other. The discussion itself is modelled after the “fishbowl” discussion method, with sees a constant fluctuation of discussants, depending on who chooses to join or leave the conversation. In such a setting, everyone can determine what to share and when to do so without the need for formal lectures, presentations or allocated speaking times.

Hosted in the provincial studios of the Austrian Broadcasting Studios (ORF Landesstudio Steiermark), the discussion seeks to present selected ETHOS findings from the four policy briefs, the ETHOS Media Handbook, and the ETHOS Landscapes of Justice web app. Together with the well over 20 European stakeholders from the regional, national and local level who have registered, we will discuss: *how just is our society? What must be done to foster justice in Europe?* In particular, we will consider Fraser’s tri-partite framework of justice as redistribution – representation – recognition, and touch on these aspects in the discussion.

It has been our philosophy, and also our finding in the project, that there is a need for deliberation and contextualisation of justice. By bringing together stakeholders from media, policy, civil society and beyond and encouraging them to share their opinions, experiences and thoughts, we hope to contribute to “bringing justice” outside the framework of the ETHOS project.

7. Relevant ETHOS documents

ETHOS seeks to conceptualise an integrated, empirically informed European theory of justice and fairness. There have been a breadth of country studies and comparative reports made public on the ETHOS website. At the same time, there are documents that have been formulated on theory and practice, which can also be found on the website.

- [Report containing a conceptual framework for integration of findings](#) – Trudie Knijn and Dorota Lepianka
- [Framework paper on the methodological tool for reflecting and reviewing empirical findings of ETHOS](#) - Tom Theuns, Sem de Maagt and Trudie Knijn

The four policy briefs produced are unfortunately not yet open to the public - nonetheless, we hope to have given an adequate overview.

Thank you for reading

We hope you enjoyed this newsletter and have a better grasp of the developments taking place within the project. While the last newsletter focused on philosophical findings, this newsletter was dedicated to describing the practical output yielded from this research. Stay tuned, we will release one more newsletter at the very end of the project with exciting insights on justice and fairness in Europe, as well as a review of the project!

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