



Report on the conceptualisation and articulation of justice: Justice in social theory

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About ETHOS

ETHOS - Towards a European Theory Of Justice and fairness, is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

- a) refining and deepening the knowledge on the European foundations of justice - both historically based and contemporary envisaged;
- b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
- c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
- d) providing guidance to politicians, policy makers, advocacies and other stakeholders on how to design and implement policies to reserve inequalities and prevent injustice.

ETHOS does not merely understand justice as an abstract moral ideal, that is universal and worth striving for. Rather, it is understood as a re-enacted and re-constructed "lived" experience. The experience is embedded in firm legal, political, moral, social, economic and cultural institutions that are geared to giving members of society what is their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice, and its real manifestation – as set in the highly complex institutions of modern European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically-based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and its practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

- a) philosophical and political tradition,
- b) legal framework,
- c) daily (bureaucratic) practice,
- d) current public debates, and
- e) the accounts of the vulnerable populations in six European countries (the Netherlands, the UK, Hungary, Austria, Portugal and Turkey).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Alongside Utrecht University in the Netherlands who coordinate the project, five further research institutions cooperate. They are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019

Executive Summary

This deliverable outlines the conceptualization and articulation of justice in social theory. This deliverable will principally focus on sociological and anthropological theories that relate in one way or the other to philosophical reflections on justice and fairness. At the beginning of these disciplines' developments, their founders were deeply interested in justice related issues, reflecting on legal, economic, social and interpersonal aspects of (in)justice and offering macro- and micro-level interpretations of causes and outcomes of (in)justice and (un)fairness. However, the closer we come to current academic theorising the less these concepts are articulated. Hence concepts of justice and fairness disappeared from social theoretical vocabulary and were replaced by 'objectively measurable' concepts like inequality, stratification, social capital and in/exclusion.

We recognise that the boundaries between the empirical and the normative are highly contested, and that social theorists can be concerned with the normative as philosophers can be engaged with the empirical and indeed both are often interested in exploring precisely the relation between 'what is' and 'what ought to be'. We outline how different challenges to abstract European moral reasoning have attempted to develop grounded theories of justice. We focus on theories that analyse structurally embedded forms of (in)justice and theories that engage with the perspectives of those who are marginalized and articulate the interdependence of social theory and political philosophy and the continuing relevance of some of the critiques of European theory's universalism, disembodiment, abstraction, individualism, and methodological nationalism.

Different theories of justice emerge from different standpoints and classic liberal theory has emerged from the standpoint of the white, male, able-bodied property owner, i.e. one that it is partial and is historically embedded in values of independence and freedom. The selected approaches differently emphasize a) relationality and interdependence; b) embodiment/identity and subjectivity; c) mobilities and citizenship. Looking at the literature on care, gender, and interdependence informs critiques on liberal notions of citizenship and outlines a notion of justice that accounts for the interdependence of human subjectivity. The selected literature on identity provides us with a way to understand issues of justice from particular standpoints which shed a critical light on the generalised disembodied understanding of justice. And by drawing on specific critiques emanating from migration and mobility studies we highlight the dominance of the national as the frame of thinking and researching in social theory. We view race, gender, abled-ness, and sexuality as processual and relational rather than as given attributes and shed light on how these social relations fundamentally shape people's empirical experiences of injustice and the deeply contested relation between the law and justice.

Starting from the position that: 'A theory of justice and fairness is most plausibly [...] understood as a social construction or contract, rather than a timeless truth.' (ETHOS application: 20) means that critical social theory is very valuable. The purpose of applying critical social theory is to analyse the significance of dominant understandings generated in European societies in historical context, examining how vulnerable categories of people occur and are represented in the real world, and how such representations function to justify and legitimate their domination.

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List of Abbreviations

Cac Care and Citizenship

EoC Ethics of Care

5.1 Conceptualisation and articulation of justice: Justice in social theory

What are the major questions in relation to justice that arise in the field?

Introduction

This deliverable outlines the conceptualization and articulation of justice in social theory. This is an ambitious aim. ‘Social theory’ is advanced and engaged with by a range of academic disciplines including sociology, anthropology, economics, public administration, political science and, in some national traditions, psychology and pedagogical science. This deliverable will principally focus on sociological and anthropological theories that relate in one way or the other to philosophical reflections on justice and fairness. At the beginning of these disciplines’ developments, their founders (in sociology Marx, Comte, Durkheim, Veblen, Weber) for example; in anthropology (Mead, Levy-Strauss and Mauss) and indeed in economics (Smith, Marx, Weber, Keynes and Robinson) were deeply interested in justice related issues, reflecting on legal, economic, social and interpersonal aspects of (in)justice and offering macro- and micro-level interpretations of causes and outcomes of (in)justice and (un)fairness. Thorstein Veblen (1899, reprinted 1955) for instance, analyzed how in modern society class or status based values increasingly are individualized and seen as ‘enviable’ individual achievements. Classical sociologists were deeply convinced by arguments about the important consequences of the disappearance of religion and magic as irrational but major social glues (Entzauberung) and saw modernization as (r)evolutionary progress, placing industrialised western societies at the top of an imagined developmental hierarchy of global societies. Durkheim for example famously opposed traditional ‘mechanic’ to modern ‘organic’ solidarity, the first characterized by *retributive justice* – justice as a sanction against challenges to shared social norms and values, the second characterized by *restitutive justice* – justice as a payback to a harmed fellow citizen. While Weber pictured modernization as an ongoing movement towards the substitution of value rationality for goal rationality.

A more critical view on justice and equality within western societies, and sometimes beyond these societies, was advanced midst 20th century in the United States. C. Wright Mills (1956) investigated the 'power elites' that occupy dominant social positions in military, economic and political institutions. These corporate, political and military elites (the 'military-industrial complex') take decisions that affect both their own populations and the populations of the dominated world. Interestingly, Wright Mills did not see this dominance by power elites as intended but as a consequence of their education and position with respect to vested institutions. Finally, Erving Goffman (1968) explored injustice in what he called 'total institutions' that strip inmates of their human dignity. He inspired scholars to analyze framing, to understand the subtle ways humans present themselves adapting their image in accordance with the particular situation they face.

In a paradigmatic shift towards 'modern rationalization' of the new academic discipline of sociology a school of social theory developed that affected to be removed from moral reasoning towards 'objectively measurable indicators'. This can be explained by the intense need (or want) for sociology to be recognised as a 'real science' to have a similar status as natural science with generalisable outcomes and 'universal laws'. This required assuming that humans are 'rationally acting agents' whose decisions are intended and balanced. Only under that condition can generalizable predictions be made. This school rejected 'subjective moral commitment' to justice in favour of an 'objective distance commitment' to social equality, stratification and social cohesion. It objectified social processes and human behaviour by characterizing them as the result of rational behaviour (see Boudon, 1979; Coleman, 1990). In 'Rational Fools' Amartya Sen (1977) critiqued the assumption that self-interest is the principle driver of human agents with regard to justice. While he challenged economists' lack of engagement with social theorists, he effectively remained with them, by elaborating on the concepts of sympathy and commitment as drivers of human behaviour, and pointing at public goods' (in contrast to private goods') contribution to justice, sometimes at the cost of personal interests.

A second key paradigmatic shift was thn of economic and structural processes initiated by Talcott Parsons in the postwar period. His structural-functionalist approach separated the economy from the social both as domains of

life and as academic disciplines. Since then, the relation between injustice, structural inequalities and capitalism have been left to one side in mainstream social theory (Streeck 2016) though there are some important exceptions. One such exception is Immanuel Wallerstein (1974; 1979) who systematically points at the 'World-system' that divides the world into core countries, semi-periphery countries, and the periphery countries. Core countries focus on higher skill, capital-intensive production, and the rest of the world focuses on low-skill, labor-intensive production and extraction of raw materials. A system that constantly reinforces the dominance of the core countries.

In what follows, we first elaborate on key concepts in sociology that relate to but are not synonymous with (in)justice, such as equality, stratification, inclusion and power, after which we will present more recent reflections on western nationalism in social theory. At the core of social theory's struggle with the concept of justice lies its main objective as 'a scientific effort to understand social behaviour and its effects'. Although social behaviour and its effects will include both just and unjust activities, sociology as a discipline tends to hold back from setting criteria for (un)just behaviour rather claiming to represent an objective outsider's perspective with respect to humanity and its social behaviour, relations, institutions and structures. More recently social theory has taken a new though not yet dominant turn by re-setting the agenda for a 'meaning-making' approach, contesting and challenging 'modern sociology' and applying new – interpretative - research methods and seeking and making connections with marginalized populations.

In)Equality and stratification

Social theory engages with social inequality – an equal society so far is non-existent – by on the one hand describing and conceptualizing forms of inequality – such as feudal, caste and class systems - and on the other by analyzing the mechanisms and processes that contribute to and maintain inequalities. Whether it is material developments (Marx; techniques, production systems) or ideas and attitudes (Weber) that has produced inequalities is a foundational dispute. More recent sociologists as Paul Willis (1977) Pierre Bourdieu (1979) and

Anthony Giddens (1997) fine-tuned this by uncovering social mechanisms that directly or indirectly, intendedly or unintendedly contribute to an unequal status quo. For instance, Willis showed how 'lads' opposing and obstructing middle-class schools norms ended up in low-skilled jobs, Bourdieu explained the mechanisms that mean that the privileged reproduce better-off offspring not only by the transference of economic capital, but also through providing a useful social network (social capital) and high-standard (cultural) education (cultural capital). Giddens synthesized the Marx-Weber dilemma by developing structuration theory: institutions create the stability of a society in which individuals are raised and in which they act, though as 'acting' individuals people can change these institutions. By implication social structures are means as well as outcomes of human behavior and social conditions are subject to a process of continuous transformation. For social theory of (in)equality this however seem to have few implications; social structures reproducing inequality are clearly very strong, or is it simply human behavior is not inspired enough to reach equality?

A second dispute concerns what constitutes stratification: Is it only possession of capital (means of production; Marx), or also status and organized political power (Weber)? In current studies on poverty the latter approach became dominant; poverty is defined not just as a lack of money, but as a cumulative indicator for lack of money, housing, education, health, (political) voice and culture (Deleeck, 2001). To which Wilkinson and Pickett (2009) add that redistributive injustice also undermines social cohesion, social well-being, health, safety and prosperity, and also goes at the cost of those at the upper end of the ladder. Such arguments show that while many sociologists are committed to a just and fair society the dogma of 'value free' science binds them to mainly pragmatic and prosaic arguments; moral reasoning is avoided.

That value free position has recently become very much contested by sociologists like Michelle Lamont (2012; Lamont and Molnar, 2002), Halleh Gorashi (2010a; 2010b) and Bridget Anderson (2013), each of whom set the agenda for a new 'meaning-making' social theory. Each of these scholars focus on 'boundary making' by distinguishing symbolic boundaries as conceptual cultural distinctions made by individuals who separate in-and

outgroups from social boundaries that are objectified forms of social differences manifested in unequal access to an unequal distribution of resources... and social opportunities.

Power and exclusion

Weber's definition of power: 'the ability to get what one wants, even if other people do not agree', continues to be dominant in social theory. Dennis Wrong (1988) adds that it also might mean the capacity to let people behave according to one's will. 'Power' can be further characterized as manifest and latent power, or as absolute and productive power (Foucault, 1976). Here too social theory is more focused on understanding the mechanisms by which power can be explained, how it functions and what its effects are, than it is on moral reasoning. Foucault connects power mechanisms to modernity by theorizing power mechanisms (sanctions) in an individualized democratic system rejecting absolute (feudal) power. These mechanisms nowadays exist in disciplining 'the weak parts of the brains' by using soft discursive disciplines that appeal to social cohesion, common sense and – middle-class – values. From the school system to prisons, hospitals and therapeutic practices all direct into a discourse of adaptation by setting standards for the 'right behaviour'. It is by a discourse of bonding, connectedness and convictions that people freely adjust to the social order, and social science disciplines often contribute to that process (see also Zygmunt Bauman, 1989).

Social exclusion is a widely studied and topical sociological phenomenon. Its manifestations are described by Robert Park (1937) as: "The marginal man...is one whom fate has condemned to live in two societies and in two, not merely different but antagonistic cultures....his mind is the crucible in which two different and refractory cultures may be said to melt and, either wholly or in part, fuse" (Park, 1937). Its consequences are limited participation, not having access to all social rights, material deprivation and lack of normative integration. Social exclusion is based on ascribed categorization of individuals on basis of gender, race, religion, ethnicity and the effect of supremacist attitudes of majority populations.

Recently scholars of social theory use a more integrated approach of social exclusion by taking an intersectional approach that allows for analyzing various components of marginalized identities that together differ from their composed identities (Crenshaw, 1989).

Western nationalism

These developments occurred within the context of a combat between various schools of social theory. On the one hand a framing occurred that was increasingly influenced by 'methodological nationalism' – 'the assumption that the national state/society is the natural social and political form of the modern world' (Wimmer and Glick-Schiller 2002:302). This treats the nation state as the container of social processes. Other social theorists challenged that assumption by pointing at the lack of congruence of political, social and cultural borders (Beck 2009), and fluidities of borders, humans and societies (Bauman 2000). Finally, mainstream social sciences have been strongly criticised by fellow academics for lack of engagement with post-colonial theory (Go 2014). All the above have significant consequences for the articulation of justice in social theory.

While anthropology's intellectual history is certainly not immune to post-colonial (cf. Argyrou 2002; Asad 1973) and gender based (cf. Ardener 1975; Ortner 1974) critiques, its predominant focus on small-scale locally embedded and interpretative research means it often aims to 'giving a voice to marginalised people' (Kraemer 2010:1) at the same time as engaging with the relation between 'description' and 'explanation'. An often-cited influence for this interpretivist approach is the work of Clifford Geertz and his view of anthropology as producing 'thick descriptions' of society – a term he derives from the work of philosopher Gilbert Ryle. Such a methodology produces theory 'closer to the ground' (Geertz 1973:24), setting human behaviour within its context in order to make it meaningful to other humans living in different contexts. For decades anthropologists studied 'non-Western' societies, 'tribes', only later moving on to examine the disadvantaged and racialized 'at home'. This prompted Laura Nader to ask 'whether the entirety of fieldwork does not depend upon a certain power relationship in favour of the anthropologist, and whether indeed such dominant-subordinate relationships may

not be affecting the kinds of theories we are weaving' (Nader 1972: 289). Also this emphasis is changing (see for example Ho 2009a; 2009b) but it is still vital to the discipline's methodologically eclectic, broad and cross-cultural understanding of the human condition.

Social science methodology

In our analysis we distinguish between social *theory* (sociology and anthropology) and social and political *philosophy* by taking the dominant focus of social theory as 'what is' and the focus of social and political philosophy as 'what ought to be', respectively empirically and normatively based knowledge.

The focus of social science on 'what is' is not uncomplicated, raising ontological, epistemological and methodological questions. Some social scientists believe that the 'truth' can be discovered by the accumulation of knowledge about reality and truth. This positivism continues to be adopted by, for example, psychologists and rational choice theorists. It closely identifies itself with natural science, aiming to discover universal laws of human and social behaviour, and applying deductive methods – theory based hypotheses – to study social phenomena quantitatively and thereby make generalisations. These methods are also deployed by 'post-positivists' (Della Porta and Keating 2008: 23), the difference being that positivists aim at uncovering causal laws and believe that the scholar and research subject are two separate things, while post-positivists aim at probabilistic laws and acknowledge that understanding about the research subject is influenced by the scholar through deductive procedures. When it comes to justice, both focus on measurable causes or correlations and (material) outcomes of (in)justice looking at variables such as (re)distribution, social inclusion, social cohesion, stratification, and social risks operationalised by for example income, formal years in education, employment status, usage of health services, housing conditions etc. For both positivist and post positivist approaches methodological limitations (often unacknowledged) such as reliance on large scale surveys and, in experimental psychological and medical research selective samples (white, high educated, and often young) and the ideological dominance of the individualism of rational choice on the one hand and functionalist determinism on the other

can mean a limited contribution to theories of justice. Both positivism and post positivism can find it challenging to deal with issues of agency, a central matter for questions of justice, either assuming the radical individualism of rational choice, or functionalist determinism.

Most social theorists however assume reality is contingent though not arbitrary; habits, opinions, behaviour and institutions that appear to be evidential in one context take completely different shapes in another context and by consequence also develop differently (Elchardus, 2007). They take a different epistemological approach, studying at the micro level language, symbols, values, norms and behaviour of individuals, or at the meso- and macro-level studying organisations, institutions, cultures and societies. Within that approach some social theorists some are closer to positivists, assuming ‘what you see is what you get’, i.e. reality is what people say, how they behave, how organisations are structured and who represents whom, for instance in a political scenario. Others emphasise the role of social scientists as interpreters of empirical evidence by embedding findings in contexts and by interpreting them from a clearly defined – normative – viewpoint. This school aligns empirical evidence to questions of ‘what ought to be’. These scholars are often called interpretivists in contrast to positivists, believe that objective knowledge is impossible aiming at empathetic forms of knowledge or subjective and contextual knowledge (Della Porta and Keating 2008). Their explorations of justice engage with issues such as identities and social histories and they are more likely to investigate these grounded in the narratives of their informants or interviewees instead measuring them ‘objectively’ through pre-defined variables.

Thus the two ‘extremes’ of social theory that social scientists draw on, positivism and interpretivism, may be typified methodologically by certain forms of quantitative sociology on the one hand, and anthropological ethnographies on the other, with qualitative interpretative studies somewhere in the middle. That said, it is important to acknowledge that disciplines also have geographical/cultural variations between e.g. continental and Anglo-Saxon approaches or British and American anthropology and sociology.

We recognise that the boundaries between the empirical and the normative are highly contested, and that social theorists can be concerned with the normative as philosophers can be engaged with the empirical and indeed both are often interested in exploring precisely the relation between what is and what ought to be. This overlap of interest is most clearly illustrated by the Critical Social Theory of the Frankfurt School, characterised by bringing together critical understanding and transformative action towards an emancipatory purpose. From its early days under Horkheimer the School was engaged with both empirical analysis and philosophical theorization, and an exploration of the relation between them both. They were interested in clarifying the socio-political determinants that lie behind philosophical analyses, acknowledging the object of knowledge and the knower are embedded in historical and social processes. They made reflective assessment of communicative rationality and the recognition of intersubjectivity central to human emancipation. Some social scientists engage with thinkers such as Horkheimer, Adorno, and Marcuse, and, more recently Habermas and Honneth. Indeed, in an important contribution to debates on distributive justice Alex Honneth and Nancy Fraser debated the relation between recognition and redistribution, with Honneth arguing that some conception of the good life must be incorporated into the principles of distributive justice, emphasising the normative content, social importance and psychological force of (mis)-recognition. Fraser, acknowledging the importance of recognition, argued however that ‘a theory of justice must reach beyond cultural value patterns to examine the structure of capitalism’ (1999:36). Fraser is clear that her work is grounded in pragmatism and discourse ethics ‘pragmatics because she privileges contexts; discourse ethics because she does not found her principles on foundational principles’ (Capeheart and Milocanovic 2007: 44). Parity in participation, as Habermas too argued, is key to justice.

Reactions to implicit dominant approaches in the field

The following section outlines how different challenges to abstract European moral reasoning have attempted to develop grounded theories of justice. We focus on theories that analyse structurally embedded forms of (in)justice and theories that engage with the perspectives of those who are marginalized. We are interested too in

articulating the interdependence of social theory and political philosophy and the continuing relevance of some of the critiques of European theory's universalism, disembodiment, abstraction, individualism, and methodological nationalism. Different theories of justice emerge from different standpoints and classic liberal theory has emerged from the standpoint of the white, male, able-bodied property owner, i.e. one that is partial and is historically embedded in values of independence and freedom. This is not to say that black women cannot 'do' classic liberal theory, nor that white men cannot 'do' critical race or feminist theory, but it is important to recognize the social location of the theorist, and the context within which they are theorizing.

The selected approaches differently emphasize a) relationality and interdependence; b) embodiment/identity and subjectivity; c) mobilities and citizenship (NB these are inter-related but have been separated for analytic purposes). Looking at the literature on care, gender, and interdependence informs critiques on liberal notions of citizenship and outlines a notion of justice that accounts for the interdependence of human subjectivity. The selected literature on identity provides us with a way to understand issues of justice from particular standpoints which shed a critical light on the generalised disembodied understanding of justice. And by drawing on specific critiques emanating from migration and mobility studies we highlight the dominance of the national as the frame of thinking and researching in social theory. We view race, gender, abled-ness, and sexuality as processual and relational rather than as given attributes and shed light on how these social relations fundamentally shape people's empirical experiences of injustice and the deeply contested relation between the law and justice.

Relationality and interdependence

In this section, we draw on social theory literature on care, gender and citizenship, including the distribution of social benefits and burdens, legislation, governance, and claims of entitlement (for the latter see Orloff 1993; Siim 2000; Daly and Lewis 2000). This foregrounds the private/public dichotomy often assumed by political and moral theory. In seminal work, feminist political theorist Seyla Benhabib (1986) examines how in the public sphere men are conceptualised as adults, alone, independent, and free from the ties of birth by women. She explores this

metaphor in the works of Hobbes, Locke, Rawls, Kant and Kohlberg and argues that human interdependency, difference, and questions about private life are rendered insignificant to issues of politics and justice.

Scholars of gender and care have critiqued dominant political philosophical approaches for a failure to recognise the centrality of dependency and interdependence to questions of justice and have reformulated 'classic' justice issues in two ways. The first focusses on citizenship (Pateman 1985; Orloff 1993; Lister 1997; Knijn and Kremer 1997; Siim 2000) and the sites of justice (Benhabib 1986). Pateman (1989) commented on the patriarchal understanding of citizenship by outlining what she terms 'Wollstonecraft's Dilemma'. She argues that in order to be full citizens in liberal capitalist democracies women must act and be treated as 'men', independent and productively engaged in the public sphere. If they act as 'women' their citizenship is derived rather than full, and they are dependent on men or the welfare state. In a patriarchal welfare state to demand proper social recognition and support for what are labelled as 'women's responsibilities', most importantly, care work, is to condemn women to only partial inclusion into public life as "women," disrespected and misrecognized by fellow (i.e., male) citizens.

The second reformulation is to put care at the centre of analysis of justice. There are two broad approaches: Care and Citizenship (CaC) and the Ethics of Care (EoC). CaC assumes care as a matter of interdependent though gender-unequal identified social activity based on an inherent human need to receive care, and pleads for the right to give care. It understands receiving care as an inherent human need and an issue of general interest (common good), i.e. as a collective social responsibility. It assumes a socially liberal position in which individuals should be facilitated though not obliged to care. Methodologically the CaC approach follows a critical theory logic. Social conditions, institutions and human practices shape care as a gendered, undervalued activity and no rational principle for this construction can be formulated. EoC takes as its premise that humans are inherently responsive beings and the human condition is one of connectedness or interdependence. It takes care as a moral obligation and attends to the need for responsiveness in relationships (paying attention, listening, responding) and to the costs of losing connection with oneself, with others and humanness. EoC grounds morality in what Gilligan (1982,

2011) conceptualises as a psychological or subjective logic which reflects the ways in which we experience ourselves in relation to others, taking the origins of morality as lying in human relationships which are what give rise to concerns about injustice and carelessness.

Both the CaC and EoC approaches agree that concerns about oppression and abandonment are built into the human life cycle, given the differential power between children and adults and among adults and the fact that care is essential for human survival. They both give visibility to the frequently unpaid labour of caring which often goes unrecognized and yet is indispensable to human society (Ungerson 1999; Knijn and Kremer 1997; Lewis and Daly 2000; Tronto 1993; Kittay 1995; Folbre 2010) and both also critique the gendered and undervalued nature of caring. They are often labelled as ‘feminist’ as they resist the injustices inherent in patriarchy (the association of care and caring with women rather than with humans, the feminization of care work, the rendering of care as subsidiary to justice—a matter of special obligations or interpersonal relationships). Both perspectives guide the historic struggle to free democracy from patriarchy by appealing to a democratic society, transcending gender binaries and hierarchies that structure patriarchal institutions and cultures. EoC and CaC approaches render visible the ways in which experiences of justice are inherently linked to social relations and the interdependent nature of human subjectivities.

Scholars of the debate on care, gender and citizenship often engage with the concept of *dependency* as analysed by Nancy Fraser and Linda Gordon (Fraser and Gordon 1994). These authors traced the negative connotations of the term dependency in the rise of industrial capitalism: ‘what in pre-industrial society had been a normal and unstigmatized condition became deviant and stigmatized (...) certain dependencies became shameful while others were deemed natural and proper’ (idem 315). Radical Protestantism promoted individual independence, while paupers, natives and slaves, and the housewife undergirded the ‘independence’ of the working man. Hence, ‘dependent’ became those who were not able or permitted to participate fully in that market: women, minorities, the old and the disabled.

The concept of dependency is imbricated with gendered care work and its undervaluation. Kittay for example states that 'having dependents to care for means that without additional support, one cannot -given the structure of our contemporary industrial life and its economy- simultaneously provide the means to take care *of them* and do the caring *for them*' (Kittay 1998:35 emphasis added). The problem authors like Kittay identify with equality theories such as that of Rawls is the assumption that a society is composed of equal and autonomous persons: 'Political philosophers who advocated equality always have presumed that all members of a society are or ought to be equals. And yet my daughter [who suffers from cerebral palsy] can never be an equal in the sense in which political philosophers speak of equality (...) in the sense of an autonomous and equally situated or empowered individual, even within the well-ordered society contemplated by the egalitarian liberalism of John Rawls. This is to say that dependency here is fundamental and is not merely a descriptive feature of a non-ideal social order. It must be included even in the norm of an ideal social order' (Kittay 1998:36).

Knijn and Kremer (1997:352) step aside from the dependency approach by defining care relations as *interdependent* instead of one-way dependent by arguing that 'every citizen is dependent on someone else in one way or another. Therefore it is more fruitful to use an alternative perspective: all citizens are interdependent, but not always in an equal way'. This allows for the recognition of male dependency on women's reproductive work during the life course. Redefining social citizenship as inclusive of caring need and care work their approach suggests that social citizenship should not assume the notion of autonomous citizens who are free of dependencies and loyalties. Like many feminist scholars in the 1990s (e.g. Graham 1983; Leira, 1990; Lewis 1991; Qureshi 1990; Lister 1994; Ungerson 1999), their theory of gender, care and citizenship includes care work, care workers and interdependent social relationships between citizens.

Embodiment, identity and subjectivity

It has been widely acknowledged in different strands of social theory that 'generic man' was, as Alcott (2006:5) puts it, 'a rhetorical cover for the agency of a single subgroup' under a discourse of universalism. Views on

identity in social theory have moved from being essentialist and biologically based to socially constructed and comprising a multiplicity of fluid, unstable, and dispersed identities (Alcoff and Mendieta 2003). Critiques of identity approaches inside and outside academia often stress that the insistence on differences threatens cherished notions of universalism, unity and community (Alcoff 2006). Indeed, in contemporary liberal democracies political rights are based on what people are deemed to have in common and grounded in a universal inherent value of human life. Identity differences may consequently be deemed irrelevant to issues of justice, or undermining them by emphasising difference rather than commonalities. Rawls notes that political institutions should not appeal to social contingencies which 'set men at odds and allows them to be guided by their prejudices' (1971:19).

Others have critiqued identity scholarship for its political implications, essentialism, and reductionism. However, by identifying social differences and attending to standpoints, we can render visible how justice, equality, and inclusion/exclusion are negotiated and reconfigured differently. Racial, gendered, and other forms of embodied identities shape subjectivities, lived experiences, and inform what a given individual can see and know. Feminist theorists, critical race, and Marxist scholars such as Nancy Hartsock (1983), Dorothy Smith (1974), Patricia Hill Collins (1990), and Sandra Harding (1991) are some of the main names in the development of standpoint theory. Exploring marginalised standpoints provides an insight in everyday experiences of (in)justices, or as Sandra Harding (1991:127) explains: 'through such struggles can we begin to see beneath the appearances created by an unjust social order to the reality of how this social order is in fact constructed and maintained'. The process, sites and experiences of 'marginality' provide a different lens through which to understand social citizenship and issues of justice (Turner 2016). Note that standpoint theory has the potential to draw attention to class as well as other attributes that are more commonly associated with identity politics.

The notion of embodied identity is crucial here as the material aspects of identity, overlooked or underemphasised by social constructivist and post-modernist approaches, have led to calls to bring the body back into social theory. The visibly marked body informs the ways in which others are perceived and experienced.

According to Alcoff, 'We can imagine subjectivity as mind or imagination, merely mental, and thus as transcending its necessary physical base. But the social identities of race and gender operate ineluctably through their bodily markers; they do not transcend their physical manifestation because they are their physical manifestation, despite the fact that the same features can support variable identities depending on how the system of marking works in a given culture' (2006:102). This material approach to identity is theoretically indebted to the phenomenological works of inter alia Merleau-Ponty (1945) and Young (1990).

Bodies are of course marked in multiple ways, and we have taken race and able-bodiedness as exemplifying the importance of the embodied experiences of these sites of social difference to everyday experiences of (in)justice.

Critical race theory refers to a historical and contemporary body of scholarship that aims to interrogate the discourses, ideologies, and social structures that produce and maintain conditions of racial injustice. Critical race theory analyses how race and racism are foundational elements in historical and contemporary social structures and social experiences. Critical race theory scholarship challenges liberal claims of objectivity, neutrality, and colour blindness of the law and argues that these principles actually normalize and perpetuate racism by ignoring the structural inequalities that permeate social institutions. Cornel West (1982) and David Goldberg (1993) have traced the development of racism to the Western classification practices of visible physical characteristics of the human species which developed in the context of European colonialism justified by a Eurocentric teleological narrative. And while nowadays race has lost its scientific salience, in liberal Western societies race is paradoxically both everything and nothing (Goldberg 1993). Race, and relatedly 'ethnicity', is highly relevant to experiences of (in)justice as it continues to shape, among many aspects, career possibilities, housing, social and romantic relationships, and reactions from the formal justice apparatus (Alcoff 2006).

Since the 1980s, disability studies argued against the medical model of disability and popularised the social disability model in social theory and activism according to which an impairment to a body does not necessarily constitute disability, which is only enacted through social construction in a social context and physically built

environment (Ingstad and Reynolds Whyte 1995; Shakespeare 2000). Even though in recent years the clear-cut distinction between the medical and social disability model have become more blurred (partially due to phenomenological approaches), disability studies still seek to unpack and write against notions of normalcy which construct deviant bodies that do not match bodily norms of set physical capabilities (Davis 2017). Disability studies scholar Lennard Davis shows that historically the rise of eugenics and statistics have led to the tendency to criminalise and dehumanise people deviating from such physical norms. Disability studies sheds light on a broad array of issues of justice. From historical questions around the abolition of incarceration, to current questions of distributive justice of disabled members of a community (Berube 2010), to the most basic right to justice and equality of being worthy of being born (Saxton 2017).

A subfield of disability studies named Crip theory seeks to combine queer theory and disability studies. The most notable scholar in this field is Robert McRuer (2006) who explores the analogies between and intersections of queer and disabled identities, highlighting the compulsory nature of both heterosexuality and able-bodiedness in contemporary western society. Both categories introduce normalcy into a binary system which creates compulsion: to be straight, or acceptably and inoffensively gay – homonormative - and to be the able-bodied capable of 'normal physical exertions required in a particular system of labour' (ibid: 8). Both identities, and especially the intersection of disabled and queer identity, have been subject to societal projects of normalisation, cure, transformation, incorporation, and rehabilitation. For example, McRuer highlights how gay marriage can often incorporate queers into the system that provides primacy to the able-bodied heterosexual family and 'straight ideologies of domesticity' (102). In his resistance to these forms of rehabilitation, McRuer's work sheds a critical light on justice questions around normalcy, marriage, autonomy, and the right to construct one's own lifestyle. Consequently, his crip theory provides an example of how attending to embodied standpoints and identities can shed a radically different light on what social justice entails compared to a universalist liberal view.

Mobilities and citizenship

Institutional, geopolitical and technological changes have increased the magnitude and speed of the circulation of people, objects and information around the world, with highly uneven effects upon different peoples and environments. Scholars have been increasingly interested in mobility, migration, and relatedly, citizenship, across a range of academic disciplines, including geography, anthropology and sociology. There has also been a critique (albeit often not particularly sustained) of ‘methodological nationalism’ and an acknowledgement of the role academic work has played in reproducing the naturalisation of nation states/society (Wimmer and Glick-Schiller 2003). These literatures are of considerable relevance to ideas of justice because they foreground citizenship as an *exclusive* and *legal* relation that does not straightforwardly map on to senses of identity, belonging, or indeed deservingness. Indeed, while citizenship is traditionally depicted as the throwing off feudal relations, some theorists have likened citizenship to a feudal privilege (Shachar 2009; Carens 2013). The question of what is the moral obligation to the stranger has haunted Europe for centuries, and returns in a new guise with responses to migration, which also raises questions about the nature of political community and participation (Benhabib 1986), and time and belonging (Carens 2013).

The privileging of stasis that ‘belonging’ seems to inevitably inscribe is challenged by the ‘new mobilities paradigm’ developed by John Urry, Mimi Sheller and others (Endres 2016). This breaks with the foundational assumption that ‘the social’ is constituted by a set of close relations between individuals in physical proximity arguing that travel and communication technologies have enabled the proliferation of connections which, despite their distant and intermittent nature, are crucial in many people’s everyday social lives (Sheller 2017). From this perspective, it becomes problematic to talk about self-contained societies in the sense that people speak of, for instance, ‘Japanese society’ because significant social relations occur across local and national boundaries. Furthermore, it cannot be assumed that social relations involve just human beings (e.g. a face-to-face conversation) because travel and communication technologies mediate people’s conceptions of themselves and

their relations with others and the world and shapes their capacities to engage with others and the physical environment (Sheller and Urry 2016).

The new mobilities paradigm researches flows of people, objects, and information in all of their complex relational dynamics. It opens new questions about social inequalities and everyday experiences of justice.

Mobilities theory emphasizes 'the relation of mobilities to associated immobilities or moorings, including the political and ethical dimensions of uneven mobility' (Hannam et al., 2006). Hannam et al. (2006) and Sheller (2014) for example critically address normative issues of mobility justice, such as questions of sustainable mobility and mobility rights, and mobility capabilities which may differ from mobility aspirations.

The notion of mobility capital is central to understanding mobility justice (Kaufmann et al. 2004). Individuals have differential capacities and potentials for mobility. These differential capacities and aspirations contribute to Kaufmann and Montulet's (2008:45) concept of 'motility', defined as 'the manner in which an individual or group appropriates the field of possibilities relative to movement and uses them'. However, one person may have a high degree of motility without actually moving while another may suffer from involuntary physical displacement and have a low motility capacity, competencies, and choices. Understanding the uneven mobility capital is crucial to issues of justice in the age of globalization, urbanization, and migration (Sheller 2014) which is exemplified in the discrepancies between mobility aspirations and capabilities of low-skilled migrant workers of the global South and high-skilled migration and tourism around the globe (Castles et al. 2014; De Haas 2008), not to mention the way refugees from warzones are (un)welcomed by receiving countries.

What are the main works inspiring thinking about justice in the field?

The naturalist or positivist approaches of Marx, Weber and Durkheim to justice are focussed on outcomes. Marx focus on inequalities and injustices across the working and capital owning class, Weber's sociology of law draws attention to formal justice and rights driven by increasing rationality, while Durkheim's work (1974[1953]) on 'the cult of the individual' sees individualism in the Europe as a new form of religion which is rooted in collective life

and which promotes ideals of equality, freedom and justice as materialised in inalienable rights of the western individual sustained by 'redistributive justice' sanctioning citizens for offending each other instead of society at large. Malinowski's functionalist view of society emphasises the ways in which solidarity and stability are promoted in particular cultures; his account of the Trobriand Islanders is one in which crime and custom, justices and injustices coexist and balance each other (Malinowski 1922). Mauss's (1954) work on gift-exchange and economic practices in what he calls 'archaic societies' in the Pacific Northwest, Polynesia, and Melanesia portrays a form of justice which accounts for both reciprocity and individual self-interest. In his famous essay 'The Gift' (1954:18), Mauss relates alms, charity and justice: 'The Arab *sadaka* originally meant exclusively justice, as did the Hebrew *zedaka*; it has come to mean alms. We can even date from the Mishnaic era, from the victory of the 'Poor' in Jerusalem, the time when the doctrine of charity and alms was born, which, with Christianity and Islam, spread around the world. It was at that time that the word *zedaka* changed in meaning, because in the Bible it did not mean alms'. There is no free gift, but rather the obligations to give, receive and return gifts across different societies establish a moral bond between the people involved in the gift exchange.

More recent important works on practice theory by writers such as Bourdieu, Ortner, and Giddens have inspired different ways of thinking about justice in social theory. For Antony Giddens (1979) practice theory is an attempt to synthesise one the central problems of social theory concerning structure versus agency. For Sherry Ortner (1984) it is 'almost a merger between Marxist and Weberian frameworks' (147) after a revival of structural Marxism and political economy approaches in the 1970s. Grounded in sociological symbolic interactionism of inter alia Goffman (1959) and anthropological transactionalism of Barth (1966) and Bailey (1969) amongst others, practice theory recognises the importance of rules and norms in structuring and informing human while also accounts for actors who have their own intentions and who capable of making transformations to rules and norms. An influential practice theorist is Pierre Bourdieu who proposed a 'reflexive sociology' (Bourdieu and Wacquant 1992) and self-critical knowledge in which one recognises one's assumptions and biases in sense making. In his classic study of French society, 'Distinction' he illustrated how 'the social order is progressively

inscribed in people's minds' (1984, 473) through 'cultural products' including systems of language, values, methods of classification and everyday activities. For example, Bourdieu viewed the education system in France as a means of intergenerational reproduction of social inequalities in which schools serve as 'a bourgeois instrument of power and of social and political inclusion and exclusion based on the continued accumulation of the right sort of cultural capital' (Parkin 2005:240). His work drew on a conception of 'habitus': "systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles of the generation and structuring of practices and representations which can be objectively "regulated" and "regular" without in any way being the product of obedience to rules, objectively adapted to their goals without presupposing a conscious aiming at ends or an express mastery of the operations necessary to attain them and, being all this, collectively orchestrated without being the product of the orchestrating action of a conductor" (Bourdieu 1977: 71) Practice or habitus sheds light on questions of justice, relating to for example how social inequalities are (re)produced by patterned behaviour, but also what the role of taste, or social, cultural and economic capital is in the (re)production social stratification.

Post modernism and post structuralism have also had strong influences in this field. The universalism of Critical Theory has been strongly criticized by thinkers who have argued for the contextualism of linguistic rationality and against the emancipatory power of universal reason while Foucault (1976) championed the 'genealogy of the subject' rather than ideological criticism. The post-modern approach to justice draws attention to the fragmented nature of the global order and questions the possibility of developing a conception of global – or even European - justice despite this fragmentation.

Conclusion

Social theory has wrestled with ontological and epistemological dilemmas from its origins. While both are related, we have chosen to set aside the ontological issues to focus on the epistemological: how to attain social knowledge particularly that pertaining to vulnerable groups. How they are represented and recognized and by

whom? How do we understand justice, how does this vary from different points of view, and how can we 'get at' those variations, including the perceptions of those marginalised in society and from theory? In that respect we take stance in following critical social theory, though being aware of recent criticism of authors like Derrida and Foucault (1976) who respectively commented that the search for truth is an illusion or a contribution to 'productive power', engaging vulnerable people in their own repression.

Starting from the position that: 'A theory of justice and fairness is most plausibly [...] understood as a social construction or contract, rather than a timeless truth.' (ETHOS application: 20) means that critical social theory is very valuable. Critical social theory combines critical analysis of contextual and structural constraints, challenges and opportunities with agents' reflection on their situation. This does not mean a claim to universality or absolute truth, nor to grant primacy to matter or to consciousness. In the end, the purpose of applying critical theory is to analyse the significance of dominant understandings generated in European societies in historical context, examining how vulnerable categories of people occur and are represented in the real world, and how such representations function to justify and legitimate their domination.

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