



Report containing a conceptual framework for integration of findings

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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

The central aim of this report is to contribute to the ETHOS' theory building by formulating ideal-typical (Weberian) claims to justice that will form the frame of reference for reflecting and interpreting the results of empirical studies. The report complements the idea of non-ideal theory building proposed in D2.2 (van den Brink, Rippon, Theuns and Zala 2018). Ideal-types in the Weberian sense offer a heuristic device for reflecting on empirical findings and thus constitute a tool for the diagnosis of inconsistencies, incompatibilities, contradictions and ambivalences in the 'real world'; we construe them as metrical lenses for integrating and interpreting the rather diverse empirical findings of ETHOS studies.

The ideal-types we propose are constructed along the three theoretical dimensions of justice that are inspired by the scholarly work of Fraser and Honneth (redistributive, recognitive and representative justice) in order to 1) analyse the empirical findings from the perspective of each dimension of justice, and 2) be able to identify new and not yet foreseen empirical relationships between these dimensions and, in consequence, be able to advance higher level of theoretical understanding. As a first step, we identify at the most abstract level a common denominator of justice, after which we define characteristics of each of the three dimensions. In formulating these ideal-typical claims the report draws on the disciplinary overviews of the conceptualisation and articulation of justice in philosophical, social, legal, political and economic theories prepared by WP3-WP6 and synthesized by WP2 (D2.3). In Part II of the report we use new insights brought by ETHOS research conducted so far to critically reflect on the dimensions along which the integration of ETHOS findings may take place.

This D7.1 report could be seen as second ETHOS document, following D2.2 (van den Brink, Rippon, Theuns and Zala 2018), that further explores the theoretical ambitions of ETHOS; it proposes an analytical framework for the integration of ETHOS findings (theoretical and empirical) and presents some methodological recommendations to all WPs on how to work towards that goal. The deliverable is based on the findings of the first two rounds of deliverables and a workshop 'Ideal types of redistributive, recognitive and representative claims of justice' held in Istanbul on September 14, 2018 in which a representative of every ETHOS Work Package participated. The workshop discussions were guided by two research notes; a note on ideal-typical Weberian constructions applied to the three dimensions of justice by Trudie Knijn (appendix 1), and report 2.3 on the integration of disciplinary approaches of justice (Knijn, Theuns and Zala 2018). The workshop report (appendix 2) reflects the discussions on both research notes and has inspired the final report.

Part I of the report deals with the Weberian ideal types. First, it reflects on the specific characteristics of social theory building in relation to philosophical theory building by discussing the merits of creating an intermediate tool that can bridge the gap between normative philosophical theories and empirical evidence on (in)justice. Then Part I turns to elaborating the characteristics and the role of ideal types in theory construction and exploring their relevance for theory building in the ETHOS programme. In the following section, ideal

types of three dimensions of justice that are central to the ETHOS programme (recognition, redistribution and representation) are presented, followed by a proposal for how these ideal types could be used to integrate the ETHOS findings. In Part II the mechanisms along which the integration of findings may take place are critically discussed in the light of new insights brought by the first rounds of ETHOS studies. We focus in particular on: (1) identifying dimensions of justice that extend beyond Fraser's taxonomy of redistribution-recognition-representation and thus fall outside the ideal-types identified on the basis of theoretical investigation; (2) locating the most relevant tensions between various claims to justice; (3) reviewing the mechanisms that (might) impede justice; and (4) elaborating on the most important fault lines, or boundaries of justice, i.e. dimensions of inclusion and exclusion that delimit the scope of justice. The report concludes with several questions derived from this critical discussion formulated for the purpose of facilitating the integration of findings within the ETHOS programme.

As a whole the report is meant to contribute to the ETHOS discussion on the theory building and shall be seen as a voice in that discussion and an inspiration in our collective theorizing on justice in contemporary Europe.

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Part I: A Framework for constructing ideal types of dimensions of justice as mutually exclusive and logically consistent concepts.

Introduction:

The ETHOS programme in essence is a 'non-ideal' theory making project in the sense that the normative conclusions that we aim at reaching are 'fact-sensitive', or even 'practice-dependent' (D2.2, p.3). This follows from what is said in the ETHOS application (p.15-17); normative justice claims cannot be divorced from the social praxis. For that reason the methodological framework is conditioned by two premises; 1) to develop and articulate an 'integrative perspective' on justice and fairness by, among other things, bridging the gap between empirical and theoretical work as well as between the various disciplines of inspiration (philosophy, economics, social, political and legal theory), and 2) to build a theoretical framework through constant – back-and-forth between theory/theories and empirical findings to 'generate the premises generating valid normative conclusions about European justice and fairness' (D2.2, p.3). In this process of theory building several assumptions are leading (see ETHOS application); 1) the *historical and context specificity of the meaning of justice*, 2) the *plurality of justice principles*, 3) the *embeddedness of the meaning of justice in – hierarchical - social relations*.

These assumptions of the ETHOS programme challenge any attempt to formulate a pure and universal ideal theory of justice that holds true in every circumstance. As the ETHOS researchers in D2.2 conclude, we can only formulate a non-ideal theory of justice that is partial as it does not aim to provide a complete account of a just society. The question that remains is how to formulate such a non-ideal theory of justice that per definition is not universal, not eternal and not based on full compliant ideals? Van den Brink et al. (2018: 9) point at a crucial distinction made by Wiens (2012, in van den Brink et al. 2018) between ideal theory and a 'theory of ideals', or values. Such an approach, according to van den Brink et al. (p. 9) 'does need to make some reference to ideals and values (namely ideals and values about what in a particular social and political institutional context constitutes a failure), but it does not need to assume full-compliance and cannot be, in any straightforward sense, fact-insensitive or targeted to an end-state, and therefore does not presuppose ideal theory.' The distinction between non-ideal theory and a 'theory of ideals, however, does not fully solve the problem because a 'theory of ideals' does not equate, nor can substitute a non-deal theory. Nevertheless, it can contribute to a non-ideal theory by feeding the non-deal theory with the plural and disputatious nature of values (Wolff, in van den Brink et al., 2018). Our first suggestion here for the analytical framework of ETHOS is to distinguish not only between ideal and non-ideal theory but also between non-ideal theory and a theory of ideals/values. At this point social theory comes in since while the first distinction (ideal – non-ideal theory) refers to philosophical thinking, fact-sensitive understanding as well as the 'theory of ideals/values' are the core objects of social theory. Since its origin social theory is inclined to and has developed methodologies for searching to understand social values and ideals, whether these

are categorized as ‘conscience collective’ (Durkheim), ‘false consciousness’ (Marx), ‘hegemonic discourse’ (Gramsci), or values and ends, ethics and spirits (of capitalism/ Weber). At the same time social theory indicates that the choice and the meaning of core concepts are socially constructed, product of language, history and culture. In the ETHOS application references are made to Walzer (1983) stating that justice norms are always context-specific, tailored to a given political community and the historical point in time. Since we are not ‘unencumbered selves’ (Sandel 1984), the content of morality is located in social relations (Honneth 2003). This once more poses the question of the ‘theory of values’ and the construction of social ‘facts’. The following paragraph will therefore address these questions, after which we continue with presenting the methodological framework of ideal types as an analytical instrument for connecting empirical findings to the non-ideal theory of justice.

The problem of normativity in social theory

At first sight, the philosophical distinction between ideal and non-ideal theories does not relate well to social sciences, where most, if not all, theories are engaged in *explaining* social reality by defining its properties and outlining the mechanisms that govern it, rather than in drawing a more-or-less idealized vision of social relations. Consequently, social science is not about what the world or social relations ‘ought to be’ and none of the assumptions of an ‘ideal theory’ in the philosophical sense holds true in the world of social science. Moreover, persistent attempts to gain ‘scientific’ respectability for social sciences, sociology in particular, by making them more alike natural sciences, have strengthened the interpretation of social theory in terms of the empirically testable laws (see D5.2 by Anderson, Hartman and Knijn 2017; cf. Heidtman, Wysienska, and Szmataka 2000). This attempt in many respects and for many years, moved social sciences away from explicit engagement in normative considerations. As such, sociological theories, or theories in social sciences more generally, could be seen as per definition non-ideal; no matter how abstract, general, universal, and logically coherent a social theory is, its embeddedness in, applicability to, and verifiability by real world events and phenomena locate social theory in the orbit of non-ideal type of thinking/theorizing.

There is, however, an ongoing dispute on the form and content of sociological (social-scientific) theory, and – more importantly – its status. Disagreement exists on epistemology as well as on morality. As Anderson, Hartman and Knijn (2017) register there is, on the one hand, the broad positivist tradition in which the construction of a non-normative explanatory theoretical model is a precondition to understanding and interpreting social world (cf. Turner 1994; 2013). On the other hand, scholars within the broad interactionist tradition, humanistic sociology paradigm or postmodernism believe that social theories understood as timeless and universal laws are unattainable because of: (a) the complexity of social reality; (b) the continual changeability of social world much of which is socially constructed; and (c) the necessarily fragmented character of social scientific exploration. Therefore, social theory can – at best – ‘describe for a time the social universe, but as this universe changes (...) old theories

must give way to new theories, which will also eventually become obsolete' (Turner 2013: 1). Alternatively, social theory is a lens for seeing and understanding social reality in a given time and place (ibid.).

Such an understanding coexists with the idea of intrinsic non-objectivity of social scientific knowledge and the conviction that (grand) theorizing is never innocent. Firstly, positivistic attempts to construct solid and coherent theories in social sciences may result in producing a theory that 'fits the reality' (cf. Gdula and Nijakowski 2014). Secondly, the seemingly neutral observations of social 'facts' gathered to verify theories are often 'theory impregnated,' and should be more correctly treated as interpretations (Heidtman et al. 2000) affected, among other things, by the axiology of the researcher. Thirdly, the very intention behind much sociological work, especially within the critical tradition that focuses on the issues of conflict, oppression and domination, is driven by a desire to repair social world, and thus normative (Turner, 2013). A further complication comes with the fact that concepts and generalizations developed by social scientists to facilitate their understanding of the social world can be used by people to influence these processes. Indeed, social science, as any other 'body of knowledge', might be seen as a powerful (discursive) tool in shaping the reality, for example, by defining the norms of behaviour and deviance (Foucault 1976 in Anderson, Hartman and Knijn 2017). As a consequence, due to the temporal and contextual bias of theoretical concepts, the power-relations that define the object and the methods of social research and their impact on the social world, (social) theories, even if (meant as) non-normative in their formulation, more often than not *become* normative by implication.

All in all, the normativity tension is inherent to philosophical thinking as well as to a social theory of values that will be used to analyse dimensions of justice. In ETHOS, the goal is to provide building blocks for an empirically informed (non-ideal: related to what is) theory of justice in Europe and to produce policy recommendations (ideal in implication: related to what should be) (see also 2.3). The above-mentioned tensions are exacerbated by the alleged normativity of all (social) theorizing and the challenges of value-free empirical research. It follows that in the search for those building blocks we do not pretend to wish or be able to avoid normativity; our theory of justice will be normative though not in the sense of defining an end-state of justice (as in ideal theory). It will be a non-deal theory that finds its empirical foundation in common values, assumptions underlying social institutions (law, labour market, families, schools, media and governments) and social practices as experienced by vulnerable populations. In this paper, we propose the 'Weberian method of ideal types' as a methodological instrument that enables detecting those values, institutional settings and practices. The 'Weberian ideal types' are an excellent tool to recognize the historically contingent, temporal and contextual bias – and therefore the normativity – of core concepts because they are not:

"a formula genus proximum, differentia specifica' but [...] must be gradually put up together out of the individual parts which are taken from historical reality to make it

up. Thus the final and definitive concept [ideal type] cannot stand at the beginning of the investigation, but must come at the end” (Weber 1971: 47).

By implication the methodology of ideal-types offers 1) an instrument to draft core concepts that are used as lenses for detecting and integrating historically and contextually based empirical findings, and 2) a process of generalizing on basis of these empirical observations to constitute the definitive concepts of the empirically founded European theory of justice. In that way it constitutes the starting point of bottom-up theory construction envisaged in D2.2.

The construction of an empirically informed European theory of justice.

Previous reflections on theory (and research practice) indicate the non-obviousness of the non-ideal (i.e. embedded-in-the-empirical-reality) theory and thus, by implication, non-normative theorizing, and the contested role of theory in studying and interpreting social world. They also point to challenges faced by ETHOS in choosing an analytical instrument that would allow a successful integration of theoretical and empirical knowledge, not only within but also across different scientific disciplines. The choice for a social science-based methodology as an instrument to bridge the relationship between the goal of a non-ideal theory of justice and empirical findings can be justified by the paradoxical position of social theory as a science that deals with, is occupied with, cuts across and integrates all social relations and institutions, including those that relate to law, economics and politics. Moreover, social science has developed in its history many methodological frameworks to analyse the relationship between theory and empirical observation that are in one way or another qualified and capable to ‘make a theory’ by transcending particular empirical cases into generalizable and abstract analyses of social processes and social relations.

Weberian ideal types as a way to mediate between empiricism and theory

While acknowledging the limitations and strengths of social theory Szmátka and Sozański (1994) admit such theories could be useful as sources of inspiration in the search for theoretical models or at least proper conceptualization of many social phenomena. This is precisely the manner in which we use the Weberian concept of ‘ideal types’ that can be understood as a ‘theory of ideals/values’ represented in shared values and social practices that are embedded in institutional settings. Consequently, what is necessary to arrive at the core of a justice theory is the “reference to those principles of mutual recognition that are considered legitimate by the members of society themselves” (Honneth 2003: 157; cf. Schweiger 2015: 147). Honneth (2003) warns, however, against the hegemony of claims already present in the public discourse, often at the expense of the claims of groups or individuals who (as yet) have not made it to the public consciousness. Of relevance here is also the dominant perception of certain claims. Fraser agrees to this, saying - as quoted in the ETHOS application:

“it is hardly possible to regard society as a culturally homogeneous, bounded whole, in which recognition claims can be adjusted ethically, by appeal to a single shared value horizon” (Fraser 2003: 223).

This observation led Fraser to plea for the evaluation of justice

“[recognition] claims across divergent value horizons, [as] no single one of which can reasonably claim to trump all the others” (Fraser 2003: 223).

Such an approach imposes a commitment to listen to “folk paradigms of justice” (Fraser 2003) understood as “transpersonal normative discourses” that permeate all social spheres (including public politics, but also workplaces, households and civil-society associations) and constitute a “moral grammar” drawn upon by various actors to evaluate social arrangements. Still, the question remains whose story counts and/or presents greater normative value? Paying of attention to every instance of harm and suffering and the mapping of every violation of justice standards is of no less importance than studying the social embeddedness of normative claims. Yet, while the subjective experience of (in)justice has a special normative weight, it cannot constitute the sole proof of justice. Justified forms of recognition or disrespect have to be distinguished on the basis of objective criteria, which – while universal – need also be embedded in specific social contexts and address “implicit or explicit normative promises within society” (Schweiger 2013: 538). Such verification is necessary both to identify malevolent claimants (such as racist hate groups) and to uncover the cases of “false consciousness”, when people who suffer unfairness dismiss the suffering or do not acknowledge its wrongness (Zurn 2003: 4). The latter might take place when people develop “adaptive preferences”, i.e. they adapt their wishes, aspirations or expectations to their circumstances. As observed by Sen: “[t]he most blatant forms of inequalities and exploitations survive in the world through making allies out of the deprived and the exploited” (Sen 1984: 308).

The ETHOS project rests on the premise that normative justice considerations cannot be separated from the social praxis. By investigating the different aspects of the ‘lay’ theories of justice as shaped through language, history and culture, codified in law, entrenched in (government) policies, professional and daily practice of institutions and individuals, ETHOS aims to provide indication as to the strength/appeal of specific justice claims and their public legitimacy in different European states. At the same time, by attending to the justice perspectives of vulnerable populations, the project wishes to escape the danger of overemphasising the already hegemonic claims while neglecting the less obvious sources of harm and less visible claims to justice. Therefore, ETHOS intermediate goal is to develop solid empirical ground with regard to socially embedded normative claims, as expressed in “a matrix of rules, attitudes, interactions, and policies” (Young 1990: 29), objectively recognized instances of moral harm in its various forms and expression as well as subjective experience of harm and (vulnerability to) injustice, especially in case of groups or individuals who may as

yet be deprived of social representation, such as specific racial, ethnic and religious minorities. A theory of justice and fairness is most plausibly – and in contemporary Europe, most widely – understood as a social construction or contract, rather than a timeless truth. This observation underlies ETHOS approach to bridging the gap between the theoretical and empirical and thus to building a European theory of justice that reflects European values. As proposed in the application:

“These principles will be methodologically used as ideal-typical (Weberian) heuristic frameworks for a) comparing these frameworks with the actual (empirical) understanding of people's actual attitudes, opinions, beliefs and views on justice and fairness given their context and living conditions, b) comparing these frameworks with people's evaluation of procedural and institutionalized justice and fairness, with their multiple and contextualized 'lived experiences', and with the relationship between it, and c) reflecting from the multiple empirically based accounts and dispositions on the frameworks and detecting inconsistencies, incompatibilities, contradictions but more important are consistencies, similarities, agreements and commonalities. Such an approach demands a continuous going back and forward from frameworks to reflection on empirical data and vice versa. It also asks for us to engage in reflective equilibrium (Rawls 1971; Daniels 1979). This rational method of revising one's beliefs starts from taking seriously everything we confidently believe, without privileging any beliefs in particular, and then going back and forth to make revisions to our web of beliefs where there are points of incoherence. The consortium will engage in a joint reflective equilibrium together with, and on behalf of, our fellow Europeans; starting from the attitudes and views that people actually hold. An advantage of this inclusive approach that bridges the theoretical and empirical is the promise of stability: the principles our theory recommends will be recognizable to most Europeans as just and fair” (ETHOS, p. 24).

Therefore, this D7.1 report on the framework for integrating theory and empirical findings does not mark the final stage of the process of building a European Theory of Justice and Fairness. It is just a next step in the process of theory building made through reflection on and connection of insights provided by theoretical investigations (D2.1 – D6.1, D2.2 and D2.3) and their (critical) evaluation in the context of the first round of empirically-oriented studies (D3.2, D3.3, D4.2, D5.3, D6.2). Though it is a crucial step because it outlines methodology for bridging the gap between non-ideal theory and the empirical findings. From here on the integration of the various multi-disciplinarily conducted studies on the daily experiences of vulnerable populations, their representative, recognitive and redistributive justice claims and the way these are dealt with in social practices and institutional settings can move forward.

The construction of ideal types

The construction of ideal types is a delicate issue; the most influential ideal-typical constructions always are the ones that are, on the one hand, self-evident and on the other hand most contested. Weber's own ideal types of leadership (charismatic versus organisational) or Esping-Andersen's ideal-typical distinction of welfare states (liberal, social-democratic and corporatist) are examples of heuristic devices that have inspired lots of empirical studies and have become consequential in theory building (Esping-Andersen, 1989). A major question in the construction of such ideal-typical frameworks is whether the construction itself is based upon empirical evidence, upon pure logical rationalization, or a combination of both. Whatever it is built upon, in the Weberian understanding of ideal types it is never built upon a 'normative idealization' of what the world 'ought to be' but always on an abstraction of 'what it is'. Neither is the ideal type built on 'idealization of people's views' and, thus, by implication democratically constructed on the basis of majoritarian perspectives. But then the question remains; how are ideal-types constructed?

The 'ideal type', according to Weber, is formed "by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete individual phenomena, which are arranged ... into a unified analytical construct" (Weber 1904/1949: 90). However, there are no criteria for formulating one specific 'ideal type' of a particular phenomenon because constructing 'ideal types' is "a matter ... of constructing relationships which our imagination accepts as plausibly motivated and hence as "objectively possible" and which appear as adequate from the typological standpoint" (Weber 1904/1949: 49). Moreover, 'ideal types' are dynamic, unpreserved and perishable due to the changeability of the reality that necessitates the continued construction and use of 'ideal types'. Weber, according to Drysdale (1996) gives three reasons for why the conditions of permanence and universality can never be met.

"First, the "objects" to be conceptualized are always changing (e.g., "capitalism," "church," "household") and thus require ever new attempts to conceptualize them. Second, the cognitive standpoints from which the changing "reality" is surveyed, being themselves part and parcel of the changing reality, are not static. Third, the possibilities of conceptualization of any given "slice of reality" at any given moment are manifold, perhaps logically infinite. Whether regarded temporally or structurally, diachronically or synchronically, reality always and everywhere outreaches the potential of the human mind for cognitive mastery" (ibid: 75).

What follows then is that 'ideal types' are 'conceptual constructs', the result of scientific imagination. Drysdale (1996) accentuates that such constructs never should be arbitrary but be based upon abstraction and synthesis.

"Abstraction refers to the selection (Auswahl) (Weber [1904] 194/1973: 91/192) of particular traits of concrete phenomena making the resulting concept only a very

partial "representation" of the object by a deliberate "mental accentuation" of certain traits or elements of reality" (1996: 81).

On the selection of the traits Drysdale remarks that these on the one hand are found in reality - or are at least objectively possible - and are specific for the phenomenon, implying that these traits belong to this phenomenon.

An ideal type is formed by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent concrete individual phenomena, which are arranged according to those one-sidedly emphasized viewpoints into a unified conceptual construct [Gedankenbild]. (Weber ([1904] 1949/1973:90/190 in Drysdale 1996: 82)

The criteria of synthesis imply that the ideal type should consist in traits that are coherent regarding the object and logically consistent. This concept (the constructed ideal type) represents a cognitive instrument, both an element and a means with which to move to the stage of hypothesis formation and, beyond that, to the process of validation.

The normativity of ideal types

Kim (2017) in the Stanford encyclopaedia of philosophy describes Weber's contribution to the methodology of social science in the way he takes position in the debate on objectivity and the role of subjective values in historical and cultural concept formation:

"On the one hand, he followed Windelband in positing that historical and cultural knowledge is categorically distinct from natural scientific knowledge. Action that is the subject of any social scientific inquiry is clearly different from mere behaviour. While behaviour can be accounted for without reference to inner motives and thus can be reduced to mere aggregate numbers, making it possible to establish positivistic regularities, and even laws, of collective behaviour, an action can only be interpreted because it is based on a radically subjective attribution of meaning and values to what one does. What a social scientist seeks to understand is this subjective dimension of human conduct as it relates to others. On the other hand, an understanding (Verstehen) in this subjective sense is not anchored in a non-cognitive empathy or intuitive appreciation that is arational by nature; it can gain objective validity when the meanings and values to be comprehended are explained causally, that is, as a means to an end. A teleological contextualization of an action in the means-end nexus is indeed the precondition for a causal explanation that can be objectively ascertained" (Kim, 2017, n.p).

This however does not mean that the ends themselves can have the status of objective knowledge. Given the above outlined historical and contextual dynamics of social science knowledge and the selection process resulting in abstractions every concept construction contains subjective value-judgments. 'In the end, the kind of objective knowledge that

historical and cultural sciences may achieve is precariously limited. An action can be interpreted with objective validity only at the level of means, not ends.’ (Kim, 2017, n.p.)

By implication and because ‘ideal types’ are a mean, not an end, their construction demands a clear value commitment (Kim 2017). Moreover, Weber explicitly supposes normativity and subjectivity as conditions for meaningful knowledge, and by consequence requires ‘that the researcher be self-consciously subjective’ (ibid). By presenting the ideal type methodology as an alternative to the positivist approach Weber takes a radical position regarding normativity and subjectivity. In calling the ideal type “that unfortunate child of misery of our science” he summarizes dramatically the subjective foundation of our historical and social scientific knowledge and of the values of the researcher (see Kim 2017).

“Yet the subjectivity of value-relevance is also constrained by the fact that science is practiced within “scientific communities.” Thus, scientific communication presupposes a certain level of agreement in the determination of value-ideas and their relation to research. The greater the agreement, the greater the constraints on individual variations or idiosyncratic value-interpretations” (Drysdale 1996: 83-84).

From this it follows that the construction and content of the ‘ideal types’ have to pertain to the criteria of being mutually exclusive (distinctive), logically coherent, based on abstraction and accentuation and related in a non-arbitrary way to reality; they should fulfil the criterion of a unity of the traits as a coherent configuration with reference to the object. In addition, the ‘ideal types’ as an analytical tool (a means) reflect the current ‘objects’ in their historical context, the clearly defined cognitive standpoints of the community of scholars developing the ‘ideal types’ as well as their explicit selection of the ‘slice of reality’ represented in the ideal-types. What the ‘ideal types’ do not represent is an ‘end state’, they do not pretend to create an objectively formulated reality.

Normativity and ideal types; the meaning of ‘ideal’

What does ‘ideal’ mean in the formulation of ‘ideal types’ and how does ‘ideal’ relate to mechanisms that enhance or impede justice? Is there a philosophical view presupposed? Or to phrase it differently; is it possible to think about (the claims of) the three ideal types of justice as non-normative? In answering that question, we have to accentuate that in ETHOS the research is not on redistribution, recognition and representation per se and as such but on redistributive, recognitive and representative *justice*, and even on *justice claims*. Hence the question becomes even more complicated, namely how to avoid pre-occupation with what justice is while studying it? Most important in the formulation of these idea-typical dimensions of justice is that these are neither derived from an ultimate ideal of justice nor from what people believe justice is. What people believe is yet another social fact that we have to take into consideration when exploring the reality. It is not that our definition of reality is based on what people think, it is just what people think is an element of this reality. For example, is ‘having a say’ a normative concept or a neutral formulation of what representative justice is?

In scholarly practice it can be both; a scholar happens to have a normative view that representative justice requires people to 'have a say'. But she can also ask the question naturally: 'do people in country X have a say'? And the answer will also be detailed and complex and might (not) correspond to the ideal typical notion of what representation requires. Nevertheless, the ideal typical analytical method serves the non-normative goal. It states that representative justice ideal typically means 'having a say', which doesn't mean we have to agree that there must be representative justice, or to what extent and with what scope. This is what it means to have 'ideologically free' social science and still defining ideal types. So, you can say redistributive justice means that 'people have resources to lead decent lives', but not everyone will agree with what 'decent life' may imply, what kind of resources are necessary and/or what this means vis-à-vis other individuals in the society. Some will even disagree with redistributive justice as such. By implication even if my normative view is that people shouldn't have a say, I can say representative justice as a sociological ideal type with which I disagree normatively explains that people should have a say. In that sense ideal types are a theoretical abstraction of people's views as a logical philosophical conclusion. In order to continue this discussion on the normativity of ideal types a paragraph on the possibility of a value free construction of ideal types is added.

How to use ideal types in ETHOS?

So far the internal logic of the ideal types has been discussed. Another issue is how to get from the ideal types and empirical research to recommendations. Does the ideal-typical method result in the inability to formulate recommendations in relation to justice precisely because there is no commitment to any particular normative idea? In the end we should be able to say a country X or Y should reform because of the lack of representative justice, but how does this follow from the ideal type methodology if a normative idea is lacking? The methodology actually aims to bridge between philosophical theories and empirical findings. It allows for encompassing different theories from various disciplines in the construction of ideal types to play alongside the empirical findings. For the policy recommendations it indicates that we can say that this is what redistributive, recognitive and representative justice imply ideal-typically, and this is what we found in our empirical studies, so if there exist a gap between the two, that gap can be overcome by doing this or that. Such policy recommendations then are founded in an 'if then' consideration. We can't simply state 'this is unjust' but it can be argued on basis of the comparison between the empirical findings and the formulated ideal-typical construction of redistributive justice that the latter is poorly met because of lacking resources for everyone to live a decent life. Hence, the criteria are available in the ideal-typical construction of justice to recommend for example improvement of social housing policy in country X if that country likes to meet requirements of ideal-typical redistributive justice.

Composing an ideal-type of justice

A first consideration regarding the construction of the three ideal types is if it is possible to formulate a common denominator of the broader concept of justice, and if this should be distinctive from the concept of fairness. Semantic arguments for focusing exclusively on the concept of justice (and not fairness) are twofold. Firstly, because in the literature the two concepts are often confused and defined in relation to each other (fairness is freedom from injustice), sometimes hierarchically defined, as in 'justice is the principle by which fairness is administered', and sometimes confined to redistributive justice only, as in Rawls' fairness as a form of distributive justice. Secondly, because the ETHOS project encompasses studies in six countries of which only one is an English language country already the translation of the word 'justice' in five other languages is complex. For example, in Dutch two possible translations are '*gerechtigheid*' mainly referring to rights and claims, and '*rechtvaardigheid*', a concept closely related to fairness. In Polish there is just one word for justice: '*sprawiedliwość*', that relates to justice as a legal and social concept as well as to the ideal of 'fairness' understood as 'lack of bias.' Nevertheless, in 'real life', 'being fair' or 'fairness' are more commonly used concepts than 'justice'. People easily speak of 'fairness' if they feel they themselves or other people are approached in an unjust way, and evolutionary biologists claim that even animals have a sense for unfairness (Brosnan and De Waal, 2003). For these reasons we have decided to put central the concept of justice in our theoretical conceptualizations while being aware that in the empirical studies the direct though confusing and complex relationship between justice and fairness will come to the fore.

However, ideal types are neither normative nor a common collection of what people think; an ideal type is a logical construction. The question of why focusing on 'justice' is of importance here. Why not constructing ideal types of redistribution, recognition and representation, and then taking the next step by analysing in the real world what is just and unjust? In doing so one can avoid the normative aspect of 'justice' in the ideal types. An alternative is to be more specific by accentuating that it is about 'justice claims' instead of on 'justice' as such. In addition, such claims are not based on what people believe because we take what people believe as yet another social fact that we have to take into consideration when exploring the reality. It is not that our definition of reality is based on what people think, it is just what people think is an element of this reality.

Secondly, the scale and scope of the justice claims need some consideration as a European theory on justice has to reach beyond the territorial borders of the continent in order to avoid the fallacy of methodological nationalism (see D5.1 and the report of the kick-off meeting, ETHOS D1.4). Current global capitalism does not stop at the borders of the European or European Union's territory nor do the effects of European trade and military forces. The numbers immigrants and refugees around the world, and their stories of flight and migration, clearly show that (the effects of) European justice principles extend beyond Europe and European citizens. Moreover, historical consciousness demands the acknowledgement of colonialism as one of the sources of European prosperity. This has consequences for the composition of the ideal types and the extent to which it is being affected, if at all, by various

perspectives. An important decision has also to be made, for example, on whose perspective is taken; will the (diverse) majoritarian claims dominate or will the perspectives of cultural and social minorities be included or even leading?

A third issue of consideration is the relationship between (global) human rights and the recognition of identities and difference. The latter should not be considered as a value in itself, certainly not if it implies systems of injustices, patriarchy, able-ism etcetera. And, is it possible by acknowledging identities to still discard specific cognitive justice claims, such as those represented by right-wing populists? Can we argue that their call for identity acknowledgement differs from the call for recognition of identity of the Roma population at some point? A substantive theory of justice will differentiate between claims that are made against an unjust system and claims made to perpetuate an unjust system, such a theory can only be based on empirical findings.

Putting central the concept of justice as an overall category to which each of the dimensions of justice are related demands for a common denominator of the *why*, the *who*, and the *how* of what justice could involve. Following the Weberian methodology of the construction of ideal types it will be clear that the articulation of the characteristics of the ideal types depends on the historical context in which the ideal types are defined, the cognitive repertoire of the date and the selected 'slice of reality' chosen. The articulation also should reflect the scholars' awareness of their subjectivity by expressing their arguments for choosing specific characteristics of the ideal types. With this in mind the ETHOS team has selected the following common denominator of justice as follows:

The *why* of justice defines its aim; what is justice for? Three perspectives here are competing for priority. The first is a negatively formulated perspective; the freedom from fear to be excluded from resources, from being seen and from being heard. That aim has a negative connotation as in the negative freedom formulated by Isaiah Berlin (1958). An alternative option is to formulate it in the positive sense as 'freedom to.....', which corresponds in some way to the two following perspectives. The second is a positively formulated perspective; the ontological security (Giddens 1991: 91) of having 'confidence (...) in the continuity of [one's] self-identity and in the constancy of the surrounding social and material environments'. The third perspective involves a more active component, not being 'freed from' or being 'secured to' but being 'capable of using one's functionings and resources for making real opportunities to do and be what individuals have reason to value' (Sen 1999). This third perspective defines the *why* of justice by including contextual, that is institutional and legal, facilitations of justice, and active agency of value-driven individuals for claiming justice.

The *who* of justice as part of a European theory of justice appears in first instance to be rather easy to tackle. It should essentially concern citizens of EU member states. Such a definition however excludes those inhabitants of Europe, who live in the EU without citizenship status and/or with enjoy only temporary residence rights. And should not an ideal typical

construction of justice in Europe include populations that have no nation state of belonging? And, talking about justice and human rights, should the *who* not include all humans at the globe, even more because European justice principles evidentially not only seem to openly deny but have systematically ignored justice principles of colonized populations, both in the past and today? Likewise, some principles of justice people might be denied to people not fully participating in the capitalist production mode; the ‘constructed dependents’ to whom Fraser and Gordon (1994) refer. Since wage dependency has become an acknowledged form of ‘independency’ in the beginning of industrial capitalism, the category of ‘constructed dependents’ nowadays mainly contains children, disabled and elderly people dependent on care, unacknowledged – female – caregivers in the private home, and people on welfare benefits. Acknowledging this complexity of the *who* of justice we have decided to articulate the common denominator of the individuals and groups to whom the European theory of justice applies as the citizens of the European Union and all those people falling under the jurisdiction of the EU, such as immigrants and refugees. This choice allows for interrogating, analysing and understanding the deviation between the ideal typical *who* (EU citizen) and the empirical *who* presenting itself in multiple ways.

The *how* of justice in the logical construction of justice concerns the processes that are in place to create, realize and maintain justice. It refers to means and mechanisms to reach ends. This encompasses both institutional processes to create justice (politics, social policies, legal procedure, professional interventions, education, law and taxation) as well as socio-cultural mechanisms of in- and exclusion (social media, access to jobs, internships, and bars) and narratives (political, academic, legal, professional and every day discourses on appropriate behaviour and skills, on ethnicity, gender, age, physical able-ness). The *how* focuses on the institutionalization and legitimation of justice principles.

Three ideal types of justice; redistributive, recognitive and representative.

Dimensions of redistributive justice

In combining the aim, the subject and the means and mechanisms, redistributive justice ideal-typically implies the freedom from fear to be excluded from resources, assuring the ontological security in the constancy of the surrounding social and material environments. Redistributive justice guarantees citizens of the European Union and those who fall under the jurisdiction of the EU with sufficient material and immaterial resources to live a decent live according to the prevailing standards of their society. Resources are defined either as clearly defined outcomes (income, employment, healthcare, education and housing) or as functionings related to these resources; the freedom to choose the life one wants to live. The latter accentuates the agency of individuals and groups as not only being freed from fear and being secured to have access to resources but being capable of using one’s functionings and resources for making real opportunities to do what individuals have reason to value. Redistributive justice therefore is defined as the contextual, institutional and legal provision

of resources of EU citizens and those falling under EU jurisdiction enabling the opportunity, skills and capabilities to act as active social-economic citizens. Institutional mechanisms and means for realizing redistributive justice are embedded in (EU and Member States') socio-economic politics and policies, in production modes and wage negotiations, in legal procedures as well as in education. Discursive mechanisms defining redistributive justice are political as well as academic and legal and are reflected in every day discourses on appropriate behaviour and skills, on dependency and deservingness, and on equality and conditionality. In those discourses, boundary lines are drawn between people included and excluded from redistributive justice, mainly on basis of (the intersection of) ethnicity, gender, age, physical able-ness, and between valuable and non- or less valuable work. Core issues regarding redistributive justice are related to the configuration of the value of work by the capitalist economy, the dignity of (working and non-working) people and the role of the (welfare) states and the European Union in the process of redistribution.

Dimensions of recognitive justice

Recognitive justice's aim, subject and the mechanisms to realize it are connected with the acknowledgement of identities of choice. It implies the freedom from fear of not being heard, seen and acknowledged, which assures the ontological security of having confidence in the continuity of [one's] self-identity. This relates to real opportunities to be what individuals have reason to value, and to realize active agency in value-driven matters. The aim of recognition is to be acknowledged in one's dignified and respectable identity, being it individual or group identities. What matters here is 'identities of choice' because in recognitive justice not the ascribed but the – to be - achieved identity is the focus point. Given the plural and dynamic character of identities, intersectionality is also of importance; categorial boundaries of gender, age, ethnicity, able-ness etc. do not come alone and always interact. Recognitive justice principles acknowledge, therefore, a plurality of identities of choice of citizens of the EU and those living under the jurisdiction of the EU. Mechanisms and means for creating and maintaining recognitive justice are in addition to EU Charters and UN Conventions also reflections of political and policy narratives, of legal, educational, professional, media and academic discourses. Such discourses are more or less fed by as well as reproduced in every-day language on appropriate behaviour, on belonging, esteem and dignity, where the boundary lines are expressed in in- and exclusion mechanisms.

Dimensions of representative justice

The aim of representative justice is to assure that people have a say and are heard as members of their political constituency and their social community in order to co-create their social, cultural and material environments. Representative justice assumes that people are capable of using one's functionalities and resources for making real opportunities to participate as political citizens in giving shape to the society they live in according to the values they appreciate. Political citizenship is understood here in the liberal as well as communitarian

interpretation of the concept; it refers both to deliberate and representative democratic processes at the local, national and supranational, active citizenship as members of the community, employees in companies and (voluntary) organisations and having a voice in the public debate. Mechanisms and means to ensure representative justice are freedom of expression and organisation, participating in public debates, deliberative forms of democracy, referenda, representation in institutional settings (advisory boards, parliaments, clients, students, patients and employee councils, trade unions) and democratic governance of NGO's, third sector organisations, community boards and social movements.

Tabel 1: A typology of ideal types of justice

Justice in general			
Why Justice: freedom from fear, access to ontological security and to being capable of doing and being one values			
Who: EU citizens those that fall under the jurisdiction of the EU			
How: Institutional, social-cultural and discursive mechanisms and means			
	Redistributive	Recognitive	Representative
Aim (why justice?)	Freedom of fear and being secured to have access to resources in order to be capable of using one's functionings and resources for making real opportunities to do what individuals have reason to value.	Acknowledged identities of choice in an intersectional way.	Having a say in order to participate in and give shape to the society people live in accordance with the values they appreciate
Subject (who?)	Social-economic citizens and those that fall under the jurisdiction of the EU	Socio-cultural citizens and those that fall under the jurisdiction of the EU	Political citizens and those that fall under the jurisdiction of the EU
Mechanisms (how?)	Institutional, social-cultural and discourses settings targeting principles of redistribution; material and immaterial resources, political, legal, academic discourses on social-economic issues.	Institutional, social-cultural and discourses settings targeting principles of recognition; political and policy narratives, legal, educational, professional, media and academic discourses on identities reflected in every-day language.	Institutional, social-cultural and discourses settings targeting principles of representation; (political and social) participation, voice, freedom of expression and organisation, representation in institutional settings

The challenges of an ideal-typical analysis are the following:

- A first challenge of the ETHOS programme is to confront the ideal-typical constructions with the academic disciplinary discourses as described in the DX.1's. In what respect do some academic disciplines deviate from ideal-typical claims of justice?
- Secondly, how do dominant discourse (media, politics) deviate and overlap with the ideal-types, and in what way?
- Thirdly; how do real world of experienced justice overlap or deviate from ideal-types, and in what way?

In addition, and later on in the investigative process also explanations of such deviates might be explored in order to not only describe but also understand why academic disciplinary and other dominant discourses, but also experienced justice do not fully overlap with the formulated ideal types.

Obviously, and based on our theories and empirically findings we are aware of the interconnections of the three R's. Which brings us to the questions:

- Fourthly; what are the mechanisms that relate claims for redistributive, recognitive and representative justice among for vulnerable populations; do these claims among individuals characterized by gender, ethnicity, age and citizenship status, or is there an overlap?
- Fifthly; what are the mechanisms that relate experienced redistributive, recognitive and representative justice among vulnerable populations; does daily experienced justice differ for individuals characterized by gender, ethnicity, age and citizenship status, or is there an overlap?

Finally; how do these frameworks relate to people's evaluation of procedural and institutionalized justice and fairness, to their multiple and contextualized 'lived experiences', and the relationship between it? By doing so we reflect from the multiple empirically based accounts and dispositions on the frameworks in detecting inconsistencies, incompatibilities, contradictions but more important are consistencies, similarities, agreements and commonalities. Although in the end a conclusion might be that the justice principles are applied differently by different groups and in different contexts but that the principle itself, what justice means, shows large similarities.

Part II: One step beyond and across the ideal types – critical reflection on preliminary ETHOS findings and dimensions for the integration of findings

Our goal in this part is to outline the next step of the analytical framework following up the articulation of the ‘ideal types’ of the dimensions of justice identified in Part I. The discussion that follows will, on the one hand, signal some possible limitations of the ‘three lenses’ model by exploring other possible dimensions. On the other hand, and more importantly, we will search for some common denominators by exploring how different mechanisms and fault lines of justice cut through all dimensions of justice identified in our framework. Tensions, mechanisms and fault lines should be read here as analytically distinguished concepts that in practice are very likely to show to be related and interconnected. In the discussion, we focus specifically on: (1) identifying dimensions of justice that extend beyond Fraser’s taxonomy of redistribution-recognition-representation and that emerged from the theoretical and empirical investigations conducted so far; (2) locating the most relevant tensions between various claims to justice; (3) reviewing the mechanisms that (might) impede justice; and (4) elaborating on the most important fault lines, or boundaries of justice, i.e. dimensions of inclusion and exclusion that delimit the scope of justice. Throughout discussion particular attention will be paid to issues that feature less prominently in theory yet are of paramount importance to the understanding of justice in Europe and should therefore inform our further empirical and theoretical exploration. The discussion serves the purpose of critical reflection on the dimensions along which the integration of ETHOS findings may take place.

The discussion constitutes a synthesis of D2.3 and the (preliminary) results of the first round of empirical studies (Deliverables 3.2, 4.2, 5.2 and 6.2). Throughout the text the notion of ‘claims to justice’, where ‘claim’ is understood as a demand for something due or believed to be due. Hence, the paper will conclude with formulating several questions derived from this critical discussion of integrative elements for the purpose of leading the integration of findings of the ETHOS programme.

Additional dimensions of justice

As expected from the outset of the ETHOS project, the theoretical and empirical studies undertaken allowed us not only to refine our understanding of the three central conceptions of justice – recognition, representation and redistribution, but also to identify alternative conceptions of justice that emerge from the theoretical survey of various disciplines as well as ETHOS initial empirical investigations. While some of those conceptions may touch upon the various elements the Fraser’s taxonomy, some seem to cut across it.

Freedom to (ontological) security. Both D2.3 and the first round of empirical studies indicate relevance of justice claims that are not necessarily directly linked to either of the three justice dimensions tackled by ETHOS: redistribution, recognition and representation, or cut across

them. The most important among them (listed as the overall aim of justice in Part I) seem the claims to **'freedom from fear'** (for elaboration of this Rooseveltian concept see: D3.2 by Oomen and Timmer 2018), which could be also conceptualized as 'freedom to **security**'. Justice advocated here builds upon the human craving for 'ontological security' defined by Giddens as 'confidence (...) in the continuity of [one's] self-identity and in the constancy of the surrounding social and material environments' (Giddens 1991: 91). Understood in such terms, justice requires eliminating or, at least, neutralizing multiple and multi-fold sources of threat ranging from physical (threat of terrorism), to economic (including the threat of precarity and impoverishment), to uncertainties related to the contested and changing identity and belonging, to insecurities of democratic deficit and the impotence of the (nation) state disempowered by the processes of globalisation. D4.2 further shows that 'justice as ontological security' might encompass claims to **narrative security**, where 'fair' and 'unfair' often revolves around the perceived violation of what is considered 'the truth.'

Historical justice can be here understood as (a) the verification and possibly overthrowing of the dominant narrative; or (b) the affirmation of the dominant historical narrative. In both cases, it requires the rejection of doubt and insistence on one and only one possible interpretation of (historical) events. This rejection of doubt exposes a deep-seated need for **narrative security** and could be seen as one of the possible building blocks of Giddensian 'ontological security.' Since, as shown in D5.2 by Anderson and du Pont (2018) with respect to Roma victims of WWII, accepting one (historical) narrative over another may have profound consequences for a variety of justice-related claims (recognitive, redistributive and representative), 'history' evolves from our analysis not only as an important *context* of contemporary political debates but also as one of the significant *battlefields* of justice.

Restorative justice – closely related to **community justice** or **relational justice** – is yet another important dimension of justice that emerges from ETHOS preliminary theoretical and empirical investigation. It could be understood both as an outcome (i.e. restoring the harmful effects of past and present harms) and a process (i.e. a dialogue between the harmed minority and the harm-inflicting majority). Important here is the recognition of the 'historically constructed relations of power and deprivation,' which connects with the acknowledgement of responsibility for the lot of certain groups (usually minorities) and brings to the fore the issue of accepting (historical) blame and the need to repair the harm done. While restorative justice is most standardly understood in terms of criminal justice and relates to the offender repairing the harm of his/her crime, it may also encompass demands to recognize the continued relevance of the historical injustice suffered by various minority groups. As such, it is often at the core of the minority claims for justice. Here, an interaction clearly takes place between restorative justice and recognitive justice in that restorative justice 'aims at recognition of full membership in the community of persons who suffered harm' (D3.1 by Salát 2018: 27).

Justice as freedom from domination is discussed predominantly in the political-theoretical literature (see D4.1 by Buğra 2018 for an elaboration); its relevance comes to the fore in the analysis of political discourses, and in particular resistance discourses (see D4.2 by Lepianka 2018), which clearly reflects Pettit's idea of justice as requiring the absence of domination from both the 'vertical relations between people and the government' as well as the 'horizontal relations between people' (Buğra 2018: 11). Linked to the freedom from domination is the *discourse ethics*, whose basic premise states that 'only those norms and normative institutional arrangements are valid which can be agreed to by all concerned under special argumentation situations named discourses' (Habermas [1983] 1990 quoted in Benhabib 2004: 13). According to Benhabib, this metanorm presupposes the principle of **universal moral respect** and **egalitarian reciprocity**, which together hold that all beings capable of speech and action should have equal rights to participate in moral conversation (ibid.:13).

While *justice as freedom from domination* clearly touches upon the understanding of justice as (political) representation, it relates as well to recognitive and redistributive claims to justice, for example, when contesting the hegemonic construction and manipulation of identities that serves the purpose of justifying and legitimating (also economic) domination over vulnerable groups. Justice as freedom from domination seems then, in essence, very close to Fraser's model of **participatory parity**.

Procedural justice as opposed to substantial justice is an idea of justice that cuts across and beyond all other dimension of justice; in its essence it relates to fairness, understood as impartiality and freedom from arbitrary-decision making. In legal theory, procedural justice offers a different perspective of justice (Salát 2018). As Salát writes: 'Procedure is considered to lead to justice in a fundamental sense by lawyers. Procedural justice is the rule of law itself in as much as it is the opposite of arbitrary decision-making, i.e. rule of man' (ibid.: 21). This is particularly the case in criminal law, where procedural rules grouped under the notion of the 'right to a fair trial' have largely replaced substantive ideas of justice (ibid.: 23-25). As noted by Salát: "[g]enerally speaking, in the case of collision between procedural and substantive justice, law will side with the former" (ibid.: 26). On the other hand, this primacy of procedural approaches to conceptualizing justice does not totally displace the idea of substantive justice in law.

Alternative way of theorizing procedural justice may be inspired by *discourse ethics* in political theory. According to Benhabib (2004), only "those norms and normative institutional arrangements are valid which can be agreed by all concerned under special argumentation situations" (p. 12). As discussed by Buğra (2018), this *metanorm* "presupposes the principle of universal moral respect, meaning that all beings capable of speech and action are to be included in the moral conversation, and the principle of egalitarian reciprocity, according to which in discourses each should have the same rights to various speech acts to initiate new topics and as for justification of the presuppositions of the conversations" (p. 18-19). If we

interpret this insistence on the acceptance of certain idealized deliberative procedures as a form of procedural justice, we envisage procedural justice as being input- rather than output-oriented. Another core insight of this approach is that moral justification is “necessarily open-ended” and, for that reason, their resolution and negotiation is unavoidably political (ibid., 19). As such it seems also related to justice as *freedom from domination* mentioned above.

Interplay and tensions between various justice claims

As emphasised in D2.3, the three dimensions of justice are often interrelated. Fraser herself acknowledged that many, if not most, injustices are a combination of maldistribution and misrecognition (1995: 74-82); Buğra (2018) discussed how representative justice is intertwined with other dimensions of justice, recognition in particular. Despite, or because of this entwinement, remedies needed to address the various forms of injustice are not necessarily compatible and might be difficult to pursue simultaneously (Fraser 1995, 75-79). Indeed, our initial empirical findings confirm this nexus. They show how the various claims of justice may mutually *reinforce one another*. D3.2 shows how lack of recognition and representation of inhabitants of European colonies resulted in them being deprived from redistributive justice, to which D5.2 and D6.2 add that social-economic marginalized populations also lack recognition and representation. In other cases, the realization of some justice claims ‘crowd out’ other claims. For instance, acknowledging redistributive claims for justice realized in the domain of care by way of cash-for-care and leave systems ‘crowd out’ the recognition of a hierarchical gender-based division of work (see 5.3). Likewise, the recognition of native European populations as the ones belonging to the national community might crowd out claims for redistributive justice of those who are not (yet) accepted as belonging to that national community.

D2.3 elaborates in particular on the **recognition-redistribution dilemma** discussed by Fraser. Fraser’s main concern is that redistribution entails socio-economic restructuring that “often call[s] for abolishing economic arrangements that underpin group specificity” (Fraser 1995: 74). In other words, addressing socio-economic injustice by redistribution may cause misrecognition, and vice versa.

While Fraser emphasises that there might be no neat theoretical solution to wholly dissolve or resolve the recognition-redistribution dilemma, she also maintains that the best way to counteract the real-world injustices will be by a combination of *transformative remedies* which aim at correcting inequitable outcomes by restructuring or abolishing group categories (Fraser discussed in D2.3, p. 4). To simultaneously address maldistribution and misrepresentation, Fraser advocates a combination of *socialism* (distribution-transformation) and *deconstruction* (recognition-transformation). Our initial empirical results seem to suggest that such a combination may be more eagerly pursued by (political) actors involved in resistance movements on behalf of minority groups (see D4.2 and D5.2) and women (D6.2). In the forthcoming empirical studies it will be investigated if the same is true for – female – care workers and disabled persons (D5.3) and youth and poor people (D6.3-5). The authors

of D2.3 suggest that the appropriateness of *transformative remedies* (as opposed to *affirmative remedies*, which involve correcting inequitable outcomes without disturbing the social arrangements that generate them) might be context specific.

In her revised framework of participatory parity, Fraser added representation as a dimension that complements the primarily cultural (recognition) and economic (redistribution) understanding of justice and helps to identify additional forms of social exclusion, namely those located in the political arena. Our analyses so far suggest a strong correlation between **redistribution** and **representation**. Being in possession of adequate financial means often constitutes a condition *sine qua non* for the ability to exercise one's electoral rights, both active and passive. Studies conducted for D4.2, D5.2 and D6.2 clearly showed how the interplay of class, age, gender and race/ethnicity (or maldistribution and misrecognition) affects access to effective representation. In a different way and on a different more systemic level, the interrelation of representation and redistribution is reflected in the processes and actors involved in legitimating the 'austerity model' of social policy. The fact that the model, which assumes absolute primacy of the moral values of economic and labour neoliberalism, is promoted by a new constellation of elected and *unelected* power, including the International Monetary Fund, the World Bank, the European institutions, national governments, Central Banks and consultancy firms (see D6.1 by Castro Caldas 2018; see also Ferreira 2011), illustrates how lack of redistributive justice might be a consequence of deficiency of representation.

With respect to interplay between **recognition** and **representation**, most important is the realisation how stigmatised identities can hamper institutionalised forms of political participation but also stimulate civil society formation and consultation. As discussed in D4.2 and D5.2, misrecognition that is contested may lead to resistance and reinforce seeking representation via exercise of civil rights and freedoms. In fact, the various ways in which civil society claims to represent clients/supporters/members in terms of everyday experiences suggest the importance of other than electoral forms of representation.

The analyses conducted so far clearly show there is also a trade-off between recognition and representation. For example, in Turkey recognition of ethnic, religious or cultural difference seems to go together with the tendencies to dismiss the problem of their political representation (Buğra and Ertan 2018). Similarly in Hungary recognition of Roma as national minority is accompanied by attempts to politically instrumentalise and manipulate their organized representation thus weakening it (Zemandl 2018). On the other hand, as discussed in D4.2 and D5.2, representation may reinforce misrecognition. For example, when minority representatives are expected to act or speak for an entire minority in a way that is rarely expected of majority representatives and which exposes them to exacerbated criticism from majority and minority populations alike.

Interplay and/or 'crowding' out may take place also within **various understandings of the same type of justice claim**. Interesting here might be the example of recognitive claims to

justice; their specific definition may differ per context as well as group or individual in question. For example, minority claims to recognition might encompass the *recognition of difference* (and thus the uniqueness of the group) as well as their recognition as fully-fledged members of the society in which they happen to live (and thus the denial of the relevance of difference). Moreover, recognition as a member of a specific minority group (*recognition of difference*) might collide with individual need for uniqueness and longing for self-definition that may or may not encompass the minority status (thus recognition of *concrete individuality*). Crucial here might be, therefore, focus on the acknowledgement of the *identity of choice* as opposed to ascribed identity. In analysing the empirical findings, attention may need to be paid to the implicit hierarchies in freedom to choose one's identity (Bauman 2013).

Similar tensions may take place with respect to representation, for example, when representation via formal democratic process (with many different models of translating votes into seats) is challenged by the growing appeal of referenda, petitions, civic society involvement in protest movements and a variety of 'unconventional types of political action' (D4.1). As shown by D4.2, there is indeed a difference in the discursive construction of formal participation in public institutions and democratic process (taken for granted; desirable) and the imaging of minority engagement in protest movements and initiatives (problematized as a form of (anarchistic) troublemaking rather than political involvement).

For ETHOS, it might be important to investigate the changing 'alliances' inherent in intersectionality and the fact that individuals are simultaneously members of different social groups and that some of their interests, and thus also, claims to justice, may be in conflict.

Finally, tensions may become apparent when justice is sought according to **different, and especially competing, principles**. This is most clearly visible in case of redistributive claims. For example, a 'utilitarian' vision of justice seems to tolerate extreme inequalities in welfare as long as it leads to the well-being of the biggest number (see D2.1). Tensions clearly exist also when redistribution governed by supposedly non-normative principles of *self-interest* and *rational choice* is juxtaposed with redistribution according to principles of *sympathy* and *commitment* (see D2.3, p. 9 and D6.1).

Mechanisms that impede justice

Interplay between justice claims

The tensions between the various claims to justice is probably one of the main mechanisms that impede the realization of justice, however defined. There are, nonetheless, also other mechanism, including institutionalized unequal power relations, competing visions of common good, good society and/or priority (or legitimacy) of competing principles of justice. Not without significance here is path-dependency, that is, the historically shaped and legitimated institutional and cultural practices that define the (un)acceptable forms of

dependency and underpin the processes of exclusion and inclusion.

Power relations

Inequality exists between the various sides of the social contract in setting ‘the rules of the game’, defining (in)justice and the principles according to which claims to justice might be established and/or evaluated as legitimate; and the type of remedies that might be sought to correct for injustice. As elaborated on in D2.3, crucial here is the, discussed by Fraser, inequality of resources (including discursive resources) that can be employed in struggle for a hegemonic interpretation of ‘legitimate social needs’ as well as the violation of the principles of **universal moral respect** and **egalitarian reciprocity** and thus restricting the right of some to participate in moral conversation (Benhabib 2004:13). The exclusion of certain voices by *missing out or ignoring* certain public interests (false negative danger of political misrepresentation) and *misrepresenting* common interest (false positive danger) (see Pettit discussed in D4.1 and D2.3) are likely to result from and reflect unequal power relations.

The role of unequal power relations in defining the dominant vision of ‘common good’ is well illustrated in D6.1 and D6.2 in relation to the ‘austerity model’ (discussed above). However, it is important to realize that power relations reveal themselves both in the relation between individual and the state, economic structures and other institutions, and in (daily) relations between individuals, for example, in situations of symbolic (racial/ethnic) violence (see D4.2 and D5.2) or in a caregiver-caretaker relation (D5.3 – forthcoming). The unequal power relations can be related, for example, to heteronormativity, white-normativity and normative able bodied-ness. At the same time, they may not always be acknowledged by those whom they affect, for example, as a result of ‘adaptive preferences’ of people who adapt their wishes, aspirations or expectations to their circumstances (Sen 1997; ETHOS, p.16) and/or internalisation of discourses of bonding and connectedness that encourage individuals to adapt to the existing social order (Foucault 1976 in D5.1). The relevance of the combination of institutionalized unequal power relations and ‘adaptive preferences’ can be traced in D6.2, where the economic vulnerability of especially young people contradicts with their acceptance of the neoliberal ‘rules of the game’:

“[L]egitimacy by fear asserts itself as a mechanism for converting the narrative of austerity into a dominant political-social model, assuring the absolute priority of the moral values of economic and labour neoliberalism (Ferreira 2011). Facing this reality young people became a very vulnerable working mass that is available to accept almost anything in order to have a job. Plans for the future are put on hold and the survival in the present is a permanent struggle between precarious jobs and family help” (Meneses, Araújo, Ferreira and Safradin 2018: 81-82).

A narrative of fear appears to be able to become so dominant that parts of the new generation tend to accept the ‘austerity model’. Claims for justice targeting power relations are therefore

institutional, social and cultural, and address hegemonic paradigms. An important question for ETHOS is if and what claims for justice are put forward by vulnerable populations.

(Dominant) visions of common good and competing principles of justice

As already noted, certain visions of good life, common good and/or good society might not be compatible. In D6.1. Castro Caldas (2018) juxtaposes redistribution designed in accordance with the values of self-interest, utilitarianism and rational choice with Sen's ideas of sympathy and commitment. While highly relevant, this tension reflects only a fraction of choices that can be made between the rich variety of principles that could form the grounds for redistributive justice (for an elaborated discussion see D2.1).

Illustrative here is also the inherent tension between the *liberal* and the *communitarian* tradition, which differ, among other things, in the value they attach to the protection of individual rights and freedoms vis-à-vis protection of the culturally specific values and practices. Yet, as suggested by some of ETHOS empirical analyses (see Hoogenboom and Knijn 2017; see also D4.2) tensions exists as well between various 'versions of communitarianism' (rooted in different visions of a community of value and the normative core it is built upon). Moreover, value attached to specific freedoms and/or freedoms enjoyed by different individuals or groups may vary, either in response to the dominant vision of the individual (e.g. as *homo economicus* vs. *homo reciprocans*) or as a reflection of their position on the inclusion-exclusion continuum (see also the following section on boundary drawing).

Importantly, the different visions, codified and institutionalised in legal tradition and/or bureaucratic, professional, cultural and social practice, might determine not only the shape, scope and site of justice experienced by individuals, groups and societies, but also the choice of remedies, that is the claims for justice to tackle the injustice. Relevant here is, again, the distinction between *transformative* and *affirmative remedies*, but also the possibility of a *convergence* that presumes some dialogical openness to democratic negotiation.

Path dependency, or interplay between temporality and history

Important is also the interplay between temporality and history in shaping (ideas about) the socio-economic order, the vision of common good, the permanence of class structure, and/or the permanence of ideas about justice claims of minority and marginalized populations. In many cases (minority) claims to recognition and/or representation can be understood only through the lens of history or rather, a specific *memory of (national) history*, which may differ between various social groups (see D4.2). Also the salience of certain threats – physical, economic and symbolic – often can be understood only when evaluated in the light of past (social) traumas.

Path dependency might be also traceable in the permanence of certain statuses that freeze groups and individuals as assumed non-members or 'contingent' members of a community, especially when institutionalised as exclusion of certain categories, such as inhabitants of ex-colonies, from formal membership. The rhetoric of second- and third-generation migrants that

applies to citizens born on national soil to citizens with migrant background is also relevant; just like barriers to 'mobility justice' understood, on the one hand, in terms of physical (e.g., cross-border) mobility and, on the other, in terms of class mobility (related in turn to the mobility of various types of capital).

With respect to class mobility, important as well might be the injustice of the *downward* mobility of individuals and groups, for example, as a consequence of the recent financial and economic crises but also the already mentioned persistency of the neo-liberal agenda and the 'austerity model' aligned with it.

Finally, path dependency might be an important factor that determines the choice of *affirmative* rather than *transformative claims to justice*.

Disregard for difference and interdependence

Disregard for difference is likely to cause injustice on all social and structural levels, from the international to interpersonal. The 'one size fits all' character of the austerity and structural adjustment reforms, the uncritical imitation of the flexicurity model and/or labour market activation policies across very dissimilar countries often reinforce the existing inequalities and increases polarisation both between and within states.

Similarly, the strict and unnuanced application of conditionality when granting social entitlements, embedded in a meritocratic society, especially when combined with neglect for structural processes: institutional racism, discrimination, (racialised and gendered) class structure, is likely to exclude from the system of reciprocity the most vulnerable groups, unable to demonstrate the level of individual effort, responsibility and engagement that would be deemed satisfactory.

Relevant here is also disregard for the interconnectedness and interdependence of states, social groups but also individuals, which neglects the nature of the (global, national, and social) division of labour and the fact that, as Knijn and Kremer (1997: 332) state: 'all human beings were dependent on care when they were young and will need care when they are ill, handicapped, or frail and old.' Ignoring the interdependency and viewing society as composed of equal and autonomous individuals results, among other things, in misrecognition and maldistribution in the realm of care and reproductive work that disproportionately affects women, and especially women from racial/ethnic minority groups and/or women of low socio-economic standing, who remain overrepresented in unpaid and underpaid domestic work and care work.

Processes of exclusion

Belonging to a community of value is often a condition *sine qua non* for being included in the 'moral conversation', for having a say, and thus also the possibility to co-define what is 'just' and make claims of recognition and redistribution. At the same time, as discussed earlier in this report, but stressed as well in D2.3, D4.2 and D5.2, recognition as a (fully-fledged) member

of the community might be necessary for belonging. The processes of exclusion are usually path-dependent, rooted in the history of the country and its 'subjects', including ex-subjects whose lives continue to be shaped, albeit often indirectly, by the country's colonial past. Yet, they may also be newly-invented, related, for example, to current migration and integration laws, which problematize the entrance and stay of certain categories of migrants (family, lower-skilled, TCNs) and prioritise other categories of newcomers (highly-skilled, well-off, EU-citizens).

Exclusion does not only apply to those who are not formally included in a political community, but also those who despite formal membership, experience through various forms of misrepresentation when certain voices within the polity are muted or ignored (e.g. via what Pettit called 'false positive' and 'false negative' danger discussed in D4.1 and D2.3, section on power relations above); but also through the construction of certain 'flawed' identities which deprive vulnerable and marginalised groups of social respect and eliminate them from the positions of power and influence (D5.2).

Fault lines (or boundaries) of justice

One of the primary goals of ETHOS is to enhance our understanding of exclusionary processes that legitimate various forms of injustice and affect how justice, or rather the scope of justice, is (socially) constructed and experienced. At the core of our investigation lies therefore an exploration of the nature and normative basis of (collective) boundary drawing that defines the 'ins' and 'outs' of justice.

As explained in the ETHOS proposal, D2.1 and Part I of this paper, most theories of justice implicitly or explicitly deal with justice principles and justice relations among people in a single society or political community, usually a nation state, while leaving those outside the community with no entitlements. This also goes for human rights principles that are acknowledged by most nation states though are interpreted and implemented differently within national constituencies. While the 'citizen' occupies therefore a central analytical position in our analytical framework (see the discussion of Ideal types in Part I), our theoretical and preliminary empirical investigations confirm the complexity of the boundary drawing processes and the need to pay attention to different shades of exclusion/inclusion of the different others as well as differences and inequalities *among* those who are formally included. As noted by Anderson et al., citizenship seen as "an exclusive and legal relation ... does not straightforwardly map on to senses of identity, belonging or Deservingness", all of which play a role in defining the scope (or boundaries) of justice (D5.1). The following (often intersecting) dimensions of inclusion-exclusion (or boundary drawing) can be distinguished:

- **A continuum between *civic* and *ethnic* interpretations of belonging;** where *civic* implies belonging by choice and *ethnic* implies belonging by primordial assignment.

This implies that *civic* belonging is never unconditional – it always assumes a certain degree of compliance with the normative core of the community of value; the community based on the civic model is always seen as a community based on the association of like-minded individuals. The degree and content of this ‘like-mindedness’ (and degree of conditionality of belonging) may differ per national-setting but also per group/community in question and/or per vision of common good.

- **A continuum between *legal* and *normative* interpretations of belonging;** where the former relates to formal membership and the latter refers to identity-based belonging and/or belonging to a community of ‘like-minded’ individuals. While ‘like-minded’ can refer to the humanity (and thus transgress any narrowly defined communities based on ethnic, social, religious or cultural alliances), it may also relate to sub-groups within the broader (national) community. In some cases, it may also lead to exclusion of members of the ethnic community on the basis of their normative non-belonging (e.g. members of sexual minority) or perceived disloyalty to the national creed (e.g. elites or emigres). Crucial here is, therefore, realisation that *legal* belonging (e.g. as citizen) is not necessarily a guarantee of *normative* belonging; normative belonging to the community of value has to be continually reaffirmed, especially in case of minority members. Relevant here is the distinction between good citizen, fallen citizen, tolerated citizen and non-citizen proposed by Anderson (2013).
- **Gender, race and ethnicity, and able-bodiedness as categories of exclusion** which, while reflecting on the materialized (or physical) aspects of identity, undergo a continuous re-construction in terms of their (social) functions and utility, for example, as workers and carers, or as objects of policy interventions. While the categories (male-female; white-black; able-disable) might be volatile (i.e. subject to social construction), they are rarely permeable, and membership usually takes place by ascription. How the membership to an (intersection) of those categories ‘marks’ the individual and affects the effectiveness of their claiming justice (and what kind of justice) depends very much on the legal, bureaucratic, cultural and social practice in re-constructing the categories. Importantly, injustice might be also a product of the supposed difference-blindness, that is objectivity, neutrality and purposeful inattention to difference.
- **A continuum between being an agent and object of justice;** which relates to the position of the individual in the social processes of need-interpretation, construction of deservingness and dependency, choice of the type of remedies necessary to tackle injustice, and – last but not least – the re-construction of social categories. Important here is the actual capacity to choose identity and exert influence in public debate, for

example, by presenting one's grievances and claims and/or evaluating the claims of others, either directly or indirectly via representatives of choice. Important here, however, might be the realisation that representatives may not always represent the interests of the represented (D2.3).

In all cases it is important to look at the volatility of categories constructed and their permeability. Particularly important for understanding the processes of exclusion and inclusion and the dimensions along which the inclusion/exclusion takes place seems the analysis of liminal groups, that is groups that combine characteristics of various categories, and whose inclusion and exclusion from the (assumed) community of value can be context specific.

Another issue to address is the question of how fault lines might connect people who experience injustice through either lumping them into a single homogenous category and/or through alliances formed through shared injustice (see for example, how Roma people, who have very different cultures and languages and histories, become 'Roma' through their marginalisation).

Integrative questions for the ETHOS analytical framework

This analytical framework for integrating the findings shall be then guided by the following set of questions:

- Which claims to justice prevail in addition to redistributive, recognitive and representative, how do these relate to the three R's, to each other, and how do these reinforce each other?
- Which claims of justice presuppose, condition or crowd out other claims of justice?
- Which tensions are discernible between different understandings of the same dimension of justice claims, and in what way do these relate to similar claims by different groups or by different claims by similar groups?
- What tensions are generated by the pursuit of different principles of justice and whom do they apply to?
 - What mechanisms impede the realization of justice, and what are implications for claims to justice?
 - What categories of vulnerable and marginalized populations are subject of which mechanisms of injustice and in what way are (their) claims to justice react on these mechanisms?
 - How do boundary lines of justice divide vulnerable populations and how can these be overcome to articulate claims of justice?

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Appendix 1: Draft note on Ideal Types

This draft note written by co-coordinator Trudie Knijn has been distributed for discussion to all members of EB and researchers substituting them as participants of the workshop.

Draft note T7.1 workshop (Trudie Knijn 10-09-2018)

The workshop will focus on two main aspects of the conceptual framework for integrating the findings of ETHOS:

- 1) The formulation of ideal-typical claims to justice that will form the frame of reference for reflecting and interpreting the results of empirical studies;
- 2) The discussion on dimensions along which the integration of findings may take place; a) the interplay and tensions between justice claims; b) mechanisms that impede justice; c) fault lines of justice, and d) other possible dimensions emerging from the disciplinary initial theoretical investigation.

Below we will outline some starting points for discussion related to the formulation of ideal types. The discussion on the second aspect (the dimensions for the integration) will be grounded on Deliverable 2.3.

Ideal types of redistributive, recognitive and representative claims of justice.

For sure the interdisciplinary approach of ETHOS causes a lot of conceptual diffusion and challenges the participating scholars to think beyond the borders of their disciplines. The ETHOS methodology of using the Weberian ideal-types analysing real world phenomena is not the least source of confusion. In the application it is said that: These principles [the three justice principles of ETHOS] will be methodologically used as ideal-typical (Weberian) heuristic frameworks for a) comparing these frameworks with the actual (empirical) understanding of people's actual attitudes, opinions, beliefs and views on justice and fairness given their context and living conditions, b) comparing these frameworks with people's evaluation of procedural and institutionalized justice and fairness, with their multiple and contextualized 'lived experiences', and with the relationship between it, and c) reflecting from the multiple empirically based accounts and dispositions on the frameworks in detecting inconsistencies, incompatibilities, contradictions but more important are consistencies, similarities, agreements and commonalities. (p. 20).

There is a lot of confusion about what Weberian ideal types actually are, such as that ideal types; 1) represent ideals; the most perfect idea, form or shape of the real phenomenon, 2) are inductively constructed on basis of observations of the real world, and 3) ideal types include all kind of possible nuances of what might be called the 'stereotype ideal'. For ETHOS researchers, ideal types an additional complication might be that it could be confused with the concept 'ideal' as in 'ideal philosophical theory' outlined in the philosophical contributions to ETHOS (D2.1 and D2.2); ideas about how the world ought to be. However, all of this is far from what Weber aims with his ideal types. So, what are ideal-types, and how will we use them in ETHOS?

An ideal type is a rational construct – a cosmos without contradictions - to accentuate aspects and characteristics of a social phenomenon. Scholars create such a construction in a functionally and

substantially rational way by combining characteristics and elements of the given phenomena being aware that these do not correspond to all or even most characteristics of any particular case. An ideal type accentuates some points of view and synthesizes diffuse, discrete, and occasionally absent concrete individual phenomena. The aim of ideal types as an analytical tool is in the comparison with 'real' social, cultural, political or economic phenomena in order to understand the deviation and contrasts of social phenomena, social processes and social principles from the ideal type. The analysis of social phenomena, processes and principles in relation to the ideal type is not a matter of measuring, calculating or straight-forward causality. It is a matter of *verstehen*, an interpretation posing a problem for the scholars concerned with trying to understand 'reality' in relation to the ideal type.

By implication, as the ETHOS application states: the Weberian ideal-typical method demands a continuous going back and forward from frameworks to reflection on empirical data and vice versa. It also asks for us to engage in reflective equilibrium (Rawls 1971; Daniels 1979). This rational method of revising one's beliefs starts from taking seriously everything we confidently believe, without privileging any beliefs in particular, and then going back and forth to make revisions to our web of beliefs where there are points of incoherence. The consortium will engage in a joint reflective equilibrium together with, and on behalf of, our fellow Europeans; starting from the attitudes and views that people actually hold. An advantage of this inclusive approach that bridges the theoretical and empirical is the promise of stability: the principles our theory recommends will be recognizable to most Europeans as just and fair. (p. 21)

Constructing ideal-types of justice

The ETHOS methodological constructs of ideal types of redistributive, recognitive and representative justice are based on the theoretical deliverables produced in the past one and half year of the project (D2.1 - D6.1, D2.2 and D2.3). On beforehand it should be noted again that the ideal types of justice as presented here are mutually exclusive but that this does not imply that in the real world no overlap exists between the three ideal types of justice. The constructions are created and distinguished according to the rules of formal logics; it is only in the empirical research by comparing reality with the ideal types that overlap, inconsistencies, gaps, biases, deviations and contradictions will be signalled and interpreted. In order to create ideal types of justice we apply the following dimensions; aims, subjects, mechanisms and means (for discussion; are these the best dimensions and do you propose additional ones?).

Dimensions of justice

Aims: An overall aim of justice and fairness is the freedom from fear to be excluded from resources, from being seen and from being heard. In the logical construction of the functional rationality of justice, it concerns the answer on the question 'why' justice. Variation exists between the three aspects of justice in such a way that the aim of redistributive justice is to provide citizens with the resources (material and immaterial) to live a decent life according to the standards of their society. The aim of recognition is to be acknowledged in one's identity as valuable, being it individual or group identities, and the aim of representation is to have a say in the constitution one belongs to.

Subject; in the European theory of justice citizens of the European Union and those who live in the territory are the focal point though we should permanently include people from other continents that are affected by European justice principles and related practices. The subject can be understood as the

target group, the 'who' of the three aspects of justice. We can distinguish social-economic citizens (workers, consumers) as the subjects of redistributive justice, socio-cultural citizens (ethnic, racial, sexual/gendered, bodily, age-related) as the subjects of recognition, and political citizens as the subject of representation.

Mechanisms; the mechanisms of justice are the processes that are in place to create justice, it refers to the 'how' of realizing justice. Per aspect of justice various mechanisms can be detected. For redistributive justice mechanisms as reciprocity, utility, deservingness and conditionality are central, while for recognitive justice respect, belonging, esteem and identification are core mechanisms. For representative justice, in contrast, crucial mechanisms are participation, voice, exit and loyalty.

Means refer to substantial rationality of the justice ideal types, the 'what' of justice or the means to realize the aims as formulated in the legitimation of justice. Resources for realizing redistributive justice are either outcomes understood as material resources (income, work, housing, education and health) or as capabilities (real opportunities to do and be what individuals have reason to value). Means to realize recognitive justice relate to the acknowledgement of individual or group identities, which are group-differentiated rights, anti-discrimination laws, quota and the freedom of expression. For realizing representative justice in such a way that everyone has a say several forms of democracy can be distinguished; representative or deliberative democracy or referenda at various governance levels (local, district, national and EU) as well as at various institutional sites (schools, companies, NGO's). Based on these dimensions the ideal types of redistributive, recognitive and representative justice result in the following typology:

Table 1: A typology of Justice; ideal types

Justice in general			
Why Justice: freedom of fear			
Who: citizens and inhabitant of the EU and those affected by the EU			
How: mechanisms of in- and exclusion			
Means: resources and capabilities, law, democracy			
	Redistributive	Recognitive	Representative
Aim (why justice?)	Resources to live a decent life	Acknowledged identities	Having a say
Subject (who?)	Social-economic citizens	Socio-cultural citizens	Political citizens
Mechanisms (how?)	Reciprocity, utility, deservingness, need, equality and conditionality	Respect, belonging, esteem, identification, diversity politics	Participation, voice, exit and loyalty
Means (through what?)	Resources and/or capabilities	Group-differentiated rights, anti-discrimination laws,	Representative democracy, deliberative

		quota and the freedom of expression	democracy or referenda, citizens' councils etc.
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In summary this implies that ideal-typical:

Redistributive justice can be defined as aiming for providing citizens of the European Union and those who live in that territory with sufficient material and immaterial resources to live a decent life according to the prevailing standards of their society. These resources are defined either as clearly defined outcomes (income, employment, healthcare, education and housing) or as functions related to these resources (the freedom to choose the life one wants to live). Mechanisms for realizing redistributive justice may vary from reciprocity to utility, deservingness, need, equality and conditionality depending on the sphere of resources, the ideological political domain and the logic of institutional settings in specific (European) welfare states.

Recognitive justice can be defined as aiming for the acknowledgement of chosen identities of individual and groups guaranteed by mechanisms that promote belonging and respect as well as identification and freedom of stigmatization. Means to realize it are embedded in law (group differentiated, quota) and allow for freedom of expression (in word and behaviour) based on acknowledging self-esteem, showing respect to 'others', diversity politics, and reframing discourse.

Representative justice can be defined as aiming for having a say in the constitution one lives in and the institutional settings one participates in. Its mechanisms are various forms of participation and variants of exit, loyalty and voice. Means to realize representative justice are at all (governance) levels of society and in different (institutional) settings varying from schoolboards to social media, and from local NGO's to voting for EU MP's.

The challenges of an ideal-typical analysis

- A first challenge of the ETHOS programme is to confront the ideal-typical constructions with the academic disciplinary discourses as described in the DX.1's. in what respect do some academic disciplines deviate from ideal-typical claims of justice, and why do they?
- Secondly, how do dominant discourse (media, politics) deviate and overlap with the ideal-types, in what way, and why so?
- Thirdly; how do real world of experienced justice overlap or deviate from ideal-types, in what way and why so?

Obviously, and based on our theories and empirically findings we are aware of the interconnections of the three R's. Which brings us to the questions:

- Fourthly; what are the mechanisms that relate redistribution, recognition and representation for vulnerable populations; do these differ in discourses on individuals characterized by gender, ethnicity, citizenship status, age or is there an overlap?

- Fifthly; what are the mechanisms that relate redistribution, recognition and representation for vulnerable populations; do these differ in daily experiences of individuals characterized by gender, ethnicity, citizenship status, age or is there an overlap?

Finally; how do these frameworks relate to people's evaluation of procedural and institutionalized justice and fairness, to their multiple and contextualized 'lived experiences', and the relationship between it? By doing so we reflect from the multiple empirically based accounts and dispositions on the frameworks in detecting inconsistencies, incompatibilities, contradictions but more important are consistencies, similarities, agreements and commonalities.

Appendix 2: Workshop report

Report of the ETHOS workshop on ideal types of justice; why, what and how, Istanbul, September 14, 2018.

Participants: Basak Akkan, Sara Araujo, Bridget Anderson, Ayse Bugra, Jing Hiah (minutes), Trudie Knijn, Dorota Lepianka, Simon Rippon, Tom Theuns, Maddalena Vivona, Volkan Yilmaz.

During the workshop several aspects of the construction of the ideal typical method and their application in the ETHOS framework have been discussed, the main topics are:

- Disregard of the connection of the three dimensions of justice
- Relation between real life (empirical findings) and the ideal types
- The relationship between the ideal types and the empirical findings
- The construction of ideal types
- Normativity and ideal types; the meaning of 'ideal'
- How to use ideal types in ETHOS?
- The composition of the ideal types

Disregard of the connection of the three dimensions of justice

A core assumption and statement in appendix 1 is that the three dimensions of justice for analytical purpose are distinguished in such a way that these are mutually exclusive. It was discussed if such a separation of the different constructs of justice is possible, whether justice can be considered as analytically having different types. Indeed, the ideal types of Redistributive, Recognitive and Representative justice claims are constructed in 7.1 as 'pure forms', not including their interrelationships. It demands thinking about one type of justice without including another type of justice. But then, what about the relationship between the three dimensions; these work together and not separately. The idea is that we do both. First we construct the ideal typical dimensions of justice as logical and coherent set of ideas to see what they do or do not encompass. There was a lot of discussion about the concepts in scholarly literature. We take a step back and see what the logical coherent construction is of each of the justice dimensions and to use that to look at our empirical findings. There are all kinds of inconsistencies in reality that you cannot get a grip on because you cannot compare it with logical constructs. The ideal typical construction is a lens through which we look through the different dimensions of justice. And the next other step we are looking at, is its integration. But the ideal types are used to get a grip on what we are talking about when we look at our empirical work and see if and how it deviates from the ideal type of, for example, redistributive justice. For instance, in the empirical studies we look at different social domains such as care, labour market participation or social housing. In each domain we use some concept of claims for redistributive justice. So if the ideal type of redistributive justice is constructed, the next step is to compare the ideal type with how redistributive justice claims 'in reality' in those diverse domains occur and how these deviate from the ideal typical construction. From this perspective, by making ideal typical constructions

we are not answering the question whether they reflect just or unjust realities, so there is no normative a priority judgement. We are reflecting on the way particular conceptions of each of the justice dimensions are prioritized, interact and marginalized.

A related issue is if and how the construction of ideal types relates to the ETHOS inspirational framework of Fraser. She did not articulate very precisely the three ideal types of justice, but one ideal type that integrates all three dimensions. However, Fraser describes a meta norm that explains what these different justice dimensions are, what drives them, and they are analytically separated but they can be in conflict. And indeed, the debate between Fraser and Honneth, Butler and Robeyns concerns exactly the issue of interconnectedness of the three concepts versus a monolithic demand. Nevertheless, we use Fraser's concepts of justice as a starting point for finding a common language to distil ideal typical concerns on justice. We can do that from scratch, but we can also say, look here, there is a framework, we can see if that works. There are also all those things that do not fit into that framework. But we are not engaging with Fraser's normative arguments. We are not making normative arguments in this phase of the analysis. We rather engage with her taxonomy of aspects of justice.

Relation between real life (empirical findings) and the ideal types

Using the ideal-typical method of comparing logically coherent constructs with empirical findings raises expectations of discovering new not yet seen analytical perspectives. Is that what we should expect? Will, at the end of the project, we conclude with a redefinition of representative, recognitive or redistributive justice; will we come up with something new as promised? A new empirically based European theory of justice? This has to be seen, everything is open so far, everything is possible. However, what we attempt to is overcoming the mainly philosophical debate by adding empirical findings. It might be that justice has only one dominant dimension as Honneth argues, or three as Fraser argues. But we are not only looking to engage in that normative discussion on what justice is – we will rather show how certain conceptions of justice are used in different domains. For instance, some claim that 'the politics of representative and redistributive justice can never constitute real justice because there are no real politics of recognition'. Is this a normative claim, or should it be concluded that the financial and economic crises in Europe everyone is treated 'equally' in the austerity measures, but that actually the crisis has hit harder in southern Europe than in Northern Europe and accordingly also hits different segments of the population within the country? With regard to applying the ideal types of justice the phrasing would be different saying that in some countries recognition principles are applied differently and what are the consequences. In some countries there is equal recognition, in some countries we have specified recognition. That is how recognitive justice is working out in the real world. And in the second step we will analyse the consequences of that analysis. So the first step is how are the principles varying and the second step is, what does that mean for different groups. So, the claims of recognitive justice apply differently to different groups. Does this way of applying the methodology of ideal types lead to new conceptions of justice, how can the ideal types lead to a change in the categories we think? For example, the redistributive justice claims are defined as resources to live a decent life, if you look at the socio-economic citizen, it is much economically related, while redistribution can actually be about many different things, not only material economically related. If we construct the ideal type this way (in 7.1) than the definition would go beyond that.

The construction of ideal types

The workshop continued by debating the construction of ideal types; is this construction based on some idealization of people's views and can we construct ideal types from how people see justice in practice? In that case the approach is interrogating these views and making them more coherent. An alternative perspective is the construction of ideal types based on an idealization of a normative principle of justice. This implies somehow a to find a truth, a platonic form, on what the three dimensions of justice are but then it is unclear how that can be interrogated by empirical data. If it is not an anthropological claim, it is about how things should be. A third option however, is that ideal types are neither normative nor a common collection of what people think; an ideal type is a logical construction that is not normative, and this is the Weberian approach. The question of why focusing on 'justice' is of importance here. Why not constructing ideal types of redistribution, recognition and representation, and then taking the next step by analysing in the real world what is just and unjust? In doing so one can avoid the normative aspect of 'justice' in the ideal types. An alternative is to be more specific by accentuating that it is about 'justice claims' instead of on 'justice' as such. In addition, such claims are not based on what people believe because we take what people believe as yet another social fact that we have to take into consideration when exploring the reality. It is not that our definition of reality is based on what people think, it is just what people think is an element of this reality.

A conclusion on this discussion on the construction of ideal types is that the way they are constructed is important for how we can use them. The current versions in the draft 7.1 note is based on the reading of the ETHOS reports Dx.1 and D2.3, though just as a first version. The workshop has aimed at refining the constructions by adding, sharpening or rejecting some of the aspects identified. And indeed, the process of constructing these ideal types can hardly be described. Weber also is rather vague on how he came to the distinction between charismatic and organizational leadership, the main criteria are mutually exclusiveness and being a logically coherent exaggerating abstraction. A conclusion from this discussion is to return to Weber's formulation of the methodology. For that reason two adjustments have been made in the draft note. A first adjustment is adding an extra paragraph on the construction of ideal types, and a second adjustment is to accentuate the focus on redistributive, recognitive and representative 'justice claims', with important consequences for the formulation of the ideal types.

Normativity and ideal types; the meaning of 'ideal'

What does 'ideal' mean in the formulation of 'ideal types' and how does 'ideal' relates to mechanisms that enhance or impede justice. Is there a philosophical view presupposed? Or to phrase it differently; is it possible to think about the aims of the three ideal types of justice as non-normative? Is having a say a normative concept or a neutral formulation of what representative justice is? In the scholarly practice it can be both; a scholar happens to have the normative view that justice requires people to have a say. But she can also ask the question naturally: 'do people in country X have a say'? And the answer will also be detailed and complex and that might (not) correspond to the ideal typical notion of what representation requires. Nevertheless the ideal typical analytical method serves the non-normative goal. It states that representative justice ideal typically means having a say, which doesn't mean we have to agree that there must be representative justice. This is what it means to have 'ideologically free' sociology but still defining ideal types. So you can say redistributive justice means that people have resources to lead decent lives, but some do not agree with redistributive justice. By

implication even if my normative view is that people shouldn't have a say, I can say representative justice as a sociological ideal type with which I disagree normatively explains that people should have a say. Therefore ideal types are a theoretical abstraction of people's views as a logical philosophical conclusion. In order to continue this discussion on the normativity of ideal types an paragraph on the possibility of a value free construction of ideal types is added to the draft note (see below).

How to use ideal types in ETHOS?

So far the workshop has discussed the internal logic of the ideal types. Another issue is how to get from the ideal types and empirical research to recommendations. Does the ideal-typical method result in the inability to formulate recommendations on behalf of justice precisely because there is no commitment to any particular normative idea? In the end we should be able to say a country X or Y should reform because of the lack of representative justice, but how does this follow from the ideal type methodology if a normative idea is lacking? The methodology actually aims to bridge between philosophical theories and empirical findings. It allows for encompassing different theories from various disciplines in the construction of ideal types to play alongside the empirical findings. For the policy recommendations it implies that we can say that this is what redistributive, recognitive and representative justice implies and this is what we found in our empirically studies, so there exist a gap between the two, and that gap can be overcome by doing this or that. It becomes an 'if then' consideration. We can't simply say 'this is unjust' but we can say that with this language. For instance we can say that one of the three dimensions for analysing justice is not working, we can say that with regard to redistributive justice in Europe the resources for everyone to live in a decent way are not available. And we can say that we have found in Portugal that our ideal typical, sociological category of redistributive justice is very poorly met in the domain of social housing and if the Portuguese like to meet requirements of redistributive justice, these types of reforms are required.

The composition of the ideal types

Aspects of the composition of the ideal types as presented in the draft note are in process and for discussion at the workshop. The discussion will inform the revision of the draft. At first sight the general aim of justice as 'freedom from fear' has a negative connotation as in the negative freedom formulated by Isaiah Berlin (1958). An alternative option is to formulate it in the positive sense as 'freedom to.....'.

Secondly, the scale and scope of the justice claims need some consideration as a European theory on justice reaches beyond the territorial borders of the continent in order to avoid the fallacy of methodological nationalism (see the report of the kick-off meeting, ETHOS D1.4). Current global capitalism does not allow for non-global justice claims, nor does the history of colonialism that has founded the European prosperity. This has consequences for the composition of the ideal types, in particular the aspect of 'subject'. An important decision has also to be made on whose perspective is taken; will it be the perspective of the minority (e.g. the non-citizen, the caregivers), or – as in the real world – the (diverse) majoritarian claims? For instance, if we can conclude that Roma in Istanbul think differently than Roma in Portugal, that is very important. But in the end, we might also conclude that the concepts of recognition are very similar but might be applied differently by different groups or contexts. Nevertheless, the concept itself, of what it means to be recognized, might be very similar.

Another issue is the relationship between (global) human rights and the recognition of identities and difference. The latter should not be considered as a value in itself, certainly not if it implies systems of

injustices, patriarchy, able-ism etcetera. Is it possible to by acknowledging identities at the same time reject some forms of recognitive justice claims, such as those of right-wing populists? Can we argue that their call for identity acknowledgement differs from the call for recognition of identity of the Roma population at some point, because one is about a system of injustice, and the other is about the perpetuation of a system of injustice, without a substantive theory of justice? These issues will be reflected on in the revised note for D7.1 on a framework for constructing ideal types of dimensions of justice.