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Dynamic Injustice: Interlocking Recognition and Distribution

Declaration

I certify that the thesis I have presented for examination for the degree of Doctor of Philosophy of the *London School of Economics and Political Science* is solely my own work.

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Abstract

Theories of justice are usually divided in aim and sphere of operation between redistributive justice (allocation of goods and resources) and recognition justice (ensuring respect and esteem between members of societies regardless of race, ethnicity, sexuality etc.). Divorcing the two is said to create conceptual clarity, but policy chaos in the treatment of complex injustices. Contrary to the received view, my thesis argues recognition and redistribution can only provide an adequate conceptual framework for questions of justice if they operate together and show this in relation to socially excluded and discriminated against groups, with a particular focus on the case of the Roma minority. The first chapter criticises existing theoretical approaches to the connection between recognition and redistribution, most notably Fraser's 'different logics' argument. The following chapters establish that neither recognition nor redistribution are theoretically sufficient for capturing the meaning of injustice in certain cases: Chapter 2 argues recognition faces a 'symmetry problem' between just and unjust struggles, requiring appeals to redistribution as a demarcation criterion. Chapter 3 argues redistributive attempts to define disability fail to capture the recognition-based concerns of the social model of disability and extrapolates the argument from the 'special' case of disability to the (unfortunately) common case of ethnic discrimination, focusing on the Roma minority. Chapters 4 and 5 define and defend a view of discrimination as a specific pattern of interaction between recognition and redistribution, similar to Sunstein's anti-caste principle but allowing for relevant markers to be socially (rather than physiologically) defined. Chapter 6 argues social exclusion is also, contrary to most current approaches, a matter of recognition and not only redistribution, showing how the two dimensions interact in the case of the Roma minority. I conclude by pointing out that discrimination and social exclusion, while often regarded as separate social issues, are structurally similar with regards to the underlying dynamic between the redistributive and recognition dimensions.

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Introduction

When I started school in the mid 1990s, our family lived in a ghetto in Bucharest, in one of the better-quality blocks of flats mostly inhabited by whites. Since my parents had a university education, the Communist government – which owned and therefore had decision power over all housing matters – had placed them very low on its points system for assigning houses to new couples back in the 1980s, when they received the flat. The system prioritised uneducated workers with large families, who would receive larger houses in better areas. Nonetheless, right behind our balcony spanned a row of blocks in much poorer condition than our own, inhabited almost exclusively by Romanis[1] – despite being among the non-skilled workers with large families the Government favoured. The Romanis approximated the social category the regime claimed to protect most, yet had been assigned poorer housing than even the regime's officially most despised category – the freedom-loving educated bourgeois.

In terms of income, the variation between the Romani families and my own, or other white families in our block for that matter, was negligible to start with. Both technical research (the field in which my parents worked) and unskilled factory work (the industry sector where most Romanis in the area worked) had suffered enormously following the collapse of Communism. Both my parents and the parents of my Romani playmates suffered bouts of unemployment and worked odd jobs, but for the most part us children did not suffer from hunger. It was customary for everyone in the ghetto to borrow (and consequently lend) money in the last days before payday, or to ask for a can of flour, sugar or milk until more would be bought. These mechanisms were, moreover, neither shameful nor entirely new, as they had mostly developed as a response to the extreme penury of the late 1980s.

Despite similarities in income, there were important differences in other opportunities. My parents were quicker to get the odd jobs than the parents of my Romani playmates, being better educated and not suffering from racial discrimination. Some Romanis had to turn to stealing to feed their families, and the sight of police cars coming over to make arrests in the area was fairly common. In the poverty-stricken one-parent households left behind, education or upward mobility in the long run were not a priority. By contrast, my mother started

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[1] While I prefer the term 'Romanis', in this thesis I will also refer to this ethnic group as 'the Roma minority', for instance when mentioning the 'Decade of Roma Inclusion' in Chapter 5.
[2] A distributive concern that affects both is, of course, the way the bike came to be owned by Jian (through an

studying towards a career change, and a better school for me than the one in the neighbourhood (which was notorious for both absenteeism and violence) was found.

My commute to school was 45 minutes each way, but my (then unemployed) mother would take me there by bus. Then she would take me to a free English class she'd found. When I came home, I would have my own room to do my homework in, as my parents had allowed me to have the bedroom of our 1-bed flat. In the evenings I had the luxury of taking a bath even though the hot water often got turned off for our block due to collective debt. My dad had used his engineering skills to concoct a device that heated the water in our bathtub with pieces from an old washing machine, allowing both myself to go to school looking respectable, and my mom to spend the evening working towards her career change rather than heating water. By contrast, my Romani playmates attended the local school, and they rarely had a desk to write homework on, in the studio flat which they shared with parents and several siblings. No technically skilled fathers, either and hence no hot water. I thrived in school, where my ghetto life was never mentioned, and my mother found permanent employment as an accountant. It was then we left the ghetto.

Such examples of structural and personal circumstances interacting in pushing people into – or in my case, out of – poverty are sometimes provided by social justice theorists as a way of drawing attention to often neglected dynamic aspects of social justice. In *Responsibility for Justice*, Iris Marion Young (2011) offers the example of a poor single mother of two, who is renting a flat next to her work. When her rent goes up, forcing her to move out of the flat, she is unable to find a new home to rent in the area due to gentrification, and the only affordable flats are so far away she would no longer be able to care for her children. In *Disadvantage*, Jonathan Wolff and Avner de Shalit (2007) provide the example of Leah, a poor and uneducated woman who accepts that her role in life is to be a mother but is nonetheless unable to get pregnant and her husband leaves her as a result. Following advice from a shaman, she changes her name to Lucky and re-marries to a man who leaves her within days of the birth of their child. Leah's father becomes the main provider of the child, which requires him to work in dangerous occupations. Crushed by the responsibility, he asks Leah to re-marry once more, but the new husband lives off the family's means rather than providing for them. Leah – or Lucky – is trapped, and the trap is made up of sexist views about the role of women as mothers, lack of education, failure to identify relevant solutions for her problems, and the poverty of her family.

The dynamics illustrated by these examples is one of socioeconomic disadvantage interacting with ethnic, racist or gender misrecognition to produce overlapping patterns that systematically trap those suffering from them at the bottom of the social hierarchies. One constantly sees a system of ever narrowing doors closing off people's opportunity to escape poverty traps. Tantalising counterfactuals are conjured up in one's mind: 'if only Romani children had had a room of their own instead of being assigned to the poorest housing available due to state racism'; 'if only the single mother had a better income, or at least had there been no gentrification', 'if only Leah's family had not upheld traditional gender norms – or at least had she been better educated'. The structure might remind us of Marily Frye's (1983) description of oppression as a birdcage: oppression is a matter of the different wires working together rather than one single solid obstacle.

The examples as well as the happier counterfactual scenarios we might imagine starting from them suggest a nexus between what is usually identified as the *distributive* approach to social justice and what can be identified as the *recognition* approach. Lack of proper housing for Romanis or Leah's seemingly inescapable poverty would count as instances of *maldistribution*: violations of normative principles regarding how much of certain goods, opportunities or resources individuals should receive. The anti-Romani racism manifested in state institutions during communism and on the labour market afterwards, as well as the traditional gender roles that prescribe marriage and childbearing as the only strategies available to Leah, are instances of *misrecognition*. They are violations of normative principles stating we must regard persons with equal respect and concern. Aspects of a person's identity (ethnicity, gender) are misrecognised when they mark them out as inferior (to whites and men, respectively) and the solution to this problem is affirming positive difference between Romanis and whites, or women and men.

These two sets of concerns are said to pull in opposite directions. Nancy Fraser, while noting that both recognition and distribution should be integrated in a single theory of justice (Chapter 1), sometimes expresses worries that recognition struggles tend to displace class-based concerns among Left-minded academics and the general public. Similarly, in the 1990s Richard Rorty claimed in *Achieving our Country* (1998) that adherents of the Left 'have permitted cultural politics to supplant real [i.e. economy-focused] politics, and have collaborated with the Right in making cultural issues central to the public debate', implying a

rift between economic and identity concerns. Adding a dynamic dimension to the analysis, Jonathan Rose found evidence that the displacement of economic in favour of cultural concerns has become aggravated in time. His analysis of the vocabulary used by Labour politicians from 1991 to 2000 in *The Intellectual Life of the British Working Classes* (2001) shows that the number of mentions for 'working class' was incredibly low: 136, compared to 13.820 results for 'woman', 4,539 for 'gender' and 1,862 for 'race'. Thus, a picture emerges of a tension between economic and identity concerns, in which a victory of the latter means leaving economic concerns behind.

Against this notions of a stark opposition between economy and culture in which one dimension's loss is the other's gain I argue that recognition and distribution do not, in fact, pull in opposite directions. Instead, the distributive and recognition components work together to produce clearly distinguishable patterns of injustice like the ethnicisation of poverty, feminisation of poverty and racialisation of poverty. In empirical terms, as well as in the examples used by theorists paying attention to the way patterns of disadvantage are formed, it is clear that maldistribution and misrecognition interlock in producing forms of injustice through mechanisms such as discrimination and social exclusion. In exposing these patterns and proposing remedies for them, political theory ought to change its assumption of treating recognition and distribution as distinct and even conflicting dimensions to an assumption of a common dynamic in formulating normative aims for social justice.

Marilyn Frye's approach to complex forms of social injustice as items of architecture captures some essential aspects of the dynamics of injustice that inform my project. Some types of injustice are indeed constituted by intersections between different dimensions, and to look at each dimension in isolation is to miss the broader picture of the structure of oppression and disadvantage they form. However, as a static metaphor it cannot help but tacitly suggest that taking just a few wires out would be enough for the cage to become ineffective. Once a crucial item of the architecture is removed the trap gives way permanently, and important spheres of freedom and opportunity are unlocked. Yet it is seldom the case that remedies to justice can ever take the form of such singular interventions with more or less permanent effects. In the case of multidimensional, overlapping disadvantages the cage as a whole might have to be dismantled. Regarding less complex forms of disadvantage, when progress in achieved there is no guarantee of permanence, as small openings can be closed off. This makes complex social injustice less like a cage and

more like a living, dynamic web which may give way, but may also grow back if we do not challenge underlying patterns of misrecognition and disrespect.

This view of recognition and distribution as interlocking dimensions is by no means shared by all political theorists. As I will show extensively in chapter 1, these two approaches to social justice are often portrayed as separate and there is a tendency among theorists pertaining to either side to claim that their own preferred dimension can capture the concerns of the other without great loss. In the distributive literature, Karl Marx quite famously rejects all concerns for cultural differences as distinct from material ones – a view which follows naturally from his materialist outlook. In the literature on recognition, it is similarly claimed by authors such as Axel Honneth that all economic concerns are a product of recognition relations; at bottom, what are 'money' and 'goods' if not the objectification of relations between people, struggles for status, privilege, and avoiding indignity.

In arguing for an understanding of the recognition and distribution dimensions of social justice as interlocking, I will pursue two agendas: 1) an anti-reductionist agenda, and 2) an integrative dynamic agenda. The first responds to attempts by political theorists to reduce social justice to their preferred dimension – be it distribution or recognition. Hence, distributive theorists might try to capture recognition concerns through measures such as 'opportunity for respect' (see Segall's account of discrimination in Chapter 4). Recognition theorists might try to capture socioeconomic disadvantage as misapplications of recognition principles (see Honneth's achievement principle, discussed at length in Chapter 5). In addition to such explicitly monist approaches, there are approaches which end up taking reductionist stances all the while arguing for a pluralist approach. Debunking these requires exposing such assertions amid views I am largely in agreement with, making the thesis appear uncharitable at times. Nonetheless, the first aim of this thesis is to consistently argue that there is an explicit as well as an implicit reductionist tendency to formulate complex social injustices in monist terms, and to demonstrate the insufficiency of such reductionism in dealing with complex forms of injustice.

If the anti-reductionist agenda is mostly negative, directed at combating monistic approaches, the integrative dynamic agenda has a more positive aim. This agenda pursues the aim of interlocking recognition and distribution for the purpose of responding to complex forms of social injustice. Building on the argument that exclusively distributive or recognition-based

approaches to social justice are insufficient to account for complex forms of social harms, I show how the two dimensions can be made to work together in accounting for and providing normative standards for the harms raised. Looking at patterns exhibited by empirical instances of social harms, I show why dynamic models that look at the interactions between recognition and distribution are preferable to account for the complex nature of these cases. While the thesis does not provide a positive theory of how distribution and recognition are interlocked, I aim to nonetheless establish the empirical reality of this interlocking relationship and the normative need to acknowledge it theoretically.

The two aims pursued by the anti-reductionist agenda and the integrative dynamic agenda in turn dictate the order of my chapters. After reviewing the main logical possibilities of approaching the interaction between recognition and distribution in Chapter 1, Chapters 2 and 3 focus primarily on showing that even in cases in which the theoretical cards are stacked against the competing dimension having any bearing, the claim to exclusivity cannot be sustained. Chapter 2 focuses on showing that even though struggles for recognition appear (as the name itself suggests) suitable for treatment along the recognition axis alone, they nonetheless require distributive principles for settling conflicting claims that appear equally well justified from the point of view of recognition (I refer to this as recognition's 'symmetry problem'). Chapter 3 analyses the opposite claim that distribution can be a sufficient dimension, taking disability as an example in which distributive theories aim to ground all relevant claims. I show that excluding recognition claims in the case of disability means adopting a 'medical model' of disability. This model has been not only discarded in favour of a more recognition-focused 'social model', but, additionally, it has been so replaced *for reasons* that match those invoked by recognition theorists more generally. In outlining the approach to disability I briefly remark on the dynamic elements of the social model.

While Chapters 1-3 pursue the anti-reductionist agenda mentioned above, Chapters 4 and 5 take anti-reductionist arguments as their starting points but then go on to emphasise why a dynamic interlocking of recognition and distribution is needed to account for complex forms of social injustice. Building on the dynamic between recognition and distribution briefly outlined through the social model of disability in the third chapter, Chapter 4 shows that this dynamic is generalizable from the case of disability to that of other social groups for capturing the harms of discrimination, focusing in particular on the example of the Cagots. Drawing on Iris Young's insight that social groups are the product of social interactions, I

show that attempts to regard social groups as static rather than dynamic for the purpose of defining discrimination overlooks processes of group-production that discrimination contributes to, not only relies on. Chapter 5 puts forward a dynamic approach to social exclusion, focusing in particular on the example of European Romanis. Whereas distributive approaches to exclusion – despite identifying excluded minorities as among primary cases for concern – tend to be insensitive to recognition issues by pursuing a homogenising agenda of inclusion, a purely recognition approach would miss an important dynamic of social exclusion running from maldistribution to misrecognition which I will call the misplacement of responsibility. After tracing this dynamic in social exclusion literature as well as empirical research on stereotype formation regarding Romanis as well as the poor, I show that a normative approach to social exclusion is able to treat Romanis and the poor according to a common logic.

Despite (or perhaps because) this thesis takes a broad approach in the scope of issues analysed, it will not pursue an additional aim of providing its own theory of justice. In particular, the thesis does not engage with the political dimension of social justice, and only handles social institutions and structures insofar as they impact the dimensions of recognition and distribution. Moreover, the thesis remains agnostic as to the relation between some of the dynamics identified and other dynamic phenomena such as oppression or marginalization. While the thesis has a strong negative component of ruling out theories of justice such as the ones grounded in monistic approaches through the thesis's two central claims, a positive argument for a particular theory of justice will not be provided.

Chapter 1

Distribution *v.* recognition: against the 'different logics' view

> *Income, n. The natural and rational gauge and measure of respectability, the commonly accepted standards being artificial, arbitrary and fallacious.*
> *Respectability, n. The offspring of a liaison between a bald head and a bank account*
> (Ambrose Bierce, *The Enlarged Devil's Dictionary*)

1. Introduction

In Wang Xiaoshuai's movie *Beijing Bicycle*, the same object - predictably, a bicycle – plays two different roles in the lives of two different young men. Guei, a 17-year-old who has spent all his savings to move to Beijing and buy the bicycle, depends on it for his very livelihood as a courier. Jian, a 17-year-old who unsuspectingly buys the bike from someone who stole it from Guei, regards it as a crucial status symbol. It is both a way of avoiding the shameful situation of being the only boy in class walking to school and finally putting an end to the isolation and bullying his peers subject him to, as well as a way of boosting his chances with a biker girl he is in love with. Guei one day stumbles upon the bike, recognizing it by a distinctive mark, and confronts Jian. As the two agree the bike's initial acquisition and re-selling should be set aside (because the thief harmed them equally in this respect), which of them should get the bicycle?

In terms of social justice, the bicycle's importance for the two young men is captured by two distinct theoretical frameworks. The framework most sensitive to Guei's plight is that of distributive justice, centrally concerned with questions of how goods, resources, opportunities, or other social benefits ought to be distributed among persons. The framework most sensitive to Jian's plight for equal standing among his peers is that of recognition theories, with their concern for respect, esteem, relative social standing and status.[2] These

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[2] A distributive concern that affects both is, of course, the way the bike came to be owned by Jian (through an unjust acquisition from Guei by the thief, who then sold it to Jian). However, both in the movie and for present purposes the factor of the bike having been stolen does not play a significant part, as Guei recognises that Jian has been equally duped by the thief and therefore both agree it would be unfair to allow this factor to weigh the balance one way rather than the other.

two frameworks are usually regarded as entirely distinct in their identified harms and proposed remedies, with most theorists firmly grounded in either one or the other.

Yet, this separation between the distributive approach focused paradigmatically on cases such as how to distribute shells on an island,[3] and a recognition approach focusing on paradigmatic cases such as whether to allow Muslim girls to wear the veil in French schools, overlooks the fact that sometimes we have to calibrate the two approaches in deciding what justice demands with respect to *one and the same good*. The bicycle in the example above is a case in point: in deciding who should get this particular (indivisible) good we have to weigh claims to distribution and claims to recognition *against each other*. It will not do, from the perspective of the young men affected, to claim their concerns pertain to incommensurable frameworks and are therefore impossible to judge; what is crucial for them to establish is precisely how to weigh the opposing considerations of recognition and distribution in the case at hand.

This and related questions are the main focus of the present chapter. What is the connection between distributive and recognition-centred approaches to social justice? Are they entirely distinct, somewhat overlapping, or is one perfectly reducible to the other (and if so, which)? Would viewing them as related help to clarify or, on the contrary, confuse our theoretical approaches to social justice? To answer these questions, I will first (Section 1) offer a brief characterisation of the distributive and recognition approaches to social justice and discuss some of the ways in which the connection between them is conceptualised by existing theoretical approaches (Section 2). Following this initial discussion, Nancy Fraser's dual-perspective approach will be more closely pursued (Section 3), and her arguments for a substantive separation between distribution and recognition– especially her dual logics argument – will be criticized (Section 4). I conclude by drawing some implications of my analysis for how recognition and distributive matters are engaged in a common dynamic, a discussion which will be more fully pursued in the following 2 chapters.

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[3] The example is loosely based on Dworkin 1981b, but I will say more about the theory behind it below.

2. Two views of social justice

Justice as distribution

Distributive theories of justice are preoccupied with answering broadly two types of question: *what* to distribute and *how* to distribute it. The former, concerning the distribuenda of social justice, has been labelled an enquiry into the 'currency' of egalitarian justice.[4] The answers vary from John Rawls's proposal of an index of primary goods - a list containing economic goods such as income and wealth, opportunities for offices and occupations, as well as 'the social bases of self-respect' (1971: 58–59) - to Ronald Dworkin's case for resources (1981a, 1981b, 2000), Amartya Sen's proposal of focusing on capabilities (1982), as well as varieties of equality of opportunity for achieving welfare, as defended by Richard Arneson (1989), or access to advantage, as defended by G.A. Cohen (1989).

The second question, of how to distribute the desired goods, resources, or opportunities, cuts deep divisions among distributive theories of justice regarding the principles behind a just (re)distribution. Rawls's answer, provided by his two principles of justice, famously prioritises the situation of the worst off group through the Difference Principle, requiring that economic inequalities be not only attached to positions and offices open to all under fair equality of opportunity,[5] but also arranged to the greatest benefit of the least advantaged members of society (Rawls 1999: 5–6).[6] A special distributive concern for the worst-off members of society has also been endorsed by Derek Parfit (1986: Ch. 5), and can be understood as a concern behind sufficientarian approaches to justice as well.[7] The latter view has been formulated by Harry Frankfurt (1988: 134) as stating simply that what is important from the point of view of morality is that each person should have enough (and more recently Frankfurt 2015).

Luck egalitarians, however, usually reject an undifferentiated concern for the worst off, as it lumps together those who end up in this category as a result of their own choices, as well as those who end up in unfortunate circumstances through no fault of their own. Thus, Dworkin maintains that expressing equal concern for persons requires taking into account the role of personal responsibility in the production of economic outcomes. This leads him to advocate both for greater shares of resources compared to Rawls for some members of the worst-off

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[4] A term introduced by Gerald Allan Cohen (1989).
[5] As demanded by the Fair Equality of Opportunity principle
[6] I leave aside for now Rawls's Liberty Principle, focusing only on these two parts of his Second Principle.
[7] See especially Roger Crisp's weak reading of sufficiency as a version of weighted priority (2003).

category – namely those who suffer from grave forms of bad brute luck and consequently, such as the severely ill or disabled – as well as lesser shares for others – namely, those who end up in unfavourable situations following their own choices. Consequently, Dworkin proposes a model for fair distribution that aims to make shares of resources 'ambition sensitive', i.e. responsive to people's choices of life plan, and endowment-insensitive, i..e. not influenced by morally arbitrary natural inequalities (1981b, 2000).[8] While luck egalitarians are committed to the principle above, divisions nonetheless ensue over how best to conceptualize luck and its impact on the distribution of benefits (Arneson 1989 vs. Cohen 1989, Fleurbaey 2001, Swift 2008, Sher 2010), as well as the exact role responsibility should play in the distribution of benefits (Sen 1985, Valentyne 1997, Knight 2011).

Finally, a tacit understanding shared by all theories of distributive justice mentioned above is that when a current distribution does not correspond to the one prescribed by the preferred theory, redistribution is needed to rectify matters. The aim of the various distributive justice theories is to restore a situation of perfect equality to the fullest possible extent (Ake 1975: 71). While right-libertarians such as Robert Nozick warn that redistribution is fundamentally misguided, as it mistakenly proceeds as if there existed an unowned pool of resources at the disposition of a central authority who can then re-distribute according to the preferred principle of justice,[9] most theories of distributive justice nonetheless agree that a final aim of pursuing a just distribution is to redistribute goods, opportunities, etc. so as to achieve a just distribution. Such 'patterned' theories of justice, as Nozick would call them, regard redistribution as a means of attaining their preferred distributive pattern in real life, in a way that entails the view that the nexus between theoretical and empirical outcomes is bridgeable.

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[8] The model is specified with reference to a thought experiment giving individuals equal purchasing power to participate in a fair auction for bundles of resources needed for their different life plans. The ensuing distribution is fair if it is 'envy-free' – i.e. if no individual is given less consideration than another in the sense that if they wanted somebody else's resource bundle they could have bid for it instead. The distribution is ambitions-sensitive in the sense that after an equal starting point in terms of resources is ensured, individuals should live with the consequences of their choices – precluding e.g. requirements on those who choose to work hard to earn more income to subsidize those choosing more leisure. The distribution's endowment-insensitivity is ensured through a hypothetical compensation scheme in which individuals are ignorant as to their own natural endowments, yet able to buy insurance against being disadvantaged in the natural distribution of talents. The insurance payments are pooled and then used to compensate people who are unlucky in the 'natural lottery'.

[9] Nozick opposes redistributive attempts on grounds that 'we are not in the position of children who have been given portions of pie by someone who now makes last minute adjustments to rectify careless cutting. There is no central distribution, no person or group entitled to control all the resources, (jointly) deciding how they are to be doled out.' (1973: 46)

In contrast to rectifying maldistribution, rectifying misrecognition is more problematic because misrecognition can damage a person's relationship to their self. It is for this reason that recognition is sometimes hailed as a 'basic human need' (Taylor 1992: 26), since the projection of an inferior or demeaning image on a person can lead to the image being internalised, distorting that person's self-image. But this puts individuals in the paradoxical situation whereby challenging the agents and structures that have misrecognised them, either individually or collectively, can mean rejecting categories that constitute one's very identity: their identity has been shaped by those structures, however unjust.[10] This makes correcting misrecognition a much more difficult project than correcting maldistribution through redistributing relevant goods and opportunities to match the desired pattern. So how do recognition theorists go about correcting misrecognition?

In general, recognition theories are primarily focused on what it means to treat people with equal respect and concern. This fundamental desideratum developed by Immanuel Kant requires respecting persons for their intrinsic equal dignity as rational and autonomous agents. The desideratum is fundamental in the sense that it establishes the status of persons as the subjects of normative claims, as 'capable of undertaking responsibilities and exercising authority' (Brandom 2007: 136). Although the exact meaning of the desideratum is still debated, as I discuss below, it is nonetheless incompatible with comparative assignations of respect on all interpretations: while differential accomplishments may justifiably lead to differential respect expressed through a higher social standing, a fundamental and non-comparable form of respect is due unconditionally to all persons *qua* members of the moral community. What this precludes, first and foremost, are forms of 'second class citizenship' (Taylor 1992: 37), including forms of degradation, humiliation, and extreme disrespect whereby persons are regarded as inherently inferior, even sub-human. The denial of women's voting rights, slavery and relegating Blacks to an inferior legal status, as well as Holocaust

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[10] Recognition scholars can nonetheless circumvent this difficulty by exploring the fluidity of social norms (Butler 1997a: Ch. 3; 1997b: 13, 40–41) as well as by exploring the essentially changing nature of identity, which has led Patchen Markell to demand replacing a politics of recognition with a politics of acknowledgment (2003: 180)

crimes against Jews, Romanis, disabled and LGBT people are, among other things, violations of justice as recognition in this fundamental sense.[11]

While pursuing the desideratum of equal respect and concern has led some authors to argue that recognition is geared towards a minimalist, sufficientarian standard (Margalit 1996: 271-91), others have read into it more complex patterns of equality and inequality. Thus, Thomas Scanlon's contractualist ideal of 'acting in accordance with principles that others (similarly motivated) could not reasonably reject' is meant to express recognition for fellow citizens as free and equal agents, i.e. in their capacity to respond to reasons underlined by a structure of encompassing relations of mutual recognition.[12] Equal recognition then becomes the source of a subsequent battery of demands, including distributive ones which become ways of cashing out recognition relations. Similarly, robust interpretations of the demand for equal respect have led to challenging the apparent neutrality of policies premised on biased interpretations of citizenship. Policies attempting to treat everyone the same are often a source of inequality because of differences among individuals that make the demands of the majority, say, feel cumbersome on minorities whose specificity conflicts with those demands. A consistent application of the demand for equal status in a context-sensitive manner then leads to demands for affirmative action and including the misrecognised parties into discussions over re-defining the terms of status and citizenship (Young 1990, Habermas 1993, Phillips 2007).

In opposition to attempts to read elaborate demands into the fundamental desideratum itself, other recognition theorists have advocated a second-tier system with an unconditional component of equal respect and concern as a first layer that needs to be supplemented by a second, differential component. Referring to the former, basic, desideratum as 'recognition respect', Stephen Darwall (1977) contrasts it to a conditional form of respect he dubs 'appraisal respect'. Appraisal respect admits of degree and is deserved, when it is, in virtue of specific features persons possess– such as superior moral character, merit, or achievement (see also Darwall 2006: Ch. 6) Similarly, Taylor regards the Kantian desideratum of equal respect as but one dimension of recognition, to be supplemented by a second dimension of

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[11] Additionally, forms of mistreatment not directly motivated by a misrecognised equal status such as rape or torture are nonetheless violations of this desideratum in virtue of (also) denying the agency of the victim (Margalit 1996: 115-19, Calhoun 1991: Ch. 7)

[12] The 'contractualist ideal of acting in accord with principles that others (similarly motivated) could not reasonably reject is meant to characterize the relations with others the value and appeal of which underlies our reasons to do what morality requires. This relation […] might be called a relation of mutual recognition. Standing in this relation to others is appealing in itself—worth seeking for its own sake' (Scanlon 1998: 162)

esteem for one's achievements (Taylor 1992: 34–35). This approach therefore asks for a positive valuation of individual identity and of diversity, sometimes questioning the public value horizons constituting certain identities as inferior through 'identity politics' (Honneth 2003: 140-42, 153) or a 'politics of difference' (Taylor 1992: 37). While the focus on culture and identity has made this approach more amenable to capturing the plight of ethnic or religious minorities, authors like Pierre Bourdieu have drawn attention to the way class and status are also linked through societal evaluative patterns (Bourdieu 1994). It is this latter approach to recognition which I will endorse in this thesis, and employ in elucidating struggles for recognition in Chapter 2, as well as in discussing the 'misrecognition of responsibility' in Chapter 5.

3. Relating recognition and distribution: the logical possibilities

Having laid out these two approaches to social justice, we can move on to asking what the relation between them might be. How might distributive justice, concerned with questions of what and how to distribute resources politically available for (re)distribution, interact with the recognition-specific concerns of equal respect, concern, or status? Are these two sets of concerns related, or entirely dissociated from one other? While these issues are of fundamental importance for the domain of social justice in its entirety, the literature directly addressing the connection between distribution and recognition is quite small. However, the four logical possibilities of conceiving the connection have been developed by existing theorists, albeit only implicitly at times. The alternatives are: (1) reducing recognition to distribution, (2) regarding them as fundamentally separate, (3) reducing distribution to recognition and (4) regarding them as intimately connected. In this section I present the first three. The fourth version, developed by Nancy Fraser, will be presented at length in the third section.

Reducing recognition to distribution

While not explicitly concerned with the connection between recognition and distribution, Karl Marx is nonetheless committed to the view that recognition is reducible to distribution

in his earlier writings.[13] The conception of recognition as reducible to material distribution is perhaps clearest in Marx's views on alienation. In contrasting alienated with non-alienated societies, Marx writes that in a non-alienated society the exchanged products are an objectification of the user's need (Marx, K. 1844 *Comment on James Mill* 225/459, *apud*. Renault 2013: 703). In contrast, 'in an alienated society… it is not the specific character, not the power, of man's nature that is recognized in my production.' (Marx, K. 1844 *Comment on James Mill* 225/460, *apud*. Renault 2013: 703)[14] The latter failure of recognition is linked to the former desideratum of rendering aspects of the producer's and consumer's nature and needs objective. This implicit connection between recognition and objectivity, which is made specific elsewhere,[15] turns the Hegelian notion of recognition on its head: the aim is not recognising people in their subjective identity but, on the contrary, as having *objective* natures which can exist outside themselves. Thus, for Marx not only is recognition *determined by* the economy, because the recognition of the user's human need is 'bound to stand in intimate relation to my human production' (Marx, K. 1844 *Comment on James Mill* 225/460, *apud*. Renault 2013: 703); what is more, recognition *is perfectly reducible to* the distributive relations it is grounded in, as the very human nature to be recognized in the first place is objective, material, economic.

Marx does not address recognition solely in relation to specifying superior economic relations, but also engages with forms of misrecognition in his criticism of capitalism. In this latter case, he seems to develop a more standard understanding of misrecognition as humiliation and disrespect for personal identity. Linking misrecognition to maldistribution, he writes that

> 'the man without credit is pronounced not only the simple judgment that he is poor, but in addition a pejorative moral judgment that he possesses no trust, no recognition, and therefore is a social pariah, a bad man, and in addition to his privation, the poor man undergoes this humiliation and the humiliating necessity of having to ask the rich man for credit.' (Marx, K. 1844 *Comment on James Mill* 215-16/450, *apud*. Renault 2013: 706).

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[13] Marx's theory of recognition has recently received attention as a self-standing approach from Emmanuel Renault (2013) and Jean-Phillippe Deranty (2013), on whose work and translations from Marx's texts I rely in this sub-section.

[14] The translation and references here as in further passages are from Renault 2013.

[15] 'A being which does not have its nature outside itself, …. which has no object outside itself is not an objective being. [...] A non-objective being is a non-being.' (Marx, K. 1844 *Economic and Philosophical Manuscripts* 337/578, *apud*. Renault 2013: 701).

This would suggest a view of misrecognition as an independent aspect of (in)justice, a form of disrespecting the worst off by linking economic subordination to symbolic stigma – labelling the poor 'bad' and 'pariahs' *because* they are poor. Indeed, in presenting this dynamic Marx makes use of a familiar notion of a 'struggle for recognition' (Renault 2013: 710). However, this struggle is once again reducible to the distributive dimension; not only is the struggle said to result from a mutual (economic) 'selfish exchange',[16] but also to be fundamentally concerned with material objects, since the struggle for recognition is the struggle over 'the respective powers of our objects' (Renault 2013: 710). Hence, Marx is here once again employing Hegelian notions with the purpose of re-interpreting them in purely economic terms.

This is, finally, echoed in *Capital*, where Marx takes the view that the fundamental aspect of individuals' identity is their economic role. Since persons have a real existence 'merely as representatives and hence owners of, commodities' (Renault 2013: 711), their real identity is exclusively economic, with social roles being secondary at best and illusory at worst. The features commonly associated with recognition – individually distinct and diverse social roles and personal characteristics – are consequently reinterpreted as instances of misrecognition, since focusing on social roles means misrecognising the fundamental material nature of persons, who are merely 'personifications of the economic relations' and who consequently relate to one another as 'bearers of these economic relations that they come into contact with each other' (Marx 1867: 178-79/99-100 *apud*. Deranty 2013).[17] In a preferable society n which emancipation is achieved and class is transcended, other divisions and forms of differentiation between people will also likely disappear. Therefore, for Marx recognition is defined in terms of economic relations and distributive concerns, (artificially) making recognition and redistribution work together. This is, moreover, true both in regards to Marx's views of misrecognition (under capitalism), as well as his approach to recognition proper, under alternative systems of production.

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[16] 'Since our exchange is a selfish one, on your side as on mine, and since the selfishness of each seeks to get the better of that of the other, we necessarily seek to deceive each other'. (Renault 2013: 709-10).

[17] 'Failure to see capitalistic society as a social formation premised on the domination of labour, and failure to see recognitive relations in modern society as intrinsically unequal because they are determined by that domination, are two aspects of the same theoretical blindness'. (Deranty 2013: 747)

Distribution and recognition as separate and irreconcilable

Mostly as a response to Marx's exclusive focus on the economy and distribution, Habermas insists on there being a separate domain of society and culture. Comprising matters of social and political interaction which pertain to recognition, this domain is defined through its tension with economic and distributive concerns, thus asserting a fundamental tension between recognition and distribution.

Starting from the same concern with the reproduction of human life as Marx, Habermas finds that social labour is not itself sufficient for ensuring this reproduction: forms of social organization within families and kinship structures, as well as the forms of communicative actions that take place in society, are equally important. Labour and the workplace cannot be the sole spheres of human activity as they cannot cover the crucial human need for symbolic interaction. In the economy, communication occurs in highly structured ways and concerns the transmission of rules of a predominantly technical nature. It therefore does not leave room for interpretation or exchanges capable of providing meaning to human activity. This latter concern for symbolically mediated communication between people leads Habermas to postulate an essential distinction between a domain of work, and one of social, cultural, and political interaction, in an attempt to overcome the reductionism he perceives in Marx's thought (Habermas 1971: 25-42, Wellmer 1971: 67-119). The structured, technical communication that occurs in the workplace operates according to rules of 'the system' (Habermas 1981: Ch. 6), whereas the exchange of meaning through social interactions pertains to the 'lifeworld'. The former is concerned with organising labour and economic distribution, and involves non-interpretable rules alone, reducing the worker to a mere object or instrument of production. The latter, by contrast, concerns the specifically human mode of life and what makes cooperative social action possible, most notably shared systems of meaning that enable mutual understanding, and institutionalized patterns of action furthered through socialization by social institutions such as families, schools, or religious groups (Habermas 1981: Ch. 6).

Habermas thus claims that there is an 'ontological' dualism between economy or the 'system'– the domain of distributive justice – and culture or 'lifeworld'– the domain of recognition (Armstrong 2008: 410). Whereas Marx subsumed the technical interest in the economy to the practical interest in interaction and biological needs, Habermas insists on keeping work and recognition separate (Renault 2013: 705). Distribution and recognition cannot be reconciled since '[l]iberation from hunger and misery does not necessarily converge with liberation from servitude and degradation, for there is no automatic developmental relation between labour and interaction' (Habermas 1973: 169). Indeed, if there are interconnections between the two spheres of human activity, beyond a certain threshold[18], this is a sign of injustice. Not only is there no necessary convergence between economic inequality and ending domination in the political and cultural spheres of social interaction; it is necessary that they be kept separate for justice to obtain.

Thus, Habermas claims that connections between system and lifeworld are 'pathological' and gives the example of money and power 'colonising the lifeworld' and displacing its communicative forms of solidarity through pecuniary concerns as one such pathology. When, for example, universities become governed by market strategies instead of concerns for socializing students, this does not help better integrate students into the labour market, but, on the contrary, perverts the nature of the social roles they occupy *qua* students. Democratic institutions themselves can take pathological forms – as is the case of 'juridification' whereby individuals are regarded not in their role as citizens, but as clients of bureaucracies (Habermas 1981). Therefore, the essential distinction between the domain of distribution and the economy on the one hand, and recognition and social interaction in the spheres of culture and politics on the other, must be observed as a demand of justice.[19]

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[18] The threshold is defined on both dimensions as follows: an emancipatory interest can shape redistribution to the point of demanding freedom from material scarcity and the satisfaction of physical and biological needs, whereas the practical interest can shape the emancipatory one by demanding the removal of the structures of domination that have become ingrained in communicative process in ways that supervene on the struggle to control the means of production. Changes in status diversity leading to domination in the political-cultural realm are reflected in the unfolding of the dialectic between productive forces and productive relations. (see Eyerman and Shipway 1981: Fn. 21)

[19] Following criticism (some of which I discuss by way of introducing the third possibility of connecting recognition and distribution below, Habermas (1991) has subsequently moderated his views on the separation from an essential, ontological one to a merely analytic one.

Reducing distribution to recognition

The case for conceptualizing distribution and recognition as fundamentally distinct has come under attack for being too rigid. While attempting to criticize Marx for reducing the sphere of interaction to that of the economy, Ron Eyerman and David Shipway (1981) have accused Habermas of being guilty of a reverse form of reductionism which strips work of its cultural dimensions.[20] Habermas's solution therefore runs into difficulties for neglecting certain communicative aspects of work: forms of imagination and creativity reflected in communicative processes which transform the labour process from a purely instrumental dimension into a communicative dimension of human activity.

Starting from observations like the one above, some authors have taken the recognition dimension even further, transforming it into a full-blown claim that economic distribution is merely an outgrowth of social interactions pertaining to the domain of recognition. Most elaborately, the view that recognition is the primordial dimension of social justice while distributive matters are only derivative is defended at length by Axel Honneth (especially in Fraser and Honneth 2003). According to Honneth, distribution and recognition cannot be separated into different domains as demanded by Habermas because cultural values are part and parcel of economic struggles, making it a mistake to 'theoretically isolate purely economic or systemic factors from cultural elements' (2003: 156). Honneth therefore advocates a 'normative monism' of recognition, with three spheres of operation: love in intimate relationships, a principle of equality in legal relationships and an achievement principle in the social hierarchy. Distribution is, on this view, 'a specific kind of struggle for recognition' (2003: 170), namely (mis)recognition as applied to the economy.

A similar type of argument for the irreducible and more fundamental recognition dimension of social justice is provided by Majid Yar. Arguing that the economy is only a manifestation of the primordial domain of recognition, Yar claims that '[T]he struggle for recognition

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[20] 'Habermas is himself in error, however, inasmuch as once having identified that there are two dimensions to human activity (omitting for the moment the emancipatory concern) he too rigidly separates them. If anything, Habermas is guilty of reversing the marxian form of reductionism by reducing the technical dimension to a practical one. The point is that both dimensions must be viewed with equal importance: labor proceeds along a dialectic between cultural (practical) and instrumental (technical) inputs.' (Eyerman and Shipway 1981: 557-58). See also McCarthy (1991: 152–80).

underpins claims over economic redistribution [since] economic goods are in-and-of-themselves mediated forms of recognition' (Yar 2001: 297-98). Hence, while material injustices do exist, their reality is entirely dependent on how they influence misrecognition.

4. Recognition and distribution as analytically distinct, but ontologically connected

A fourth possibility is to regard both recognition and distribution as self-standing dimensions of social justice. In what follows I analyse two alternatives for conceptualising this connection, the first by Iris Young and the second by Nancy Fraser. While I will express disagreement with Young's over-emphasis on recognition on the one hand, and Fraser's over-statement of the starkness of the categories on the other, I nonetheless build on both Young's dynamic account and Fraser's argument for assigning the two dimensions' equal importance in arguing how the connection should be understood.

Young's displacement of the distributive paradigm and the politics of difference

Young claims the distributive paradigm is unable to incorporate crucial aspects of social justice such as rights (1990: 24-25), opportunities (1990: 25-26), self-respect (1990: 26-27) and power (1990: 30-33). While some distributive authors claim the paradigm can be extended so as to include all of the above, Young believes such an extension is impossible due to the 'logic of distribution'. Specifically, the logic of distribution is characterised by (i) a reifying view of a static social reality, and (ii) an image of human beings as passive receivers and possessors of goods. According to Young the former aspect leads to ignoring the institutional context that engenders maldistribution (1990: 22). Decision-making power, gender and culture, or the structure of the labour market shape distributive patterns in ways that are not themselves evaluated by distributive theories. More generally, the logic of distribution is one focused on end-state patterns,[21] ignoring the processes through which goods are produced.

Regarding (ii), Young criticizes the distributive paradigm for summoning a view of persons as individualist utility-maximizers led solely by desires to possess and consume goods (1990: 36-37). According to Young the inaccuracy of this view of human nature, assumed by the

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[21] Here Young draws on Nozick, yet without taking the time to reconcile her view that the end state approach is characteristic of a logic of distribution with the fact that her proposed alternative is one nonetheless shared by a distributive theorist – albeit one whose exact conception she ultimately rejects.

distributive paradigm, becomes clear when considering an alternative, process-oriented, understanding of social organisation (1990: 37). The logic of distribution conceives individuals as independent of and logically prior to social relations and structures, which ignores the crucial fact that individuals are simultaneously – and perhaps more importantly – 'doers and actors' (1990: 37) who both influence social reality, and whose identities are shaped by social reality in turn.

Overcoming these problems of the logic of distribution requires displacing the distributive paradigm as the sole theory of social justice. By taking into account the dynamic nature of social injustice, Young emphasizes the role of (mis)recognition in engendering distributive patterns. A dynamic understanding of social justice patterns requires taking into account the relevance of institutions and social structures, as well as their role in shaping individuals as 'actors with meanings and purposes who act with, against, or in relation to one another' (1990: 28). The dynamic process whereby recognition patterns are enabled is cashed out by Young in terms of values (of the good life) that the institutions upheld by society should enable. In particular, social justice should be concerned with promoting institutional conditions that enable 1) 'developing and expressing one's capacities and expressing one's experience' and 2) 'participating in determining one's action and the conditions of one's action' (1990: 37) by ending oppression and respectively, domination.

Earlier in the book, Young claims that 'domination and oppression, rather than the concept of distribution, should be the starting point for a conception of social justice' (1990: 16). Consequently, Young seems to treat recognition harms as being the basis of social injustice. Fraser also notices the privileged position Young assigns to recognition in her theory. Firstly, although three among the five faces of oppression discussed by Young are concerned with distribution, the remaining chapters nonetheless deal with recognition. Indeed, with the exception of Young's discussion of the myth of merit and the division between skilled and unskilled labour, virtually every other chapter is concerned with recognition, not distribution (1995b: 170). Secondly, Fraser aptly notes that the politics of difference is in effect Young's own variety of a theory of recognition, and regards the very name of Young's book as evidence of its centrality.

While focusing, as Fraser does, on the number of chapters or the title of Young's book do indicate a special emphasis on recognition, analyzing Young's argument for displacing the

distributive paradigm points to a deeper rationale. Recall that for Young the distributive paradigm encounters problems on account of clashes between its claim to exclusivity (i.e. the idea that distributive concerns exhaust the domain of social justice) and its intrinsic logic as defined by (i) and (ii) above. Rights, opportunities, self-respect and power are, as Young demonstrates, problematic for the distributive paradigm because they show its claim to exclusivity and its internal logic cannot be reconciled. To properly account for them within one's theory of justice, one must either accept that distribution cannot be the only dimension of social justice, or modify its logic to a more dynamic one. Young chooses the former alternative, adding recognition to the list. This does not mean that recognition functions as a separate 'substance' which fills in the gaps in the logic of distribution with regards to its reifying, static dimension and its view of persons. Recognition is not identified by Young with issues of process, whereas distribution continues to be concerned with goods and consumers. The relation is a dynamic one, in which recognition shapes distribution both through its effects on the institutional context engendering patters, and through the value systems of social actors who shape social reality and are shaped by that reality in their turn.

While this does show a dynamic relation between recognition and distribution, the causal relation is unidirectional: from the former to the latter. Young's discussion of the myth of merit, for instance, focuses on the way misrecognition (intrinsic in the very idea of merit and exacerbated by the biases against certain disadvantaged groups in its assessment) shapes maldistribution. Whereas she starts by criticizing the distributive paradigm for claiming distribution and social justice are coextensive, Young ends up treating social processes and recognition as coextensive.

Yet, focusing on the way recognition shapes distribution is only one manner of cashing out the interaction between recognition and distribution with respect to social justice. Crucially, the alternative that is left out is that of making the distributive paradigm more dynamic and analyzing phenomena whereby (mal)distribution also engenders (mis)recognition patterns.[22] While I will discuss one such phenomenon – which I call the misrecognition of responsibility - more at length in Chapter 5, it is worth pointing out that some distributive approaches pick out phenomena which cannot be understood unless we acknowledge this causal direction

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[22] I leave out a discussion of whether the logic of distribution truly is as static as Fraser portrays it, although it should be noted that Fraser interprets Young as following Sen very closely in defining economic advantage and disadvantage in terms of capabilities (Fraser 1995b: 169).

from distribution to recognition. One such phenomenon is the 'culture of poverty'. Emphasized in relation to Mexican migrants, inner city African Americans and the Roma in Europe (Lewis 1961, Moynihan 1965, Ladanyi and Szelenyi 2006), the phenomenon refers to the emergence of systems of values that are distinctly 'cultural' as a direct response to economic deprivation. In the case of Romanis, it is argued that some Romani communities have adopted the value of 'extreme equality', opposing unequal distributions of jobs, goods, or political power on any grounds, and this is believed to have emerged as a collective survival strategy in the face of severe material deprivation (Ladanyi and Szelenyi 2006).

While this system of values is sometimes blamed for the low levels of economic development of Roma communities (because it conflicts with the typical merit-based assumptions of capitalist production), simply wiping out this 'culture' strikes many Roma anthropologists (e.g. Stewart 1981) as a form of cultural assimilation. Indeed, the norm is so central to the life of so many Roma communities that everything from pub interactions to political organization (or lack thereof) is structured around this value. While a concern to preserve this culture of poverty seems to fall squarely within a recognition logic, its emergence is primarily grounded in the political economy. Were the group not to be disadvantaged in economic terms, the 'culture' would not have emerged; yet if we started treating the group fairly in distributive terms now that it has emerged as a group, the system of values would likely persist as a cultural system, at least to the extent that all such systems persevere in the face of changing socio-economic circumstances.

The distributive paradigm can be reformed to a more dynamic understanding also in relation to the image of human beings it operates with. Whereas Young's criticism that viewing human beings as merely possessors of goods, rather than as 'actors and doers' is well received, it is not clear why displacing this assumption requires leaving the distributive paradigm behind. The same emphasis on social processes can be recovered by viewing individual identity as also grounded in the economic relations and distributive patterns exhibited in society. This phenomenon has indeed already been analyzed by authors such as Marx (see 'Justice as distribution' above). More recently, distributive theorists such as Ronald Dworkin or Richard Arneson have noticed this phenomenon in which the causal arrow tends to be reversed in a way that frames those who are disadvantaged in economic terms as not the victims of economic injustice but an un-deserving class of people who have made imprudent economic choices (see Chapter 5, Section 4).

Young's insistence on the importance of institutional context, structure, culture, and other aspects of dynamic processes that shape social reality and the individuals caught in its net is not only interesting in itself, but highly conducive to finding a precise connection between recognition and redistribution. However, Young's starting point in a criticism of the distributive paradigm seems all-things considered over-emphasised. Taking to heart her criticism of a static and reifying logic of distribution which sees individuals as possessors and consumers of goods, need not commit us to accepting recognition as the primary motor of social justice. The dynamic character of social justice can also be captured the other way around, from distribution to recognition. This would change the image of social justice from one in which redistributive theories supervene on relations of recognition that are primary, to one in which recognition and distribution mutually interact to produce disadvantage. While this is in line with many of Young's recommendations– focusing on the way disadvantages reinforce one another and the tensions between the different values social institutions have to reconcile - it also means leaving the primacy of recognition behind in favour of a more equal focus between recognition and redistribution. Such a genuinely dual focus is pursued by Nancy Fraser, to whose theory I now turn.

Fraser's dual perspective approach

Starting from a criticism of Young's combination of recognition and redistribution into a bifocal framework which nonetheless prioritises recognition, Nancy Fraser outlines a dual account in which both recognition and distribution are construed as fundamentally irreducible components of social justice. Arguing primarily against the recognition-centered approaches to justice developed by Young and Honneth, Fraser maintains that placing the emphasis in this way could undermine some of the very struggles for recognition these authors are concerned with. Based on this, Fraser defends a dual-systems approach, i.e. a two-dimensional conception of social justice combining distributive and recognition concerns[23] in a single, comprehensive framework of 'participatory parity'. Despite strong connections between recognition and distribution, Fraser nonetheless maintains that the two should be regarded as analytically distinct. In the course of developing arguments for this, Fraser

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[23] Later, Fraser introduced an additional, third dimension of political participation. The three-dimensional framework first appeared in Fraser's Spinoza lecture (2004), and was later elaborated in Fraser 2006 and Fraser 2007.

introduces the idea that recognition and redistribution operate according to different logics, and the related idea that they are each due to causes that differ in kind.

There are, Fraser (1995: 177) rightly points out, recognition struggles whose solution requires political-economic restructuring, and appealing to a politics of difference in such cases 'could be counterproductive as it tends to preserve those group differences that redistribution could well undermine.' (see also Fraser 1997a: 129, Fraser 1997b: 13, Fraser 1998a: 47-48, 50, Fraser 2003: 199, 214-18). Therefore, against the view that recognition is primary, Fraser posits that misrecognition and maldistribution should be understood as jointly constituting most forms of social injustice. What this means is that 'virtually all real-world axes of subordination can be treated as two-dimensional. Virtually all implicate both maldistribution and misrecognition' (Fraser 2003: 27). For example, gender is 'a hybrid category' rooted simultaneously in society's economic structure and in its status order (Fraser 2003: 19). Gender is rooted in the *economic* structure, which grounds divisions between paid wage labour and unpaid domestic labour, as well as between higher paid positions which tend to be male-dominated and lower paid, female-dominated positions. Gender is rooted in the *status* order, as women tend to be devalued under a cultural climate that favours androcentrism, and they end up suffering forms of status subordination as a result. Being both a status and a class, gender differences are made up of both economic differentiations and institutionalized patterns of culture value. Gender is not unique in this: race and class (which Fraser regards as not only a matter of economics but also as accompanied by status harms) are similarly constituted by both recognition and distribution.

 This joint role of misrecognition and maldistribution in producing social injustice is captured by Fraser by subsuming both dimensions under a single measure of social injustice, which she calls participatory parity. According to the theory of justice as participatory parity, 'justice requires social arrangements that permit all to participate as peers in social life', so that each person can act as 'a full member of society' (Fraser and Honneth 2003: 36). Maldistribution and misrecognition are two ways in which this egalitarian standard of justice can be violated.[24] For parity of participation to obtain, two underlying conditions have to be

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[24] A third dimension is that of political participation, whose accompanying harm is misrepresentation (Fraser 2007). What participatory parity requires for a just representation is that citizens are ensured equal political voice. This demand is linked to the theory of democratic representation, requesting that individuals have a say in the making of norms and decisions that affect them. The political level is divided into two components: a domestic level, which is concerned with whether or not citizens participate as equals in politics within their

met: an objective condition which impacts redistribution and an intersubjective one which impacts recognition (Fraser 2001: 29). The objective condition is met when the distribution of material resources ensures participants' independence and voice. This precludes 'social arrangements that institutionalise deprivation, exploitation and gross disparities in wealth, income and leisure time' (Fraser 2001: 29, Fraser 2003: 37-38), disparities which make interacting with others as peers impossible. The second condition of participatory parity is the intersubjective one, requiring institutional arrangements to express equal respect for participants and equal opportunity for achieving social esteem. This second condition rules out institutionalised and systemic value patterns that represent some as excessively 'different' or that deny acknowledgement of their distinctiveness. By bringing both redistribution and recognition under the over-arching view of participatory parity, Fraser accomplishes the goal of 'bring[ing] both within the purview of a single integrated normative framework.' (2003: 37).

It should be noted, however, that in order to bring both recognition and distribution under the purview of a single measure of justice, Fraser first needs to re-define recognition as exclusively a matter of justice, not ethics. Fraser accomplishes this by defining recognition as a matter of status, claiming that 'what requires recognition is not group specific identity, but

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states, and a second, meta-level, which she applies to the global poor (Fraser 2010: 367). In this latter case, misrepresentation is linked to the phenomenon of misframing. The problem of framing arises in relation to defining who the relevant actors are. Challenging the accepted view that who counts as a subject of justice is our fellow citizens, Fraser proposes extending the scope of the subjects of justice such as to include non-citizens at a global level as well. Misframing can be unjust in two ways: by excluding some who deserve consideration or by including some who do not. The nature of this injustice is clarified by employing the dimension of representation and applying it at the meta-level. On a normal, domestic level, failures of representation are judged within a society whose boundaries and membership are settled. On a meta-political level, these boundaries and membership are contested. Fraser contends that one can inquire about the justice of relations of representation at this meta-level as well. Injustices occur when the boundaries of the political community are drawn such as to exclude people 'from the universe of those entitled to consideration within the polity in matters of distribution, recognition and ordinary political representation.' (2009: 286) The usefulness of this dynamic is that 'it permits claimants to pose the question of the frame as a question of justice' (2009: 287), to question who is included and who is excluded in the applicability of justice concerns. In other words, the delimitation of membership or 'the "who" of justice' (2009: 284, 286) can itself be unjust. An instance of this injustice is the misframing of the global poor as not being subjects of concern for off-shore powers as a result of employing a nationalistic frame. (Fraser 2009: 286-87 calls this a 'Westphalian frame'). A related harm studied by Fraser is that of social exclusion, which she understands broadly as exclusion from the various areas of social interaction that participatory parity is concerned with, 'including family and personal life, employment and markets, formal and informal politics, and voluntary associations in civil society' (Fraser 2010: 365). The global poor suffer from social exclusion since they are framed as being excluded from the universe of those who are entitled to press justice claims against 'us'. In sum, Fraser's framework as it now stands encompasses 'economic, cultural and political considerations, it treats redistribution, recognition, and representation as three analytically distinct facets of justice, none of which can be reduced to the others, although they are practically intertwined.' (2010: 365). As in this thesis I am not pursuing a full-blown theory of justice but an approach to the connection between recognition and distribution in particular, I will not engage with Fraser's third dimension. However, the dimension will be explicitly mentioned as a limitation in relation to social exclusion and allowing people the opportunity to appear in public without shame in Chapter 5, Section 5.

rather the status of group members as full partners in social interaction' (2001: 24). Therefore, what makes misrecognition wrong is not that it impedes human flourishing, (as claimed by some accounts that regard recognition as a part of ethics), but because it subordinates certain individuals and groups by denying 'the status of full partners in social interaction as a consequence of institutionalised patterns of cultural value.' (Fraser 2001: 26). As Christopher Zurn puts it, Fraser's aim is to develop an account of groups struggling for recognition that leaves issues of identity and felt experience aside, judging the matter 'from the external perspective of an objective, social-scientific observer, who attends only to those distinctions between groups that are the result of institutionalized social relations of subordination, whether economic, political, or cultural' (Zurn 2003: 519-20). Fraser's status model of recognition thus locates the harm represented by misrecognition in the realm of social relations as opposed to identity and individual's psychology, bringing misrecognition squarely in the domain of justice, where it can be more easily calibrated with redistributive concerns and subsumed to a single notion of parity of participation. [25]

Despite the strong connection between recognition and distribution and their joint relevance for justice as participatory parity, Fraser nonetheless insists that the two should be kept analytically distinct. Recognition and distribution are at 'different ends of social reality' and differ from each other with respect to (1) the conception of injustice they propose, (2) the sorts of remedies for injustice they have to offer, (3) the groups affected by injustice and (4) the different valorisations of group difference (Fraser 2003). While some of these differences follow naturally from the way the labels 'distribution' and 'recognition' are typically employed by social justice theorists, other differences seem to stem more from Fraser's particular understanding of the two concepts than their intrinsic meanings.

The first crucial difference between distribution and recognition Fraser posits is that the former is sensitive primarily to socio-economic injustice (exploitation, economic

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[25] In addition to its integrative function, participatory parity also serves as a justificatory standard, helping evaluate what the necessary remedies for injustice are. While appropriate solutions may never deny participatory remedies to others (Fraser 2003: 41), it is not always easy to evaluate whether a proposed remedy denies participatory parity to others or not. For example, regarding the much-discussed issue of Muslim girls wearing a *foulard* in France, Fraser contends that whether or not the *foulard* exacerbates female subordination is controversial, as it has been argued that the foulard is itself a marker of subordination and must be denied recognition. (2003: 41-42) From this, Fraser deduces that while participatory parity supplies a justificatory standard, it cannot be seen as a definite decision procedure and its applicability depends on the way particular cases are interpreted. Therefore, participatory parity has to be accompanied by democratic processes of public debate in which the effect of institutionalized patterns of cultural value on parity of participation will be discussed. With this in mind, Fraser calls participatory parity 'the principal idiom of public reason', (2003: 43) on which deliberations about issues of justice should be focused.

marginalization, deprivation) whereas the latter is especially concerned with cultural injustice (cultural domination, non-recognition, disrespect). Indeed, distributive approaches like the ones mentioned at the start of the chapter do seem primarily concerned with ending unfair inequalities in the distribution of goods and opportunities, while recognition theories aim primarily to ensure equal respect and end inequalities due to approaches to cultural difference. The second difference Fraser mentions is equally unproblematic, as she rightly regards the differences in the injustices identified as translating into different remedies for those injustices. The distributive justice literature indeed seems to require addressing injustice primarily through forms of 'economic restructuring' (Fraser 2003: 13) such as income (re)distribution, reorganizing the division of labour, and more equitable economic structures, while calls for a just recognition seem to require the valorisation of disrespected identities through changing societal patterns of representation and interpretation (2003: 13).

However, other arguments for the separation seem grounded less in an analysis of what theories of justice as recognition or as distribution require, and more in an understanding of these notions that is particular to Fraser. We can notice this with respect to the third difference between recognition and distribution she mentions, i.e. that in identifying those who suffer the injustice, distributive approaches focus on classes 'defined economically by a distinctive relation to the market or the means of production' (Fraser 2003: 14), whereas recognition approaches focus on disrespected Weberian status groups. While Fraser defines class as a group relegated to an inferior step of the economy, she extends this definition so as to cover 'racialized groups of immigrants' or ethnic minorities that can be economically defined 'whether as a pool of low paid menial labourers or as an underclass largely excluded from regular waged work' (Fraser 2003: 14). The entities suffering from misrecognition, on the other hand, are groups defined 'not by the relation of production but rather by the relations of recognition' (Fraser 2003: 14), namely groups receiving less respect than other social collectivities. A paradigmatic case for status is the low status ethnic group, regarded as different and unworthy; but other groups such as gays, lesbians and women should be included here as examples of groups suffering primarily from being assigned an inferior status.

The separation between class and status as the entities suffering respectively from injustice as maldistribution and injustice as misrecognition is re-stated by Fraser in the course of arguing that recognition and distribution are on different ends of an imaginary spectrum of social

reality. There are pure cases of distributive injustice on the one end (e.g. class differentiation) and pure cases of misrecognition on the other (e.g. differentiation with respect to sexuality). While members of a specific socio-economic class suffer from subordination in the economic hierarchy, members of sexual minorities suffer from a sort of status subordination and the harms that affect them are injustices of misrecognition, which operate primarily alongside a cultural dimension. This is not to say that members of the LGBTQ+ minority do not suffer economic injustices, only that the economic disadvantages they face qua members of these sexual minorities do not have their 'ultimate cause' in the economic structure of society but are consequences of (and derive from) the status order. The institutionalization of heterosexist norms produces 'a category of despised persons who incur economic disadvantages as a consequence of their subordinate status' (Fraser 2003: 18-19). Moreover, misrecognition can occur completely independently of maldistribution – for example a wealthy African-American Wall Street banker might still not manage to get a taxi to pick him up due to prejudice (Fraser 2003: 34). On the other hand, *contra* Honneth and Young, theories of recognition are unable to subsume issues of distribution. For example, a person under no danger of suffering misrecognition (such as 'skilled white male industrial worker') might still suffer economic disadvantages as a result of various circumstances.

This view of the connection between distribution and recognition is closer to Habermas's ontological separation between the two than to Fraser's own explicit proposal to regard them as perspectives of one and the same 'substance' of social justice. Indeed, Fraser conflates recognition with culture and distribution with the economy when discussing their different 'ultimate causes'. Seeing recognition and redistribution as rooted in "different ultimate causes" and positioned on different 'ends of social reality' suggests they are not only different theoretical lenses for looking at one and the same social reality, each better suited to capture different angles of the same phenomena, but also different ontological entities, each with its own (albeit non-closed) causal chain and space of operation.

This rather stark opposition between spheres of operation leads Fraser also to over-state differences between the entities suffering from injustice: classes in the case of distribution and Weberian status groups in the case of recognition. Whereas Weber himself frequently emphasized the interplay between status and class, claiming that 'The differences between classes and status groups frequently overlap' and that '[f]or all practical purposes, stratification by status goes hand in hand with a monopolization of ideal and material goods

or opportunities',[26] Fraser downplays the shared characteristics while maintaining a clear analytic distinction between the two domains. This tendency finds its fullest expression in the fourth difference between recognition and distribution Fraser addresses, concerning the role of difference in constituting the class and status, respectively. This argument, called the 'different logics' argument, is the strongest pillar of the argumentative structure for a substantive separation between recognition and redistribution Below I will present and argue against it, making logical space for a tighter connection between the two.

5. The different logics argument

Fraser argues that redistribution and recognition should be seen as separate domains of justice because they operate according to different logics. The main difference in the logic by which the two operate is that the politics of redistribution aims to abolish the group suffering from the said redistributive injustice as a group 'much as Marx's claim that the task of the proletariat was to abolish itself as a class.' (Fraser 1995b: 178), whereas recognition aims to protect difference, either by revaluing cultural traits or deconstructing the terms in which differences are elaborated (Fraser 2003: 15). How this plays out in practice is analysed by Fraser by reference to gender (where the dynamics of the division of labour are compared with affirming women's difference) and race (where the racial division of labour is compared with the recognition of ethnic difference).

In her criticism of Young's *Politics of Difference*, Fraser distinguishes between culture-based groups (based on cultural affinity) and political-economy-based groups, where affinity rests on shared position in the division of labour (Fraser 1995b: 172-73). A prime example of a political-economy-based group is that of socio-economic class, whereas a prime example of a culture-based group is that of an ethnic group. Discussing the example of working-class non-professionals as a political-economy-based group (marked as suffering from powerlessness and perhaps also exploitation), Fraser observes that the group would not survive were the

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[26] While he does caution that 'status honour need not necessarily be linked with a "class situation"', this is mentioned more as a way of making space for the logical possibility that the two can come apart than as a statement that they should be treated as separate for the purpose of social analysis. Indeed, in practice, the road between the two 'is easily traveled as soon as a certain stratification of the social order has in fact been "lived in" and has achieved stability by virtue of a stable distribution of economic power", http://sites.middlebury.edu/individualandthesociety/files/2010/09/Weber-Class-Status-Party.pdf (Accessed 28/02/2018).

relevant forms of economic restructuring to take place.[27] If the distinction between specialised and non-specialised work were abolished, for instance, the group of working-class non-professionals would lose its distinctiveness. Thus, Fraser notes, 'a politics of redistribution that successfully combated the political-economic oppression of powerlessness would effectively destroy the group as a group, much as Marx claimed that the task of the proletariat was to abolish itself as a class' (Fraser 1995: 178). In subsequent work, this reference to the Marxist notion of the proletariat as a class which has to abolish itself as a class is often mentioned as proof that the logic of distribution and the logic of recognition are incompatible: while the former ultimately requires the dissolution of difference, and the latter its protection, the politics of recognition is not able to tackle the injustices created by the political economy.

By contrast, the ethnic group is presented as a prime example of differentiation on the basis of recognition. Here, because abolishing cultural difference leads to assimilation, protecting cultural identity requires that differentiations be kept in place. Indeed, the raison d'être of multiculturalism is the protection of such differences and of members of cultural groups as carriers of identities that do not conform to the mainstream forms of cultural manifestation. Therefore, whereas redistribution is concerned with abolishing differences between groups in the political economy, recognition is concerned with protecting differences between groups in society, and challenging assimilation.

My contention is that the logic of recognition and the logic of redistribution do not, in fact, pull in opposite directions to the extent that Fraser claims. Let us start by looking at political-economy-based groups. Is it true that groups created in this way would cease to exist if a just redistributive policy would be in place? Fraser's example of the proletariat in Marx's work is, indeed, suited as an illustration of her point, but this may be due to Marx's materialism rather than an intrinsic feature of redistributive approaches to social justice more generally. While it is true that, according to Marx, the aim of the proletariat is to abolish itself as a class and create a classless society where most property is owned in common, most theorists of redistribution would allow for differences in distributive shares, arguably to an extent that is compatible with the existence of different groups constituted in the economic hierarchy.

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[27] 'It is unlikely that an affinity group based on the shared experience of powerlessness and non-respectability would survive as a group in the event that its economic oppression were remedied via redistribution' (Fraser 1995: 177).

Rawls, for instance, tolerates any degree of inequality in distributive shares on condition that it furthers the situation of the worst-off members of society. Luck egalitarians[28] tolerate all differences in shares which can be traced back to individual choices, while opposing differences which can be traced back to circumstances over which individuals have not control.

Perhaps the most telling example is van Parijs's famous opposition between 'Crazy' (a fictional character who chooses to spend all his time working) and 'Lazy' (who prefers to spend his time pursuing leisurely activities) (van Parijs 1995: 93-108). As the example of Crazy and Lazy shows, differences in the place occupied in the political-economic order may be acceptable even in a society of people with equal capacities, talents and aptitudes. We could, following this last example, have a class of high-earning Crazies and a class of leisurely 'Lazies' – a reversal of the usual labels for the leisure and the working classes. What this shows is that justice in the political economy requires the abolition of unfairly constituted classes, and perhaps of some economic mechanisms associated with class membership (e.g. inheritance).[29] But the abolition of economic divisions and hierarchies tout court seems to be the exception rather than the norm as far as theories of justice as redistribution are concerned; some hierarchies in the political economy are regarded as just by most political theorists working on distributive justice.

This should not be taken to mean that all current inequalities in the socio-economic domain are justified. There are some divisions that are unjust and oppressive and should be abolished through transforming the norms that produced them. The point is only that there are some divisions in the socio-economic domain that are just; not all economically constituted groups have to abolish themselves qua groups, as Marx claims. Rather, groups or classes that were *unfairly* constituted as such in the political economy should be abolished according to theorists of redistribution. What is essential is questioning the reasons behind certain differentiations in the socio-economic hierarchy, not the very existence of differentiations as such.

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[28] With the notable exception of G.A.Cohen who insists that if our society were governed by an egalitarian ethos we would not tolerate e.g. the kinds of inequalities tolerated by Rawls as a way of incentivising the talented to work more

[29] Thanks to Anca Gheaus for drawing attention to this problem.

Fraser could reply that this criticism misses the point, which was not that there should be no differences in earnings between people in the political economy, but that there should be no such thing as what Bourdieu called a 'class habitus', i.e. the lived experience of social class, marking people on lower positions of the political-economic hierarchy as lacking 'respectability' (1995: 173, 177). However, the notion of a class habitus and its accompanying lack of respectability for the class in question is more akin to a failure of recognition than a failure of redistribution. The problems associated with a class habitus are analytically different from (although they may, in practice, supervene on) the structure of the political economy. The lack of respect and unacknowledged difficulties experienced by those who occupy a certain position in the division of labour are based on the fact that the persons in question occupy a certain subordinate position, but this constitutes an injustice of status subordination. Respectability – or lack thereof – marks someone for a particular position in the status hierarchy, which Fraser regards as the subject of recognition (not redistributive) concerns.

In addition, one could question the idea that class itself can be fully separated from identity (e.g. Alcoff 2007: 260), thus making differences in earnings inseparable from issues of identity. However, this kind of remark (to which I am in fact very sympathetic) rather strengthens than undermines my argument against the different logics and Fraser's stark separation. Alcoff calls the idea of separating redistribution and recognition in this case confused because 'based on the reductionist idea that class can be conceptualised apart from identity' (2007: 260). Discussing the example of the 'white, male skilled worker' who, according to Fraser, is immune to issues of misrecognition, Alcoff remarks that the very way in which the labour market is organised revolves around identity differences and that national minorities often form an 'ascriptive class segment', going as far as to argue that 'the prime directive of capitalism operates through the segmenting of the labour market by identity' (Alcoff 2007: 261). What this points to is that taking a more comprehensive approach to the notion of class emphasises rather than undermines the recognition elements in producing it, thus combating the different logics argument.

So far I have tried to show that the logic of redistribution does not pull in the direction of abolishing all differences between socio-economic groups. However, I have granted the important point that redistributive justice requires the abolition of groups unfairly constituted as such in the political economy. Is this concession sufficient to maintain the distinction

between the underlying logics of recognition and redistribution? After all, a fair redistribution would abolish some groups constituted in the political economy, whereas recognition seems opposed to abolishing any differences; wasn't that what the point was all about? My answer will be that the distinction cannot be maintained, because recognition claims operate according to a logic demanding abolition of certain structures as well – the abolition of (unjust) status hierarchies.

Fraser claims that the goal of multiculturalism is to preserve – even promote - differences between groups, and that a society in which differences in 'culture', religion or values are accepted and even encouraged is clearly preferable to a society which aims for assimilation.[30] Fraser proposes a status model of recognition, according to which a just recognition is one which overcomes subordination 'by establishing the misrecognized party as a full member of society' (Fraser 2001: 24). This, in turn, means promoting status equality among all members of society, and fighting institutionalized patterns of cultural value in so doing. In other words, what Fraser is advocating is abolishing a status hierarchy based on 'cultural' difference. Indeed, the concept of 'status' logically implies a hierarchy with inferior and superior positions, and the purpose of a theory of recognition as Fraser understands it seems to be ensuring no one is placed on an inferior position in the status order on account of 'cultural' or other differences. For recognition justice to occur, the status hierarchy based on 'cultural' difference has to be abolished.

Yet, the point of recognition is not, in this case, the celebration of difference as such – indeed, arguments about the value of promoting diversity for individual identity would not be available to Fraser, given her explicit rejection of understanding recognition in terms of people's psychological make up or identity affirmation (Fraser 2000, 2001). Rather, the point of recognition is to preclude unequal treatment premised on 'cultural', religious, etc. differences. It is to challenge institutionalized patterns of value that represent members of religious, ethnic, etc. groups as inferior, or which render them invisible. Recognition is not so much about the nature of 'cultural', religious, etc. differences, but about the relative standing individuals have in the hierarchy of status based on those differences. Justice in recognition consequently implies abolishing differences in status which are premised on differences in

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[30] While Fraser's construal seems to assume promoting group diversity is preferable in itself, which not all exponents of multiculturalism endorse (e.g. Kukathas 2003, Phillips 2007), I will show that the suggestion, even as she formulates it, is unconvincing.

cultural, religious, or other value attachments. Much like Marx's proletariat which had the task of abolishing itself as a class in the political-economic hierarchy, the cultural group has to abolish itself as a group in the status hierarchy.

This amounts to showing recognition and redistribution operate according to the same logic, namely that of abolishing unjustly constituted groups. Fraser's contention about the different logics between the two is, therefore, based on an unfair comparison between the levels on which recognition and redistribution operate: redistribution demands abolishing *unfair* differences between groups in the political economy, and recognition demands abolishing the conceptualisation of some cultural groups as inferior groups in the status order. Recognition does not demand protecting differences in the sphere of social *status* (the level which would correspond to that of redistribution's political economy in Fraser's typology), but protecting differences between groups at the level of those group's characteristic identity markers. Likewise, redistribution does not demand erasing differences in individuals' professional aspirations, preferences for leisure over work, etc. (the level which corresponds to that of recognition's differences in culture, religion, or ethnicity), but ensuring the resulting division of labour and economic inequalities are just. A better distinction would be one that takes which differences we want to protect and which to discard for the sake of justice as primary – such as Young's distinction between cultural groups, constituted by differences we want to protect, and structural differences that 'concern structural relations of power, resource allocation, and discursive hegemony' (2000: 82-83, 91-92).

Applying the distinction between different tiers introduced above to Fraser's example of gender as a category split between different logics, we see that the tension is only apparent. As previously discussed, for Fraser gender is both a structural principle for the political-economic division of labour, as well as a 'culture'-based category. The solution to gender inequality demanded by redistribution is that of abolishing the gender division of labour, while the solution demanded by recognition is that of protecting gender differences in different spheres of activity. The tension then arises because 'the struggle to remedy women's cultural oppression by affirming women's 'difference' on the model of ethnicity might militate against the struggle to abolish the gender division of labour, which entails decreasing the social salience of gender' (Fraser 1995: 178). Thus, the aim of affirming women's 'difference' might stand in tension with the aim of abolishing differences between genders on the labour market, which would, by definition, minimize gender differences.

However, this example loses its plausibility once we look more closely at the levels on which redistributive and recognition remedies operate. What distributive justice requires for remedying gender inequality is that being a woman should not be matched by unfair disadvantages on the labour market – in this sense, requiring the dissolution of women *as a disadvantaged group* in the political economy. The relevant harms picked up by redistribution will be unfair wages between men and women, the fact that women are employed in subordinate positions compared to men, that they perform socially useful work that is not remunerated, etc. The redistributive remedies are, respectively, the equalization of wages, a more equitable representation of women in executive positions, recognition of socially useful work, etc. These do not amount to making gender oblivious as a category for structuring the labour market but, on the contrary, they require acknowledging gender when designing a just division of labour. For instance, a division of labour that places women in a subordinate position in the political economy because women tend to go on maternity leave is unjust from a redistributive point of view. The remedy, therefore, is not being blind to gender when designing employment principles, but acknowledging gender as a factor to ensure that the resulting division of labour does not place women at a disadvantage. In other words, in order to abolish women as an unjustly constituted group in the political economy, redistribution may sometimes require placing more emphasis on, or paying closer attention to, gender. The sense in which 'gender abolishes itself as a class' is not that gender would be invisible in a fair economy, but that gender would not correlate with failures of distribution in a fair economy.

Secondly, it might seem that what Fraser has in mind is not the way gender operates in dividing shares, but the fact that there are such things as jobs which are seen as suitable for women, and some which are suitable for men. However, if gendered divisions are found problematic, they are picked up as such on the recognition rather than the distributive dimension: the existence of e.g. 'pink collar' jobs are a recognition problem, where we might regard it as an essentialization or trivialization of what is permissible or desirable for women to do. Consequently, whether the solution is to celebrate women's 'difference' by increasing the remuneration and status of these jobs, or whether, on the contrary, the solution is to do away with the category, is a dilemma for the recognition dimension. The relevant question is whether equality of status between women and men in the labour market is rather achieved by having similar proportions of the two genders in various jobs or whether, on the contrary,

equality of status requires regarding 'pink collar' workers as having identical status to their male counterparts, hence requiring no restructuring. Redistribution itself would remain agnostic as to whether gendered jobs should continue to exist in the absence of any relevant (from the point of view of distribution) advantages associated with them, however much of a problem such a division would pose for status hierarchies and differential social esteem.[31]

6. Conclusion

The above discussion leads us to reject the argument that recognition and distribution are fundamentally opposed in terms of their underlying logic. Moreover, the manner in which this view has been rejected paves the way for a more nuanced analysis of how recognition and distribution relate, by paying attention to the different levels of operation. The view I am proposing, which I develop through the next two chapters, is that neither recognition nor distribution can be sufficient to account for particular instances of social justice, given their different levels of operation. Recognition justice and distributive justice are not just compatible in terms of their underlying logics; they are, furthermore, intimately intertwined on account of these very logics.

If we take the separation between different levels more seriously into account, we notice misrecognition and maldistribution are part of a common dynamic through which injustice is produced. Far from pulling in opposite directions and pertaining to different corners of the domain of social justice, recognition and distributive concerns often overlap, mutually re-enforce one other, and causally work together to produce complex forms of social disadvantage. We have already seen in Section 1 that Scanlon's contractualism is often regarded as an elaborate way of cashing out the recognition-based desideratum in different

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[31] Similarly for the case of 'race'. Here, again, Fraser claims that the politics of redistribution demands abolishing the group qua group. While it would continue to exist on independent cultural grounds, the group would be defined solely on cultural grounds, and we would witness 'the transformation of a subordinate racialized caste into an ethnic group.' (Fraser 1995: 178). Yet, what is objectionable for redistributive theorists about 'racialized' jobs is that such jobs tend to require little or no training, that they receive lower pay, that they sometimes involve exploitation, etc. Strictly from the point of view of redistribution, a division of labour in which one sector is over-represented by African Americans but which requires expertise, is regarded as socially useful, provides good wages and working hours, social prestige, etc. is not problematic. What redistribution is concerned with is eliminating 'race' from the group of factors that determine an *unfair* distribution. While the segregation of jobs along racial lines might strike one as problematic even if they do not correlate with any kind of disadvantage in terms of opportunities, *etc.*, this would be, by definition, due to a tendency to associate segregation in and of itself with misrecognition. The fact itself that a disproportionate number of members of a certain minority occupy certain jobs, in the absence of any socio-economic disadvantages associated with those jobs, is a problem for recognition – not redistribution.

social institutions, including distributive concerns. Given the foundational role of the (recognition-based) value of mutual justification for contractualist theories, this particular way in which the recognition-based desideratum of equal respect and concern shapes distributive theories is hardly unique. Indeed, Rawls emphasises the same connection in specifying that the duty of mutual respect[32] requires 'being prepared to give reasons for our actions whenever the interests of others are materially affected' (Rawls 1971: 297).[33] However, the equal respect and concern desideratum shapes Rawls's theory more fundamentally, serving as a condition of being admitted to the contract in the first place; as the basis for the rights and liberties guaranteed by the first principle of justice; as the value expressed by the second principle of justice; and, finally, as the justification behind declaring the social bases of self-respect as the most important primary good. Indeed, according to Dworkin, making the desideratum of expressing equal respect and concern a central concern of justice is Rawls's most fundamental contribution. Nor is the 'equality of what' debate within luck egalitarian theorizing independent of recognition concerns. In a weak and somewhat trivial sense, this is true because 'equality of what' discussions are shaped by (implicit) answers to the question 'why equality?': this insight, already formulated by Amartya Sen (1992) can be traced through various arguments for preferring one measure over another. Similarly, luck egalitarian theories of how to distribute resources, opportunities and other benefits so as to respect personal choice require recognition-based discussion of how and why to ground differential respect and concern for persons. It is precisely because of this that they have made themselves liable to criticism for failing to show sufficiently unconditional respect and concern for people, as in the arguments raised by Elizabeth Anderson and Jonathan Wolff, discussed further in this thesis.

The ways in which one domain shapes the other does not only work in the intuitive sense that distributive theories are premised on considerations of equal respect and concern, but also in

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[32] '[T]he duty to show a person the respect which is due to him as a moral being, that is, as a being with a sense of justice and a conception of the good' (Rawls 1971: 297).

[33] The duty of mutual respect also demands a willingness to 'see the situation of others from their point of view, from the perspective of their conception of the good', which in turn influences our reason-giving: 'When called for, reasons are to be addressed to those concerned; they are to be offered in good faith, in the belief that they are sound reasons as defined by a mutually acceptable conception of justice which takes the good of everyone into account. Thus to respect another as a moral person is to try to understand his aims and interests from his standpoint and to present him with considerations that enable him to accept the constraints on his conduct. Since another wishes, let us suppose, to regulate his actions on the basis of principles to which all could agree, he should be acquainted with the relevant facts which explain the restrictions in this way.' (Rawls 1971: 297) The requirement to see one's situation form the perspective of their own conception of the good and the requirement to provide them with justification, especially when their claims do not win out, are supposed to correspond 'to the two aspects of moral personality' (1971: 297).

the more surprising sense that distributive concerns shape recognition approaches. I now turn to showing this connection by looking at recent struggles for recognition.

Chapter 2

Redistributing recognition: on the symmetry problem of recognition theory

Few can be found who explain their practice merely by saying 'But they're black; and it is my principle to treat black men differently than others.' If any reasons are given at all, they will be reasons that seek to conflate the fact of blackness with certain other characteristics which are at least candidates for relevance to the question of how a man should be treated: such as insensitivity, brute stupidity, uneducable irresponsibility, etc.

(Williams 1973: 233)

Theories of recognition often start by listing progressive, worthwhile struggles for recognition and then account for their claims, meanings, and social importance in terms of equality and social justice. However, recently we have witnessed a rise in illiberal discourses expressing racist, xenophobic, homophobic etc. views and associated right-wing political movements. In this chapter I argue existing approaches to recognition are not able to yield a (non ad-hoc) criterion for differentiating the former, progressive and liberal struggles from retrograde, illiberal struggles for recognition, and term this recognition's symmetry problem. The chapter reviews the most comprehensive theories that engage with this issue to date, and shows their shortcoming in breaking the problematic symmetry: Axel Honneth's identity-based approach and Nancy Fraser's participatory parity account. Building on this, the chapter argues for a two-tier theory of recognition incorporating an unconditional level of recognizing others as persons and a differential component understood as non-discrimination. The necessity of the second component shows the theory of recognition ultimately needs to incorporate redistributive notions of the kind appealed to in theories of discrimination to overcome the symmetry problem.

1. Introduction

Disadvantaged social groups constituted by identity markers such as gender, ethnicity, sexual orientation, or religion have had an emancipatory trajectory usually framed in terms of their successful struggle for increased recognition. Demands for the recognition of difference made by members of these groups have been the salient focus of 'identity politics' together with the policies it gave rise to, and crucial issues such as minority rights, gender equality, or

'cultural' and religious accommodations have been described in these terms. Far from being confined to the past several decades, struggles for recognition continue to be waged forcefully over a great variety of issues affecting disadvantaged minorities of different kinds: the recognition of same-sex marriage, special accommodations and the limits of toleration for Muslims, the recognition of the equal value of Black lives in the context of police violence in the US, the recognition of Roma equality and addressing antiziganism, as well as struggles over recognising the status of refugees and demands to end undignified treatment, especially in the European context. 'These struggles', as Barbara Hobson notes, 'are about groups seeking to represent the concerns and experiences of their constituents, to make visible histories of discrimination and devaluation. They have lacked voice or power to influence discourse, laws, policies and practices.' (Hobson 2003: 15). Seen as focused on such issues of discrimination and devaluation, recognition struggles promote much needed and long overdue levels of social, political and economic equality, restoring to subjects the recognition they have been previously unfairly deprived of.

However, struggles for the equality of same-sex marriage or the Black Lives Matter movement are not the only social movements whose demands can be understood as demands for recognition. Indeed, illiberal struggles such as that of white supremacists, Christian views on the traditional family, or the 'All Lives Matter' movement fit exactly the same description as far as theories of recognition are concerned. For example, in his attempt to define theories of recognition, Simon Thompson identifies five features shared by all recognition struggles. The first feature is 'a focus on ideas of identity or difference' (Thompson 2006: 7) with respect to features that mark people out for public acknowledgment, such as race, language, religion, sexuality etc. These features then divide people in separate and opposing categories: blacks vs. whites, Muslims vs. non-Muslims, homosexuals vs. heterosexuals, etc. The second feature is a concern for equality and inclusion, manifested by a group when it argues that 'since it is the same as others it wants to be treated no differently from them' (Thompson 2006: 7). This demand happens when a group feels left out and ignored or 'marginalized and excluded', and Thompson illustrates it by means of the American civil rights movement and demands for the equal treatment of African Americans The third feature is an insistence not on equality but on valuing a group's distinctive contribution, as in the much discussed example of Muslim schoolgirls being allowed to wear the veil in class: 'rather than wanting to be treated the same as others, in this case the group places emphasis on its difference from those others.' (Thompson 2006: 8). The fourth feature is concern for the social resources that

a group or an individual is entitled to. Demands made by disadvantaged groups in this regard may refer to a 'higher level of unemployment experienced by its members' (Thompson 2006: 8) or may include bids for a geographic region inhabited by members of a particular ethnic group to receive a larger set of resources from the central government, such as Scotland and the UK. Finally, the politics of recognition is often characterized by struggle, be it for inclusion, or for cultural acknowledgment of a distinctive identity (e.g. of non-Western or non-male works to be included in an established canon).

My focus in this chapter is on the fact that these features of recognition struggles, typically celebrated as progressive, equality-enhancing movements for disadvantaged groups, are also (paradoxically) shared by opposing, regressive struggles, creating what I will refer to as *the symmetry problem of recognition struggles*. Looking at Thompson's characterization above, we notice that it is not only Blacks, Muslims, homosexuals, etc. who 'focus on ideas of identity and difference' when issuing demands for recognition. Racist movements such as those of white supremacists are likewise concerned with issues of race and its unfair (in their eyes) treatment. The same goes, for example, for American Christians when they demand that their religious identity be taken into account when opposing equal rights to homosexual unions.[34]

The same holds for Thomson's second feature, regarding the insistence on equality and sameness. While the criterion does indeed capture such causes as the civil rights movement and the contemporary Black Lives Matter movement, the perception that one has been treated unfairly can be completely remote from the actual reality of oppression. For example, the perception that the Black Lives Matter movement is excluding and diminishing concern for non-Black lives has recently led to the All Lives Matter movement, using the same argument that 'since one is the same as others it should be treated no differently' to the effect of opposing recognition of specific problems affecting Black Lives.

The third feature, of wanting a group's specific contribution to be recognised, captures the demands of not just disadvantaged and oppressed Muslims, but also white supremacists and men's rights defenders. Those believing white male scientists or thinkers of the past entitle

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[34] In Romania, the Orthodox Church started a (ultimately successful) petition of amending the wording of the Constitution so as to be even more explicit in defining marriage as only between a man and a woman. Similar amendments have been made to the Italian and Hungarian constitutions.

members of this race and/or gender to differential and superior recognition frame their demands in terms of equality and recognition no less than disadvantaged ethnic groups. Romanian migrants who, encountering stereotypes abroad, deflect them towards Romanis, demand their 'specific contribution' to be recognised in a manner that is procedurally similar to that used by Romanis themselves when advocating for their own contribution to be recognised.

Fourthly, disputes over how a central authority distributes resources have arisen not just in the case of disadvantaged minorities occupying a certain territory (Scottish nationals in the UK, in Thompson's example), but have also fueled the 'Leave' campaign in the 2016 UK referendum for exiting the EU. The narrative in this latter example focused on how little the British taxpayer was getting back from his contributions to the EU and how much better the UK would have prospered on its own. To the extent that we agree to regard the former struggle progressive and the latter as regressive, we once again see that one and the same criterion for recognition leads to different types of emancipatory struggles. Indeed, Thompson's final remark that 'other groups may resist these demands for recognition seeking permanently to exclude a group from citizenship or to preserve the canon in its present form' (2006: 8) itself acknowledges the possibility that reactionary struggles can be deemed struggles for recognition in their own right.

What theorists offer as the defining features of progressive, equality-enhancing struggles for recognition, can, in other words, also match *status quo* inequalities-defending struggles such as those associated with contemporary right-wing politics. Fraser (2001) terms these latter 'reprehensible' struggles, but terms such as 'retrograde', focusing on their reactive nature, or simply 'illiberal' given their violation of a liberal egalitarian consensus, seem more appropriate (because more neutral) terms. The issue is that justifications employed by the progressive Black Lives Matter movement and the retrograde All Lives Matter movement, by liberal same-sex marriage advocates and illiberal homophobic groups, by anti-racists on the one hand and ultra-nationalists on the other, share between them important characteristics. Both sides of the divide make reference to a treatment perceived to breach norms of equality and respect, to a way of life perceived to be under threat, and to a perception that one's specific cultural contributions are being unfairly denied. Moreover, just as with progressive struggles of the past, current reactionary struggles concerned with preserving a certain traditional way of life and gender roles, a 'national identity' etc. do so by reference to either

past 'imagined communities' or imagined societies of the future, which will grant the movement recognition once its truth has been revealed (Mead 1934: 199).[35]

I call this problem of a formal similarity between the kind of struggles a liberal egalitarian would want to condone and the ones she would want to reject the symmetry problem of existing recognition theories. The problematic parity constituting recognition's 'symmetry problem' arises out of a formally symmetric engagement with principles for coordinating social life. This challenge is one that an adequate theory of recognition should be able to answer by providing a necessary and sufficient criterion that renders progressive claims justified, and *prima-facie* similarly motivated regressive claims unjustified. A suitable theory of recognition should make it possible to distinguish between claims to recognition that are worthy of being satisfied (the recognition of black lives, same-sex marriage, demands for equal pay between genders…), and claims not worthy of being satisfied (the superiority of the white race, …the advantages of patriarchy).

Recognition scholars sometimes acknowledge the problem. As already noted, when discussing the importance of recognition for understanding contemporary movements, Fraser notes that struggles for recognition include not only progressive struggles, but also 'downright reprehensible' ones, such as ethnic cleansing, the genocide in Rwanda, the Balkan conflict in the 90s.[36] Similarly, Honneth mentions German Skinheads and Farrakhan's Nation of Islam as struggles for recognition that an adequate theory should be able to rule out as illegitimate (Honneth and Fraser 2003: 121). Calhoun also cautions that fundamentalist movements, including the new religious right or nationalistic and resistance movements by whites against the rights of ethnic minorities 'are equally manifestations of identity politics and there is no principle that clearly explains their exclusion from the list drawn up by NSM [New Social Movements] theorists.'[37]

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[35] This can be seen in the discourse expressing resistance to e.g. the 'Islamization' of Europe by accepting what are perceived to be unreasonably large number of refugees. The argument is made that future generations, realising the consequences of this present policy, will look back on the decision as naïve and ill-informed.

[36] 'Struggles for recognition cover a wide range of aspirations, from the patently emancipatory to the downright reprehensible' (Fraser 2000: 107).

[37] Calhoun (1995: 215) formulates the problem as being that a focus on the new social movements taken at face value 'groups together what seems to the researchers relatively 'attractive' movements, vaguely on the left, but leaves out other contemporary movements' such as the ones mentioned above, for apparently arbitrary reasons. New Social Movements seems to be a reference to Habermas (1981).

In this chapter I analyze two comprehensive theories of recognition addressing the symmetry problem and show that neither is able to break the problematic symmetry with the resources provided by the theory itself (as opposed to appealing to external standards). I start with the identity-based account of recognition of Axel Honneth, arguing it is unable to break the symmetry problem. While it does consider the possibility of retrograde struggles and attempts some provisions against them, the theory's emphasis on the agents' subjective experience ultimately leads to regarding the experience of individuals and groups engaged in retrograde struggles as valid experiences of misrecognition. I then move on to discuss Nancy Fraser's account of recognition as a breach of participatory parity, surpassing the psychologizing element of misrecognition and its tendency to rely on the experience of the claimant. I argue her model is necessary but not sufficient to provide a clear criterion for breaking the problematic symmetry.

Finally, I propose a two-tier model of recognition. The first layer of the model consists of a procedural, unconditional requirement of granting everyone the recognition owed to them *as persons* and fellow citizens. The first layer makes some progress towards solving the problematic symmetry by ruling out claims of racists, homophobes etc. that are in clear violation of equal recognition as a person. Conversely, the first requirement also forbids shaming racists, homophobes, etc. in the entirety of their persons. The second layer consists of a difference-catering and substantive component demanding that persons be, to the widest extent possible, recognised *as the persons that they are*. The challenge of this second requirement is to establish how much recognition for one group or person is compatible with equal levels of recognition for others. Establishing this means making recognition part of the theory of non-discrimination. The proposal is discussed in opposition to Taylor's arguments that a politics of difference cannot be encapsulated by a non-discrimination requirement. The redistributive aspects of a theory of discrimination are shown to be necessary for recognition, thus furthering the general argument of this thesis that recognition and redistribution are interwoven conceptually, not just empirically.

2. The politics of identity and the symmetry problem

The received view in theories of recognition is that to recognize someone means to give them the respect or esteem they are due in virtue of who they are. While accounts vary

significantly in respect to whether recognising all aspects of a person's identity is utopian, what identity means, or the necessary conditions for mutual recognition among persons, an important group of the existing theories places a lot of emphasis on identity. One of its most notable proponents, Axel Honneth, does identify a version of the 'symmetry problem' when saying that 'the social movements today demanding recognition of their value convictions include not only peaceful groups like feminists and marginalized minorities, but also racists and nationalist minority groups, such as Farrakhan's Nation of Islam and German skinheads.' (Honneth and Fraser 2003: 121). To avoid this problem, Honneth proposes an independent normative standard 'for identifying social discontent independently of public recognition.' (Honneth and Fraser 2003: 125). This ultimately requires employing moral and psychological considerations, and defining injustice as an injury to one's dignity. These considerations are at the core of Honneth's theory of recognition, as he argues that unjust recognition is given by the violation of the subject's own expectations regarding what recognition is due to them in virtue of their psychological make-up and prevailing norms of justice.[38]

Unjust recognition, in turn, is the basis of social injustice, as 'the experience of a withdrawal of social recognition – degradation and disrespect – must be at the centre of a meaningful concept of socially caused suffering and injustice' (Honneth 1996: 134). In this, too, the standpoint of the subject herself is the key factor, as what matters is 'the normative standpoint from which subjects themselves evaluate the social order' (1996: 134). Therefore, while Honneth insists on the importance of a normative standpoint from which to judge misrecognition claims, subjectivity plays a key role in determining this standpoint in two different instances: first, an individual's criterion for judging which kind of respect is founded and which is unfounded is also subjective. Second, the experience of disrespect can be felt by some and not others even among people who share the same criteria of what counts as deserved and undeserved manifestations of disrespect.

Honneth's reliance on subjectivity is problematic with respect to the symmetry problem, because the experience of withdrawal of the respect and social recognition owed to one by one's fellows can be felt not just by members of oppressed minorities (for whom we would want the situation amended), but also by groups seeking recognition for reprehensible

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[38] 'Subjects perceive institutional procedures as social injustice when they see aspects of their personality being disrespected which they believe have a right to recognition' (Honneth 1996: 132).

attitudes and identities.[39] The latter's subjective experience will be that social recognition has been (unjustly) withdrawn. Indeed, this is how many retrograde, illiberal struggles start - as reactions to emancipatory movements. The mechanism is therefore better suited to explain how conflicts emerge than which of the sides has a legitimate claim.[40]

An alleviating factor might be that, for Honneth, the disagreement between what degree of recognition is due to a person or group is never so great as to threaten the validity of universal moral principles themselves, but is limited to how these principles should be applied. The experience of misrecognition is one in which individuals perceive the application of a widely accepted principle to their particular case as unjust.[41] The contestation does not reach as far as the principle itself. Therefore, while a particular group experiences misrecognition because it perceives the current application of the principle as unjust, the extent of social disagreement will be limited: it only takes place in the confines of possible interpretations of the widely accepted principle.

While this seems to alleviate the 'solipsistic' tendencies endemic to the most extreme manifestations of the symmetry problem, it does not altogether escape them. The underlying motivations of racists or homophobes will always be presented as a legitimate application of a universally acceptable principle. As pointed out by Bernard Williams in his discussion of the way principles of equality are applied, a racist will not justify her exclusion of black people from the normal application of egalitarian concerns by invoking a morally irrelevant criterion such as a dislike for a particular skin colour.[42] Instead, 'If any reasons are given at all, they will be reasons that seek to conflate the fact of blackness with certain other characteristics which are at least candidates for relevance to the question of how a man should be treated: such as insensitivity, brute stupidity, uneducable irresponsibility, etc.' (Williams 1973: 233). In other words, in most cases of illiberal demands for recognition, reprehensible claims are framed as the correct application of generally accepted principles,

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[39] Incidentally, Honneth faces a problem here not just for the case of people demanding more recognition than they are due, but also for the case of people who, through internalising negative stereotypes and other alleged justifications for inferior treatment (e.g. the religious justifications behind the unequal caste system in India) do not have the subjective experience of being treated unfairly and consequently do not demand equal recognition.

[40] 'A moral experience that can be meaningfully described as one of disrespect must be regarded as the motivational basis of all social conflicts' (Honneth 1996: 157).

[41] '[S]ubjects or groups see themselves as disrespected in certain aspects… because they have been convinced that the institutional practice of a legitimate principle of recognition unjustifiably fails to reflect [their interpretation]' (Honneth 1996: 157).

[42] 'Few can be found who explain their practice [of discrimination] merely by saying "But they are black; and it is my principle to treat black men differently than others"' (Williams 1973: 233).

while progressive demands are presented as incorrect and unfair applications of the same principles. The rise of white supremacy and right-wing nationalism can be more adequately explained in terms of their supporter's beliefs that commonly accepted principles of justice have unjustifiably failed *them*, than as a contestation of justice as a legitimate principle to be replaced by e.g. fighting for individual private interests. What this shows is that limiting the scope of disagreement to debating the 'correct' application of a universal principle actually amounts to a negligible limitation of the scope of contestation in real struggles for recognition.

A similar criticism is made by Jeffrey Alexander and Maria Pia Lara who argue that Honneth is too optimistic in his belief that solidarity extends across separate communities, making criteria for establishing who is in a dominating and who in a subordinate position shared by society as a whole. In fact, actors and communities that wrongly perceive themselves as socially subordinate may issue 'demands for domination, for the subordination of the values of other groups to those that appear "naturally" to be affirmed in one's own' (Alexander and Pia Lara 1996: 134). Contrary to Honneth, a flawed assessment of one's position in society will not affect the esteem a person receives, as social esteem can be provided within communities that have a flawed understanding of their relative social standing vis-à-vis other groups. Indeed, esteem is 'often provided within … communities which experience themselves as downwardly mobile, as having recently become peripheral to ongoing, public concerns.' (Alexander and Pia Lara 1996: 134). These 'darker possibilities that the search for esteem might imply' (*Ibid.*), arising out of the fact that esteem is provided within communities regardless of the truth or morality of their positions, makes Honneth's criterion of solidarity ineffective in breaking the relevant symmetry between just and unjust claims for recognition.[43]

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[43] One could argue the problematic symmetry is not successfully settled on the identity-based account due to the account's lack of reflection on the role of human subjectivity, a shortcoming that would explain Honneth's over-optimism. However, the same problem is encountered on recognition theories centred on the issue of subjectivity such as Markell's theory of replacing recognition with acknowledgement. According to Markell, the politics of recognition is guilty of misrecognitions of its own, as it fails to acknowledge the subjects' own limited situation and circumstances. These limitations prevent us from having a clear, objective understanding both of ourselves and of those we are granting recognition to on the basis of who they are. As a result, Markell proposes a politics of acknowledgement which is not about knowing and respecting people as they really are, but about refraining from reducing people to characterizations of their identity 'for the sake of someone else's achievements or a sense of sovereignty or invulnerability, regardless of whether that characterisation is negative or positive, hateful or friendly' (Markell 2006: 8). Following this suggestion, communities and individuals who are mistaken about their position in society would be prevented from issuing reprehensible claims to recognition as a result, because they are prevented from using characterisations of other people's identity meant to enhance their own sense of achievement, sovereignty or invulnerability.

3. The Participatory Parity account

In contrast to this identity-based approach to recognition, Fraser proposes a model that moves away from group specific identity, focusing instead on the status of groups and their members in social interaction. On this model, recognition is not about valuing identity and celebrating membership in a particular group, but about ending social subordination, focusing on the hierarchical underpinnings of our social institutions. According to Fraser, what impedes parity of participation in social life are not (just) 'free floating cultural representations or discourses' (Fraser 2000: 114) but the manner in which cultural values are embedded in institutionalized patterns that regulate interaction among social actors in a way that 'constitutes some categories of social actors as normative and others as deficient or inferior.' I will show that while Fraser's proposal takes us some way towards establishing that progressive struggles are legitimate and regressive ones are not, she is not able to do this without appealing, at crucial moments, to considerations extraneous to recognition. Recognition theory remains in itself unable to yield a necessary and sufficient criterion for overcoming the symmetry problem, but it also points to a way out of this difficulty.

For Fraser, justice in recognition requires challenging subordinating values that render, for example, heterosexuality as normal and homosexuality as perverse, and replacing them with institutional patterns that foster participation on equal terms. Justice is about constituting social actors 'as peers capable of participating on a par with one another in social life' (Fraser 2000: 113), with the implication of rendering unjust the legislative manifestations of those institutions which exclude same-sex marriage or the norms that frame whites as law-abiding and blacks as dangerous in ways that lead to racial profiling in criminal matters.[44] Only in this case can we have status equality and reciprocal recognition. When, in contrast, existing

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However, moving the focus from the recognition of identity to a politics of acknowledgment does not ultimately break the symmetry either. In the end, the criterion relies on each individual's assessment of which of their claims are meant to enhance their 'sense of sovereignty and invulnerability' and which are actually the result of an objective (but to us reprehensible) assessment of other races, ethnic groups, genders, etc. Pursuing the observation of Williams discussed above, we can say that few racists would acknowledge about themselves that their views of people from minority races are only done 'for the sake of' their own achievement, sovereignty or invulnerability. Many of those who oppose gender parity in the family, for instance, insist on the biological role of the mother specifically because it is 'an objective fact'. Their failure to see how social structures might change to allow for greater equality in that sphere cannot be put down to their choosing a characterization of women as mothers for the sake of their own achievement or invulnerability. To render these cases impermissible, it seems a purely subjective account is also insufficient in breaking the symmetry problem.

[44] Fraser 2000, 2001, 2003.

institutionalised patterns of cultural value constitute some actors as inferior, excluded, 'wholly other', or render them invisible, these actors are not treated as full partners in interaction. This breach of equal standing is tantamount to status subordination, which in turn constitutes misrecognition in terms of the relative status in the context of social interaction.[45]

Fraser draws on this model when engaging with recognition's symmetry problem, a problem she sees as affecting exclusively identity-centred approaches, such as Honneth's. Fraser explains 'reprehensible struggles' as a product of people with 'racist identities'[46] attempting to promote their self-worth 'by contrasting themselves with their supposed inferiors' (Fraser 2001: 32). Thus, when someone with a 'racist identity' manages to impose her prejudice on others, this brings her psychological benefits – a psychological benefit that would be protected on the identity-based model of recognition, given its focus on psychology. By contrast, the status model demands claimants show the institutionalized patterns of cultural value they propose will promote the necessary intersubjective conditions for participatory parity for those demands to be justified (Fraser 2001: 32-33). This requirement enables the status model to deny the validity of racist claims, and condemn the institutionalization of racist values 'even in cases where the latter provide psychological benefits to those who subscribe to them', (Fraser 2001: 33). Hence, according to Fraser, the problematic symmetry is broken by the status model through the criterion of participatory parity, in a manner not available to recognition theories like the one advocated by Honneth.

Yet, for participatory parity to work as a symmetry-breaking criterion, Fraser also needs to show this standard is powerful enough to rule out the problematic asymmetries. If participatory parity is so vague as to allow e.g., the claims of both the racist and the progressive to receive the same treatment, the problem has simply been moved one step further. Specifically, it has moved from disagreeing over identity-related claims themselves to disagreeing whether these identity-related claims have been satisfied according to the principle of participatory parity or not. The criterion Fraser provides for establishing when participatory parity has been unjustly violated is whether institutional subordination has occurred in a way that prevents the necessary intersubjective conditions of actors' interactions from obtaining. The criterion of institutional subordination, is, however, not

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[45] Under a more sophisticated version, there are two distinct levels relevant for judging whether participatory parity has obtained: an inter-group level – regarding the relative standing of social groups – one and an intra-group one – regarding the relative standing of individual members within groups (Fraser 2001: 34).
[46] '[P]oor Europeans and Euro-Americans' (Fraser 2001: 32).

qualified further, as Fraser suggests all forms of institutional subordination are illegitimate and breach parity of participation. Nonetheless, breaking the symmetry problem on the liberal side should allow some forms of institutional subordination for groups that express disapproval towards the attitudes and beliefs of homophobes, Islamophobes, ultra-nationalist groups or the KKK.[47] Allowing the norms and beliefs entertained by these groups to shape institutions on the grounds that their members would otherwise feel under-valued as partners in social interaction, made to feel 'other' or 'lesser' by liberal norms,[48] is the return of the original symmetry problem, only on a different level. While the criterion of fostering egalitarian inter-subjective conditions would indeed rule out the institutionalisation of racist values, this only takes us half way out of the dilemma, showing the racist's claims are problematic. The other half, of breaking the problematic symmetry by allowing us to say that (and to what extent) it is legitimate to institutionalize sociocultural patterns that de-value racism, intolerance, etc., remains open. The problem, as in Honneth's case, is that granting recognition to some groups (e.g. by upholding patterns promoting gender equality) means de-valuing the claims of others (e.g. patterns promoting traditional gender roles). To overcome this symmetry, a more substantive understanding of 'equal terms of participation' is required.

Fraser herself notes this need in her discussion of whether participatory parity is sufficient to distinguish justified from unjustified claims to recognition. As she well puts it, 'not all disparities are unjust – because not all institutionalized value hierarchies are unjust. What is needed, consequently, is a way of distinguishing just from unjust disparities in participation.' (Fraser 2001: 33). Discussing whether Muslim girls should be allowed to wear head scarves in French state schools, Fraser notes that banning the *Foulard* breaches participatory parity between Muslims and non-Muslims because other religious groups (Christians) were[49] allowed to wear religious symbols (crosses) in state schools. Secondly, on an intra-group level, we should investigate whether the policy exacerbates existing problems of female subordination or not. Fraser presents two views on this: The French Republican claim that the *foulard* is conducive to subordination, and the multiculturalist claim that the foulard's

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[47] Note that this holds not just for groups struggling for recognition for reprehensible causes, but also groups seemingly unrelated to recognition struggles such as smokers, anti-vaxxers, etc.

[48] As will be discussed in the following section, acceptable disparities should not be as significant as to deny people with such reprehensible views a basic level of social respect that is due to them in virtue of their status as fellow citizens

[49] Note that this is no longer the case in French schools, as any public displays of religious symbols, including crosses, has been forbidden. However, there is still a lack of parity in terms of the costs this interdiction imposes on Muslims as opposed to non-Muslims.

meaning is not necessarily patriarchal, but contested by a plurality of interpretations of gender relations in Islam and should be seen as 'a symbol of Muslim identity in transition' (Fraser 2001: 35). She agrees with the latter and concludes that (if one accepts the multiculturalist position) participatory parity offers the answer to the *foulard* affair on all dimensions. This is so because the debate properly cast is a debate on how to interpret participatory parity, which proves it is sufficient for providing 'a stringent standard for justifying claims for the recognition of cultural difference' (Fraser 2001: 35).

However, it seems participatory parity is more suited to providing a framework for capturing all relevant dimensions of the debate than for offering a solution. Participatory parity is compatible with the multicultural solution – it does not yield it. The fit comes from participatory parity being sufficiently vague and plural to capture what Fraser sees as the preferred solution. The fit is due not to 'stringency' but, on the contrary, to laxity. It is not participatory parity that ultimately yields the solution of allowing Muslim girls to wear the *foulard,* but the multiculturalist argument that the *foulard* is not a sign of oppression. Without this very important *external* argument, participatory parity seemed to pull in opposite directions: on the one hand, by denying the right to wear the *foulard* Muslim girls are treated differently to their Christian counterparts who have the right to wear what they want; on the other hand, allowing them to wear it perpetuates norms of subordination directed against Muslim girls by patriarchal norms. However, if the multiculturalist argument that the *foulard* is not a sign of oppression is correct, then the argument for the ban is refuted and our conflicting intuitions about this problematic case become aligned. But what ensures the alignment is the independent argument that the *foulard* is not unequivocally a sign of patriarchal domination – not participatory parity per se. Once the (ultimately empirical) argument is accepted, it is accepted irrespective of whether you believe that participatory parity is the correct theory of justice; in effect, the notion plays no role in yielding a distinction between justified and unjustified claims.

The same phenomenon affects Fraser's other example of participatory parity at work in settling claims in a society whose inhabitants have starkly opposed views on environmental policies.[50] In a society strongly committed to sustainability and institutionalising 'eco-friendly patterns of cultural value' (Fraser 2001: 36), a minority may resist these policies on

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[50] In keeping with Fraser's aim in the article, of showing recognition is possible without appealing to ethics, the choice wouldn't be settled in this case by recourse to ethical values.

the basis of 'eco-exploitative cultural orientations' and may mobilise as a cultural minority demanding equal recognition for cultural difference. Their demands for recognition consist of requests to institutionalise new cultural value patterns which ensure parity between eco-friendly and eco-exploitative cultural orientations. In this case, all possible justifications for choosing one approach over the other would need to be grounded in value judgements rooted in each group's preferred world view, which the other group straight-forwardly rejects.[51] Consequently, there can be no consensus or successful exchange of justifications, which then results in each group excluding the other from the set of fellow citizens entitled to proper justification. In effect, both groups will be guilty of an important misrecognition, namely, 'of one's fellow citizens qua citizens' **(**Fraser 2001: 37)**.**

Fraser's solution to this case is to argue that the position of the two groups is not in fact symmetrical, as the anti-ecologists violate participatory parity by exacerbating disparities in relation to other groups while remedying disparities regarding their own situation. In particular, the anti-ecologists' claim would have to be solved at the expense of future generations, violating standards of inter-generational justice and in effect participatory parity.[52] When compared to the ecologists' claims, the anti-ecologists require a violation of participatory parity in relation to future individuals and groups. Hence, participatory parity again breaks the symmetry and renders one group's claims for recognition unjustified by identifying relevant spheres of participation.

However, this solution also owes more to participatory parity's malleability than to its precision. The desirable conclusion that non-eco-friendly groups should not have their claims recognised is reached by introducing the idea that participatory parity ought to obtain in a society not only at a given time, but in the future as well. Thus, participatory parity manages to block the demands of the disparaged minority in Fraser's imaginary society by treating future generations as members of the society in which we strive to ensure parity, and by shifting the focus from claims to recognition to the distribution of resources across generations. This requires both a relaxed interpretation of what a society is (so as to include

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[51] Phrasing the problem in contractualist terms, Fraser adds 'neither side can justify its position in terms the other could in principle accept' (Fraser 2001: 37).

[52] '[T]he anti-ecologists seek to remedy their own disparity vis-à-vis their eco-friendly fellow citizens – but they would do so at the expense of future generations. By instituting parity now for practices that would worsen global; warming, they would deny their successors the material prerequisites for a viable form of life – thereby violating intergenerational justice. Thus, the anti-ecologists' claim fails the test of participatory parity' (Fraser 2001: 37).

future generations) and an acceptance of the priority of future claims to resources as a trump to current recognition claims. This means that while Fraser might be successful in her aim of showing that ethical considerations are not necessary for grounding justification,[53] she is unsuccessful in showing participatory parity itself is sufficient. The proposed criterion succeeds not because it evaluates the two competing norms in a novel way, rendering one justified and the other unjustified, but because the two competing norms have been already aligned by an external argument or assumption.

Moreover, in the absence of such an external argument or criterion, Fraser's model is in fact more amenable to accommodating the concerns of racists than the identity model. While Fraser starts by pointing out the difficulties of the identity model in handling 'reprehensible struggles' on account of accommodating 'racist identities', she provides, despite her wishes, a good framework for capturing recognition claims in the vocabulary a racist, homophobic or sexist group is likely to employ. The claims, as previously mentioned in relation to Williams, will likely not be formulated in terms of a wounded 'racist identity,'[54] but as stemming from an inadequate application of a principle of equity. While manifestations such as 'racist and proud' do exist, racism seems to be motivated by a perception that fairness norms have not been applied consistently across racial and ethnic groups, or between religions, etc., leading to an unfair treatment. The vagueness of the notion of participatory parity emphasised above is what ultimately allows it to capture the essential features of the present case. It is due to this vagueness that Fraser is able to capture demands by regressive struggles in terms of unfair institutional norms that put e.g. whites, males, Christians at a disadvantage compared to the allegedly privileged ethnic, racial, sexual minorities. The vagueness of participatory parity (and the related notion of institutional subordination) does not just fall short of providing a sufficient criterion of differentiation. It becomes a debilitating factor to finding such a criterion.

Nevertheless, Fraser takes an important step towards breaking the symmetry between justified and unjustified claims. She recognises that not all claims to recognition are justified, and introduces a more objective criterion for differentiating between justified and unjustified

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[53] Recall that Fraser introduces the ecological society example as a reply to the possible objection that participatory parity would need to be supplemented by ethical considerations in some problematic cases where we have to decide which claims are deemed 'worthy of public recognition' (Fraser 2001: 36).
[54] Which she incidentally correlates with a particular ethnic and class membership, i.e. 'poor Europeans and Euro-Americans' (Fraser 2001: 32).

than the subjective experience of disesteem or disrespect that is advocated by identity theory. Moreover, while a vague criterion only moves the debate from the level of the claims themselves to how to interpret the relevant conditions of parity in patterns of institutional subordination, Fraser's solution of appealing to arguments external to recognition itself is a valid one. What is missing is acknowledgement that recognition theory alone cannot provide the solution, and a more deliberate, explicit search for a differentiating criterion outside recognition theory. This is what I attempt to do below.

4. A two-tier model of recognition as non-discrimination

We have seen that an adequate solution to the problematic symmetry between desirable and reprehensible claims to recognition requires a necessary and sufficient criterion for establishing which claims to recognition are justified and which are not. The identity-based approach to recognition does not provide a sufficient criterion for ruling out reprehensible struggles for recognition as unjust, since it grounds misrecognition in subjective experiences of disrespect which might be equally – if unjustifiably – felt by a racist or homophobes. Fraser's criterion of participatory parity offered a necessary but, as argued above, not a sufficient criterion for differentiating just and unjust struggles for recognition. I diagnosed the problem as being that participatory parity is not a precise enough notion successfully to break the symmetry one way rather than the other, but merely imprecise enough to be compatible with an independently reached conclusion.

The difficulty of cutting through recognition's symmetry problem is, moreover, not simply a consequence of adopting a certain theoretical framework, but a deeper issue of missing a straightforward adequate criterion. We might attempt, as one possibility, to rule out reprehensible struggles by saying that unlike the desirable struggles they typically lack a clear cultural component. However, claims to recognition are not solely about 'culture', while many reprehensible struggles have a clear 'cultural' component. Therefore, imposing this limitation would first of all rule out progressive struggles such as those pertaining to sexual orientation, forms of political exclusion, demands for equal pay for equal work; and, secondly, would not rule out white pride movements.[55] It will, moreover, not help to insist

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[55] In its endorsement of Trump's campaign, the white nationalist American Freedom party, declared through its leader, Bob Whitaker, that Trump's campaign 'may help remind Americans that all genocide, even against white people, is evil.' Whitaker previously ran for president with the campaign slogan 'Diversity is a code word

members of reprehensible struggles are able to give up their reprehensible views, whereas members of progressive movements fighting for the recognition of devalued identities might not. By the same logic, Sikhs *could* give up their turbans to join the police force, Muslim women *could* give up the hijab so as to go to school, homosexuals could give up displaying their sexual preference in public to avoid discrimination, and so on. It could be retorted that the first type of claim, but not the second, contributes to devaluing *other* groups. Yet, by publicly criticising racists' etc. opinions, approach and worldview, we are also contributing to institutional patterns that devalue racists or religious fundamentalists. As noted above, criteria that condemn subordination per se overlook the fact that in differentiating between legitimate and reprehensible struggles the entire issue is to establish which forms of devaluation are legitimate and which are illegitimate.

A second possibility is to start from the observation that most reprehensible struggles are merely 'reactionary' whereas the progressive ones are genuinely emancipatory, as the use of the phrase 'new social movements' to designate worthwhile struggles seems to suggest. This would, however, come at a price both empirically and theoretically. Empirically, many movements for recognition have started as a reaction to oppression becoming unbearable, or as a reaction to changing economic circumstances. Identity politics movements often involve reactions to the recognition demanded by others in the form of 'refusing, diminishing or displacing identities others wish to recognize in individuals'. (Calhoun 1995: 214). Theoretically, according to authors like Fichte, recognition is often reactionary, since we become conscious of our own autonomy when being 'called upon' by the actions of another subject. Problems of recognition often arise as a result of agonism and tension between socially sustained discourses about 'who it is possible or appropriate or valuable to be' (Calhoun 1995: 213).

Recognition's symmetry problem is not one that can be easily solved, and in this section I defend a two-step solution, arguing for equal recognition on one level, and differential recognition on another. This solution has been previously mentioned as my preferred approach to recognition in the final section of the section on recognition of the previous chapter (Chapter 2, Section 2). Nonetheless, I have not provided an independent argument for it there. In arguing for a solution, I first insist on a baseline level of recognition due to

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for white genocide'. See http://www.nytimes.com/2016/09/01/opinion/pariahs-for-donald-trump.html?_r=0 (Accessed 20 February 2018).

persons *qua persons*, regardless of their position in the status hierarchy, whether they entertain problematic prejudice or are unbiased, or make a reprehensible as opposed to legitimate claim. Secondly, I propose evaluating claims to recognition on the basis of whether they further equality of opportunity among individuals and groups. The first part refers to the recognition of *people*, is unconditional, and imposes limits on our actions with respect to others. The second part refers to the recognition of *claims*, is context-dependent, and conditioned by the implications of institutionalizing the proposed claims on equality of opportunity. The move requires breaking the link between persons and claims that is sometimes employed when, for instance, we see the source of reprehensible claims as contaminated and rendered relatively unworthy by the content of those claims. The solution is a middle ground between the identity and the status models, confining considerations over the psychological aspects of recognition to the first level, and considerations of relative standing to the second.

The first step introduces a classic dichotomy discussed in recognition theories, between recognition of equal standing on the one hand and recognition of difference on the other. The dichotomy is discussed in the context of a choice between what the aim of recognition should be, with some authors (such as Charles Taylor) claiming recognition is primarily about valuing difference, and other authors (e.g. Francis Fukuyama) claiming that in liberal democracies the standard is equal recognition among members. However, my solution consists in establishing a certain set of claims that are to receive equal recognition *a priori*, while for the rest decisions are to be made with reference to the relative standing of individuals with respect to disputed criteria. What this means for the examples we started out with is that it will be possible to recognize at the same time the white supremacist and the Black Lives Matter activist in some respect, but not recognize the legitimacy of the claims made by one of these parties in another.

I then develop a second level criterion that establishes which claims to recognition are legitimate, not a priori, but by reference to the relative standing of the (mis)recognized groups in society. The move of separating these two levels goes against Markell's observation that struggles for recognition can be classified into struggles concerned with what Taylor called 'equal dignity' on the one hand, and those concerned with 'difference' on the other (Markell 2006: 149-50). In contrast, I maintain it is possible to distinguish between a level of recognizing someone *as* a person and recognizing them as the specific person that

they are. The motivation for the latter will nonetheless be given, at least occasionally, in terms of the former, in the manner described by Charles Taylor when explaining the fundamentally egalitarian underpinnings of the politics of difference. The way my proposal cashes out the egalitarian underpinnings of difference-based politics will, however, differ from Taylor's as it will be grounded in a desideratum of non-discrimination. Differential regard and treatment are owed to members of certain groups when this furthers rather than impedes the ideal of equality as non-discrimination.

The first level starts from a widely accepted idea that there is something in human beings themselves that demands respect. This feature is sometimes grounded in the Kantian notion of persons as having the status of rational agents (Taylor 1992, Darwall 1977) or more simply in the idea that humans have the capacity to reason as a range property (Carter 2011). While authors such as Hannah Arendt are opposed to the notion that recognizing someone as merely a fellow human being is *sufficient*, there is little dispute that it would be *necessary*. Therefore, the first step to a politics of recognition capable of cutting across today's divided groups and their sometimes opposite demands for recognition should be to expand on this notion.[56]

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[56] One possible counter-argument to this approach would be that while equal dignity might be successful in dealing with reprehensible social claims and recognizing the progressive line of thought on crucial issues, it is nonetheless contested. In *The Politics of the Human*, Anne Phillips (2015) argues the discourse on dignity can be successfully replaced by considerations of equality. Whenever we feel that 'dignity' plays an explanatory or justificatory role, equality can play the same role better. Her view is that dignity is not only completely reducible to equality, but moreover, that dignity is a dangerous concept that should be avoided. Any appeal to dignity will involve an appeal to some objective standard that is not neutral but remains entrenched in a particular (maybe gendered) understanding: 'what it now means to be human, and therefore deserving of respect, is being able to walk tall, walk proud, and hold oneself up high… That objective standard looks, moreover, distinctly gendered: "walking tall" vs. bending to the needs of others; "walking proud" vs. meekness and docility' (2015: 93). The standard is therefore biased towards 'certain types of human and certain types of human behavior.' (2015: 93) In other words, if we justify someone's rights on someone's dignity, we should know what dignity looks like and this is exclusionary for those who do not have the same features we associate with a dignified behavior/human being. While I fully agree the demands grounded in the notion of equal dignity are essentially equality rights, the dispute strikes me as one about which of the values justifies which – with Phillips arguing that equality justifies dignity and e.g. Carter arguing that the very basis of equality is in fact the recognition we owe to individuals in virtue of them being rational agents (Carter 2011). Taking sides on this matter becomes crucial when the two pull in opposite directions. One such case is that when, given the gendered way in which the objective standard of dignity is constructed, typically feminine traits such as meekness or docility fall short of the standard of 'walking tall', and activities such as 'bending to the needs of others' appear 'undignified' when compared to the dignified standard of 'walking tall'. The 'levelling up' phenomenon whereby forms of dignity usually reserved for the higher classes are now enjoyed by everyone described by e.g. Waldron is still not inclusive enough, as it still leaves out as undignified 'certain types of human and certain types of human behavior' (Phillips 2015: 93). While the observation that our understanding of dignity as entrenched in certain gendered or even classist interpretations is well taken, as is the concern that this understanding is exclusionary and perhaps equality-reducing, it does not apply to all versions of a politics of equal dignity. Perhaps it would apply to e.g. Montesquieu's views on honour as linked to social stratification and *preferences*, but not the transformative approach to equal dignity in light of political equality developed by Rousseau. On the Rousseau-ian model, granting equal esteem is focused not on ensuring a particular type of preexisting treatment in virtue of certain traits but a rethinking and reconstruction of the very notion of

On the basis of this idea, Taylor talks of a politics of equal dignity or respect, which is 'based on the idea that all humans are equally worthy of respect' (Taylor 1992: 41). The politics of equal dignity makes it illegitimate to dehumanize, debase and degrade those minoritised by virtue of their religion, ethnicity, or sexual orientation, and puts forward a requirement of reciprocity and equal standing. Equal dignity opposes intrinsically inegalitarian social hierarchies that require individuals to prove themselves worthy before receiving even the most basic form of equal regard, or that views the respect we owe each other as a zero-sum game where the glory of some depends on the shame of others,[57] and insists on a threshold below which no individual should be allowed to fall, simply in virtue of being human. As such, equal dignity renders illegitimate instances where individuals are asked to prove they deserve basic equal treatment; this is not only more in line with current moral intuitions, but better placed to respond to some of the most severe forms of misrecognition we know, such as the case of disability. Susan Opotow describes the psychological phenomenon of excluding certain groups from the sphere in which considerations of justice apply for the case of attitudes towards the Jews which made the during WWII appear legitimate[58]. Moreover, as the case of the Roma minority shows, this phenomenon is not restricted to a particular ethnic group or particular period in time, but is a mechanism used to render legitimate grievous inequalities and forms of ill-treatment.[59] The mechanism is not only a theoretical possibility opened up by making equal treatment conditional on demonstrating honour, but an empirical likelihood given that norms of honour will almost inevitably be geared towards the values and attitudes of the majority population, which in itself excludes minority norms.

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differential esteem. In his *Social Contract*, Rousseau demands that all participate equally in criteria for esteem under the aegis of the common project of the general will. The reasons for granting esteem themselves become the subject of democratic contestation leading to an equilibrium where the virtuous are esteemed equally for the same (right) reasons and there is no differentiation of roles, since you are esteemed as citizen and subject. What is essential to this Rousseau-ian interpretation of the politics of dignity is that politics determines our understanding of human dignity and respect. In this it becomes possible to re-shape our understanding of what dignity and esteem mean in light of political equality granted on the very basis of an assumption of equal dignity as persons. On the Rousseau-ian model, therefore, what we get is a reflective equilibrium between different intuitions and interpretations of the notion of equal esteem or dignity. This would rule out potentially exclusionary interpretations of esteem in virtue of a previously granted status as a citizen.

[57] According to Taylor, this is the view described by Montesquieu in his description of monarchy as based on honour and 'preferences' (Taylor 1992: 27).

[58] 'Moral exclusion occurs when individuals or groups are perceived as outside the boundary in which moral values, rules, and considerations of fairness apply. Those who are morally excluded are perceived as non-entities, expandable, or undeserving. Consequently, harming or exploiting them appears to be appropriate, acceptable or just' (Opotow 1990: 1).

[59] See Tileaga 2007.

A first requirement resulting from this demand of minimal equal recognition owed to human beings in virtue of being human is as a demand that every human being be recognized as such. That is, each individual should be recognized as worthy of the respect and consideration owed to individuals *qua* human beings. This means not only recognizing the individual as the bearer of fundamental human rights, but also combating some pervasive but less well emphasized disparities in the way we regard the value of human life of members outside our group. This idea has been especially explored with regards to disparities in the way we frame the differential grievability of human lives of those inhabiting war-zones and the differential regard for migrant lives at home (see Butler 2009), as well as with regard to our tendency to exclude from equal regard the plight for survival of those inhabiting the world's poorest regions (Fraser 2010). However, similar attitudes can be observed in the way we treat certain minorities (e.g. the Roma living in ghettos in Romania, inner-city young African-Americans) or the homeless.[60]

This understanding of the ideal of a minimal level of recognition is prompted by both insights from recognition theory and the basic justification behind theories of relational equality. On the recognition side, the minimal level of recognition defended above follows the insight distilled in Markell's formulation that recognition is not something you have more or less of, but an interaction that can go well or poorly. Therefore, the requirement of basic equal recognition is to be understood in terms of the limitations imposed on our actions as well as our words by the requirement of treating our fellow citizens in ways that express equal respect and concern for them. The respect and concern due to persons in virtue of their status as fellow human beings is akin to Darwall's 'recognition respect'. Treating someone with recognition respect means imposing limits on your behaviour as a result of weighing that person's equal moral standing in your deliberations. As Darwall puts it, 'to have recognition respect for someone as a person is to give appropriate weight to the fact that he or she is a person by being willing to constrain one's behaviour in ways required by that fact' (Darwall 1975: 45). Recognition respect is, thus, action-guiding, following the Kantian notion that a

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[60] This minimal level can be further expanded for members of the same democratic society. Here, the basic equality requirement will demand individuals to express equal respect and concern for each other in their quality as fellow citizens. Expressing equal concern in relations with our fellow citizens should not be understood as a matter of distributing equal amounts of a certain 'good' of recognition as required e.g., by Dworkin's metaphor of the state and its citizens being in a position similar to that of a parent dividing his estate among heirs (Dworkin 2000: 13). Instead, the requirement should be understood in terms of what it means to *express* equal concern and respect for others in our interactions with them inside a liberal democracy, and the limitations that are justifiably imposed on each member of society for the sake of maintaining equal standing as a fellow citizen.

person 'is an object of respect and, so far, restricts all (arbitrary) choice.'[61] As such, it demands granting recognition to individuals as persons, in virtue of common humanity, independently of whatever other identity the individual might bear qua member of a specific group.

From the perspective of relational equality, the point of equality is to foster relations that express and protect the basic equal standing of individuals as partners in democracies. The very reason we care about equality itself is linked to respecting the equal moral standing of individuals in society. Treating each other as equals in our interactions is the way of cashing out the idea of equal moral standing that relational egalitarians uphold against competing versions of egalitarianism, most notably luck egalitarianism (see Anderson 1999, Scheffler 2003). This form of recognition is basic, not only in the sense that it imposes only the most fundamental limits to how we might treat others, regardless of whether we agree or disagree with them, of their moral merits more generally, and, of course, regardless of membership in any social (or any other kind of) group. It is basic also in the sense that it lies at the heart of the egalitarian justification for fundamental human rights and, more generally, demands for the equality of persons to be taken into account in political, legal, and social policy decisions.

What this means for Neo Nazis, white supremacists, and members of other retrograde struggles is that they should be included as members of dialogue however reprehensible one may find their reasons, prejudices, or attitudes on considered judgement. Since they are fellow citizens and objects of respect in virtue of being human, excluding them as partners of democratic deliberation is unjust. It is unjust to engage in forms of disrespect meant to exclude anyone from the community of persons with whom we exchange reasons. Unfortunately, this is exactly the way in which the term 'racist' is commonly used: it is a label used when one feels one has exhausted the resources available to exchange reasons with a person on subjects of race or migration in a meaningful way.

Such a predicament should be avoided for two reasons. First, in so far as people with reprehensible views are members of the same society, this quality entitles them to be regarded as equal partners to dialogue, regardless of the opinions they entertain. Of course, acting on the basis of those opinions by, e.g. attacking someone from a minority racial group

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[61] Kant, I. *Foundations of the Metaphysics of Morals*, trans. L. W. Beck (Indianapolis: Bobbs-Merrill Co., 1959), p. 428, *apud*. Darwall (1977: 45).

might strip a person of this standing, just as a felon becomes stripped of her right to vote. Yet, even in such cases, humiliation and shaming 'of the whole person' (as opposed to eliciting guilt for particular aspects of the person) should be forbidden. As Martha Nussbaum notes, folding criminal 'deviance' into the deviance regulated by economies of stigmatized versus 'normal' individuals are unacceptable, the deterrent power of shame notwithstanding.

Nussbaum sees shaming as an affront to human dignity, hence argues that penalties that express an intention to degrade and humiliate are 'incompatible with a political commitment to giving citizens the social conditions of self-respect' (Nussbaum 2004: 230).[62] Her proposed solution differentiates between legitimate forms of punishment that say 'You committed a bad act', and illegitimate forms that make the statement 'You are a defective type of person'. The latter do not sanction isolated actions of the individual but rather shame the whole person and are thus illegitimate because degrading. As Nussbaum puts it, 'When the public laughs at someone in the pillory, they are not invited to focus on any particular act: they are invited to scoff at the person's spoiled identity' (Nussbaum 2004: 230-31).

This distinction between sanctioning an act and shaming the whole person should also be the basis for our treatment of racists, homophobes, etc. While sanctioning a racist act or statement as such is permissible, branding someone as a 'racist' so as to elicit public contempt should be treated on a par with other forms of branding that use shame to 'announce to the world this is a person of a certain (degraded) sort: a "drunk", a "bad woman", et cetera' (Nussbaum *ibid*). While not as visible as tattoos or scarlet letters, publicly branding someone as a racist with the intention of degrading her nonetheless violates the same principle of trying to bring public shame upon the whole person.

One might object that terms such as 'racist' should continue to be employed with the purpose of excluding people from the community of those towards whom courtesies of dialogue and exchange of reasons are due, because this form of ostracism, through the social shame it generates, has a powerful educating effect on those with reprehensible prejudices, etc. Indeed, this is what Honneth argues when he claims that an experience of shame might lead to moral reflection and, in turn, moral progress. He maintains shame and humiliation are

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[62] Moreover, Nussbaum has an objective understanding of human dignity, noting that this requirement holds independently of whether people who receive shameful punishments actually feel humiliated (*ibid.*)

among the most powerful impetuses for social change, as individuals will seek to 'dispel the sense of emotional tension into which they are forced as a result of humiliation.' (Honneth 1995: 138). Public humiliation and its associated emotion of shame open up 'the opportunity for moral insight inherent in these negative emotions, as their cognitive content' (Honneth 1995: 138).

Honneth is right to point out that the experience of humiliation, shame and disrespect fuels social struggles because disrespected individuals seek to regain the possibility of active conduct. However, this psychological mechanism is shared between individuals who are unjustifiably disrespected and start progressive movements as a result, and individuals shamed for their reprehensible views, who start retrograde struggles for recognition as a result. As Alexander and Pia Lara note, there is no guarantee the response to the experience of being publicly and/or privately shamed will lead to any improvement from a moral point of view. On the contrary, 'such interventions have often led to the creation of social structures and languages that create a self-righteous façade of legitimacy for the exclusion and domination of others' (Alexander and Pia Lara 1996: 136). The practice of shaming and excluding from the status of equal partners in dialogue is ineffective in cutting across social cleavages and solving the underlying problem. Even when the pressures are at their strongest, for example when a vast majority of citizens shames those entertaining views it finds reprehensible, the minority upholding a reprehensible view might nonetheless withdraw into a smaller community. Forming smaller, more tightly knit communities with like-minded individuals who recognize the validity of each other's viewpoints enables those who are shamed by mainstream society to nonetheless receive recognition from their group. The actual size of this group does not matter: individuals can also retreat into imagined communities and societies either in the past or in the future who may grant them desired recognition (Mead 1934: 199). Our best hope for the moral improvement of someone with a reprehensible opinion is not exclusion and humiliation, but seeking to dispel erroneous beliefs through respectful dialogue.

Does this mean there is no chastisement one could apply to individuals who hold reprehensible views, out of fear they might become politically mobilised in reprehensible struggles? Are all opinions, however reprehensible, to be tolerated respectfully in the public sphere? The answer is negative, and the solution once again requires differentiating between the person and the claim. Being entitled to equal respect in virtue of being a co-member of a

deliberative democracy does not mean white supremacists, religious fundamentalists, homophobes, etc. deserve the validity of their claims to be recognized and respected in public. Yet, while reprehensible claims should not be satisfied and the person putting them forward could be made to feel guilty about her actions and words, it is nonetheless crucial that these chastisements be kept separate from the shaming of the whole person qua person.

Nonetheless, some people might feel their dignity has been violated and they have been dehumanized and degraded even if we are simply trying to signal that we do not endorse their racist, homophobic, or sexist beliefs. One example is James Watson, who declared himself 'inherently gloomy about the prospect of Africa [as] all our social policies are based on the fact that their intelligence is the same as ours – whereas all the testing says not really' during a 2007 book tour. As a result, he was shunned from academic and public life: all appearances in his book tour were cancelled, he was disinvited from all subsequent honorary lectures, he was forced to resign as head of the Cold Spring Harbor Laboratory, and was fired from the board of all companies he was involved with. In 2014, he summarized his experiences following his outing as a racist by saying 'no-one really wants to admit I exist… [I have become] an unperson.' [63]

To judge this case, it is important to recall Nussbaum's distinction between guilt and shame, which comes down to focusing on a particular action or set of actions made by the person and public expressions of disapproval intending to signal the statement 'You committed a bad act' as opposed to attempts to express public contempt for the person as a whole, and making the statement 'You are a defective type of person' (Nussbaum 2004: 230). As Nussbaum notes, focusing on whether the persons undergoing these treatments actually feel humiliated is neither here nor there: some groups may develop a feeling of pride at being 'persecuted,'[64] while – we may add - others may feel stripped of their dignity without good reason. In Watson's case, we may regard having the chance to give prestigious lectures or be the head of a research laboratory as instances not of basic recognition but of selective esteem and appraisal. The separation follows Darwall's distinction between recognition respect owed to

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[63] 'The great scientist James Watson is to auction his Nobel prize medal. He told the *Financial Times* this week that following accusations of racism in 2007, "no one really wants to admit I exist", and as a result his income had plummeted and he has become an "unperson" (…) Because I was an "unperson" I was fired from the boards of companies, so I have no income apart from my academic income' http://www.ft.com/cms/s/0/88456a30-7fc8-11e4-acf3-00144feabdc0.html?siteedition=uk#axzz4IRJviqjn (Accessed 03/03/2017).
[64] Nussbaum mentions this in relation to the Ancient Roman world and contemporary subcultures, but the list can be extended to movements of the form 'Racist and proud' (Nussbaum 204: 230).

individuals in virtue of being rational agents, and 'appraisal respect' which is meritocratic, based on our capacity to act for reasons, and merited (when it is) on account of appropriate grounds.[65]

Watson's complaint that he is being treated as an un-person *on account of these prestigious titles being retracted* is unfounded as a complaint about withdrawing basic recognition respect, regardless of how much Watson himself might have experienced them as injuries to his personal dignity.[66] However, if in addition to having the titles retracted Watson was also publicly shamed for being 'a defective type of person', perhaps with the best intentions to morally awaken him, these latter forms of injuries to dignity are not allowed according to the present theory. However, withdrawing honorary titles with the aim of dissociating institutions of prestige from condoning regressive social discourse is not only allowed – it is encouraged. That is not to say no expression of public contempt *for the declaration* is allowed – just that we should differentiate between that and expressions of contempt *for the person as a whole*. An appropriate example of the former is a campaign showing women in laboratories sarcastically instantiating sexist stereotypes, meant to chastise the renowned physicist Tim Hunt for his remark back in 2015 that single sex labs are preferable because women fall in love with male researchers and cry when criticised[67]. A similar line can be drawn with respect to the prestige of the lectures such persons with reprehensible views are meant to give: while due to the esteem associated with e.g. the Tanner lectures is something that can justifiably be withheld from people with reprehensible views, denying them all possibilities of contributing to academic life by e.g. refusing to hear their work even when anonymously reviewed for a modest conference would be to treat them as 'un-persons'.

To sum up, the implications of this analysis for the symmetry problem are that the minimum recognition owed to people simply in virtue of being human limits acceptable forms of disrespect both towards members of disadvantaged groups, and towards those engaged in retrograde struggles. The standard forbids not only attempts to de-humanise or belittle members of ethnic, sexual or religious minorities, but also using the words 'racist' 'homophobe' etc. to effectively shame the whole of a person. Not only does the requirement

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[65] It is 'a positive appraisal of an individual made with regard to those features which are excellences of persons' (Darwall 1975: 45).
[66] However, the distinction between recognition and appraisal respect might not always be very easy to draw.
[67] https://www.theguardian.com/uk-news/2015/jun/10/nobel-scientist-tim-hunt-female-scientists-cause-trouble-for-men-in-labs (Accessed 03/03/2017)

rule out e.g. saying Roma are vermin, but also making declarations like the one issued by Hilary Clinton that supporters of Donald Trump belong to a 'basket of deplorables'.[68] The latter is so because it expresses not only the opinion one is wrong on a subject, but also the opinion that one should be excluded from the set of citizens one owes reasons to. In the view I am proposing, it is perfectly justifiable to dismiss views as racist, but not people themselves for being racist.

The difference-catering criterion

However, the requirement of basic recognition is not sufficient for solving the symmetry problem, and is insufficient as a theory of recognition more generally, for a number of reasons. A first suggestion would be to acknowledge that there is a difference between recognizing someone *as a person* and recognizing them *as the person they are*, yet retain the desideratum of recognizing all persons equally.[69] However, this extension of equality to all claims to specific, special or differential treatment is not viable for two reasons. First, not all claims to recognition are compossible: the claims of the White Pride and the Black Pride activist, or of the gay marriage activist and the Christian Conservative defender of heterosexual marriage, are not possible to satisfy simultaneously. Any public policy implemented to promote recognition will therefore violate some of the expectations for recognition of some of the members of these pairs. Equally recognizing the fetus as a human being and the rights of women over their own bodies, or equally recognizing the claims of the racist and the anti-racist activist either allows these opposing claims to cancel each other out or reduces them to their lowest common denominator. Secondly, even if the solution were applicable in practice, it would not get us far in the task of breaking the problematic symmetry. Instead of focusing on which claims to recognition are justified and which are not, the aim of undifferentiated, equal recognition to all would then be a form of soft relativism, unable to capture an initial intuition that the claims of e.g. the antiziganist are morally reprehensible; it would be unable, ultimately, to solve the symmetry problem.

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[68] http://www.bbc.co.uk/news/election-us-2016-37329812 (Accessed 15/10/2016).
[69] We can see this shortcoming by looking at Rousseau's solution of equal recognition and esteem for all virtuous citizens for the right reasons, under the aegis of the general will. In this case, perhaps the most complex and politically insightful way of cashing out the idea of equal recognition for all, what we end up is a recognition of people qua fellow citizens, opposing all role differentiation. But this solves the problem of differential recognition by fiat, as it is simply a reduction of the complex identities that are usually the stuff of recognition claims to a conveniently undifferentiated, public, and civil form. Recognising people as the persons that they are then becomes superfluous.

What is needed is a solution that maintains the desideratum of equality, but in a more differentiated manner than unconditional equal recognition for all. There might be different ways of cashing out such a desideratum, but the one I will advocate follows Taylor's move of having a two-tier theory of equal respect, with one tier of demands unconditionally granted to all equally, and a second one consisting of 'immunities and prescriptions' that can be restricted in certain situations. Taylor famously uses the term 'the politics of difference' to advocate that, for members of certain linguistic, ethnic, religious etc. minorities, equal recognition might mean granting not the same, but differential privileges compared to the majority. Granting language rights to French-speaking Canadians in Quebec requires making provisions English-speaking Canadians are not entitled to, in virtue of protecting certain aspects of French-Canadian identity. Likewise, enabling Sikhs to become part of the Mounted Police that demands policemen to wear a particular type of headgear requires making special provisions for Sikhs to be exempt from the demand of wearing a particular type of hat.

For Taylor, these demands for differential regard in the name of equality cannot follow a non-discrimination logic, for two reasons. First, the idea of granting differential privileges in the name of equality that underlies e.g. demands for affirmative action does not properly trace the point of recognition, which is ultimately to foster diversity. Whereas the anti-discrimination logic is able to accommodate claims for difference in treatment up to a certain point, this stops when the background conditions that justify the difference-based policy disappear, and the policy is instead replaced by a difference-blind one. Yet, the point of recognition is not difference-blind rules, but the protection of diversity. The rather daunting task of recognition is to 'maintain and cherish distinctness not just now but forever' (Taylor 1992: 40). The anti-discrimination view, on the contrary, does not try to protect diversity 'not just now but forever', allowing the possibility of claims to recognition having to one day lose ground on a backdrop of non-discrimination.

Taylor's second argument against the discrimination approach is that it is self-defeating when applied to a politics of difference. Indeed, by definition granting some privileged, differential treatment means treating others in different, less privileged ways. Using the example of language rights, Taylor formulates the concern that applying legislation that protects language privileges for the French-speaking inhabitants of Quebec to the entire city will have

the effect of discriminating against the English and (other) minority languages speakers of the area. Hence, the logic of non-discrimination is intrinsically inhospitable to the demands of recognition, which are ultimately about claims for differential regard.

While I share Taylor's view that a theory of discrimination has to have two tiers, I disagree that the second tier cannot be encapsulated by a more refined theory of discrimination than the one he considers. With respect to Taylor's first concern, while it is true that non-discrimination is not focused on the protection of diversity per se and with the interest of groups in 'cultural' survival, it is unclear that pursuing these ideals is itself preferable. Treasuring distinctness for its own sake and focusing on the rights of groups over those of individuals, Taylor assumes a rigid and rather essentialising view of identity and culture as given by group separateness. The cultural identity of a group might change and even disappear in the course of interactions among members of that particular group and the majority. If this change comes as a result of unduly assimilationist policies, debilitating stigma and prejudice, pressures to conform etc., then the ensuing change should by all means be opposed as much as possible. However, the reason why such a change might be wrong is not the disappearance of a certain 'culture', attitudes, or behaviours, but the unfair social conditions that engender the change. These can be better captured in the framework of discrimination than in an appeal to diversity.

Cultural changes need not be prompted by discriminatory practices, however, and this type of case is the one where discrimination and diversity come apart more clearly. Would it not be preferable to promote diversity even when processes that are not themselves unjust threaten it? While the value of protecting a certain lifestyle may seem clear, the fact that one should do so as a matter of justice is less so, as it depends on further arguments about the justice and injustice of protecting diversity in itself, as well an argument for why diverse groups are of special concern to justice over and above their constitutive individuals. Finally, even conceding these missing assumptions for the sake of argument, this approach is simply unable to solve our starting problem of finding a differentiating criterion between conflicting claims to recognition. An appeal to the value of diversity could be made not just by members of ethnic, sexual, or religious minorities, but also by e.g. isolationists claiming the number of American sitcoms the British public is exposed to is threatening the survival of a distinctly British 'culture'.

Taylor's second criticism of the discrimination approach is that the politics of difference is incompatible with a logic of non-discrimination. This can be solved in light of a more nuanced understanding of what discrimination is. For Taylor, the definition seems to cover any type of differential treatment between people who are the same in a particular respect. However, as I will argue more fully in Chapter 4, the literature on discrimination has yielded considerably more sophisticated criteria for distinguishing among justified and unjustified claims to recognition on the basis of differential impact. On the more elaborate understanding of discrimination I defend in Chapter 4, it can be said French Canadians suffer discrimination with regard to the opportunity of using their mother tongue. On this view, the rights granted to French Canadians would not be an instance of discrimination against English-speaking Canadians, for instance, but a solution that aims to bring both groups to a position of equality with respect to their opportunity to exercise their mother tongue. While non-discrimination policies would cease to exist, in a certain manner of speaking, when equality of opportunity has been reached, this is not done at the price of erasing the underlying difference.

A focus on non-discrimination is, moreover, not only compatible with the real 'point' of recognition, but better suited for providing a way out of the symmetry problem. Firstly, while a concern for protecting diversity 'now and into the future' might go some way towards furthering the cause of ethnic, sexual or religious minorities, it also plays right into the hands of anti-immigration discourse. Protecting diversity 'now and into the future' could be invoked to preserve a national 'culture' against e.g. waves of immigrants or refugees. Right-wing social movements concerned about the survival (cultural or otherwise) of 'Europe', for instance, would fall into this category. Secondly, the observation that some criteria (such as non-discrimination) can be invoked equally by opposing sides in an argument should be a starting point for establishing which side is in fact legitimate in using the criterion in that way rather than a ground for not using the criterion altogether. Simply leaving the matter at saying that both the All Lives Matter activist and the Black Lives Matter activist invoke non-discrimination in some way is not useful in establishing which of the two deserves recognition, and why.

Grounding differential recognition in discrimination, on the other hand, is able to capture some of our most powerful intuitions about why the claims intuitively regarded as reprehensible are in fact so. Firstly, by focusing on specific ways in which claims to differential and equal treatment affect the groups in question, discrimination is able to cut

through the difficult but crucial problem of establishing which interpretations of certain common-sense principles such as 'equality' or 'desert' are legitimate and which are not. The crucial importance of these interpretations has been emphasized previously in this chapter (Section 2), but appealing to non-discrimination brings in the important distinction between (mis)invoking claims to equality and (mis)invoking claims to difference.

Establishing where to draw the line between claims to equal treatment and claims to differential treatment is important, because confusing the two can be an important form of misrecognition. Indeed, this is what makes the All Lives Matter movement problematic: a seemingly uncontroversial claim about the equal value of all human life is used to silence claims for differential concern for the value of black lives. In this case, the retrograde move consists in using a claim to equality to block a claim to differential regard, confusing between the levels of equal rights (which are indeed the same) and equal treatment (which are not the same given the currently inferior treatment of blacks and preferential treatment of whites). All Lives Matter, in other words, is falsely portraying a claim to better treatment (compared to the current baseline) in order to achieve equal outcomes as a claim to unequal (and superior) regard for the value of Black lives. A focus on discrimination is able to cut through the difficulties raised by the All Lives Matter- Black Lives Matter case by showing why the demand for a change of treatment for Black people is a demand for equality, not difference. Police shootings of unarmed Black men demonstrate a lack of equal concern for the value of Black lives. Therefore, the proposed focus on the values of Black lives in particular is a legitimate demand, focusing attention on ensuring not differential, but equal regard, in light of the diminished opportunities for security faced by the members of this group. Indeed, not only is it legitimate, but necessary: singling out the importance of Black lives rather than focusing on the equal value of all human life draws attention to a specific form of injustice that Black people suffer disproportionately from, restoring equality.

That is not to say that an All Lives Matter movement would never, under any circumstances, be warranted. The criterion of focusing on disparities in opportunities between members of different groups also means that when equality of opportunity in the disputed characteristic is attained, the justification for the proposed differential regard disappears. This is an idea we often see in court decisions regarding cases of discrimination, and is often encountered in discussions of affirmative action as well. A particularly salient example is that of *United Steelworkers v Weber*, where a white worker at Kaiser Aluminum Plant in Louisiana sued the

company over its affirmative action policies of promoting African American employees to the craft workforce (higher standard, better paid) by introducing a 50% quota of openings reserved for African Americans. Brian Weber, a white worker, claimed that Kaiser racially discriminated against him by denying him access to the training programme that would lead him to a promotion, despite having seniority over several African American workers who were let in. The Supreme Court decided that Kaiser's affirmative action plan was valid on account of the history of discrimination in the area that was still visible at the time of the ruling.[70] This decision was interpreted as saying that differential treatment was justified because there was still a backdrop of inequality of opportunity to the disadvantage of African American citizens.

Whereas in the case of the All Lives Matter activist we are faced with a case of (mis)invoking equal treatment, in other cases, such as that of the white supremacist, what we see is (mis)invoking differential treatment. In these comparatively fewer cases, what is demanded is superior recognition for members of a particular group, usually on account of some traits or accomplishments they are said to possess in superior measure to others. While still appealing to a principle that would justify this treatment, the cases are different in making a more explicitly hierarchical demand. In this case, the non-discrimination criterion is able to provide an answer even more straightforwardly, as discrimination is judged not absolutely but in comparative terms, and the groups demanding supremacy will thereby require breaching the non-discrimination criterion in a way that favors them. White supremacists, for instance, desire superior recognition relative to members of other groups such as e.g. Blacks in virtue of racial membership. The non-discrimination criterion rules out such a possibility as legitimate simply in virtue of its hierarchical nature based on an arbitrary trait. By focusing our attention on specific areas of comparison such as skin colour/racial membership, the non-discrimination criterion is able to yield the conclusion that racist doctrines are discriminatory regardless of the relative standing of racists in society. Even if all the racists were poor and members of ethnic minorities were on average wealthy, non-discrimination would still rule out the white supremacists' demands because it singles out the proposed criterion (racial membership) for inter-group comparison above all else.

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[70] For more information, see http://www.law.cornell.edu/supremecourt/text/443/193 (Accessed 13/02/2015).

The solution I propose – and will further elaborate through this thesis – links theories of recognition to theories of discrimination, arguing that the former needs the latter on pain of not breaking the symmetry problem. This coupling is not seamless but has a crucial implication for recognition struggles: it makes them dependent on redistributive concerns, namely the redistributive concerns that matter for our preferred theory of discrimination – in this case, an appeal to equal opportunity was made in the course of discussing the All Lives Matter – Black Lives Matter controversy. As the existent theories of recognition are in themselves unable to provide an internal way of differentiating among justified and reprehensible claims, the grounds for establishing when equal as opposed to differential treatment is warranted in problematic cases cannot be found in the domain of recognition either. We have seen this when analyzing Taylor's arguments against non-discrimination as possible instantiation of the politics of recognition; the grounds of his rejection (a protection of diversity and cultural survival for its own sake, and a refusal to engage with criteria that can be employed differently by different groups) were shown to be not only unable to solve the symmetry problem, but actually liable to be used by those holding reprehensible views. the politics of recognition needs to reach outside itself for a solution to the symmetry problem, namely to the redistributive notions used by our preferred theory of discrimination.

5. Conclusion

Liberal theory was for many decades mainly unopposed in its fundamental emphasis on equal rights and other political and social protections – so much so that talking of a 'liberal theory of recognition' has been, for a long time, unnecessary. However, the recent rise of illiberal struggles for recognition have emphasized the theory's blind spot in acknowledging the need for a criterion differentiating liberal from illiberal struggles. The argument I am making is both more demanding than existing liberal accounts of recognition in some respects, and less demanding in others. As discussed above, it is less demanding in not putting a premium on group survival and diversity for its own sake, as do multicultural accounts aiming for a politics of identity, such as the one developed by Taylor.

However, my theory is more demanding in capturing as misrecognition forms of differential regard that arbitrarily disadvantage members of certain groups thought to fall outside the remit of a theory of recognition. In *The Imperative of Integration*, Elizabeth Anderson notes

that even seemingly innocent norms that codify e.g. good manners have an exclusionary effect on some. If you are not 'in the right circles' to know e.g. that you should not wear brown shoes or a loud tie to an interview in central London, or if you are from a poor Black neighborhood where you have to look aggressive to avoid attacks and you do not shed this norm when engaging in interactions with those outside the neighborhood, you might lose e.g. that job opportunity or enter into (fatal) altercations with the police. Our shared norms of which behaviors are proper, decent, worthy of esteem, etc. are often in themselves an obstacle to equality, as will be further discussed in relation to Ruth Levitas's work on social exclusion and culture in Chapter 5. My theory endorses considering such differential forms of regard which are detrimental to members of disadvantaged groups as forms of misrecognition, in that they represent instances when society is blind to certain arbitrary differences that should become visible.

Moreover, the theory's non-discrimination component shows that, in order to break the problematic symmetry, theories of recognition need to appeal to distributive notions, such as the notion of equality of opportunity for welfare. The answer to the symmetry problem proposed above renders claims to recognition unjustified if they a) violate the basic requirement of equal recognition for all as persons or b) involve discrimination against members of certain groups. Some reprehensible struggles for recognition violate even the most basic requirements of regarding others as persons, leading to second class citizenship at best, and violence and genocide at worst. However, most reprehensible struggles are not as radical, but instead try to secure more limited but nonetheless unwarranted sets of privileges to the detriment of other, typically less powerful groups. These latter struggles will focus on widely accepted principles of just behavior but interpret them in specious ways, and it is the task of a theory of recognition to identify and expose such speciousness. As I have argued, this point cannot be found independently of a redistributive criterion, a point I return to when analyzing the notion of the misrecognition of responsibility in Chapter 5 (Section 4).

Chapter 3

Recognising distribution: disability and minority status

People who are not disabled may not recognize that something as basic as the configuration of the supermarket plays a role in making the lives of some disabled persons worse, or that it is indirectly implicated in forcing disabled persons to make difficult trade-offs. If a trip to acquire batteries, cat food, and underwear is an exhausting running of the gauntlet for persons with the disabilities I have just mentioned, then persons with disabilities face difficult choices and may often be forced to make imprudent trade-offs…By failing to consider the high cost of their participating in public life and indirectly encouraging their absence from the supermarket, we may visit upon persons with disabilities the ultimate form of invisibility

(Davis 2005: 197)

In the previous chapter I have shown that theories of recognition are in themselves insufficient to ground liberal intuitions regarding social justice given the problematic symmetry between different recognition struggles. Building on this shortcoming I have argued that recognition theories are forced to take into account redistributive concerns if they are to rule out as reprehensible some of the more troubling struggles for recognition. While the argument went from an analysis of recognition theories to an argument for the impossibility of distinguishing them from redistributive concerns, this chapter takes the opposite route of arguing that in some cases redistributive concerns in themselves require appeals to recognition considerations. I will do this by tracing the varying degrees to which the social model of disability (presented in section 1) informs redistributive approaches to the issue, starting from a purely redistributive approach of luck egalitarianism which remains mostly grounded in the alternative, medical model of disability (Section 2). Showing the inadequacy of the approach, I move on to discuss what a theory that takes the social model of disability seriously would look like, analysing theories that are increasingly more faithful to this model in the works of relational egalitarians like Elizabeth Anderson and Jonathan Wolff (Section 3). Showing that the social model has to be embedded in relational egalitarianism more faithfully than it is in existing accounts, I argue that a full engagement with the social model requires re-thinking some of our most fundamental social relationships, such as the basis of citizenship itself, in ways that overcome the recognition/redistribution distinction altogether (Section 4). I end by arguing that this re-thinking (and the main insight of the social model that warrants it) is not something specific to disability, showing how the nexus

between individual circumstances and social expectations, norms and attitudes manifests itself in the case of the Roma minority (Section 5). Relying (imprecisely) on the vocabulary of the recognition/redistribution distinction, we can say that the argument of the chapter is that redistributive disadvantages cannot be solved without doing some 'recognition' work in identifying the disadvantages themselves as such – in terms of identifying the alternative of a just distribution itself, and the correct causal arrow in determining who should bear the disadvantages.

1. Introduction

Disability is often acknowledged as challenging the usual distinction between recognition and redistribution. Building on Fraser's dual framework, Berth Danermark and Lotta Coniavitis Gellerstedt (2004) argue that disability cannot be reduced to either a purely redistributive or a purely recognition issue, although different kinds of disability will of course share characteristics pertaining to either one or the other. They convincingly argue that instead of trying to reduce the topic of disability to one of these dimensions it is much more fruitful to understand the disadvantages faced by disabled persons in terms of Fraser's status model. A just treatment for people with disabilities will then consist in ensuring they are seen as full partners in social interactions and given the opportunity to participate as peers in social life (2004: 345). Danermarkt and Coniavitis Gellerstedt find Fraser's model compatible with the framework proposed in the disability literature by advocates of the social model of disability. Locating injustice in institutionalized social relations, Fraser's dual approach to injustice captures the notion that the harm suffered by disabled people lies in the poor fit between their personal characteristics and the social, cultural and attitudinal factors of the environment individuals are inhabiting, as emphasised in the social model.

The starting point of my argument is that Fraser's participatory parity approach is, once again, able to capture our intuitions here only in virtue of being impermissibly vague as a measure of justice. As in the case of the problematic symmetry between different struggles for recognition, Fraser's framework is able to provide an account of the special problems posed by the case of disability, not by explaining what is particular about the case, but by reducing it to its lower common denominator, putting it on a par with other types of injustice. In this chapter I emphasise the need for specificity, showing how non-differentiated

approaches become guilty of important forms of misrecognition. In other words, redistributing to the disabled requires recognising the different ways in which disabilities are not the 'cause' but the 'result' of misrecognition in societal structures, restricting access, rendering them invisible, or attracting stigma and discrimination in terms of status hierarchy.

I will look at the 'purely distributive' model endorsed by luck egalitarians such as Dworkin and show that they fail the recognition dimension of the social model of disability as they remain grounded in a - widely discarded - medical model. This criticism is not new, but has been emphasised in the relational equality literature by Elizabeth Anderson and Jonathan Wolff, who flag some of the recognition problems faced by these approaches. However, while these considerations go some way towards recognising the status of disabled individuals, I argue that their solutions are guilty of important forms of misrecognition in themselves as a result of being informed by an impermissibly rigid view of the social environment as fixed. Instead, following the social model of disability, I emphasise the need to take the dynamic nature of the internal resources-societal structures into account when understanding disability. Showing that the connection is not only preferable but necessary lest the redistributive approach be guilty of misrecognition goes to prove that redistribution and recognition do not operate according to 'different logics'. Thus, contra Fraser, redistribution and recognition work together to constitute disability in ways that make it difficult if not impossible for these two dimensions to be pulled apart.

2. The medical and social models of disability

Disability theorists typically identify two models for construing the special theoretical challenges posed by disability. The first model is the medical model of disability. According to this model, disability is primarily a matter of disabled individuals deviating from normal characteristics typically shared by members of the human species. Having a disability is primarily viewed as having a defective characteristic which leads to the personal and social consequences that constitute the specific harm of having the disability. An essential step for those entertaining the medical model is defining the normal function or typical function of the human species. For instance, Christopher Boorse (1997) offers a biostatistical theory whose main aim is to define disease as a foundation for disability. The argumentative strategy is to establish a reference class for the human species whose members share certain statistical

characteristics. Then, an acceptable variation of function among these normal members is established as a way of defining the normal function for the reference class (Boorse 1997: 7).[71] The concept of biological normality thus being established, disease or disability are statistically defined as variations over and above the normal one of the reference class.

Despite informing our pre-theoretical intuitions regarding disability shared not only by laypeople but also, as I will show, by philosophers approaching the topic of disability either explicitly or implicitly, the medical model is widely criticised in the disability literature. Noting that Boorse's definition of disease relies heavily on an assumed distinction between normal variation and abnormal variation between members of the human species, critics such as Ron Amundson argue that the distinction cannot be defended in terms of clear medically relevant differences between individuals. Some individuals suffering from microcephaly, for instance, can be perfectly functioning despite only being able to use 10% of their brains (thus being very far from the medical 'norm'), while others are regarded as more severely disabled despite their ability to use over half of their brain capacity (and thus being closer to the medical 'norm'). This failed correlation between the degree of deviation from the medical norm and individual functioning gained some public attention in basketball tournaments for disabled players[72]. Here, an initial suggestion to measure ability by how much individual players deviated from the medically 'typical' or 'normal' individual had to be discarded following widespread discontent: players judged to be severely disabled in terms of statistical distance from the 'normal' athlete body were sometimes much better players than some found to approximate the norm more closely. As there was little correlation between physical ability and approximating the medical norm, the system had to be dropped in favour of one in which actual ability alone was assessed.

Ann Davies regards the medical model of disability as grounded in deep-seated beliefs about the 'human paradigm' as being that of an able bodied person. The primacy of able-ist standards translates into a set of unjustified assumptions about disability that lie at the basis of the medical model. At its basis, the core assumption is that it is normal for individuals to be able-bodied, and disability is both deviant and infrequent. A second, related, assumption is that disability 'is a consequence of (or results from) his or her not being able-bodied' (Davies

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[71] This normal variation ensures that 'BST can accommodate normal polymorphism and of course admits normal statistical variation' (Boorse 1997: 39).
[72] See Amundson 1992.

2005: 164). Thirdly, the disadvantages suffered by disabled people are explained by their deviation from able-bodied standards. These three assumptions summarise what Davies calls the 'dominant ideology' in matters of disability, i.e our pre-theoretical attitudes which often inform (implicitly or explicitly) the medical model of disability (Davis 2005: 164). This view of mainstream assumptions about disability forming an uncritical 'ideology' is often criticised by advocates of the social model (Shakespeare 2006, Oliver 1990, Tremain 2001). Differentiating between disabled and 'normal' members of the human species based on medical characteristics is, for these authors, as misguided as the attempt to medically differentiate between Caucasian, Black, Asian, etc. members of the human species: the differences are not grounded in medical differences between organisms, but in social differences between the ways in which these individuals are treated in society. 'Disabled' individuals differ from non-disabled ones not (primarily) through medically-significant differences in their internal characteristics, but through 'socially significant differences such as unemployment and segregation' (Amundson 1992: 34). Medical characteristics are part of the causal explanation for disability, but seeing them as the only cause risks being guilty of the old logical fallacy of thinking that if one event preceded another chronologically, the former must be the cause of the latter.

The criticism of the medical model opens up the possibility of providing a different basis for defining disability. Building on this possibility, two different strands of theory have proposed different bases for defining disability as a social harm. Starting from approaches to disability as akin to other civil rights issues (Eisenberg et al. 1982, Oliver 1990, Silvers 1998, Albrecht 2002, Hahn 1988), some social model theorists focus on the shared identity between disabled people, seeing the problem of disability as being similar to that of other minority issues in which a disadvantaged minority makes claims on an able-bodied majority. For instance, Silvers (1998) claims that disability is a matter of being a minority in a context where the social arrangements in which one acts are shaped by norms privileging an able-bodied majority. The medical model works from the assumption that being part of the disabled minority is sufficient to explain socially imposed disadvantage. But, as she forcefully argues, 'to differ from the majority – that is to be in the minority - is not itself sufficient to justify the imposition of social disadvantage, nor does their benefitting the majority excuse public policies that cause minorities to be worse off.' (Silvers 1998: 254)

While the version of the social model presented above emphasises a categorical difference between a stigmatised minority and a dominant, able-bodied majority, a second sub-type of the social model, the human variation model, focuses instead on the continuity in variation between disabled and non-disabled people. Proponents of the human variation model argue that disability is simply an extension of the variability of the physical and mental attributes beyond what our present policies and social institutions are able to accommodate. According to this view it is possible for such policies and institutions to become more inclusive and more sensitive to variations than at present, largely reducing the number of individuals excluded by the current design, and effectively reducing the numbers of those we might consider disabled (Scotch and Schriner 1997). While the explanatory factor for disability remains the exclusion of the disabled from certain aspects of the social environment, this is pinned down to differences in degree, not in kind, which become a matter of 'in' and 'out' only because our social institutions are not fit to deal with all cases on the continuum (Zola 1989). Because of this interplay, biological impairment and social exclusion are hard to tease apart and it is difficult to give causal priority to one or the other when establishing what causes disability (Martiny 2015, Altman 2001, Birkenbach 1993). The human variations that underpin 'disability' are not isolated events but rather part of our shared human identity (Davis 2002: Ch. 1), and the associated dependence on the care of others is likewise not an isolated condition reserved for certain minorities including disabled people, but part of a universal human experience of requiring the care of others, as children, old people, during illness, etc.

This re-framing does not mean that the human variation model challenges the social basis of disability. On the contrary, when asking what the difference between disabled and able-bodied people is, the answer that the two versions provide is the same – and can be said to be the core tenet of a unitary social model of disability. Whether seen as an issue faced by a stigmatised minority or a product of exclusionary practices and institutions erroneously premised on a non-existent uniformity, social models question the central role played by physical and mental functions in defining disability. Being disabled is not, at core, a matter of having a defective personal trait, but a matter of how your traits interact with your social context. Allen Buchanan (1996: 39) calls this social context 'the infrastructure for interaction' and distinguishes (at least) two elements: the physical infrastructure consisting of buildings, machinery, access ramps…; and the institutional infrastructure, consisting in the rules and norms of interaction. This is not to say that some disadvantages intrinsic to the

experience of having a disability (e.g. chronic pain and fatigue in some conditions) should be discounted. Shakespeare discusses this aspect stressing that often impairment is problematic in itself, but the problems are amplified by the broader cultural and political context. For some conditions such as dyslexia, there is no disadvantage associated with the impairment itself – it is a trait that would not matter in a labour market that did not require citizens to be especially literate (Shakespeare 2008: 13). Disability is, hence, not grounded in objective biological disadvantage but in a relation between the objective characteristics of the individual and the social structures and environments in which the individuals live. Correspondingly, the solution is not correction and compensation for personal defectiveness, but reconstruction of the physical and social environment in a more inclusive, anti-discriminatory way.

The view of disability adopted throughout this chapter is Tom Shakespeare's interaction model, which starts from the classical social model in Oliver (1996) but challenges its fundamental distinction between impairment and disability. As discussed, Oliver proposed a model which saw disability as a social creation, albeit one that is anchored in a biological 'impairment'. Hence, while the social model in its classical form adequately captures the social dimension of disability, it nonetheless remains grounded in an essentialist, biological view of physical impairment.

Shakespeare, in contrast, challenges the very distinction between disability and impairment, not by equating impairment with disability *a la* the medical model but by challenging both the 'objective' component of biological impairment and the exclusively 'social' component of disability. According to Shakespeare, '[t]here can be no impairment without society, nor disability without impairment' (Shakespeare 2006: 34). The first part of the statement means that impairment itself is not objective but socially generated, which happens in two different ways. First, social conditions themselves – through poverty, malnutrition, lack of healthcare – 'physically produce impairments' (2006: 34).[73] Therefore, disability is caused by forms of maldistribution. Second, and more importantly, what counts as impairment is not an objective but a social judgement (2006: 35). Impairment does not simply present itself as such; it is a social judgement, since 'the visibility and salience of impairment depends on the expectation

[73] However, as Edwards (2008) notes, this observation cannot function as an argument against the distinction between impairment and disability since it is still possible to define impairment without recourse to social factors even if in the causal chain the causal factors actually produced the impairment.

and arrangements in a particular society' (2006: 35). Assuming otherwise, and defining impairment as biological rather than social, is guilty of 'leaving impairment as essentialist category' (2006: 35). Making the same criticism, Vehmas and Mäkelä (2008) draw on Searle's distinction between brute facts and institutional facts to argue that while the social model is correct in maintaining that disability should be seen as a social phenomenon, it is mistaken in also accepting 'a brute level of facts as well, namely impairments'. The acceptance of impairments commits social model advocates to the fallacy of tracing disability back to brute facts, pointing to 'the inevitable physical foundation of the social model'. Avoiding this fallacy requires, for Vehmas and Mäkelä as well as for Shakespeare, an acceptance of a social dimension to 'impairment' at the same time as agreeing that there is such a thing as a 'fact' of impairment.

On the other hand, 'there can be no …disability without impairment' either. In claiming this, Shakespeare challenges the impairment/disability dichotomy by asserting that disability is not entirely a product of social relations, tantamount to oppression, discrimination and/or exclusion, as upheld by the social model. This definition is circular, as 'it would not be possible to set out to discover whether or not disabled people are oppressed if disability had previously been defined as oppression'. Doing so is not only begging the question, but also problematic for discussing the relation between oppression and disability: 'some disabled people may not be oppressed or may not always be oppressed. Does that mean they are not disabled? Are there then two groups disabled people and people with impairment? What about the ways in which disabled people are disadvantaged by factors which cannot be reduced to oppression?' (Shakespeare 2006: 11). Secondly, ignoring the biological dimension risks misrecognising important aspects of the lived experience of people whose conditions are seen as essentially 'social' issues by advocates of the classical social model. For example, regarding Down's syndrome as a normal condition rather than an affliction misses the non-socially constructed elements of the syndrome (cardiac malformations, hearing loss, etc.)

Shakespeare calls his solution 'critical realism'. The 'realism' is due to his commitment to an ontological level where impairment exists, and where 'labels describe rather than constitute disease' (2006: 54). The 'critical' nature of the position comes from its insistence on the existence of an epistemological level which is fundamentally social. The 'fact' of impairment will, therefore, always be a product of our socially-conditioned ways of looking at the world in general and disability in particular. Therefore, there is an 'inextricable interconnection

[between] impairment and disability', which challenges the possibility of distinguishing between the two and proposes instead an 'interaction model'. According to this model, disability is a complex relation between internal traits which represent the basis of impairment and how these traits manifest themselves in one's social and environmental context (the disabling aspects of one's impairment).

But is the 'critical realism' of Shakespeare's interactive model so different from the social model as advocated in e.g. Oliver 1996? Both models presuppose the existence of an objective biological basis and a constructed social dimension – the difference is in the emphasis the two models place on the interactions between them. In terms of the 'impairment' versus 'disability' distinction, the difference between the two models is terminological: the social model calls the objective basis 'impairment', while Shakespeare talks instead of the 'residual disadvantage' that people with impairments suffer from 'even in the most accessible world', to differentiate this disadvantage from socially caused ones. In terms of disability both the social and the interactive model admit that the objective substratum plays a causal role in the creation of disability, but they place different emphases on the nature of that role. For this reason, I will regard Shakespeare's interactive model as a version (indeed, the most plausible version) of the social model, and claim that the main difference between them is in the presumptions we should make when handling disability rather than its definition.

Whereas the classical social model advocates for a clean distinction between impairment and disability, the interactive model calls on us to question our assessment of what counts as an 'objective' biological 'fact of impairment'. What this means is that we should have a presumption that what appear to be (objective) impairments might be to a large extent socially conditioned, a presumption we should stand by until proven otherwise. We should presume, e.g. that the disadvantages that accrue on deaf persons are due primarily not to an 'impairment' in speaking but to certain assumptions we hold about 'normal' speech, norms of communication in public, etc. The presumption should only be discarded once we have done our best to imagine more inclusive social norms and practices, but find 'residual disadvantage' persisting. This explains how we should regard e.g. pain and fatigue, examples of disadvantages suffered by people with disability that are often invoked as arguments for viewing disability as a matter of personal deficiency. While these are indeed aspects of disability that cannot be reduced by re-arranging social institutions, they do not disprove the

existence of many cases where this is in fact possible. The breadth of life experiences of people with disabilities is vast, and any model of disability should be able to accommodate this variety. As Shakespeare notes regarding these disputes, 'if one camp thinks of "disability" in terms of those impairments that do not involve pain and suffering, that can be accommodated by accessible information and environments, whereas the other camp thinks of disability in terms of severe, degenerative conditions that prevent independent living, then they are bound to disagree' (2016: 31). Emphasizing the interaction between objective disadvantage and socially created ones without denying the reality of either of them is able to respond adequately to the breath of these experiences of disability.

3. The medical model and distribution

Despite having been widely criticized in the literature, the medical model nonetheless forms the backdrop of most philosophical approaches to disability. While the flaws of the medical model reveal themselves quite uncontroversially on considered judgement, its main tenets are nonetheless accepted uncritically by both layman and philosophers. For instance, few would deny that disability marks human existence in a ubiquitous way: we all begin in diapers, are in need of care at various stages of our lives, and this care becomes inescapable as we grow older. Yet, this common-sense observation exists alongside stereotypes about disability as a state of exception, as something that affects a minority, and as something that marks a fundamental barrier between types of people, the 'able-bodied' and the 'disabled', with various degrees of incapacity, powerlessness, and uselessness associated with the latter but not the former.[74] This section analyses such inconsistencies in the way we regard people with disabilities by tracing the erroneous assumptions of the medical model in existing redistributive approaches to disability, arguing a purely redistributive approach to disability is inadequate in responding to the disadvantages disabled people suffer from. Focusing on the luck egalitarian approach in particular, I show both how the framework itself relies on the medical model and how Anderson's reaction to it, while criticising some assumptions of that model, itself instantiates features of the model in a modified form.

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[74] Indeed, as Ann Davis notes, the medical model continues to form the backdrop of most conversations about justice even as some of our intuitions seem to have shifted considerably in the direction of the social model – a fact she rightly finds baffling given our shift in intuitions brings these inconsistencies and blind-spots ever closer to the surface.

The redistributive approach to disability is greatly influenced by Rawls's discussion of the veil of ignorance. In Kymlicka's luck-egalitarian interpretation of Rawls's theory (Kymlicka 1999 Ch 2), the two principles of justice (and the difference principle in particular) would be able to inform our treatment of disability as well. In this interpretation, because individuals are internally deficient, lacking relevant desirable natural assets, they are entitled to redistribution in accordance with the difference principle.[75] While this treatment of disability as something that requires redistribution attracted criticism early on, the criticism did not take issue with the view of disability as internal deficiency, but focused solely on issues of efficiency in public spending. John Harsanyi (1975) used disability to question the justification for redistributing to the worst off group, questioning the view that priority should be given to a hypothetical worst off person suffering from a severe disability when better uses could be made with public money.[76] Both Rawls's treatment and Harsanyi's reply buy straight into the core assumptions of the medical model, painting disability as a personal, individual deficiency for which the proper response is compensation – the only issue being that of a trade-off between individual well-being and justified spending of public resources.

Largely in agreement with Rawls on the treatment of disability, Ronald Dworkin identifies defective medical features as internal resources (or lack thereof) and claims that individuals who have little in terms of these resources should be compensated by receiving larger shares of external resources. There is, then, symmetry between internal lack and external supply, with the former neutralising the effects of the latter.[77] This view, which can be described as the core of the medical model, influences Dworkin's approach to disability in two different

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[75] Despite this interpretation by Kymlicka, recent criticism has raised doubts that contractualist theories would be sensitive to the plight of people with severe disabilities. This is due to particular issues disability poses for theories of justice based on mutual advantage, hypothetical agreement, and social equality of the kind proposed by Rawls. The Rawlsian definition of society as a 'cooperative venture for mutual advantage' (1999: 84) seems to exclude disabled people who are not able to offer reciprocated advantage, who pose important challenges with regard to designing effective social institutions, and who might even lack one or both of Rawls's two moral powers.

[76] '[L]et us assume that society would consist of a large number of individuals, of whom one would be seriously retarded. Suppose that some extremely expensive treatment were to become available, which could very slightly improve the retarded individual's condition, but at such high costs that this treatment could be financed only if some of the most brillindividuals were deprived of all higher education. The difference principle would require that the retarded individual should all the same receive this very expensive treatment at any event-no matter how many people would have to be denied a higher education, and no matter how strongly they would desire to obtain one (and no matter how great the satisfaction they would derive from it)' (Harsanyi 1975: 597).

[77] While in later works Dworkin incorporates social factors in identifying individual resources claiming that contextual, social, legal, and structural circumstances can have an impact on an individual's resources (Dworkin 2000: 143-145), the narrative is one of a personal deficiency whose neutralisation requires not attitudinal or social change, but redistributing external shares to directly meet those deficiencies.

respects: first, in advocating for a strictly resourcist view (as opposed to a more encompassing, welfare-based, measure) and second, in denying compensation to those who regard their disability as part of their identity. On the first count, Dworkin relies on the example of a disabled violin player to draw traction for a resourcist, as opposed to a welfarist, metric of justice: if a paraplegic violinist would prefer a violin to a wheelchair, egalitarians should resist this preference even if it might advance her welfare (or opportunities thereof) because her personal deficiency is better nullified by the external resource of a wheelchair than by the comparatively more (subjective) welfare-inducing alternative of providing her with a violin. (Dworkin 1981b). On the second count, Dworkin states that if a disabled person would prefer not to make use of the resource provided to cure her disability (for instance, if a deaf individual 'would not submit to a costless and painless medical procedure …that would give him hearing' (Dworkin 2002: 139), that person is not entitled to (another form of) compensation, as she would not have purchased insurance against this internal deficiency in the original position.

The view of disability that emerges from Dworkin's analysis is that of the medical model of disability. This informs the way disability is identified in the first place, as Dworkin assumes it is exclusively an internal deficiency (which must, moreover, be perceived by the individual herself as a deficiency if it is to warrant compensation). It is this deficiency which entitles the disabled individual to compensation in the form of a means-tested resource to neutralise the disability, either through an external resource such as a wheelchair or through paying for a medical cure. The ensuing arguments for how to redistribute resources, while important given the ample discussions of the trade-off between justice and efficiency in the disability literature, nonetheless construe the scope of concern very narrowly. Whereas Dworkin's approach addresses the issue in terms of redistributing resources to disabled recipients, the problems posed by (in)efficiency on the social model are much more encompassing. As the latter's focus is on how societal institutions and norms are designed, concerns for efficiency become pressing not for their individual, but their social implications: giving up written contracts to equalise the status of individuals with severe cognitive impairments, for instance, would pose insurmountable legal problems, as would ensuring equal access for wheelchair users by modifying all buildings so as to include a ramp. Dworkin's treatment thus remains oblivious to the societal aspects of disability emphasised by the social model. His solution does not go beyond the initial allocation of wheelchairs themselves, overlooking issues such as the accessibility of wheelchair-users to public spaces, or the duties we have towards

members of the deaf community who choose to advocate for deafness as an equally valuable form of life that requires not a cure, but social accommodation.

This narrow view of disability is not solely the result of adopting a resourcist approach to redistribution, but is a problem that affects more encompassing accounts as well. Discussing a structurally similar example of the paraplegic violinist, GA Cohen (1989) asks us to consider Tiny Tim – a variation of the happy disabled child in *A Christmas Carol*. The challenge raised by the child's unusually happy disposition is, according to Cohen, that a purely welfarist (including opportunity for welfare) approach to disability is not sufficient. Since Tiny Tim has such a happy disposition in a society of unhappy Scrooges, a welfarist would be forced to compensate the latter for their gloomy disposition if they are gloomy enough to counterbalance Tim's happiness in terms of welfare. However, while this gives intuitive support for a resource approach like the one suggested by Dworkin, Cohen modifies the example to reach a different conclusion. Making Tiny Tim even more unfortunate, Cohen asks us to imagine he also suffers from pain associated with using his arms, which can only be relieved by an expensive medicine. The intuitions pointing to giving this medicine to Tiny Tim are the same as the intuitions behind giving him a wheelchair. Yet, one points to a resourcist, while the other to a welfarist approach to a disability. The conclusion Cohen draws from this example is that the currency of egalitarian justice needs to be a more integrated measure than either (opportunity for) welfare alone, or resources alone, but must take the form of something like access to advantage.

While requiring us to re-think the grounds for disability in this way, Cohen's solution remains heavily embedded in a medical model that sees Tiny Tim's disability as entirely a matter of individual medical defectiveness (impairment and pain). Tim's access to buildings once he has a wheelchair, the way his mobility problem affects relations with others, or his political participation in re-shaping his environment are ignored as relevant justice considerations. The added disability of pain is often criticised in the social model literature as a relevant focal point for discussing disability. While chronic pain is a disability, it is emphasised in the literature in a way that is disproportionate to the number of individuals affected by it, and fails to be an enlightening example precisely because it draws attention away from the social and attitudinal aspects of disability, inviting generalisations of 'internal' deficiencies as symptomatic of disability when they are not (Swain and French 2000). In

focusing on pain, then, Cohen is stacking the cards as much as possible in favour of the medical model, choosing one of its most advantageous cases.[78]

Thirdly, the medical model approach is not something that affects discussions of the appropriate 'metric' of justice. Echoing the luck egalitarian approaches above, Norman Daniels similarly regards disability as a function of bad luck e.g. in his discussion of a just system of universal healthcare (Daniels 2007). Again not engaging with the interplay between individual defect and social conditions, Daniels discusses disability as an expense, a strain on 'resource constraints'. The discussion, fitting by now the familiar medical model, is in terms of funding cures for disabilities and what kinds of expenditures are or are not excessive. As Hirschmann notes, this approach is extremely limited, as it would imply that we have to focus exclusively on finding a cure for paraplegia, for instance, instead of installing ramps and curb cuts for paraplegics in wheelchairs (Hirschmann 2017).

4. Relational equality and the social model

The medical model is not restricted to purely redistributive approaches but affects – in subtler ways – some of the more wide-ranging and well-informed approaches to disability in political theory. In this section I aim to show that the relational equality approach to social justice, while being in fact the best placed to respond to some of the main issues raised by the social model, has heretofore been applied in ways that are grounded – in varying degrees – in the medical model of disability. I trace those assumptions firstly in Anderson's (1999) critique of the luck egalitarian approach to disability, arguing her criticism remains closed to alternatives made available by the social model. Second, I look at Wolff's argument regarding 'shameful revelations' by disabled individuals, and show that his solution of avoidance rather than re-imagining of the public space when discussing disability is incompatible with the social model's claims that we should re-think social norms and expectations from the ground up. Thirdly, Wolff's (2009b, 2009c) direct engagement with the social vs. medical model dichotomy does not apply the social model coherently as it paints the two as complementary models in ways which cannot be sustained. Building on the desiderata for a relational equality approach to disability that emerge from these criticisms, I

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[78] However, the example of Tiny Tim has been used by some critics of the social model of disability to emphasise that pain is also an aspect of disability that should be taken into account rather than neglected on account of being characteristic for only a minority of disabilities.

show that the social model requires no less than a 'disappearance' of the group of disabled people as a social group, linking this insight back to Fraser's 'dual logic' account in the final section.

Anderson's criticism of luck egalitarianism

The luck egalitarian framework has been criticised for its approach to disability by relational egalitarians such as Elizabeth Anderson. Addressing the issue of disability within her more far-reaching criticism of luck egalitarianism, Elizabeth Anderson identifies two sources of tension between luck egalitarian principles of justice and treating disabled (or unemployed) individuals with equal respect. Using Dworkin's famous distinction, she argues that luck egalitarians treat disrespectfully both victims of bad option luck and victims of bad brute luck.

Since luck egalitarianism denies aid to the victims of bad option luck, disabled or poor people are not automatically entitled to public resources. A further check is needed to assess whether or not they became disabled or poor through no fault of their own or if, on the contrary, the disadvantage is due to an action that can be traced back to a personal decision. If the latter, luck egalitarians resist extending goods, opportunities or resources to disabled or poor people, effectively allowing them to fall below standards of decency. As Anderson convincingly points out, 'a society that permits its members to sink to such depths due to [their] choices hardly treats them with respect.' (Anderson 1999: 301). Luck egalitarians treat victims of bad option luck disrespectfully by not having any concern for the rights individuals have simply in virtue of being our fellow citizens, independently of personal choice.

More importantly, luck egalitarianism is no better in its treatment of victims of bad brute luck, i.e. disabled (or unemployed) people who are 'disabled'. Following the luck egalitarian logic, the ground for redistribution is compensating for having 'defective internal assets and internal states' (Anderson 1999: 302); this regards the disabled individual as intrinsically deficient and inferior. Hence, in addition to not showing concern for those who become

worse off as a result of personal choices,[79] the justification behind compensation itself carries disrespectful judgements about the recipient, painting her as deficient and inferior. The central requirement of only redistributing to the deserving, then, 'defines the deserving disadvantaged in terms of their innate inferiority of talent, intelligence, ability or social appeal' (Anderson 1999: 311). Hence, the basis for compensation is not respect but pity towards beneficiaries, not equality but deficiency (Anderson 1999: 306).

Moreover, when luck egalitarian principles are turned into redistributive policies such judgments become authoritative as they are officially sanctioned by the state.[80] In this way, the demeaning view of deservingly disadvantaged citizens becomes public, authoritative knowledge[81] as it 'raises private disdain to the status of officially recognized truth'. (Anderson 1999: 306). On account of its reliance on such publicly endorsed demeaning judgements, Anderson accuses luck egalitarianism of reproducing the stigmatizing regime of the Poor Laws 'in which citizens lay claim to aid from the state only on condition that they accept inferior status' (Anderson 1999: 311). In a very colourful passage illustrating her criticism that luck egalitarian principles 'stigmatize the unfortunate and disrespect the fortunate' (Anderson 1999: 289), Anderson wonders what benefit cheques would look like if an (imaginary) brutally honest State Equality Board would have to include their justifications for redistributing to disabled and unemployed individuals who are victims of bad brute luck:

> To the disabled: Your defective native endowments or current disabilities, alas, make your life less worth living than the lives of normal people. To compensate for this misfortune, we, the able ones, will give you extra resources, enough to make the worth of living your life good enough that at least one person out there thinks it is comparable to someone else's life.

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[79] A case I will not be dealing with here, since it involves more of an internal objection to some forms of luck egalitarianism than a criticism from the point of view of respect.

[80] 'Nor is it the state's business to pass judgment on the worth of the qualities of citizens that they exercise or display in their private affairs. Even if everyone thought that A was so ugly or socially unappealing that they preferred socially attractive B's personal qualities, it is none of the state's business to attach an official stamp of recognition on such private judgments'.

[81] 'If it is humiliating to be widely regarded by one's associates as a social clod, think how much more degrading it would be for the state to raise such private judgments to the status of publicly recognized opinions, accepted as true for purposes of administering justice' (Anderson1999: 305).

To the stupid and untalented: Unfortunately, other people don't value
what little you have to offer in the system of production. Your talents
are too meagre to command much market value. Because of the
misfortune that you were born so poorly endowed with talents, we
productive ones will make it up to you: we'll let you share in the
bounty of what we have produced with our vastly superior and highly
valued abilities.[82]

Anderson's criticism of the luck egalitarian approach is in line with the social model of
disability in several respects. Treating victims of bad option luck differently from victims of
bad brute luck violates two different requirements as advocated by social model theorists and
disability rights advocates. Firstly, the separation itself goes against efforts made in the
disability literature, by various governmental and non-governmental agencies, and
encapsulated in documents like the *Americans with Disabilities Act*, of creating a shared
sense of group membership. This challenge is particularly pressing given the group of
disabled people is characterized by a remarkable diversity in terms of the causes, severity,
and manifestations of their impairments (some 'visible' and some 'invisible'), in addition to
the very different racial, ethnic and socio-economic backgrounds they share. Anderson's
criticism of the separation itself is in line with the critique raised by social model approaches
that the medical model approach focuses disproportionately on the medical substratum of
disability, regarding people with the same manifestations differently when the manifestations
are caused by different conditions. Secondly, the treatment of victims of bad option luck goes
against attempts to ground the benefits disabled people are entitled to in a universal human
rights framework, as demanded by the Civil Rights movement in respect to disability. The
conclusion luck egalitarianism reaches – that those who become disabled through their own
choices are not entitled to compensation – faces what has come to be known as the 'harshness
objection' (Voigt 2007): the objection that people would be left to bear a huge cost for their

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[82] In addition to this problematic identification of the group of the deserving as having internal deficiencies, an
additional layer of disrespectful treatment comes from requiring individuals to produce evidence of personal
inferiority in order to convince the state they are among the deserving. Individuals have to show not just e.g.
that they are poor, but that they are poor due to their failure to be desirable on the labour market. For people
with disabilities, proving they 'truly' are disabled means constantly emphasizing the limits that their disabilities
place on their capacity to perform certain tasks and functions. In effect, this requires individuals to 'grovel for
support', which once again violates the demand for basic equal respect for citizens in a society. This criticism
will not be discussed here, but in relation to Jonathan Wolff's argument about suspicion and shameful
revelations (in Wolff 1998), which I discuss in the next sub-section.

choices (in this case meaning they would fall below the threshold of dignified treatment) even if the choices leading to them becoming disabled might be quite small.[83]

However, Anderson's criticism of the justifications luck egalitarians might offer to victims of bad brute luck, while relying at times on the social model, also shows remnants of a medical model view of disability. Anderson is in line with the social model when she criticizes luck egalitarians for equating disability with a set of defective personal characteristics pertaining to the individual. However, Anderson herself is guilty of not taking the social model of disability sufficiently into account when imagining what public justifications for redistributing to people with disability would look like. In her view, our options in treating disabled members of society as our equals are either 1) the luck egalitarian alternative of making intrusive judgements about their limitations (further aggravated by these judgements' public nature) and 2) a relational equality approach of avoiding any potentially disrespectful personal details about our fellow citizens, focusing instead of maintaining universal, uniform relations that construe disabled people as our peers in social interactions.

This, however, is a false dichotomy, as already pointed out by disability theorists such as Linda Barclay (2010). Building on the same colourful passage from Anderson quoted above, Barclay suggests there is no reason why public justifications behind redistributing resources towards people with disabilities need take the undignified form Anderson mentions. In assuming this is the only available alternative for compensating for specific disabilities (other than her own proposal of focusing on the universal requirement of relational equality), Anderson is in fact playing into the problematic medical model of disability she seems at first glance to take aim at. Just like the luck egalitarians, Anderson regards defectiveness as the hallmark of disability, but requires that this justification for redistributing to the disabled not become public for the sake of maintaining relations of equality.

Anderson, therefore, does not take into account the possibility of a public and respectful approach to distribute towards people with disabilities, a possibility that the social model opens up. Reframing the passage in a more social-model-approach-friendly way, Barclay writes that a well-functioning State Equality Board would instead write a letter to the

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[83] Incidentally, this conclusion would go against not just the social but also the medical model of disability, where no emphasis is placed on the causal history leaving an individual disabled.

disabled emphasizing the environmental aspects of disability. For example: 'we acknowledge that your hearing impairment can pose particular challenges in the workforce and more generally. We wish to draw your attention to a range of services and opportunities that are available to facilitate your continued participation in the workforce, including access to a range of technological aides, retaining programs, work-place advocates and income support if needed' (Barclay 2010: 168). Similarly, the group of unemployed Anderson also mentions would more likely be told something along the lines of 'due to the devastating collapse of your industry we acknowledge that it is currently very difficult for people with your training and expertise to find work. We wish to draw your attention to a range of programs designed to address your circumstances including retraining programs, job search assistance and income support' (Barclay 2010: 169). Such public justifications emphasize the opportunity offered by the state to people with disabilities to be a full participant in productive life and to be not a passive recipient of social wealth but a valid contributor to it, too.

What Barclay's response to Anderson means for the luck egalitarian approach to disability is that the framework might be able to formulate the reasons for redistributing resources to disabled individuals along the lines proposed by the social model. This avenue (which Barclay herself does not pursue) would entail re-defining the bad luck of having a disability as residing not internally with the 'victim', but in the dynamic fit between the individuals' internal make-up and the wider social conditions that make certain features of that make-up socially salient – and salient in a disadvantageous way. Such an approach would be in line with more recent attempts by luck egalitarians to include wider social phenomena as features the individual should be compensated for, such as Nicholas Barry's approach to exploitation as a form of bad brute luck resulting from structural relations among groups (Barry 2006: 94), or Navin's re-interpretation of oppression as a form of bad brute luck accruing to individuals (Navin 2011). The wider social context that constructs disability according to the social model could similarly be seen as a set of features pertaining to bad brute luck. Such features would then include aspects such as the built environment (e.g. for people with mobility or visual impairments), strict schedules in paid labour (for people whose disabilities would be more easily accommodated by flexible work hours), norms prizing efficiency and time-management for people who are neuro-diverse, living in 'the information economy' for people with problems processing information – as well as the forms that information is typically conveyed for people who are deaf – and even the way supermarkets are arranged (see the description of the challenges of buying 'cat food, underwear and batteries' in Davis

2005). These aspects regarding the make-up of our social and physical environment, which are the real focus of the social model of disability, are the crux of the problem not just for luck egalitarianism, but for Anderson's criticism of it as well.

A luck egalitarian might, following Barclay, revise her framework so as to include public attitudes among the aspects of one's circumstances that a disabled person needs to be compensated for. The more intolerant the society, the more the disabled person would have to be compensated. However, while this addition does capture some of our intuitions regarding the gravity of prejudice against disabled persons, it does not – at least following the social model of disability – strike at its core. This is because the luck egalitarian model will continue to include 'internal lack of resources' or some other medical form of defining deficiency among the grounds for redistribution. In effect, this makes the solution akin to giving money to members of minorities to compensate them for discrimination, instead of engaging with the social underpinnings of discrimination.

This analysis shows that the hard problem for theories of justice in approaching disability following the social model is not in how we *identify* the disadvantage, but how we *respond* to it. The central limitation of the luck egalitarian approach, on this reading, is that it does not challenge the status quo, re-producing the disadvantages it identifies by compensating at a strictly individual level. Thus, the central challenge raised by the social model does not affect luck egalitarianism alone, but, as I will show below, affects more refined approaches like the one developed by Jonathan Wolff which remains embedded in some assumptions of the medical model with regards to proposed remedies. After emphasizing some of the strengths and shortcomings of uncritically following (parts of) the social model in Wolff's view in the final part of this section, I develop a relational equality-based approach incorporate the central tenets of the social model in the next section.

Disability and shameful revelations

So far, we have seen that both the luck egalitarian model and Anderson's critique of it remain grounded in an assumption pertaining to the medical model, namely that disability is in essence a matter of individual deficiency. Furthermore, both seem to have at their disposal internal resources for accommodating the intuitions of the social model more fully. It might

therefore seem that the issue is, for both approaches one of (minor) oversight rather than fundamental misconception. Yet, overcoming the challenge identified above requires amending both these accounts in fundamental ways. For luck egalitarians, challenging the social conditions that produce disability themselves rather than viewing it as a matter of individual deficiency asks for a fundamental reconfiguration of luck-egalitarian redistributive concerns. For relational egalitarians like Anderson, while the challenge of proposing remedies can more easily be met given the focus on relations in producing patterns of equality and inequality, the dynamic and interactive aspects of disability as a social problem remain underplayed. Although sensitive to many of the issues raised by the social model, I will show that Wolff's argument regarding 'shameful revelations' as well as his view that the medical and social model are compatible if applied to different types of disabilities do not go far enough in questioning, challenging, and imagining alternatives to the wider social norms giving rise to the 'poor fit' itself.[84] The relational approach thus has to be widened so as to challenge existing attitudes, biases, and seemingly insignificant actions of the general population lest it be silently complicit in furthering the ableist norms, structures, and standards that are the central concerns of the social model. This extension, although necessary for fully incorporating the social model view of disability, is far less damaging to the account as a whole than the modifications that would be required on the luck egalitarian reading.

In 'Fairness, Respect and the Egalitarian Ethos' (1998) Wolff starts by identifying the same kind of tension between luck egalitarian approaches to distribution and the demands for equal respect for persons as Anderson. He translates this tension as one between fairness (which he sees as the main concern of luck egalitarianism) and 'respect standing'. Respect standing is a measure of relative status and esteem defined as the degree of respect other people have towards a person, which is meant to trace the relational equality ideal of a society of equals. It encapsulates the important egalitarian desideratum that 'others are generally equally as deserving of respect as I am' (Wolff 1998: 108).[85] While the desideratum itself is inter-

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[84] This problem affects even the most widely discussed – and possibly most promising – of these alternatives, namely the capability approach. This is the result of the immense variety of the challenges posed by disability, which challenges fundamental tenets such as what capabilities are required for human flourishing. On this, see the exchange between Nussbaum and Kittay with respect to whether individuals with severe cognitive disabilities can satisfy even the most basic human functioning, with Nussbaum defending a negative answer.

[85] Consequently, '[i]t is insulting to be treated as if one is of lower respect-standing than is due, and demeaning to do, or be required to do, anything that might reasonably be expected to lower your respect-standing' (1998: 107).

subjective, the assessment of whether one is regarded by others as equally deserving of respect or not is *subjective*, as 'if I feel people are treating me in a certain way, this will either lead me to believe that they do not respect me, or lead me to lose my self-respect… If I am treated with contempt this will lead me to believe that I have low respect standing' (1998: 107). The measure of disrespect is given by whether the individual herself *feels* she has been treated in accordance with the requirement of being seen as equally worthy of respect as others, or whether she has been disrespected by being 'treated as if one is of lower respect standing than is due' (1998: 107).

Wolff then cashes out this tension between fairness and respect-standing in terms of an internal trade-off between different egalitarian values, seeing the choice as one between fairness (in distribution) and respect (regarding recognition) (1998: 98). This tension between fairness and respect-standing stems from a mismatch between the necessary conditions for a fair distribution on the one hand and the disrespect involved in carrying those requirements out on the other.[86] Ensuring fairness requires distinguishing between deserving and undeserving recipients, in luck-egalitarian fashion. However, making the distinction requires collecting personal information about the individual until we are satisfied that she is worse off as a result of circumstances beyond her control, and collecting this information involves lowering individuals' respect standing in several ways.

Firstly, merely requiring this personal information violates a person's equal respect standing since asking for justifications shows lack of trust. This lack of trust is inherent in the process of asking for information: asking one to prove, for example, that she is 'truly' disabled or involuntarily unemployed, breaches equal respect-standing by signaling to her that we are assuming she might be less well-motivated than ourselves.[87] This is a failure to give others the benefit of a doubt that denies them the status of well-intentioned agents. Secondly, and relatedly, asking for information lowers individuals' respect-standing by expressing mistrust

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[86] Wolff insists that the mechanisms that lead to one losing respect-standing, while not applicable to the ideal world, are nonetheless important given the role of ideals in political philosophy. This, he argues is never conceived as a purely theoretical exercise, but as something meant to influence policy-makers (Wolff 1998: 112).

[87] 'To be asked to justify oneself or one's claims can often be insulting [and] undignified; …being called to account for one's actions or claims – or at last being called too often, or in circumstances when others are not, or when the depth of investigation seems out of proportion – gives the impression that one is not trusted, that one is an object of suspicion and hence is not being respected' (Wolff 1998: 108).

towards the individuals thus required to justify themselves, instead regarding them as objects of suspicion.

Additionally, and most importantly, answering such questions requires the individual to convince us that she did not end up destitute as a result of her own choices. In turn, this means the person whose case we are evaluating needs to convince us she lacks the talents or aptitudes enjoyed by others – for example, that she really is unintelligent, unskilled, generally untalented, or 'truly' disabled. 'To press a claim' Wolff notes, 'one is required not merely to admit but to make out a convincing case that one is a failure…But think how it must feel, how demeaning it must be to have to admit to oneself and then convince others that one has not been able to secure a job, despite one's best efforts, at a time when others appear to obtain employment with ease' (1998: 114). The content the individual has to reveal in order to qualify for compensation needs to be able to prove conclusively that she is deficient. Individuals are thus required to make 'shameful revelations' and this deprives individuals of their dignity.[88] Wolff calls this the problem of 'shameful revelations' i.e. of requiring people 'to behave in a way or reveal things about themselves which can rationally be expected to reduce their respect standing' (1998: 109) [89].

These issues affect not just the case of unemployment primarily discussed by Wolff, but also that of disability. Requiring one to bring evidence one is disabled might be said to express disrespect by, firstly, showing lack of trust towards potential recipients of disability benefits and secondly assuming they are less well motivated through policies aimed to ensure they would not be able to get away with such a plan. Thirdly and most importantly, the kind of revelations expected in order to be satisfied these recipients are indeed deserving of benefits are 'shameful': recipients of disability benefits are requested to prove personal inability, incompetence beyond their control, and deficiency vis-à-vis others. Like unemployment

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[88] Wolff insists that, even if they should not be regarded as shameful, since they are in point of fact considered so leads to lowering one's respect-standing, because what is considered shameful us socially relative (Wolff 1998: 114).

[89] An additional problem is that the individual might not wish to reveal these 'shameful' facts even to oneself (Wolff 1998: 113). She might prefer to 'maintain the belief (and with it one's self-respect) that one was unemployed at least in part through choice, whether or not this belief would stand detailed examination' (1998: 114). This is a plausible view that would explain a series of phenomenon associated with the chronically unemployed, such as a culture of poverty where one tends to value an economically inferior situation as a way of maintaining (self)respect to some phenomena noticed in the case of the Roma minority, such as a tendency to present economic interactions with majority individuals in terms that suggest the Roma had a kind of upper hand even when this was flatly at odds with the facts, as a way of camouflaging to themselves the fact that they were in fact vulnerable. The tension with egalitarianism is that if one is required to reveal facts one finds demeaning or shameful, it is difficult to 'retain the sense of oneself as an equal' (1998: 114).

welfare recipients, disability benefits recipients are effectively asked 'to give a humiliating answer to a question it is humiliating even to consider' (1998: 114). Moreover, as Wolff correctly notices, to avoid lowering one's respect-standing in this way we cannot simply compensate people more, since it would only add insult to injury.[90] Instead, Wolff proposes finding solutions that match both values – and here he claims unconditional benefits enable us to avoid the disrespect inherent in asking the poor to be subjected to impermissibly high levels of scrutiny, while at the same time tracking fairness concerns.[91]

The view Wolff develops regards compensation as incorporating 'distributive' concerns, concerns for equal respect, as well as the interactions between these dimensions, all of which are in line with the aims I have set out in this thesis. Moreover, Wolff's measure of respect-standing is highly sensitive to social norms and attitudes, being well placed to grasp the special problems that public attitudes pose for defining disability and associating it with discrimination, exclusion and disenfranchisement. The search for imaginative solutions that strike common ground between apparent tensions – in the form of a universal basic income – is a further laudable aim of the proposal.

Wolff's understanding of 'shameful revelations' as shameful because they are revelations about *personal* deficiency nonetheless leads to preferring a strategy of concealment rather than affirmation when applied to the case of disability. This understanding assumes that revealing a disability is equivalent to making a revelation about (individual) internal deficiency rather than pointing out a problematic dynamics between the individual and her environment[92]. In this, the way shameful revelations are understood would in fact reiterate the problematic differentiation between 'internal deficiencies' on the one hand and a (fixed) external social context on the other.

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[90] Because fairness and respect-standing are different criteria, choosing which one to prioritise means striking a trade-off between fair compensation, which lowers one's respect standing through 'shameful revelations', and equal respect, which forbids us from collecting the information necessary to implement fairness schemes. Wolff remains agnostic on whether the tension is one of 'fairness conflicted against itself' (1998: 117), seeing respect-standing as a component of the dimension of fairness, or whether the two values should be regarded as pertaining to different domains. Indeed, he sees this problem as merely terminological (1998: 118) as it does not affect the practical reasons for striking the trade-off either way.

[91] In other respects, he proposes that 'egalitarian legislators should legislate in a way that allows flexibility' (Wolff 1998: 122).

[92] Incidentally, the same criticism can be applied to Wolff's initial example of revelations regarding unemployment.

This understanding is inconsistent with the view of disability entertained by the social model, which regards disability as constituted by the interplay between individuals and social environment. On such a view, if 'revelations' about disability lead to shaming the disabled, this is contrary to (instead of part of) what recognizing disability requires. The problem would be addressed in the direction of putting pressure on the wider population to become more inclusive rather than lowering pressures on the disabled from 'shamefully' admitting to a deficiency of body or mind. Viewing revelations that one has a disability as shameful grounds disability in a medical model approach, which takes wider societal norms that equate disability with internal deficiency as given. Regarding the unfairness of forcing the individual herself to bear the potential costs in respect-standing generated by a shameful revelation, Wolff does not go far enough in questioning who should bear the costs.

As I discuss in Chapter 5 especially in relation to Young's *Responsibility for Injustice*, misrecognition should be understood as extending to cases where the majority population displaces responsibility for a certain outcome, as well as responsibility for wider social structures, and places it on the disadvantaged themselves – be they unemployed or disabled. In defining respect-standing as a 'level' of respect that is dictated by the opinions of the dominant group in society, Wolff is conceding too much both to the status quo. This affects the applicability of Wolff's proposal to the case of disability since the social model proposes specifically to direct our attention between individual costs borne by disabled persons in the context of the wider expectations, norms, and environments in which they act. The social model's opposition to the view of disability as an internal deficiency is matched by an opposition to the view that responsibilities for inclusion should be internalized by disabled individuals themselves. In this, the social model is particularly attentive to displacements of responsibility like the one emphasized by Young, displacements that the notion of shameful revelations remains impervious to due to its exclusive individual-centred perspective.

It is nonetheless true that asking disabled (or unemployed) individuals to prove inability and/or incapacity for receiving welfare places the burdens of social integration on the disabled individual alone. Disrespectful as social attitudes towards disability may be, for the individual concerned it is more disrespectful to make such revelations than to be allowed to hide them. What is more, to parallel Anderson's argument regarding the additional harm of making such a judgement public, there is an added level of disrespect manifested by the state in requiring individuals to make these revelations in order to qualify for compensation. It is

not just that individuals are left to bear the costs for social attitudes, but also forced to bear these costs if they are to receive compensation at all.

Yet, this problem has more to do with the intrusive nature of welfare policies than with an added layer of shamefulness. While this is indeed a further type of disrespect, it is covered by the dimension of mistrust rather than that of shameful revelations. As we have seen in criticising Anderson's response to luck egalitarianism, the state itself need not adopt a shameful attitude towards people with disabilities. State institutions can, however, express a certain form of disrespect by asking individuals to prove they are not irresponsible. While I agree with Wolff both that this is a form of disrespect and that the solution of a universal basic income would help improve the level of mistrust manifested, this problem should be kept separate from that of the shameful nature of revelations about disability in themselves. What is convincing about the 'special problem' of shameful revelations Wolff spends most of his article discussing therefore lapses into the first two problems he mentions – of a failure of distrust and common courtesy. While no individual should be forced to disclose aspects about herself she does not want to, this can happen for a variety of issues which have nothing to do with the revelation being in any sense shameful: one may want to avoid disclosing aspects of one's intensity of period pain, for instance, not because one thinks these matters are shameful, but because she thinks the enquiry itself is disrespectful.

Wolff addresses the problem of shameful revelations again in Wolff (2010), framing it as a criticism of ideal theory more generally. Focusing once again on the case of unemployment, Wolff re-iterates the view that having to reveal to oneself and to others an inability to secure a job lowers one's respect-standing. Wolff regards this danger to respect-standing as a given, because 'as a matter of contingent but stubborn fact, an ability to contribute to society's productive work is considered so important in the contemporary world' (2010: 343). Admitting one's inability is, then, contrary to social justice given the particular 'circumstances of the actual world' where employment is linked to self-worth (2010: 344). The problem of shameful revelations is, then, just one illustration of how a well-meaning policy can interact with real world circumstances to undermine the initial effort in a fundamental way. In this context, shameful revelations are not a problem in their own right (as Arneson 2008 suggested), but an instantiation of 'the broader conflict between distributive and social models of equality' (Wolff 2010: 347).

Wolff compares the self-undermining fact of requiring shameful revelations for the sake of an egalitarian ideal to that of attempting to make people responsible for their choices without first addressing background inequality. Without taking into account the responsibilities of others in shaping social institutions and structures (as Young also recommends), the result of focusing on individual responsibility alone would take us 'not half-way to equality, but laissez-faire libertarianism' (Wolff 2010: 346). However, what taking background conditions into account would mean for the case of persons with disabilities would be specifically to challenge norms about which revelations are shameful, placing the burden back on the majority. It seems that ignoring the issue of who should bear the costs would be the laissez faire equivalent in this case; it is, among alternatives, the one more suitable to furthering the status quo. For this reason, the alternative contradicts the social model's invitation to pay attention to displaced costs. While combating the view that disability is shameful does require challenging a 'stubborn fact' about the world, this engrained reality is nonetheless what needs to be addressed – not accommodated – for the sake of status equality among disabled and non-disabled people. Ensuring equal status is undermined, not maintained by a discourse that presents open discussions of disability as something to be ashamed of. While changing this discourse is difficult, it is nonetheless necessary, and explaining its necessity away on account of its difficulty is tantamount to only searching for a lost wallet beneath a lamplight not because you have good reason to believe you lost it there, but because the place is better lit[93].

A hybrid approach?

While the discussion of shameful revelations is not directly applied by Wolff to the case of disability, it nonetheless shows a preference for concealment and laying the cost of affirmation with the individual, thus favouring the status quo with respect to the social construction of disability. Wolff explicitly addresses the problem of the costs for overcoming stigma when distinguishing between addressing disability at the level of an individual's internal resources ('personal enhancement'), external resources (cash payments or targeted resource enhancement), or the wider social, legal and environmental structures (status

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[93] This anecdote is referenced by Abraham H. Maslow: 'Ultimately this must remind us of the famous drunk who looked for his wallet, not where he had lost it, but under the street lamp, "because the light is better there," or of the doctor who gave all his patients fits because that was the only sickness he knew how to cure' (Maslow 1954: 16).

enhancement) (Wolff 2009a: 16, 2009b: 406). He regards these as pointing to different strategies that work best in different contexts (Wolff 2009b: 405).

Wolff acknowledges that the 'personal enhancement' approach emphasized by the medical model and the status enhancement approach emphasized by the social model of disability can pull in opposite directions, and one of the examples he provides matches the issue of shameful revelations previously discussed. Wolff pins the main difference to the fact that personal enhancement is (sometimes) more quick and effective, whereas status enhancement requires concerted action and changing attitudes, taking more time and effort. A woman who might choose cosmetic surgery to appear more attractive in job interviews over challenging the problematic social norms that make attractiveness important on the job market (Wolff 2009a: 25) – thus preferring to reduce personal costs over challenging attitudes much like the person who might prefer not to make any revelations about her situation.

In arguing there could be cases of interventions at the level of resources that prevent a physical defect from becoming an actual disability, Wolff distinguished between 'impairment' and 'disability'. Building on a distinction between biological and social functionings, Wolff defines impairment as a 'normative concept [that] pre-supposes some norm or standard against which a person fails to achieve'. This standard is that of 'normal biological functioning' or 'species-typical functioning', and a person with an impairment is someone who simply 'fails to meet this normal level' (2009a: 20). While 'impairment' traces deviations from 'species-typical functioning', being more consistent with the medical model, the notion of 'disability' traces deviations from social functioning: 'what is to be disabled, on the common sense view, is to find it harder than others to achieve within the normal range of secure social functionings.'[94] In keeping with the distinction, glasses prevent an impairment (e.g. shortsightedness) from 'being a disability thought of in terms of social functionings' (Wolff 2009a: 18).

Yet, is it possible to apply the 'medical', recipient-oriented approach to certain cases of individual deprivation and disadvantage, while applying the social model to other cases, involving societal structures? Is it possible for the two models to coexist and apply to different spheres? As already noted in the discussion of the social model, the social and structural dimension is not something that applies to some cases *alone*, but something that is

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[94] Where, he adds, 'part of the explanation is a biological impairment… defined in terms of species typical attributes' (Wolff 2009a: 20).

relevant in *all* cases, even though it is less easily perceptible in some instances. This is illustrated, as it happens, by Wolff's own chosen example of wearing glasses. Even if few social institutions or features of the built environment have a bearing on wearing glasses, the example only gains traction for Wolff's claim that not all impairments have a social dimension because the social dimension associated to shortsightedness is *barely distinguishable*, at least in the society Wolff has in mind.

However, that dimension is barely distinguishable because our social attitudes towards that particular disability are particularly tolerant. This is in no way a feature attributable to the medical nature of the impairment in question. Firstly, social contexts in which wearing glasses is not an 'impairment' but something associated with problematic social attitudes do exist: in school, some children who need glasses refuse to wear them to class for fear of stigma and bullying. More problematically, in Communist countries wearing glasses marked one out as a potential 'intellectual' and hence a possible enemy of the regime, leading to increased surveillance.[95] Thirdly, more radical advocates of the medical model who see disability as a product of the environment more directly might argue that bad eyesight is only identified as a problem given the importance of processing minute visual information (e.g. texts) in our society.

This is not to say that having the technology of glasses and relaxing social attitudes around people with bad eyesight are all the same. Of course, the former is more efficient. Yet, this does not prove a separation between models here. First, technologies for improving the functionings of people with disability are embedded in social norms as well; this is less evident for glasses but more evident for people wearing hearing aids. While wearing glasses and lenses is not culturally devalued in our society, wearing a hearing aid is – which is why many people who would benefit from an aid refuse to wear one (Danermark 2004: 344, Amundson 1992). The 'external resources' of glasses and hearing aids are comparable in terms of cost, cosmetic discreteness, availability, and efficiency in correcting the initial 'impairment'. Yet, loss of hearing is culturally more devalued than loss of perfect vision, and it is this fact that makes hearing loss more readily describable as a 'disability'. The

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[95] Even after the fall of Communism, glasses were used for singling out and beating up progressive students during the 1990 Miners' Revolt in Romania. Cynically, the understanding of glasses as a disability is closer to the social model in these oppressive uses: the state police or the miners say glasses not (just) as an objective external resource mending an internal deficiency, but as indicators of a lack of fit (between life's necessities and eyesight capacity) that indicated the social conditions of those wearing glasses: they would need to be among the ones who rely on good vision for performing tasks, which most likely meant processing visual information.

difference, then, is given by the fact that the social context makes one 'impairment' and not the other salient – and this fact of which one is salient has nothing to do with the cost, availability, or efficiency of the external resources to correct the 'impairment'. Hence, even efficient, non-invasive ways of curing 'impairment' have a social dimension, because – as pointed by the social model - deviations from 'normal species functioning' have a fundamental social dimension. Second, technologies for curing impairments are not anathema to the concerns of the social model. Given its focus on functionings, technologies that improve individual capacities are certainly to be preferred. The difference lies mostly in what the social model considers to be a 'technology', since it is not only medical discoveries, but also inventions that alter other aspects of the built-in environment, such as coloured glasses to help with dyslexia or technologies for installing access doors more easily for wheelchair users.

What this shows is that an approach that adopts the social model in a limited fashion cannot be sustained, no matter how appealing the notion of a strictly 'medical' deviation is. Even the simplest and most efficient 'medical' solutions have a social dimension, even if the dimension can be muted if the social attitudes and material environment are of a particular kind. The fact that in the case of wearing glasses the social environment is already very inclusive only means that e.g. shortsightedness is in the 'lucky' situation of not needing further 'status enhancement', not that the dimension itself is sometimes beside the point. Indeed, a society in which we approach all disabilities as we do loss of perfect eyesight – through both medical advancements and attitudinal shifts that make the disability so innocuous we would even hesitate to call it such – would be an ideal situation for all disabilities. Coming back to our starting example, the spread of the social model might be said to extend even to cases where the solution seems more easily construed as a medical cheap and easy intervention.

4. A revised relational approach to disability

What the previous analysis has shown is that any partial application of the social model is not able to take the main claims of the model to heart. Because of the fundamental incompatibility between the medical and social models, nothing short of a complete incorporation of the latter will suffice. Having analyzed increasingly encompassing applications of the social model, from luck egalitarianism to Wolff's direct engagement with the model, we have seen that leaving even a limited place for the assumptions of the medical

model will reproduce several of its problematic assumptions in ways that ripple through the approach in its entirety. In this section I argue that a complete incorporation of the social model requires a fundamental re-thinking of key social institutions in a way that is best captured by the relational equality approach to social justice. This incorporation requires no less than challenging the meaning of democratic citizenship itself, starting from re-defining membership in the human species in a relational way, to re-defining equal citizenship, to then (consequently) challenging the way efficiency, the nature of care, and stereotypes about disability are to be re-defined. What I aim to show in tracing what incorporating the social model entails for the status of disability in a society of equals, is that fully ensuring this status involves effectively dissolving 'disability' as a salient social category. In the following section I build on this insight to challenge Fraser's dual systems approach to recognition and redistribution, rejecting her argument that recognition requires protecting group distinctiveness.

The conclusion that including people with disabilities involves the disappearance of disability as a social category seems to follow from the very definition of the term 'disabled' on the social model. The medical model, of disability as statistical abnormality, leads to the view that disability is something that affects a singular minority deviating from the normal, majority standard.[96] Noting the ubiquity of disability, Davis speculates the 'minority' status attributed to disability is itself a consequence of our social attitudes and beliefs, reversing the arrow from the medical to the social in a way that is by now familiar. According to her, it is

> 'more plausible to see people's belief in the rarity of disability not as a belief about
> the number of individuals who are disabled, but as reflecting their belief that persons
> with a disability are a minority: those who are thought to be in the minority are more
> likely to be disadvantaged, and the disadvantage is thought to stem from their
> deviance rather than from the social practices that exclude them' (Davis 2005: 176-
> 77).

In other words, we regard the group of disabled people as a minority not because we have observed empirically that they are low in numbers, but because we link disability to being

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[96] As we have seen, social model theorists challenge this assumption on various grounds, from the human variation argument that differences between able and disabled individuals are in degree and not in kind, to common-sense observations about the ubiquity of disability as part of the human condition. The status of having a disability is ubiquitous both because each individual becomes, if she lives long enough, in need of care, and secondly because if we add up the numbers of people who are found to deviate from the statistical norm we get a sizeable group that is likely to become a majority as our life expectancy increases through technological developments (Davis 2005).

disadvantaged, and being disadvantaged to having a minority status. The empirical facts about the frequency of disability challenge this view that it is an 'insular minority', an insight that is coherent with the fundamental assumption of the social model that disability is not primarily about personal deficiency but about a socially-generated experience of being excluded, marginalized, and discriminated against. Put simply, since disability is defined by social disadvantage, the just response involves not tending to deficiency, but ending these wider social processes – not maintaining group identity for disabled people but aiming for a society is one in which disability is no longer a salient category.

However, as noted at the outset, the view of the social model I am advocating does not regard disability as entirely a social construction. Following Shakespeare, disability should be understood as supervening, at least sometimes, on a material basis which is then identified, assessed, and given social salience through social phenomena. What this means is that the argument that responding to disability requires erasing disability as a social category cannot be so straight-forward as the analysis above suggests, as we need to also take into account issues pertaining to the non-reducible, or non-socially generated disadvantages of disability – the 'residual disadvantages' Shakespeare talks about. I will show that erasing disability as a social category is the correct way of engaging with the social model even in this amended form, in which the material substratum is recognized as objective rather than social reality. The alternative would be similar to T.H. Marshall's remark on the Poor Laws that the claims of the poor were seen 'not as an integral part of the rights of the citizen, but as an alternative to them' (1964: 80). The received view on disability, informing the treatment and regard for people with disabilities as expressed by even the most fundamental social institutions, is guilty of the same two-tier treatment, and accommodating the interactive version of the social model requires dismantling disability as a social category in this sense.

Martha Nussbaum, while aiming for a more inclusive view of membership in society than the one proposed by Rawls, argues that membership should not be extended to people with severe cognitive impairments (Nussbaum 2006). While resisting definitions of membership in terms of possessing (a capacity for) reason in the Kantian tradition, as well as a thick, medical notion of 'species typical functioning', Nussbaum nonetheless defines a criterion of minimal human functioning. A person with a severe cognitive disability would fall below this threshold, leaving us with two options: 'either we say that [she] has a different form of life

altogether, or we say that she will never be able to have a flourishing human life, despite our best efforts' (Nussbaum 2006: 187).

Nussbaum's proposed criterion goes against Eva Kittay's relational understanding of membership in the human species.[97] According to Kittay, what separates humans with severe cognitive disabilities from non-human animals is the relation to other humans. Specifically, the shared human experience of being a mother's child is universal as 'We are all – equally – some mother's child' (Kittay 1999: 25). Instead of grounding equality in a set of properties pertaining to individuals, Kittay suggest grounding it in 'the inevitability of human interdependence: the interdependence that is featured both literally and metaphorically in the aphorism that we are all some mother's child' (Kittay 1999: 50). This re-conceptualisation of membership in the human species also challenges the grounds of obligation as residing in contractual relations, deriving them instead from an ethics of care (Kittay 1999: 53). Interestingly, Lorraine Krall McCrary has recently linked this idea to Hannah Arendt's views on natality as fundamentally establishing an entitlement of every human to inhabit the world, an entitlement that has to be recognized by the wider political society into which one is born (Krall McCrary 2016: 203). Similar to Arendt's views on the inseparability of primary and political natality, Krall McCrary agrees that 'birth alone requires that that person be allowed the opportunity to participate in politics' (Krall McCrary 2016: 218). This relational view of disability, taking seriously the claims of people with severe disabilities as fellow members of democratic societies, means opposing any two-tier view of citizenship.

A similar re-conceptualisation on relational grounds is required with respect to the basis of citizenship itself. This does not only challenge approaches to disability such as the one endorsed by Rawls, whose exclusion of disabled people from the cooperative scheme has been widely criticized, but also the approach taken by some of his critics in this regard, such as Nussbaum 2006. While Nussbaum starts out criticising Rawls for his inadequate treatment of the case of persons with cognitive disabilities and argues for an extensive set of protections and inclusions for people in this category, her own account has come under attack for ultimately being too restrictive. The main issue is that Nussbaum defines the grounds of citizenship through a set of capabilities which includes the equal capability to vote and to

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[97] In fact, in the quote above Nussbaum uses the example of Kittay's own daughter Sesha, who is suffering from a severe cognitive disability. 'In honour of Eva Kittay, the founder of the field of this philosophical research, we might take Sesha Kittay, so thoroughly and movingly described by Eva, as our example in this category' (Nussbaum 2009: 345).

participate in juries. Through this Nussbaum ends up - perhaps inadvertently - excluding people with certain disabilities from full citizenship, to the extent that they cannot perform capabilities defined as essential for full citizenship. In the case of cognitive impairments so severe that the person cannot autonomously express her own preference, Nussbaum recommends the person would need to rely on a guardian to fulfil them rather symbolically on their behalf.[98]

Such a view – albeit allowing for political representation of people with severe cognitive impairments - does not grant them equal rights in this regard. The problem then becomes that a person with cognitive impairments so severe she cannot autonomously formulate a political preference is not only excluded from the act of expressing her preference autonomously (which may well be all that can be managed given the circumstances), but also from the symbolic status of citizenship as defined by Nussbaum: a person in this category would fail to exercise a fundamental capability of citizenship.

As Kymlicka and Donaldson note '[t]he question is not (or not only) how we can enable people with CD [severe cognitive disabilities] to participate in the practices that society has already deemed essential functions of citizenship… We must also ask how people with CD can participate in creating norms of citizenship' (Donaldson and Kymlicka 2016). The content of the 'essential functions of citizenship' are, in other words, exactly what is disputed when aiming for inclusive citizenship. What is needed is a fundamental re-conceptualization of the meaning of 'real' citizenship, and then working 'from the ground up rather than uncritically assuming that the citizenship functions created by and for neuro-typical adults are the only valid ones' (*ibid.*). This view is compatible with the requirement stated in the UN Convention (UNCRDP 2006) to re-think the fundamental process of citizenship around 'intersubjective relations' and allow people with disabilities to determine the meaning of citizenship from their perspective.[99] Taking the claims of people with disabilities seriously, and challenging the notion that these rights are derivative or second-tier, involves not just

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[98] 'If a concerned parent or other guardian votes in the interests of a person with a disability, she still has but a single vote, hers, and yet there are two people with that interest, not one' (Nussbaum 2009: 347). To the potential challenge that the interest of guardian and disabled person might not always overlap, Nussbaum provides a rather disappointing shrugging of the shoulders: 'Many guardians won't be good, but what else is new?' (Nussbaum 2009: 348).

[99] This requirement is echoed by other disability theorists who advocate allowing disabled people to create (rather than fit into pre-existing) norms of citizenship (Arneil 2009, Clifford 2012, Silvers and Francis 2009).

extending but re-thinking the very grounds of citizenship in a way that makes the 'special' category of disability invisible for the purpose of ascribing citizenship.

This insight that the separate category of disability should be challenged is not limited to membership in the human species and the meaning of citizenship – it ripples through other social institutions that are relevant to the situation of people with disabilities as well. A full acceptance of the truth that disability is not an exception from the 'human paradigm' but an integral part of it would require us to re-think our basic assumptions for re-distributing to people with disabilities from a recipient-based view to a relational one. The assumption of statistical rarity about disability points to a model where disability is best handled by redistributing from an able-bodied 'us' to a disabled 'them', making efficiency and fairness concerns about how much we 'owe' to people with disabilities a focal point of discussion. However, incorporating the insight that disability will likely affect everyone shifts the focus from discussing how much an able-bodied 'we' owe to a disabled 'them', to establishing how redistribution should be shaped by all of 'us', those who are disabled and those who, if fortunate to live long-enough, will become disabled. This marks a relational turn in discussing efficiency, from establishing 'how much' represents a fair share to establishing how the rights of each of us to establish how much is just should be respected in a democratic society of equals. This conclusion that the amount of redistribution towards disabled individuals is a relational, not a redistributive, issue points to Buchannan's insight that 'those with impairments have an interest in the design of the dominant cooperative scheme including them, whereas those who are able-bodied have an interest in the dominant cooperative scheme making full use of their abilities in order to maximize efficiency.' (Buchanan 1996: 44). In this way, economic efficiency itself is moved from a purely redistributive issue to an issue of recognizing the equal status of the able-bodied and disabled alike as equal partners in shaping the social norms regarding redistribution. The upshot is dismantling the group of 'disabled' individuals as a separate category in the process of determining trade-offs between inclusion and efficiency.

I have so far aimed to apply the relational understanding of the social model to the most fundamental levels of membership in the human species and citizenship, showing that the struggle to include people with disabilities requires ending the view of disability as having a separate status. In the previous paragraph I have, moreover, shown how this re-conceptualization of participation as an equal citizen challenges the very terms of the debate

about redistribution and efficiency. This does not exhaust the list of areas in which the remedy for disability requires a profound re-conceptualisation, and often an erasure, of the difference between able-bodied and disabled individuals. Writing about how to achieve a greater inclusion of people with disabilities in the labour market, Gilman and Roth advocate not for special adaptations targeting disability alone, but for changing the work environment to having work schedules that are as flexible as possible for disabled and non-disabled people alike (Gilman and Roth 1980). Reflecting on the experience of a disabled childhood friend, Deborah Stone similarly argues that the most problematic part of her early, non-theoretical understanding of disability was assuming the situation is a 'fact' rather than a product of the way we see the nature and scope of care for people with disabilities. A just treatment, in the form of complete inclusion for people with disability, will only come 'when people who need taken care of' are no longer a category (Stone 2016: xiv). In other words, what is needed is re-conceptualizing the nature, place, and scope of care to the point where disability disappears as a category.[100]

One might try to resist the conclusion that the relational equality approach to disability requires abolishing the category of disability as a relevant social category. Indeed, it seems retaining the category might be a way of promoting equal treatment through, e.g., affirmative action policies and more generally allowing disabled people to find pride in their identity as disabled. Indeed, this insight is at the basis of an alternative model to disability called the affirmative model, advocating for disability as a 'positive social identity' (Swain and French 2000: 569). According to the affirmative model, the real struggle for people with disabilities is not to convince able-bodied people that e.g. the disadvantage of a wheelchair user comes primarily from an interplay between using a wheelchair in an environment designed without sufficient ramps, 'non-disabled people are much more threatened and challenged by the notion that a wheelchair user could be pleased and proud' (Swain and French 2000: 570). Following this model, which promotes upholding disabled identity as 'proud, angry and strong', we might say that justice does not require abolishing disability as a useful social

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[100] Some authors have advocated for even more radical implications to accommodate disability, such as reshaping the socio-economic structure of society. As the economic marginalisation and exclusion from the labour market of disabled people are closely linked to the capitalist mode of production, integration as equals requires challenging capitalism itself. (Thomas 1999: 125-35, Oliver 1996: 33, Gleeson 1997: 195).

category. On the contrary, justice requires protecting the identity of disabled individuals in ways consistent with the difference-protecting view in Fraser's 'logic' of recognition.

However, on closer inspection we see that the affirmative model is advocating *precisely* for the disappearance of the category of disability in the sphere of social attitudes. Indeed, the advocates of the affirmative model criticize the social model for not going far enough in challenging the dominant value of normality itself. Swain and French criticize the social model for remaining too grounded in a view that singles out disabled individuals as members of an oppressed group. In defining this oppressed group, social model advocates remain grounded in a view of disability as resting on impairment. Taking the notion of 'impairment' as a given, the social model 'leaves the possibility that even in an ideal world of full civil rights and participative citizenship for disabled people an impairment could be seen as a personal tragedy' (Swain and French 2000: 571). Seeing disability as a personal tragedy in this (limited) way, the social model is in fact re-enforcing 'dominant social values' (Swain and French 2000: 573). What affirmative model theorists advocate is precisely challenging the notion of a disabled identity that underscores the distinction between impairment and disability. The distinction itself is 'ingrained in the social identity of non-disabled people...[where] to be non-disabled is to be "not one of those"' (Swain and French 2000: 573). Unlike the social model which simply focuses on the fit between individual and social conditions, the affirmative model 'more directly challenges the notion that 'the problem' lies within the individual or impairment', effectively 'repudiating the dominant value of normality' altogether (Swain and French 2000: 578).

Therefore, while the affirmative model explicitly advocates for the 'full recognition of disability culture' (Swain and French 2000: 580) in ways that might seem consistent with the difference-protecting 'logic' of recognition, the solution is directly opposed to efforts of protecting a separate 'disabled' identity. A positive affirmation of disabled identity, in other words, means erasing the notion of a 'disabled identity' altogether, and going against the 'dominant value of normality' which grounds this identity. The problem with 'disabled identity' is that it is constructed by the non-disabled as an exclusionary category, and equality between disabled and non-disabled requires effectively requires dismantling the category altogether. This is not a contradiction of the social model, but a welcomed 'more consistent application' of its basic insights to challenge the fundamental category of 'disability'. The disappearance of the category is, as we have seen previously, not achieved by 'disciplining

disabled bodies out of existence', but by following insights from relational egalitarianism in designing 'supportive communities that welcome people with disabilities, a world that is as inclusive of their uniqueness and as responsive to their needs as possible' (Krall McCrary 2016: 220).

5.Recognising distribution

The social model approach to disability questions the separation between recognition and redistribution in multiple ways. The distinction breaks down when trying to tease out what justice requires in the case of disabled people as a sheer identification of what and how much needs to be 'distributed' requires overcoming blind-spots and re-shaping attitudes and expectations at every turn. The previous section has argued that social justice for people with disabilities requires, on a consistent application of the social model, the disappearance of disability as a social category. This follows from a fundamental re-thinking of the very definition of disability which sees individual characteristics and the wider social context as being in a constant interplay. In this section I want to argue that this dynamics of disadvantage is not restricted to disability, but is characteristic of the situation of other disadvantaged minorities as well – most importantly, the Roma minority. I argue that it is not only the case that having a disability is akin to having a minority status: having a minority status is in many ways akin to having a disability. The argument, relying on insights from the social model of disability, is that the way in which redistribution and recognition interact, making it hard to tease the two apart, is the appropriate response not just to the 'special case' of disability, but to the (regrettably) 'normal' case of minority exclusion. The conclusion, meant to support my broader argument in this thesis, is that far from operating according to different logics, redistribution and recognition are sometimes impossible to tell apart even conceptually.

The case of disability might seem, prima facie, different from ethnicity in that the former is thought to be grounded in a medical impairment, while the second is not. However, this view ignores the way in which disability theorists ask us to re-think the very definition of disability as internal impairment. Indeed, when building this argument Amundson explicitly compares disability to having a racial or ethnic minority status: while being a member of a certain racial group might seem, prima facie, to be a matter of genetics, the genetic approach to race is now widely discarded. Instead, what determines ethnic or racial membership is not genetics, but

the way differences are converted into various kinds of social disadvantage. This argument is amply supported by the case of the Roma, where the issue of identifying who counts as a Roma is often raised. In *Patterns of Exclusion*, Ladanyi and Szelenyi (2006) address this issue noting the inadequacy of the 'genetic' approach on several grounds. In addition to the usual challenges of determining race based on genetics, in the case of the Roma the option is further made impossible by a higher tendency among Roma to adopt children, sometimes unwanted children sharing the majority ethnicity.[101] The problem with the social approach to defining who counts as a 'Roma' is similarly fraught with difficulty. On the one hand, there is the problem of 'passers', i.e. individuals who can pass as pertaining to the majority, a strategy often chosen to escape discrimination.[102] Secondly, leaving ancestry aside, membership seems to be established in ways that reinforce stereotypes, by picking out individuals who fit our pre-existing idea of what a Roma looks like. Many social workers, for instance, identify poor families with many children living in improvised housing and ensuring their livelihood through typically Roma occupations as being Roma, regardless of the targeted individuals' self-identification. The challenge this raises is similar to the challenge of establishing whether, e.g. people who need glasses are disabled or not. Establishing who is disabled, just like establishing who is Romani, poses problems specifically because the identity of both groups is constituted by an intersection of a certain physiological basis that makes certain differences somewhat salient, and the social relations anchored on those differences, producing membership as a social category.

An additional difficulty in establishing who counts as a Roma comes from the fact that different Roma groups live in different countries, vary linguistically beyond the point of claiming a unitary dialect, have borrowed culturally from indigenous populations to the point of challenging the notion of a common Roma cultural identity, suffer from discrimination and stigmatization in various degrees, etc. This matches discussions in the disability literature on whether we can even think of the group of disabled people as a unitary group given that it includes people across racial, national, economic, etc. divides. A consequence of this, discussed in both the disability and the Roma literature, is that different subgroups might prefer fundamentally different solutions to the problem of integration. In the case of the

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[101] See Leeson 2011 for an explanation of this tendency in terms of maintaining group survival.

[102] Perhaps as a result of recent attempts to increase the standing of Roma people, in countries with large Roma populations such as Romania, more and more individuals of Roma ethnicity have started declaring themselves as such in national censuses – whereas previously they declared themselves as just Romanians. The official estimates have nearly doubled between the 2005 and 2015 censuses, from roughly 560.000 to a bit under the 1.000.000 mark. 'Unofficial' estimates still put the 'real' number of Roma at 1.5000.000-2.000.000 people.

Roma, better off subgroups prefer cultural accommodation, while the worst off prefer economic integration. In the case of disability, as studied by e.g. Feldman and Tegart (2003), whereas white men prefer approaches to accommodation emphasizing autonomy and independence, black disabled women find the focus on independence as going against family values, as well as codependence communal values. Another similarity between the two cases is that the ultimate acknowledgment of a shared identity was the product of a civil rights movement with regard to recognizing members of these minorities. As part of this movement, and noting their voices were systematically left out of discussions by the majority group, the two groups even came up with the same slogan: 'Nothing about us without us!'

Just like being disabled, being a Roma 'marks a particular set of human differences that are often used to deny individual rights'. When applying for a job, for instance, the employer 'makes his judgment not on the merits of the individual before him, … but rather on assumptions about what "disabled persons" can and cannot do' (Hirschmann 2017). In the case of the Roma, the relevant stereotypes might not refer to cognitive or other incapacities, but involve beliefs about Romanis being thieves or anti-social, and not fitting in with a work environment. These stereotypes often enforce a certain reality which, in turn, reinforces the stereotype. This same phenomenon has been widely reported in the case of disability as well, where it was originally explained by a flawed understanding leading to 'unreasonable' treatment (tenBroek 1966: 917). The ideology constructing Roma as inferior is in the same situation of producing a material reality which, in turn, (re)confirms the stereotype. The situation can be compared to that of a deaf person who has not been taught sign language or educated but is considered inferior on account of her inability to communicate, thus confirming ableist stereotypes about the deaf (Burch and Joyner 2014). A person in a wheelchair who has difficulty exiting the house due to lack of appropriate ramps and door sizes will only confirm the stereotype that people in wheelchair are social recluses who prefer staying at home (Crocker 2013, Hirschmann 2013). The causal arrow for both groups is reversed in a way that traps people in disadvantage as a result of stereotypes targeting these groups.

As Hirschmann argues, 'this materialization of disability in turn informs our conceptual understanding of what "disability" means: weak, helpless, powerless, isolated, tragic, bordering on the nonhuman' (Hirschmann 2017). This same phenomenon explains so many of the stereotypes marking Roma people as inferior: people who lack access to education will

(re)confirm the view that they are educated, even uneducable. People who lack access to sanitation will (re)enforce the stereotype that they are dirty and uncivilized. People with insufficient money for food will not prioritize wardrobe choices, (re)conforming stereotypes about an unkempt appearance. People who have spent their entire lives in communities where everyone is as poor, uneducated, and ignorant about wider social norms as theirs will (re)confirm the stereotype that Romani people are anti-social and ignorant. Romanis who nonetheless fight to overcome these stereotypes prove, just as in the case of disability, how 'unreasonable' our beliefs about the link between stereotype and confirming reality are. What this means for the recognition-redistribution distinction is that in order to regard Roma as entitled to education, employment, sanitation etc. we have to first recognize the right causal arrow between stereotype and the reality it produces. We have to recognize as 'unreasonable' the stereotypical view that lack of education is due to unwillingness to be educated, and then re-think redistributive claims in light of that justification.

Another input regarding the connection between recognition and redistribution is that the meaning of inclusion should be understood as touching on both spheres and Roma themselves should be able to influence the terms of citizenship in the societies they inhabit. Iris Young noted that one problem of the desideratum of integration is that it does not specify who should bear its costs. This is important as there are roughly two alternatives for ensuring the desideratum of integration. On one of them, the cost is born by the minority who simply accepts the majority perspective. In this case, the public understanding of citizenship, while influenced by the values and experiences of (white) men, 'paraded as universal values and norms' constructing minority manifestations as not just different but also deviant (Young 1989: 253).

An alternative approach, detailed by Young, is the reconstruction of the majority public space itself and rethinking its rules so as to be more inclusive of difference. The discussion of re-thinking citizenship, and re-negotiating which distributions are 'efficient' in the case of disability starts from the same criticism as Young's, and proposes the same solution. Indeed, the entire social model of disability starts from a demand to oppose the construction, by ableism, of disabled bodies are deviant. This discussion characterizes an essential component of Roma integration as well, which has demanded increasing levels of participation by Roma themselves in defining the meaning of integration at EU, national, and local levels. The EU's approach to Roma integration has changed - although tracing these changes to participation

by non-Roma is difficult if not impossible. Yet, the changes have been in the direction of re-defining some of the basic social relations, with earlier versions of the Framework focusing on redistributive gaps in education, employment, healthcare and housing and most recent versions (from 2015 on) explicitly identifying relational issues as equally important categories. Nevertheless, this conversation is often not radical enough in discussing how the terms of integrations could be changed to better include aspects of the Roma experience, as activists often want to avoid painting stereotypical images of Roma reality.

What this shows is that the fundamental tenet of the social model of disability, of affirming a nexus between individual characteristics and social environment that makes approaching the issue from one side alone inadequate, is an appropriate approach to ethnic or racial minority status as well. More than recognition alone or redistribution alone, what is needed is attention to the way in which each of these dimensions shapes the other: what do certain distributive patterns express about the social standing of minority members as equal? What does it mean to treat minority members with equal respect because of (rather than in spite of) the individuals they are? How can we design more just social institutions taking into account issues of inclusivity as well as efficiency? These are pressing problems not just for disabled individuals but for ethnic, sexual, or racial minority members as well, and handling them requires bridging the recognition/redistribution divide in ways discussed above.

6. Conclusion

Disability is often presented as a 'special problem' for political theory, as it points to the difficulty of treating fairly and respectfully individuals excluded by the set-up of our social and material environment. Indeed, looking at the case of disability it is possible to better pin down the ways in which being silent on one dimension of justice (in this case: recognition) leads to unsatisfactory outcomes for members of this group. This is the case not only for the (luck egalitarian) distributive approach to disability often discussed in the literature, but also, as I have shown, for the more aware (but insufficiently radical) approach advocated by relational egalitarians.

But while disability is special in that it makes such lacunas more visible than other types of disadvantage, it is not special in terms of its deeper implications for the relations between

recognition and redistribution. Indeed, one example arising from the very discussions above is lack of marketable talent, whose admittance would also, according to Wolff and Anderson, be shameful. Such a view depends on the same problematic assumptions tying esteem with having certain 'internal' features that the disability literature rejects. What is more, several authors on disability argue that the economic marginalisation and exclusion from the labour market of disabled people are closely linked to the capitalist mode of production (Thomas 1999: 125-35, Oliver 1996: 33, Gleeson 1997: 195). Hence, individuals lacking marketable talents suffer not (just) the redistributive harm of lacking e.g. a living wage, but from several other forms of misrecognition visible once we consider an alternative economic system.

The solution requires overcoming the distinction between recognition and redistribution though taking the social nature of disadvantage seriously. A coherent approach, I have argued, requires awareness of the possibility of disadvantage being socially produced, although the social dimension can become invisible once a position of relative equality of status has been achieved, as we have seen in the case of disability and wearing glasses. Identifying the problem as a compound is therefore more accurate, and also points to solutions that make the recognition-redistribution dichotomy beside the point, as it focuses on equality in the relations that shape social institutions.

Wider still, as I have argued, the redistributive approach is insufficiently tied to the recognition approach in dealing with the problem of ethnic minorities such as the Roma. Just as admitting to disability or lack of talent, redistributing in a way that is consistent with a disparaged cultural stereotype is often seen as demeaning. However, the stereotype often appears demeaning only because we have not gone far enough in re-claiming, re-valuing and more generally re-cognising that trait as valuable. This points to a dimension of recognition that in fact permeates – or at least should permeate – all important issues of distribution in ways that target members of certain ethnic sexual etc. minorities. The appearance to the contrary is, as I have shown, due to the existence of fortunate cases in which such recognition is no longer needed, but this does not cancel the more general conclusion that the proper approach to social justice is dual, dynamic and transformative, not just dual, static and perspectival.

The insights of the social model could not be captured on an individual, recipient-oriented approach. The framework, from defining the grounds for membership in the human species to

tracing alternative ways of interaction between able-bodied and disabled individuals, requires a relational approach that is able to capture the meaning of social interactions as equals in a democratic society for people currently rendered 'disabled' by our existing social structures.

Chapter 4

Visible stars and invisible lepers: taking social salience seriously in discrimination theories

But race is the child of racism, not the father. And the process of naming 'the people' has never been a matter of genealogy and physiognomy so much as one of hierarchy. Difference in hue and hair is old. But the belief in the preeminence of hue and hair, the notion that these factors can correctly organize a society and that they signify deeper attributes, which are indelible—this is the new idea at the heart of these new people who have been brought up hopelessly, tragically, deceitfully, to believe that they are white.

(Ta-Nehisi Coates, *Between the World and Me*)

1. Introduction

The previous chapter has found disability to be a matter of social, not natural difference. Whereas the latter view, encapsulated in the medical model of disability, sometimes informs theoretical approaches to disability and social justice, the view that best harmonises our different pre-theoretical intuitions as well as our current medical understanding of disability is the social model. Despite the notion of disability as social construct being considerably less straightforward than the central intuition of disability as a natural deficiency, we see that the convincing, straight-forward character of the latter view dissipates upon closer scrutiny. The current chapter carries this insight further by showing group differentiations, such as the ones on the basis of race, gender, or sexuality, are the result of discriminatory treatment rather than its starting point – or, as Ta-Nehisi Coates puts it, that race is 'the child of racism, not the father'.

This is the main point in terms of importance, yet the second in terms of chronology that I pursue in this chapter. Not only do I want to show that existing approaches to discrimination suffer from the shortcomings encountered by the medical model for taking natural or physical differences as defining; I also want to use the discrimination literature to further vindicate the claim pursued in this thesis that purely distributive or purely recognition-based approaches to social justice are impermissibly narrow. I subsequently divide the chapter into two parts, each pursuing one of the two main aims in the thesis. The first part consists of a section dedicated to a purely distributive account of discrimination as inequality of opportunity for welfare, developed by Schlomi Segall (2011), and a section dedicated to a purely recognition-based account of discrimination the latter engages with, as developed by Deborah Helman (2008).

Part two analyses two dual accounts of discrimination that incorporate both distributive and recognition-based concerns, as developed by Kasper Lippert Rasmussen (2013) and Cass Sunstein (1994, 1996, 2002). These two accounts take the connection between recognition and distribution into account, and even (in the case of Sunstein), important aspects of their dynamics. Nevertheless, as I show by reference to the case of the Cagots, accounts of discrimination require a dynamic as opposed to a static account of social groups, as defended (among others) by Young and Rogers Brubaker. Otherwise, the accounts of discrimination developed by Lippert-Rasmussen and Sunstein are guilty of confusing social with natural salience in the manner highlighted during our discussion of the medical and social model of disability in the previous chapter.

2. Discrimination as maldistribution

While social salience may not be caused by clearly identifiable, 'natural' traits, it may nonetheless be said to cause clearly identifiable disadvantages. One way of approaching salient traits is to reduce them to the distributive disadvantages they bring upon their members. One refined attempt to cash out social salient groups and traits in this way, which also takes into account the strong links between social salience and (mis)recognition is Segall's approach, which explains the special significance of social salience through its role in reducing members' opportunities for respect. Discussing the case of discrimination in hiring on the basis of membership in a socially salient group, Segall claims that social salience is only important because it erodes people's opportunities for self-respect. As he puts it, 'disadvantageous hiring on the basis of salient group membership presents a much greater undermining of equality of opportunity with regard to a particular good, namely access to self-respect, compared to discrimination on the basis of non-salient traits' (Segall 2012: 97). Therefore, social salience is an aggravating factor compared to discrimination on the basis of non-salient traits because the former causes a graver erosion to equality of opportunity – specifically, to people's opportunities for self-respect.

This explanation relies on Segall's claim that 'inequality of opportunity captures everything that is bad about discrimination as such' (2012: 100). Let us unpack each of these conditions in turn. Firstly, by focusing on what is bad, instead of what is wrong with discrimination, Segall sets his own theory apart from the approaches to discrimination that focus on the

wrongness of discrimination. By limiting his focus in this way, Segall wants to leave aside the moral or ethical considerations that might also contribute to making discrimination undesirable and keep the focus on issues of differential treatment alone, restricting the analysis of discrimination to cases where discrimination is a form of injustice. Secondly, when talking about discrimination *as such*, Segall delimits his enquiry to establishing 'what source of badness, if anything, is common to all incidents of discrimination' (2012: 83), i.e. a common denominator between the bad-making features of discrimination cases. Thirdly, by focusing on equality of opportunity for welfare, Segall brings his enquiry into the realm of theories of 'fairness (or distributive justice)' (2012: 83) His main claim is that the unique dimension that renders discrimination as such bad is equality of opportunity, i.e. that discrimination is bad 'when and only when it upsets equality of opportunity' (2012: 83).[103] 'Earlobe discrimination' would, then, count as discrimination when (and only when) it is correlated with inequality of opportunity, which seems intuitive.

As it would seem our starting problem is already solved, it is important to show why such a reductive approach is nonetheless misguided. My strategy will be to work backwards and undermine Segall's case for including opportunity for respect as a sub-type of opportunity for welfare, before discussing implications of the trait-based account. This attempt to reduce respect to a form of equality of opportunity is Segall's response to the observation that there are cases of discrimination whose badness does not seem to reside in inequality of opportunity. Mentioning an example by Deborah Hellman, whose theory I discuss in the following sub-section, Segall agrees that discrimination is (also) bad because it is demeaning to the discriminatee (Segall 2012: 91). Nonetheless, he maintains the badness of being demeaned can also be captured through the notion of equality of opportunity for respect. Separating blacks and whites in the context of a historically racially segregated society brands one group as inferior, affording its members 'a lesser opportunity for respect' (Segall 2012: 91). This is then applied to Hellman's example from Nelson Mandela's biography, of differential treatment of black and white prisoners during Apartheid: as a way of 'infantilising' them, they were made to wear shorts as uniforms (white prisoners wore long trousers) but, due to the South African climate, this resulted in an advantage for the black prisoners (they were more comfortable during the warmest months). Segall agrees with

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[103] As Segall rephrases the thesis at the very end of the article, the claim is that 'the badness of discrimination (as such) is always one and the same, namely when and because it is unfair (for reasons of equality of opportunity)' (2012: 100).

Hellman's classification of the example as being one of discrimination in virtue of the fact that the black prisoners were disadvantaged in terms of social standing, despite receiving 'superior treatment' (Segall 2012: 92). Since respect is '(obviously) a social good', lowering the social standing of the black students or prisoners disadvantages them in this regard. The badness of not treating someone as having equal moral worth is thus recovered as an instance of unequal opportunities for respect.

Yet, if opportunities for respect are part of the equality of opportunity account more generally, deciding when discrimination has occurred requires weighing the different opportunities against one another. More problematically, it becomes possible to outweigh losses in terms of opportunities for respect by gains in terms of other opportunities for welfare. Deciding if discrimination has occurred in the Mandela example requires weighing the reduction of opportunities for respect and the increase in opportunities for well-being due to wearing lighter clothes in the warmest months. To establish that actual discrimination took place, as opposed to the case being an instance of 'failed discrimination', it would be necessary to establish that losses in self-respect were not offset by gains in (other) opportunities for welfare.[104] Segall does not seem aware of this difficulty when discussing the example of the prisoners made to wear shorts, as he assumes the case is straightforwardly resolved in favour of equal opportunity for respect, which he deems the weightier concern. Yet, it is by no means clear why giving black prisoners shorts would be bad all things considered, if we assume that a sufficient discomfort is offset by wearing shorts (while also, let us assume, there is no psychological harm as a result of the attempted infantilisation). Segall's own example of 'buying off' a discriminatee whom you have denied a job on account of skin colour pushes him further in this direction. In that example, inequality of opportunity would not count as discriminatory in a situation in which, even if a person was discriminated against by an employer on racial grounds, she receives money as compensation. Segall's answer is to allow that this situation is not actually discriminatory because the trade-off between the different opportunities has, by definition, been offset (2012: 97).

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[104] This is a slight simplification, Since Segall's is a comparative account, we have to further compare the situation of the black prisoners to that of white prisoners, checking for relative disadvantage in terms of equality of opportunity. Thus, the question of whether the treatment of the black prisoners was discriminatory becomes a question of how to compare their increase in well-being but loss of opportunities for respect, and decreased opportunities for well-being (but no loss of opportunities for respect) in the case of the white prisoners.

If, however, respect is to be considered a special case (as Segall's remark about it being the weightier concern suggests), it will have to be so on account of its specific value. Yet, taking into account the intrinsic value of respect will only further emphasize its uneasy fit as a simple opportunity for welfare.[105] The kind of respect involved in the Mandela example, to follow Darwall's taxonomy introduced in Chapter 2, is that of unconditional, recognition respect. Yet, the main argument for adopting equality of opportunity as the 'currency of egalitarian justice' (as opposed to, say, equality of welfare or resources) is the possibility that opportunities may be lost or squandered as a result of a person's choices (e.g. Arneson 1989). Recognition respect is not of this conditional kind; it is at most appraisal respect that can be thus squandered. Talking about equality of opportunity for respect assumes that opportunities for equal respect can be lost as a result of a person's choices. Given the luck egalitarian undertones, this loss should not be a cause for concern since it was freely chosen – e.g. for the sake of the more comfortable pants. However, to paraphrase Anderson's famous criticism against luck egalitarianism, that is not the point of recognition respect. As an unconditional value, it is due to people irrespective of their choices, merely in virtue of membership to the human species. The limits imposed by recognition respect establish a set of minimal criteria for behaving towards others, which cannot be violated regardless of the behaviour, choices,

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[105] It is moreover debatable whether Segall would attempt to include respect as a separate value alongside equality of opportunity, as he claims that the latter can capture the wrongness of discrimination by iself. Incidentally, Segall's justification for this relies on the court decision in *United Steelworkers v. Weber*, which is taken as an instance in which among overlapping sources of badness, equality of opportunity was considered 'the weightier concern' (2012: 90). This is used as evidence for the idea that when a case displays such overlapping and seemingly conflicting sources of badness, they must be hierarchical in that one of them 'trumps, as it were, all others and there must be some way of adjudicating between the different disadvantages entailed in a particular incident of discrimination' (*ibid.*). Yet, it is not clear why the *United Steelworkers v. Weber* would be a good enough case from which to generalise to all cases of discrimination displaying this plurality. Such an argumentative dynamic seems valid if the case were somehow stereotypical, manifesting all of the essential characteristics of clashes between equality of opportunity and other sources of badness, or if it were a case involving a clash between the two in which the cards were stacked up radically against the equality of opportunity explanation. However, the case does not seem to manifest either of these two conditions. Regarding the latter possibility (of being a case in which the cards are stacked against equality of opportunity), the *United Steelworkers v. Weber* case does not satisfy the required condition because it is entirely formulated in terms of equality of opportunity from the very beginning: both the accuser and the defender's plea were formulated in terms of whose opportunities should be trumped in order for the company to behave non-discriminatorily – no other potential candidates for 'badness' were ever considered. Equality of opportunity is presumed to be the main criterion from the very beginning. Moreover, the court's decision actually undermines the power of the case as an example that equality of opportunity trumps other concerns, since it is qualified by the specification that Weber's case would have been one of discrimination had the percentage of members of the two races been proportional to their ratio in the society at large: it was only because Blacks were under-represented that Weber's case was not seen as discriminatory. Therefore, even in this case we can note a reference to another criterion for badness other than equality of opportunity, namely proportionality. For more information, see http://www.law.cornell.edu/supremecourt/text/443/193 (Accessed 13/02/2015).

or character of the person whom we are supposed to respect. This is very different from the way 'opportunities' for something restrict our behaviour.

This criticism therefore mirrors some of the problems with purely distributive approaches outlined in my first 3 chapters. The success of Segall's account was shown to depend on the success of introducing equal opportunity of respect as a component of equality of opportunity. Focusing on recognition respect, however, shows that respect for black prisoners during Apartheid cannot be conceived of as an opportunity, but has to be seen as an unconditional set of conditions on others' behaviour instead. The difficulties posed by this modification of the dimension of respect for Segall's account are twofold. On the one hand, the very definition of recognition respect makes this notion very different from the distributive concerns Segall has in mind when discussing e.g. the possibility of buying off discriminatees (2012: 97). Respect resides in the relations between people and not in the goods distributed to them. On the other hand, since recognition respect is something people are owed equally just in virtue of being human and not a set of opportunities that may be squandered, the equality of opportunity account cannot be extended to cover this concern except by introducing a certain threshold below which actual respect levels should not fall regardless of the choices people make. Determining this threshold will not be something explicable in terms of the equality of opportunity account but will require an analysis in terms of rights, equal moral standing, respectful relations, or other recognition-based principles. In other words, the extension equality of opportunity needs in order to deal with the problematic aspect regarding respect is to include a recognition dimension alongside the distributive one.

Due to their role in aggravating self-respect, socially salient traits should be understood as bringing about an additional form of social 'bad' rather than that of 'undermining… a particular good, namely access to self-respect' (Segall 2012: 97). If the appealing 'aggravating' character of social salience is to be kept, it must be explained in terms of recognition, not discrimination. I therefore turn to an approach to social salience in connection to recognition alone.

3. Discrimination as misrecognition

Hellman's account of discrimination

Deborah Hellman defines discrimination as a demeaning classification made by a person of authority (Hellman 2008: 30). The starting point of the theory is a recognition-based 'bedrock moral principle - the equal moral worth of all persons' (Hellman 2008: 6). Respecting this principle has inherent value, in line with the Kantian ideal that all persons have equal inherent dignity, which they never permissibly lose as a result of other traits they have or lack (see Chapter 1). To demean someone is consequently understood in this stricter sense: it is 'not merely to insult' a person, but to deny equal moral standing and 'to treat another as a lesser' (Hellman 2008: 29). Importantly, in order to count as demeaning, the differentiating act must be done 'in a way that is reasonably powerful' (2008: 31), which requires that the discriminatee be placed on this inferior moral position by someone of power or higher status. Demeaning classifications, i.e. classifications that express the meaning that the discriminatee is not regarded as of equal moral worth, require certain felicity conditions to count as such. Besides the condition of being carried out by a person of authority or higher status, another crucial criterion is for the classification to map onto a group characteristic or a trait shared by a person qua member of a certain group that is embedded with particular meanings in virtue of a 'history of social or current disadvantage' characteristic for that group. Hellman refers to these as HSD traits, a terminology that I will adopt in this sub-section.

While the 'person of authority' component of Hellman's definition is not explored in any great detail - indeed, the requirement seems to ensure only that the classification is made 'in a way that is reasonably powerful' – establishing when a classification is demeaning will prove crucial for the account. Classifications are demeaning when, in the course of grouping people on the basis of certain traits, the 'context and culture' in which that classification is made invest the distinction with a certain objectionable meaning. An important example, which I come back to later, is that of a school principal who asks the students in his school to be separated in two sides of an auditorium: white students are told to stand on the left, and black students on the right hand side. There is nothing preferable about either side, and no malicious intent in the separation (the principal just finds such a separation more aesthetic, for some odd reason). Hence, there is no disadvantage suffered by the black students in terms

of material well-being, nor is there an intention to discriminate on the part of the principal. However, many would find this practice problematic, and the reason has to do with the history of segregation between these two groups, in which separation went hand in hand with inferiority. The present context, informed by the history of past discrimination, renders the classification demeaning and therefore wrongful.[106]

Indeed, this idea that classifications are wrongful due to 'the social or conventional meaning' conveyed in the context in which they are made is at the very heart of Hellman's theory of discrimination. While the specific wrong-making features of discrimination vary along with historical and social circumstances, differentiation based on HSD traits is always morally wrong. Differentiating between groups along socially salient traits conveys meaning due to the way culture and context understand those traits. Avoiding wrongful discrimination, i.e. not treating others in a demeaning manner, requires 'that laws, policies and practices not draw distinctions among people in a way that treats some as less worthy than others, however that is interpreted in that culture' (Hellman 2008: 33). For example, were the headmaster to separate the students into two based on the first letter of their names - asking students whose last names begin with the letters A-M to sit on the left hand side of the auditorium while students with last names beginning with letters N-Z sit on the right hand side – the separation would not be demeaning. The reason for this, highlighting the special importance of HSD traits, is that 'Segregating people on the basis of the first letter of one's name has no social significance in our culture… he does not demean because his request or order does not have a loaded meaning in our culture' (Hellman 2008: 32).[107] On the other hand, if the principal separates students on the basis of race or sex he conjures up ideas of inferiority that have been previously associated with this type of segregation and thereby demeans through his act of classification.

Rejecting accounts that trace the wrongness of discrimination to the effects on the discriminatee, Hellman notes that such accounts must necessarily focus on the harms caused, thereby avoiding the question of what makes discrimination intrinsically morally wrong altogether. Those that focus on the effects of discrimination are simply answering a different

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[106] 'Sometimes to classify is to demean - and when it is, this denigration is relevant for its moral permissibility' (Hellman 2008: 29).
[107] Hellman further adds that if by chance people whose names begin with the letters A-M have a history of being treated worse than others, the social significance of the principal's command would then demean.

question. According to Hellman, harm-doing is not necessary for discrimination to count as morally wrong: the act of classifying itself is sufficient to account for the wrongness of discrimination, irrespective of any harms suffered by the discriminatee. This does not just rule out distributive advantages as traditionally construed, but also the harm of feeling demeaned, and whatever 'psychological harms' might accompany it.[108] Harms of any kind are unnecessary for showing that a discriminatory act is wrongful. As Hellman puts it, '[w]e must not treat each other as lesser beings even when doing so causes no harm' (2008: 30).

Rejecting accounts which trace the wrongness of discrimination to the intentions of the discriminator, Hellman argues intentions are not necessary for the act of discrimination to take place. Arguing that context is not only necessary, but also sufficient, she relies on Linda Hamilton Kreiger's works in the psychology of classifying. Since certain boundaries have become culturally ingrained, classifying on the basis of them need not pass the threshold of consciousness. Specifically, 'because race, ethnicity and gender have been made salient by our history and by observable patterns of economic, demographic, and political distribution, people will continue to categorize along these lines' (Hellman 2008: 150). Therefore, intentions are not necessary for making classifications. This is true not only in the limited sense that no animus or prejudice against the discriminatee is needed, but that the act of classification itself need not be intentional.[109] Both intentions and, as we have seen previously, material disadvantage, are thus immaterial for whether an act is an instance of discrimination or not in this stronger sense. It is both necessary and sufficient that the discriminatory act be demeaning in a cultural context in which re-enforcing salience is regarded as re-enforcing the view that some are morally inferior to others.

Some issues with Hellman's account

Looking at Hellman's HSD traits it is important to separate them into the two constitutive categories of historical traits on the one hand, and current social disadvantage on the other. Recall that Hellman wants to differentiate between genuine cases of discrimination and other forms of differential treatment on grounds of morally arbitrary features; for instance, she

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[108] Here, Hellman has in mind the notion of a harm outlined by Ervin Goffman in his studies on racism, i.e. the view that 'the meanings connoted by race-symbols undermine an observing agent's ability to see their bearers as a person possessing a common humanity with the observer' (page numbers)

[109] 'An actor's intention does not determine whether he or she in fact distinguishes on the basis of a particular trait' (Hellman 2008: 149).

wants to differentiate 'between drawing distinctions on the basis of sex as compared to the first letter of a person's last name' (2008: 14) – considering sex a genuine ground for discrimination, and the first letter of one's name as not. Yet, why should we differentiate between these two grounds? Focusing on historical traits might yield a solution, as sex is associated with a history of disadvantageous treatment on grounds of possessing this trait, whereas 'there is clearly no comparable history of mistreating people whose last names begin with the letter A.' (2008: 14). Nonetheless, the historic component is only able to accomplish this at the cost of also excluding some genuine cases of discrimination, namely discrimination against groups which were only recently constituted. Due to the recent nature of sex-change operations, the group of transsexuals did not exist prior to the first sex realignment surgeries in the early 1930s. Absent a history of segregation, having separate bathrooms only for transsexual people does not carry the same demeaning significance as having separate bathrooms for members of certain racial groups. Further back, even the groups of gays or lesbians cannot be said to exist, at least following Young's insight on social salience. Even though individual homosexual persons had to suffer considerable disadvantages, the criminalization of homosexuality also meant the absence of public interactions with homosexuals of the kind that would have constituted the sum of individual homosexual persons into a social group.

These further cases would be captured by Hellman's second category, of current social disadvantage. The group of transsexuals could be accounted for in Hellman's definition if we say that being a transsexual is an HSD trait on account of being a trait associated with pervasive current social disadvantages, including stereotypes, exclusion, prejudice, and even violence. Similarly, sexual orientation would be recovered as a salient ground for discrimination given pervasive stigma, prejudice and exclusion. Such an interpretation seems, moreover, warranted by the emphasis Hellman places on whether the victim of the differential treatment belongs to a group that is currently in a disadvantaged position (2008: 45). Indeed, in discussing means of differentiating HSD traits from one's initial, Hellman also mentions *current* disadvantage, saying that 'women currently have a lower socio-economic status than men in most area of the world whereas people whose names begin with A are, as far as I know, no more or less well off than those whose names begin with the other twenty-five letters' (2008: 14).

What this means, however, is that in order to account for groups that have become socially salient only very recently, Hellman has to admit socio-economic disadvantage as a separate component of the wrongness of discrimination. This component would not be accounted for by her definition of discrimination as a demeaning classification made by a person of authority (Hellman 2008: 30): the wrongness of socio-economic disadvantage simply does not reside in it being a demeaning classification. Nor would such an addition sit easily with other aspects of Hellman's account, even if she were to concede that being demeaning is not sufficient to account for the wrongness of discrimination.

During her rejection of the necessity of wrongful intentions, Hellman maintains it is possible to demean even in the absence of an explicit intention to do so. Since the boundaries making the relevant social groups salient have become so ingrained, using them when making classifications does not require an explicit intention. Race, ethnicity and gender are mentioned as features that have become so salient that 'people will continue to categorize along these lines' even without having an intention to (Hellman 2008: 150). Yet, if the explanation is that intentions are not part of what makes discrimination wrong (because it can occur in the absence of intentions and still be wrongful), it is unclear how discrimination against newly constituted social groups could be rendered wrong. While Hellman herself claims race, ethnicity and gender have been made salient not only by our history but also by socio-economic features – 'observable patterns of economic, demographic, and political distribution' (Hellman 2008: 150) – these latter aspects merely serve to further her argument that these categories constitute proper grounds for discrimination – as opposed to the first letter of a person's name.

This concern for persistent distributive disadvantage stemming from differential regard helps Hellman capture differential treatment against newly constituted groups as instances of discrimination. Yet, the distributive disadvantages themselves cannot explain why discrimination is wrongful on Hellman's account; the relevant reasons are to be found on the recognition dimension alone. It is therefore unclear how even intentional discrimination against members of newly constituted social groups, which lack a background history to establish the relevant derogatory meanings for acts of discrimination, would be captured as wrongful. Taking the wrongness of discrimination against newly constituted social groups seriously into account does not sit easily with the psychological embeddedness of group boundaries Hellman emphasises. Nonetheless, as we have seen and as Hellman herself

acknowledges throughout the discussion, the distributive dimension is a relevant ground for discrimination. Thus, while Hellman claims that 'observable patterns of economic, demographic, and political distribution' contribute to making certain traits not just socially but also psychologically salient (2008: 160), there is an unaccounted for gap between situations in which we are discriminating against members of newly constituted socially salient groups producing patterns of 'economic, demographic and political disadvantage', and the relevant traits becoming psychologically salient. Moreover, it is debatable whether traits such as invisible disability or minority sexualities can ever become 'psychologically entrenched'. It would seem that in the case of these groups, Hellman is forced to either re-introduce intentions to explain the wrongness of discrimination in these cases, or resort to an independent wrong-making criterion pertaining to the distributive sphere.

To sum up, the purely distributive and purely recognition-based approaches to discrimination as developed by Segall and Hellman are unable to account for the specific harm of discrimination. While Segall's account endorses impermissible trade-offs between respect and distributive advantages, Hellman's attempt to overstep maldistribution (as well as intentions) altogether in explaining the wrongness of discrimination leave her account unable to capture cases of discrimination against newly constituted and not (yet) psychologically entrenched grounds for discrimination. I therefore go on to consider dualist approaches to discrimination, advocating for the necessity of a dynamic approach to social salience.

4. Dynamic discrimination and Lippert-Rasmussen's dualist theory

Lippert Rasmussen's dual account

Lippert-Rasmussen's account of discrimination combines recognition and distributive concerns, and includes membership in a socially salient group as a necessary condition for a discriminatory act to count as such. He distinguishes between generic[110] and problematic discrimination in accordance with the kind of property the discriminator relies on. Discrimination is problematic when the property the differential treatment is grounded in is 'a property of being a member of a certain socially salient group' (Lippert-Rasmussen 2013:

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[110] The definition of generic discrimination provided by Lippert-Rasmussen is in terms of 3 conditions, namely 'There is a property P, such that Y has P or X believes that Y has P, and Z does not have P or X believes that Z does not have P, X treats Y worse than he treats or would treat Z by Φ-ing, and It is because (X believes that) Y has P and (X believes that) Z does not have P that X treats Y worse than Z by Φ-ing' (2013: 15).

33). Whereas generic discrimination occurs whenever the discriminator believes the discriminatee has a certain property, and treats her worse as a result, it is only when the property in question is that of being a member of a socially salient group that the case becomes one of discrimination proper. A case of differential treatment which looks like an instance of discrimination is not an instance of discrimination proper if it does not apply to a socially salient group. In other words, it is possible to have 'cases involving disadvantageous differential treatment that we would probably consider discriminatory if the relevant groups were socially salient, but in which the term 'discrimination' is not entirely apt precisely because the relevant group is not socially salient' (Lippert-Rasmussen 2013: 33).

Social salience, however, is insufficient for rendering a discriminatory act wrongful. What is further needed is a criterion of (potential) harm-doing (i and i') OR that the discriminatory act be motivated by animus of prejudice (ii). In other words, differential treatment against a socially salient group is discriminatory when: (i) the discriminatory 'act, policy or practice' make people belonging to a certain socially salient group worse off than others by being repeated, or (i') the discriminatory act, policy or practice in question would make people belonging to a certain socially salient group worse off than others if it were repeated, OR (ii) if the discriminatory act is motivated by animosity or dislike of members in the relevant salient group or the belief that those members are inferior and ought to be excluded.[111]

Condition (i') is interesting for taking into account the fact that a seemingly idiosyncratic case of differential treatment could make people from a certain socially salient group relatively worse off *if* the act were repeated. If, for instance, we observe cases of differential treatment against Muslims that do not result in worsening the situation of the group, the lack of immediate negative consequences does not discount the case as one of discrimination. The behavior, if repeated, would make the group worst off.

Conditions (i) and (ii) are particularly relevant for my argument that both maldistribution and misrecognition are necessary features of discrimination. Condition (i) captures distributive

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[111] Given a discriminatory act Φ, a property of group membership P and a discriminator X, Lippert-Rasmussen's rather expansive criterion is that:

> 'if Φ is a relevant type of act, policy or practice, and there are many acts etc. of this type, and this fact makes people with P (or some subgroup of these people) worse off relative to others, or Φ is a relevant type of act, etc., and many acts etc. of this type would make people with P worse off relative to others, or X's Φ-ing is motivated by animosity towards or dislike of individuals with P or by the belief that individuals who have P are inferior or ought not to intermingle with others.' (2013: 28)

concerns by focusing on the harms suffered by members of groups that are discriminated against in ways that make their situation worst-off than that of others. Condition (ii) captures the recognition concern by including animosity, prejudice, stereotypes or other forms of 'dislike' towards socially salient groups as grounds for discrimination in their own right. Unlike Segall's account, which saw the 'badness' of stereotypes, prejudice, or other forms of disrespect against socially salient groups as entirely reducible to the distributive dimension of equality for opportunity, Lippert-Rasmussen regards these as pertaining to a separate dimension. What is also notable in his account, in light of the discussion in Chapters 1-3, is that it maps onto Nancy Fraser's attempt to include both recognition and distribution under a two-pronged approach to justice while nonetheless seeing them as analytically distinct and as practically covering different sets of concerns. For Lippert-Rasmussen, the distributive dimension is constituted by concerns for relative socio-economic situation (captured in conditions i and i'), as well as recognition concerns (treated separately under ii).

Idiosyncratic traits and the dynamics of discrimination

To present Lippert-Rasmussen's account in the vocabulary introduced earlier in the thesis, we can say he assumes a 'logic of distribution' (although of course not described in this way) by tracing relative harm back to salient group characteristics, and a 'logic of recognition' (likewise not labeled as such), by tracing prejudice and animus against group members back to socially salient traits. This dual account thus has a considerable advantage over both Segall's and Hellman's monist approaches to discrimination. However, these two dimensions are seen as interacting little with one another and with processes of group formation in Lippert-Rasmussen's definition of discrimination. As in Fraser's approach discussed in Chapter 1, this account of discrimination as informed by the intuition that recognition and distribution cover separate areas misses important dynamic patterns between the two, chief among which is the dynamics of social salience.

Membership in a socially salient group is taken as a given in Lippert-Rasmussen's account. Conditions i-ii above are all premised on this property (Lippert-Rasmussen 2013: 28), and a socially salient group is defined rather conservatively as a group that is already ontologically carved out. Indeed, Lippert-Rasmussen insists on this fact in his defence of social salience as

a necessary criterion for discrimination. There, he introduces the notion of 'idiosyncratic traits' and mentions genetic information as used by insurance companies as an example of a trait that grounds differential treatment against people with 'certain kinds of bad luck in the genetic lottery' (2013: 33). Nevertheless, because he finds this criterion highly idiosyncratic, Lippert-Rasmussen maintains the case should be dismissed as an instance of discrimination, which should be reserved for differential treatment against members of socially salient groups.

To strengthen our intuitions in this direction, Lippert-Rasmussen further asks whether we should consider 'persons with blue jackets and brown eyes' as a relevant characteristic for grounding discrimination, given that such persons do suffer socio-economic disadvantages, from some odd reason. In another example, an employee discriminated against by an employer for being 'from Omaha, doing well in sports, and living in a county the name of which contains at least one "s"' is not likely to strike us as a criterion for discrimination either. This is so even though some people could entertain this preference and discriminate against others on the basis of it. Focusing on salient characteristics allows us to rule out such cases as instances of discrimination.[112] While we might object to this example on account of it being a conjunction of distinct properties rather than a single idiosyncratic property, it – or something close to it – is important for showing that differential treatment can be applied on the basis of very random criteria. This randomness makes us resist labeling differential treatment based on such properties discrimination.

Nor is Lippert-Rasmussen alone in opposing idiosyncratic traits as constituting proper grounds for discrimination (as opposed to other forms of wrongful differential treatment). 'If you discriminate against persons with large earlobes on the basis of unwarranted animus or prejudice, this is wrongful discrimination', Arneson claims in his '[w]hat is wrongful discrimination' (2006: 796). The statement is meant not as a defence of earlobe-size as a potentially problematic grounds for discrimination but, on the contrary, as an unpalatable consequence of approaches to discrimination in terms of wrongful intent, since they would have to admit the unintuitive implication that an idiosyncratic trait such as having large

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[112] In another example, '[a]n employer might be more inclined to hire applicants with green, rather than brown or blue, eyes. This idiosyncrasy might not amount to discrimination in the sense that interests us here, even though, obviously, the employer differentiates between different applicants in a way that is disadvantageous to some of them' (Lippert-Rasmussen 2013: 33).

earlobes are on a par with race.[113] Indeed, the example is framed by Andrew Koppleman in 'Justice for Large Earlobes' as a crucial challenge for discrimination theorists: a proper account should be able to differentiate between racism and 'earlobe discrimination' (2006: 812), in a way that then imposes a special obligation on individuals 'to avoid racial discrimination that does not apply to discrimination against those with large earlobes' (2006: 813-4; 1996: 115-76; 182).

Consider, however, the Cagot ear. Its medical meaning is lobe-less ear, yet it originated as a stereotype against the severely oppressed Cagot minority in France and Spain.[114] The Cagots were no different from their neighbours in terms of ethnicity, religion, skin colour, or other usual suspects for grounding differential treatment, except for being disproportionately affected by this condition. In *An Accursed Race*, Elizabeth Gaskell (1855/2013) tells of a people described by one of the doctors who inspected them as having ears that were 'round and gristly, without the lobe of flesh into which the ear-ring is inserted' (Gaskell 1855/2013: 21). Although the doctors 'gravely added that they saw no reason why this should exclude them from the goodwill of men and from the power of holding office in Church and state' (Gaskell 1855/2013: 21),[115] the shape of their ears was highly relevant for how the Cagots were treated. They were not only excluded from all public office, the right to own land and the right to bear arms, but also made to live outside the towns, which they could enter only on certain days when regular citizens would stay indoors to avoid contact (Gaskell 1855/2013: 7-8). Considered a polluting presence, the Cagots were treated similarly to Indian Untouchables: they were forbidden from touching public fountains or entering taverns where they might get water, forbidden from using 'the middle (esteemed better) part of the streets', and 'forbidden to buy or sell anything eatable' as well as from practicing most other professions (Gaskell 1855/2013: 7-8). They had a separate entrance in Church – with lower doors so as to force them to bow – where they were forbidden to touch the holy water, and the Eucharist was given to them at the end of a long fork (Gaskell 1855/2013: 9-10). Even

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[113] 'This solution is fine as far as it goes, but it should heighten the reader's sense that clarifying the idea of wrongful discrimination is not going to do much heavy lifting for the task of determining what social justice requires with respect to policies for dealing with suspect classifications' (Arneson 2006: 796).

[114] Indeed, both the 2012 *Farlex Partner Medical Dictionary* and the 2012 *Farlex Medical Dictionary for Health Professionals and Nursing* give two meanings: 1) an auricle without a lobules and 2) 'a people in the Pyrenees among whom physical stigmata are common (*Farlex Partner Medical Dictionary*) or 'a people in the Pyrenees among whom such physical traits are common' (*Farlex Medical Dictionary for Health Professionals and Nursing*).

[115] See the example of a young girl with a beautiful voice who was allowed to sing in church by a more progressive choir conductor, but was chased out by an angry congregation telling the girl she had no place to sing in church as she must 'remember her ears' (Gaskell 1885/2013: 16).

when laws were passed to end this discriminatory treatment, the local authorities would disobey them, and prejudice would continue (Gaskell 1855/2013: 15-18; 24-26).[116]

Against Lippert-Rasmussen's, Arneson's and Koppleman's claims that earlobe size cannot constitute grounds for discrimination, the example of the Cagots suggests that sometimes even seemingly idiosyncratic traits can become the basis of severe forms of discrimination, and even genocide (Gaskell 1855/2013: 14).[117] Therefore, relying on a clear distinction between idiosyncratic and non-idiosyncratic traits for defining discrimination runs into problems because seemingly idiosyncratic traits may become socially salient, just as socially salient traits may, over time, lose their importance. For instance, the difference between a first-born and a second son, which has structured inheritance laws – and hence relative property – for centuries is no longer relevant and should not be counted as grounds for discrimination.

Nor is Lippert-Rasmussen's case against *ad hoc* constituted traits such as 'blue eyes and brown jackets' enough to discount seemingly idiosyncratic traits as the basis for discrimination. The intuitions behind thinking these inadequate as a criterion for discrimination seems to have much more to do with the fact that the two traits it combines are not socially salient in our society even taken separately, let alone in their combination. Our conditioned expectation of which of the two is to become socially salient is that a singular point of focus is more likely to achieve salience than two conjoined ones (especially two whose conjunction seems so clearly coincidental). But our intuitions would change if instead of brown eyes and blue jackets we would instead consider black woman as our combined trait that grounds discrimination – and the reason for this change of intuitions would have to do with the connected pattern of disadvantage the traits thus conjoined would form.

A case in point is the case of demonstrating the social salience of 'African American woman' as distinct from either 'Black' or 'Woman' taken separately in the intersectionality literature. Capturing 'Black woman' as a relevant socially salient trait requires two steps: first, paying attention to the inferior socio-economic situation of Black women compared to both Blacks

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[116] The persecution continued even after the Cagots took advantage of the commotion created by the French Revolution to burn the records of who was of Cagot descent; as the names of Cagot families were common knowledge, their oppression continued unabated (Gaskell 1885/2013: 26).

[117] Since killing a Cagot was not considered an offence in the 14th and 15th centuries, sometimes entire groups were wiped out without repercussions (Gaskell 1855/2013: 12-14).

more generally and Women more generally, and second, inferring the existence of the separate social group of 'Black Women' as a result. If an account is not able to capture such cases as instances of discrimination, it risks being impermissibly narrow in focus. The important thing, which explains the intuition Lippert-Rasmussen is trying to draw out, is that not just any traits can be the basis of discrimination. Where he goes wrong is in dismissing the dynamics behind such traits becoming socially salient or ceasing to exist as the bases of discrimination; this is something we only notice by taking a temporal perspective. While such social changes are rare, a normative theory of discrimination cannot afford to dismiss them from the definitions for fear of missing the cases where they do occur. As the example of intersectionality shows, it is possible for conjoined traits to become salient, and it is social salience that drives our intuitions instead of the other way around.

What this example shows is that the slippery slope of introducing combined traits, which Rasmussen sees as the risk associated with introducing idiosyncratic traits, can be stopped by appealing to the very criterion of salience his own theory embraces, albeit in a more dynamic understanding. While blue eyes and brown jackets does not identify any socially salient group, black women are arguably such a group, even independently of the constitutive traits of 'black' and 'women'.

Social salience is, moreover, the genuine criterion to be used in order to decide which traits are idiosyncratic. Lippert Rasmussen contrasts idiosyncratic traits to protected characteristics, claiming the latter but not the former are proper grounds for discrimination. But it seems much more natural to contrast idiosyncratic traits to salient ones. Following David Lewis's (1969) and Thomas Schelling's (1960) work on convention and salience, socially salient points are the ones regularly regarded as prominent equilibria on which social interaction is based. In Schelling's famous example of establishing a meeting point with someone you cannot communicate exact coordinates with in New York, the overwhelming majority of people would have chosen noon in the middle of Central Station since both geographic and temporal points are salient. By contrast, establishing the meeting at 2pm at your favourite barber shop would best be described as an idiosyncratic choice. Establishing which traits to consider 'protected' should therefore be informed by the social realities of which features are salient in group interactions and which are not. The connection, then, needs to be reversed: not from discarding salient traits as 'idiosyncratic' in point of theory (as in the case of the

medical insurance), but from challenging which traits the theory should label idiosyncratic in point of social practices that render some traits salient

Can Lippert-Ramussen simply add a dynamic dimension to his definition of discrimination to account for this direction? It seems postulating a dynamic connection is not a simple add-on for Lippert-Rasmussen's account, for two reasons. One, adding a dynamic component would mean that the two features Lippert-Ramussen introduces to distinguish wrongful from generic discrimination can no longer be seen as separate. Since the argument there relied on the pre-existence of socially salient groups in distinguishing problematic from innocent forms of differential treatment, such a change would leave Lippert-Rasmussen unable to explain differences between systematic discrimination on grounds of race from fleeting disadvantage. Second, extending condition (i') to allow for the creation of not just socio-economic disadvantage for a pre-existing socially salient group but also for the very formation of that group is not possible since (i') itself is defined by reference to membership in a socially salient group. The counter-factual condition that might ground the dynamics of group-formation and membership, (i'), is defined in terms of previous membership in the very socially salient group it is now meant to see brought about. To successfully include a dynamic component, the requirement of belonging to a socially salient group would itself need to be relaxed in the initial definition of discrimination. I now turn to exploring one such dynamic account, as developed by Cass Sunstein.

5. Sunstein's Anticaste principle and socially salient groups

The Anticaste principle and the earlobe size discrimination

Sunstein's central claim is that discrimination consists in turning 'highly visible' traits exhibited by persons into reasons for differential and disadvantageous treatment against them, which in turn creates 'castes' in society. The notion of caste is not to be taken literally, as referring to e.g. the Dalit in India, but as systemically disadvantaged groups, chief among which are race and gender. Stating that 'without good reason, social and legal structures should not turn differences that are both highly visible and irrelevant from a moral point of view into systematic social disadvantage' (Sunstein 1994: 2429), Sunstein gives 'highly

visible' traits a central place in his account of discrimination. As he explains, the caste systems that constitute discrimination 'can operate largely because of the high visibility of the group characteristic' (Sunstein 1994: 2431). Even as he acknowledges that less visible characteristics 'can raise important equality concerns as well', he nonetheless insists that 'when the characteristic is not highly visible, we cannot have a caste system as I understand it here' (Sunstein 1994: 2433). While a history of past disadvantage often exists as a result of the high visibility of the trait (Sunstein 1994: 2436), it is not the disadvantage or social subordination that explains the high visibility, but the other way around; natural, visible traits, not the social structures in which they are embedded, are the primary basis for discrimination.

This insistence on high visibility, together with the observation that visibility and not a history of discrimination explains the case as an instance of discrimination, makes Sunstein's account able to capture discrimination against Cagots. The size of one's earlobes, despite not being a customary basis for discrimination like skin colour, can form the basis of differential treatment that is discriminatory on account of it being visible. Indeed, the existence of the case seems to vindicate Sunstein's account that insists on visibility over more conservative approaches to the kinds of traits that can constitute grounds for discrimination like the one developed by Lippert-Rasmussen. Furthermore, Sunstein's sensitivity to the dynamics of discrimination whereby 'characteristics become visible, or are thought to be visible, precisely because they are a basis for social disadvantage' (Sunstein 1994: 2432) explains why such a seemingly innocuous trait as earlobe-size might become as important as it did for the Cagots. Earlobe-size became increasingly important, ultimately switching from a completely inconsequential aspect of human interaction to an important force shaping social hierarchies.

The strength demonstrated by Sunstein's account in relation to the case of the Cagots – its sensitivity to the dynamic and mutually reinforcing nature of the process of discrimination – also make it preferable to purely distributive, to purely recognition-based, and/or to dual, but static understandings of discrimination. A distributive approach to caste in particular is developed by Owen Fiss in his account of an 'against caste' principle, which inspired Sunstein. Fiss regarded economic disadvantage as the prime determinant of an ethnic group's castification, leading to concerns over how to differentiate between African Americans and the undifferentiated economic group of 'the poor' (Fiss 1976: 162). Accordingly, he advocated for a proper 'redistributive strategy' (Fiss 1976: 151) as a key remedy for

discrimination. This approach is at the basis of more contemporary approaches to discrimination through a purely distributive theory, such as Segall's account of discrimination as a violation of equality of opportunity for welfare discussed in Section 2. Against such accounts, Sunstein's anticaste principle complements the distributive aspects of caste with political aspects such as an inability to participate as a citizen in a democracy, as well as recognition aspects such as suffering injuries to self-respect (Sunstein 1994: 2430).

Sunstein's theory does not collapse into a purely recognition-based approach to discrimination like the one proposed by Hellman either. Discrimination crucially contributes to maintaining some groups systematically in subordinate social positions through affecting 'multiple and important' spheres of life. Groups that are discriminated against become castes when they systematically lack access to certain distributive goods, among which are 'education, freedom from private and public violence, income and wealth, political representation, longevity, health, and political influence' (Sunstein 1994: 2429). Indeed, Sunstein's concern for the systematic reproduction of the subordinate social position through discrimination is reminiscent of the purely distributive account's description of poverty traps that maintain groups marked out for discrimination in continuous economic subordination (Fiss 1976: 151).

Finally, Sunstein's central focus on the dynamic aspects of discrimination renders it superior to static accounts. Nor is discrimination a matter of differential treatment on the basis of protected characteristics, as explained by Lippert-Rasmussen in Section 4; instead, the more disadvantages accrue to a certain characteristic, the more visible it becomes, simultaneously increasing its probability of becoming a 'protected characteristic' for the purposes of anti-discrimination laws. This demonstrates a specific concern for the dynamic nature of the wider social processes in which discrimination is embedded, echoing Fiss's observation that African Americans are constituted as a caste by a conjunction of ethnic animus and economic incentives that make it profitable for poor whites to 'accentuate the racial distinction' in ways that push African Americans on the 'lowest socioeconomic rung in America' (Fiss 1976: 162). The severity of discrimination suffered by members of a certain group is not considered as a given, but as a function of the social processes through which group difference becomes even more salient. Additionally, Sunstein is attentive to the ways in which protected traits shape social and legal practices, which in turn mark some people out for in ways that further entrench initial lines of difference. The severity of discrimination suffered by members of a

certain group is not considered as a given, but as a function of the social processes through which group difference might be made even more salient.

The Cagot case revisited

Sunstein's anticaste principle is thus preferable to the theories of discrimination developed by Segall, Hellman and Lippert-Rasmussen. However, while the trait we have focused on so far has been earlobe-size, the Cagots did not constitute a social group *because* its members lacked large earlobes. Indeed, it was the other way round: the Cagot ear (not shared by all Cagots) became a salient physical feature of an already existing group through endogamous marriage. Due to the exclusion and marginalization forbidding intermarriage between Cagots and the majority population, this inheritable trait became better represented among the Cagots than in the majority population. When seen in this light, the initial question asked by Gaskell re-emerges: Why were the Cagot discriminated against?

The Cagots' French and Spanish neighbours had the same curiosity, sometimes sending doctors to find invisible physical traits that might explain the century-old discrimination (Gaskell 1855/2013: 19). A common hypothesis was that the Cagots were lepers, accounting for the pollution norms. When doctors found no evidence for it, it was established they must be suffering from imperceptible leprosy (Gaskell 1855/2013: 16, 36).[118] Medical evidence against leprosy was brought in during a trial led by Cagots at the Parliament of Toulouse in 1600[119] – more than 350 years before the early court cases involving discrimination typically invoked in the discrimination literature. Despite the conclusive medical evidence that Cagots did not suffer from leprosy, the trial did not put an end to the belief that the Cagots were lepers, but merely proliferated accusations of invisible leprosy leading to what appeared to be a surge of leprosy cases.[120] Accusations of latent leprosy were not the only ones to proliferate following the 1600 trial – views of Cagots as an ethnicity did so too. In 1640 Pierre de Marca

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[118] 'First, it was stated that …they were in fact descendants of Gehazi… who had been accursed by his master for his fraud upon Naaman, and doomed, he and his descendants, to be lepers for evermore. Name, Cagots or Gahets; Gahets, Gehazites. What can be more clear? And if this is not enough, and you tell us that the Cagots are not lepers now; we reply that there are two kinds of leprosy, one perceptible and the other imperceptible, even to the person suffering from it' (16).

[119] Henry-Michel Fay, *Lépreux et Cagots Du Sud-Ouest* (Librairie Ancienne Honoré Champion 1910: 496-497) *apud.* Hawkins (2014).

[120] Thus, in 1620 the Cagots were defined as 'a species of leper not completely formed' (Fay 1910: 229 *apud.* Hawkins 2014) and in 1621 a physician spoke of 'lepers, with a fetid odour, commonly called capots, white lepers' (Fay 1910: 16 *apud.* Hawkins 2014).

suggested Cagots were descended from Saracens, which were hated both because they were Arabs and because they had carried leprosy with them when they migrated. (Hawkins 2014: 38, fn. 167). In the end, the economic justification became the prevalent one such that by the end of the 16th century 'tainted lineage became the prevalent justification of discrimination against Cagots' (Hawkins 2014: 38), and the Cagot ear was merely a sign of that lineage.

The explanation above from leprosy to ethnicity is in fact underpinned by economic situation. In medieval Catalonia and France, leprosy overlapped socially and symbolically more with poverty than illness. The dispossessed were called 'paupers cum Lazaro' and 'leper houses' (*leprosaria)* are described as places where individuals pooled resources rather than as medical institutions (Mollat 1986: 229)[121]. Some authors insist that 'of all the men, women, and children in leper houses in the villages of Southern France in the 12th and 13th centuries… not one of them was a "leper" in the sense of suffering from Hansen's disease.' (Hawkins 2014: 24, fn. 107). Some authors go so far as to claim that the function of leprosaria was to give the poor a place in society albeit on its margins (Mollat 1986: 105). Leprosaria were not hospitals for containing disease but hamlets that also included impoverished or outcast people which were later turned into marginalised endogamous communities. (Tabuteau *apud*. Hawkins 2014: 24, fn. 108).

A second explanation for the identity of the Cagots as a group is that they were a fallen guild of carpenters. Focusing on numerous documents attesting their occupation, formal interdictions against practicing a different occupation, date of first attestation, and symbols they were made to wear for demarcation such as a red webbed-foot, Graham Robb believes the Cagots were trading carpenters on the St James pilgrimage route in the 9th and 10th centuries, who became poor once the route was no longer used (Robb 2007: 43-46). Michael Mollat identifies a particular class dynamic behind the process, whereby economic changes in the 14th century produced greater occupational compartmentalisation, with the resulting groups or guilds striving to define themselves in contrast to each other (Mollat 1986: 207). This led to discrimination by the more powerful guilds against the less powerful ones. Wood workers, like the Cagots, were in the same despised category as shepherds, wool and stone workers (Mollat 1986: 105).

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[121] See also Mollat (1986: 2-7) *apud.* Hawkins (2014: 20-21).

However, it seems not even this modicum of pre-existing identity, afforded by belonging to a certain economic guild, is what explains the initial marginalisation of the Cagots. Mollat further explains that pilgrimage routes such as the Santiago de Compostella which links all the Cagot groups was not a traditional meeting place for groups of carpenters. Instead, as all pilgrimage routes, it was a meeting ground of the poor (Mollat 1986: 91). This view is further supported by Robert Moore (1990), who explains the fear of pollution associated with the Cagots as a way of policing social boundaries. Specifically, Moore argues that concerns over pollution accrete along boundaries between social groups to mask exploitation (Moore 1990: Ch. 3). That is to say, a group is painted as polluted when its real value to society is greater than that reflected by the group's actual status in the economy. This seems to vindicate a point made by Marx in the *Communist Manifesto* that 'as the repulsiveness of the work increases, the wage decreases' (1848: Ch. 1).

Hence, earlobe size cannot plausibly be claimed to be the grounds for discriminating against the Cagots, any more than the observation that they were different than other people for looking sadder can (Gaskell 1855/2013: 23). In both instances, the physical difference is a result of prior exclusion – leading to endogamy that explains the prevalence of the Cagot ear on the one hand, and a normal reaction to poverty and exclusion causing the Cagots to look sad in the other. The most convincing explanation for the discrimination faced by the Cagots is their economic disadvantage, which led to various attempts to reverse the causal arrow and find a 'natural' trait that might justify the initial exclusion. Group-making characteristics such as class (or guild), disease (albeit sometimes invisible) and ethnicity are all placeholders for grounds that might justify the exclusion of the Cagots. Invisible leprosy, as Moore remarks, is a means through which 'almost anybody might be excluded from the community on the basis of a minimal consensus that they ought to be' (Moore 1990: Ch. 3) and even the Saracens (the ethnic slur associated with the Cagots after accusations of invisible leprosy abated) were found to correlate more with poverty than any groups of Arab descent (Robb 2007: 57). In the end, the lover whose marriage proposal is refused by the father of his would-be bride from an old Cagot song seems justified in saying 'if, like you, I had been rich, your father would not have said that I was a Cagot' (Robb 2007: 44).

The anticaste principle: natural and social salience

What the case of the Cagots shows is a reverse dynamic from 'natural' to social salience: it is

not the natural difference of small earlobes that explains the castification of the Cagots but rather the other way around: because there was an economically-driven consensus to exclude the Cagots, a socially salient trait that grounded discrimination was conjured up. Sunstein's account, relying as it does on the notion of a highly visible trait, is unable to capture this part of the dynamic of discrimination.

Underpinning Sunstein's otherwise dynamic account of discrimination is a view of groups as static, natural kind entities. A natural kind, as defined in the philosophy of science, is 'a grouping that reflects the structure of the natural world, rather than the interests and actions of human beings' (Bird and Tobin 2017). What marks members of a natural kind from non-members is a certain natural property the former have and the latter lack, a property that is 'natural' in the sense that it both pre-exists and is not influenced by the actions of human beings. 'Skin colour', which Sunstein regards as a paradigmatic case of a trait upon which discrimination is based, is a natural kind term in this sense, since the colour itself is independent of human action and would exist not only in a society characterized by racial divisions such as our own, but also in an ideal society in which no other social fact would depend on it, as we would be as indifferent to the colour of one's skin as to the colour of one's eyes with respect to treatment (Wasserman 1976).

This insistence on visible traits which fall along 'natural kind' intuitions makes Sunstein's account unable to capture cases of discrimination against groups that are not differentiated through natural or biological traits. While homosexuals as a group can be said to suffer from widespread discrimination in terms of social and legal norms regarding the ability to marry, pass on property to one's partner through inheritance, or automatically count as 'next of kin' in a medical emergency, the group is not 'highly visible' in the same way that skin colour is. Sunstein is nonetheless able to account for discrimination on grounds of sexual orientation claiming that 'highly visible' should not be taken literally; sometimes, 'highly visible' means 'easily verifiable'. Then, this latter criterion is employed as a proxy which presumably could account for the fact that a person's biological sex is not 'highly visible' either. Nonetheless, in the case of homophobic discrimination, the group of 'homosexuals' is not defined through an 'easily verifiable' trait either, but through the heterosexist norms that inform existing social institutions. As the '+' in 'LGBT+' indicates, sometimes we are unsure of the number of institutionalised patterns of disadvantage on the basis of sexual orientation and/or gender identity that can be said to exist at a particular time. The indeterminacy of the group is

acknowledged through the '+' sign, as determining who is a member is not a matter of counting the number of individuals in the world displaying a certain 'highly visible' or even 'easily verifiable' characteristic, but by identifying the individuals excluded by established norms regarding 'normal' sexuality. The more we acknowledge the oppressive elements of heterosexuality, the more determinate the group will be. Trying to recover such a case by saying homosexuals nonetheless look or act in a particular way and that is what anti-discrimination policies should pay utmost attention to is not only implausible, but downright opposed to important requirements of non-discrimination, such as refraining from using stereotypes about the appearance of certain group members.

The anti-caste principle as formulated by Sunstein is, moreover, unconvincing even for cases when the relevant difference can plausibly be described as 'natural' or 'biological', as in the case of disability. As we have seen in the previous chapter, even though there is a biological substratum in this case, the traits that demarcate members from non-members are nonetheless socially, not 'naturally' produced. They are often the product of able-ist norms (which, as they are dependent on human action, can change) rather than the product of pertaining to the 'natural kind' of 'disabled people'. Accounting for discrimination against people with disabilities further undermines other aspects of Sunstein's account, such as his insistence that the poor should not be regarded as a visible group as they are a 'broad, amorphous, not easily identified, and to some degree shifting group' (1994: 2438). This insistence is another symptom of the natural as opposed to social group account: while the heterogeneity of the group disturbs our expectation for identifying a clearly distinguishing 'natural kind', it is perfectly in line with a socially produced understanding of groups. Indeed, what wheelchair users, blind persons and dyslexics have in common is that they are all disadvantaged by able-ist norms in society, norms that inform social institutions and exclude these categories in different ways.

Finally and of most significance in light of our example of the Cagots above, the understanding of the relevant features of discrimination as natural, 'highly visible' traits[122] seems to fail precisely for groups that are most suitably described as castes or second-class status citizens. The Dalit or Untouchable caste in India are not identified from the rest through the 'natural' trait of skin colour, but through social institutions such as the

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[122] Or 'easily verifiable' features.

occupations they were assigned to traditionally (e.g. working with leather or polluted soil) and in modern times (e.g. toilet cleaning). Establishing who is a Dalit is not accomplished by measuring people on account of the natural trait of their skin colour, but by analyzing the social institutions pertaining to religion, family and lineage, types of exclusions from public life and occupations.

The somewhat comparable case of the Cagots further shows that invisible traits (such as 'imperceptible leprosy') can be invented as grounds for discrimination *as a result of* discrimination, which reverses the causal arrow put forward by Sunstein. Likewise, Jewish persecution in Nazi Germany show that group membership can become 'highly visible' through the intentional action of the state. Symbols like the duck leg for the Cagots and the Star of David for the Jews are introduced to render membership in these groups highly visible precisely because a 'natural' and highly visible trait is missing. If we agree that the differential treatment of the Cagots, the Dalits and the Jews should count as discrimination, then we must also accept the possibility of a reverse causal relation: from discrimination to visibility.

6. The dynamics of discrimination

As we have seen in the earlier sections of this chapter, any definition of discrimination has to include a reference to categories based along recognition dimensions for fear of failing to account for discrimination as such. Purely distributive approaches to discrimination such as the one adopted by Segall not only fail to capture the distinctive harm of discrimination, but may end up providing counter-intuitive remedies such as allowing e.g. an employer to pay his way out of discriminatory treatment (see Section 2). Trait based approaches to discrimination are therefore necessary for a convincing account.

While the necessity of trait-based approaches is clear, how to identify the relevant traits is less so. What we see in Hellman's and Lippert-Rasmussen's accounts is a tendency (less explicitly articulated in Hellman's and specifically defended in Rasmussen) to regard differentiating traits among groups as a given in the process of discrimination. Hellman's reliance on HSD traits is reminiscent of what Lawrence Hirschfeld (1996 *apud*. Brubaker 2002: 165) has dubbed 'folk sociologies' or Douglas Medin (1989 apud Brubaker 2002: 166) has dubbed 'psychological essentialism' for referring to common sense ways of carving up

the social world. Lippert-Rasmussen relies on a notion of groups as things or entities in the world, with the accompanying intuitions that they are discrete and enduring such that it would be easy to differentiate between the hard fact of being discriminated against on account of your group membership and being discriminated against on account of an idiosyncratic trait you exhibit.

Finally, even accounts of discrimination that regard this process as dynamic and relational such as the one proposed by Sunstein tend to rely at bottom on essentialising and naturalizing views of groups as bounded and concrete. A dynamic account of discrimination, while relying on the dynamic processes from misrecognition to maldistribution and systemic, structural disadvantage outlined by Sunstein, would have to take into account a second dynamic whereby the relevant categories for misrecognition are themselves in flux. This fluctuation is moreover not to be understood as a matter of recognition alone (even as the resulting category may be perceived once constituted as pertaining exclusively to a recognition dimension), but also the product of distributive processes of class or guild formation or even – as in the case of the Cagots – poverty itself.

What is interesting about this dynamic account of group formation is that it has been evidenced earlier with respect to classes rather than ethnic or racial groups. This is evidenced both by E. P. Thompson's request to treat groupness as an event, or as a 'happening' in the case of class' (Thompson 1966) and by the dynamics Max Weber observes whereby populations constitute groups in the course of interactions while aiming to limit access to resources or occupations, by excluding outsiders into certain group-based categories (Weber 1922/1968: 43ff, 341ff *apud.* Brubaker 2003). As the example of the Cagots shows, the line between group formation for class and ethnicised social groups can be extremely thin.

The view to the contrary is underpinned by an intuition that ethnic groups – unlike social classes – are differentiated through 'natural kinds' features. Yet this view is contested by many scholars working specifically on ethnicity and racism. Iris Young, for instance, fully shares Ta-Nehisi Coates's insight that race is the child of racism and not the father. Salient groups are not mere collections of people sharing the same traits in terms of skin colour, gender or other arbitrary features characteristic of 'groups with high visibility'. (Sher 1987, p. 256, *apud.* Young 1990: 44), or what Ta-Nehisi Coates refers to as differences of 'hue and hair'. Young argues that the genuine grounds for discrimination against African Americans is

not the natural fact of 'skin colour', but the social fact of 'race'. 'Race' is, in turn, made salient not by natural characteristics, but by human action which produces social structures, norms, and traditions that cut out social reality in ways that map on to skin colour. This way of cutting social reality is the cumulative result of individual actions and perceptions around the physical fact of skin colour.

Group formation is relational for Young in that it is constituted by structured interactions between outsiders and insiders, as well as by the specific patterns of interaction within each of these groups. In terms of the outside group, one's behaviour towards others is structured in ways that are sensitive to the other's race, sex, or ethnicity, since 'when a person's class status, occupation, sexual orientation, or other forms of social status are known or suspected, these also affect behaviour.' (Young 1990: 133) In terms of group membership, the sense of a common identity is similarly relational and given by the group members' relative position in society rather than shared physical or natural traits. For instance, '[w]hat defines Black Americans as a social group is not primarily their skin colour… [but the] identification with a certain social status, the common history that social status produces, and self-identification that define the group as a group.' (Young 1990: 44) The meanings with which members identify are produced in relation to relevant out-groups; they are 'either forced upon them or forged by them or both.' (*idem*.). Group differences are not 'natural facts' (Young 1990: 133) such as skin colour, but social constructions that are 'made and constantly remade in social interactions' (*idem*.). For this reason, groups should be thought of as dynamic entities. That is to say, groups should be conceptualized 'in a much more relational and fluid fashion' as 'aspects of a process' (Young 1990: 47); they are not immutably defined by underlying natural or physical traits, but have a much more dynamic, transient kind of existence where, as social relations change, groups themselves 'come into being and may fade away' (idem).

The same relational approach to group formation is proposed by Rogers Brubaker, as opposed to understanding 'ethnicity, race and nation' as substantial entities in the world. Against the view that ethnicity or race should be understood as self-standing substances or entities, Brubaker proposes a 'relational, processual, dynamic' understanding of groups as constituted by social interaction. That is to say, groups are not natural things in the world, but 'practical categories, cultural idioms, cognitive schemas, discursive frames, organizational routines, institutional forms, political projects and contingent events' that are used to carve out social reality and make random collectivities function socially as groups (Brubaker 2002:

167-68). In line with the view of groups as processes, for Brubaker it seems more natural to speak of 'ethnicization, racialization ad nationalization' rather than ethnicity, race and nation: the latter and not the former are primary, in constituting the frames which yield 'groups'. What we should do is give up the 'group' as a basic category, and replace it with 'groupness'. (2002: 168).

In line with rejecting the ontological reality of groups, Brubaker proposes instead looking at the (social) functions that ethnicity, race and nationhood play in carving out social reality. In one of his examples, the meaning of ethnicity in the phrase 'ethnic conflict' does not derive from the conduct or any particular aspect of the groups but refers to a certain constellation of institutions involved in that conflict. The 'perpetrators, victims, politicians, officials, journalists, researchers, relief workers' involved effectively '*constitute* [the conflict] *as ethnic*' (Brubaker 2002: 170, original emphasis). Since ontological priority is to be given to institutions, actors, and framing processes, we can envision 'ethnicity without groups' (Brubaker 2002: 170, Brubaker 2006: Ch 1), as well as multiculturalism without culture (Phillips 2007)

This mechanism is not just similar to but identical with the process of constituting the group of the disabled as such that we have analysed in the previous chapter. Disability was defined by the social model - as against the medical model – through the same denial of the ontological primacy of defective bodies and an insistence on how disability is carved out through frames of 'normal' and 'abnormal' functioning, as well as the institutions and actors (including building structures, preferences for oral over written language etc.) that exclude the persons consequently labeled 'disabled' from certain processes. The group of 'disability' is, thus, just one case of constructed groupness. And, just like other cases of groups constructed by framing, when the process is successful our social perception is altered so that we begin to 'see' groups in the world, and perceive differences in the bodies of disabled versus abled as ontologically as opposed to socially defined.

This latter aspect of group formation – of coming socially to perceive a group as 'existing' – sheds further light on the dynamic of constituting groups. 'Although such imputed groupness is the product of prevailing interpretative frames, not necessarily a measure of the groupness felt and experienced by the participants', the causal arrow between frame and group-formation in ways that 'shap[e] subsequent experience and increasing levels of groupness'

(Brubaker 2002: 173). Although groupness might also fail to trick us into socially perceiving groups, once it seems compelling to interpret a collectivity along a 'group' frame that mechanism will likely spiral up into ultimately creating the desired impression. As groupness processes lead to an impression of group differentiation, Brubaker is led to believe that a clear perception of group distinctions is the cause rather than the result of ethnic conflict.

Understanding this reverse causation, i.e. that 'the high levels of groupness may be more the result of conflict (especially violent conflict) than its underlying cause' (Brubaker 2002: 176), is empirically useful in helping design better policies aimed at reducing e.g. ethnic conflict. But it is also theoretically useful in understanding what the aim of anti-discrimination policies should be. The aim should not be to theorize along the assumptions of immutable, ontologically pre-existing groups in the world, as Lippert-Rasmussen assumes in defining the very property 'P' that is the subject of his numerous conditions on defining discrimination as membership in a protected socially salient group. Instead, we should start from the dynamic intuitions introduced by Sunstein when equating membership in a discriminated against or 'protected' group to membership in a subordinate caste in the social hierarchy. Starting from there, we should demand that socially salient features about that group not be relied on to structure social interactions in ways that further entrench the caste-like nature of the group.

An important difference from Sunstein's account, as well as other 'protected traits' accounts, is that taking caste as primary (rather than natural or biological difference) also erases some of the differences between class and ethnicity. That is to say, social processes that structure social interactions such that the relevant frames, actors, interpretations and symbols can be interpreted as producing groupness along economic lines would fall under the requirement of an anticaste dynamic. For instance, the plethora of demeaning stereotypes about 'chavs', demonization of people on benefits, and explicit claims that chavs are subhuman anthologized by Owen Jones (2011) are precisely the requisite constellation of institutions, actors, interpretation and frames Brubaker counts as constituting a 'groupness' event (see Chapter 5, Section 4). This process, following Brubaker's description, would vindicate Young's frequent inclusion of class in the same breath as ethnicity or gender when listing social groups.

Focusing on the vague areas between class and ethnicity and their interconnection in producing volatile social castes rather than immutable ethnic groups allows us to spell out the

aim of anti-discrimination as being that of ending social domination rather than protecting 'ethnic' or 'cultural' difference. This helps us escape concerns over the impermissibly vague definition of the notion of indirect discrimination voiced by Young in opposition to the – in her view more straightforward –notion of affirmative action. This distinction, which also underpinned Taylor's criticism of anti-discrimination as a proper approach to multiculturalism in Chapter 2, seems to disappear once we view the groups that need to be 'protected' as in flux and the relevant characteristics that need protecting as falling under the domain of non-domination rather than cultural preservation. Indirect discrimination becomes, on this view, an aspect of the same process of entrenching social groups as direct discrimination. The existing difference between the two was given by the illusion that one might define direct discrimination from the outset, which necessitated specifying a list of traits that can be found to structure differential treatment in ways that should count as discriminatory as opposed to e.g. idiosyncratic traits. Once we start from group-making *processes* and their frequent connection to castification, and reject the possibility of establishing a list of pre-existing traits, the problematic nature of indirect as opposed to direct discrimination also disappears.

7. Conclusion

Young's account captures the most convincing intuition behind Sunstein's theory, that visibility tends to be correlated with more severe forms of disadvantageous treatment. Highly visible traits are more likely to become socially salient compared to less visible ones, and hence more likely to structure group-making processes. Group members defined by their highly visible characteristics tend to share a stronger sense of identity as a result of disadvantage often accruing on visibility, thus entrenching the group boundaries even further. The existence of the groups themselves, and establishing membership, are easy to do and may be performed frequently and unthinkingly, creating the impression the resulting groups are natural kinds rather than social constructs.

Yet, in opposition to Sunstein, groups are dynamic social constructs brought into existence, not on account of an underlying biological or otherwise 'natural' trait, but because non-members interact with members in certain ways that become institutionalised. Thus, certain groups come into being 'only because one group excludes and labels a category of persons';

consequently, 'those labelled come to understand themselves as group members only slowly, on the basis of their shared oppression' (Young 1990: 46). This dynamic captures cases of discrimination against groups which are not defined by a highly visible trait, such as persons with disabilities and members of the LGBTQ+ group. These groups are socially salient on account of the social relations that exclude them from social institutions such as marriage or certain public buildings. The way in which able-bodied or heterosexual norms construct disability and sexual minority groups is best understood along a dynamic account of group membership and group formation.

In his book *Multiculturalism*, Tariq Modood says that the starting point of any discussion of accommodating difference is the social fact of negative difference. As he writes,

> Sociologically we have to begin with the fact of negative 'difference':
> with alienness, inferiorization, stigmatization, stereotyping, exclusion,
> discrimination, racism, etc. ...The differences at issues are those
> perceived both by outsiders or group members...to constitute not just
> some form of distinctness but a form of alienness or inferiority that
> diminishes or makes difficult equal membership in the wider society
> or polity. There is...also a subordination or marginality, a mode of
> oppression, and the two interact in creating an unequal 'us-them'
> relationship. (Modood 2013: 34-35)

The current chapter proposes a view of discrimination that starts out with the same 'sociological' outlook. Following the dynamics proposed by Sunstein, the aim of discrimination starts from identifying groups which are constituted and re-constituted as social castes, often through characteristics that are 'highly' physically visible. However, against Sunstein, the characteristics in question are to be understood as clearly social –the prevalence of physical salience being only a side-effect of the tendency to map social onto physical salience.

The aim of antidiscrimination legislation should subsequently be to end 'alien-ness, inferiorization, stigmatization, stereotyping' and all the other processes that turn a morally arbitrary trait into a principle of group differentiation. In this, discrimination should be sensitive to the same distinction between natural and social characteristics emphasized in the

study of disability in the previous chapter. What is more, since the fundamental process of group-making is one of exclusion (sometimes, as we have seen, motivated on economic grounds), the dynamics of discrimination should not be seen as entirely separate from the dynamics of social exclusion. The difference, as it emerges from the present chapter is this: whereas group-making is constituted by an initial process of exclusion and further cemented by mechanisms of discrimination, it seems the exclusion is prior. However, as I show in the following chapter, this sequential view of discrimination and exclusion cannot be sustained: processes of exclusion, just like processes of discrimination, are continuous. Hence, while it might seem that discrimination moves from misrecognition of a socially salient trait to a perceived distributive disadvantage, whereas social exclusion is concerned with the distributive dimension alone, this appearance is illusory.

Chapter 5 Social exclusion and the misrecognition of responsibility

It would be difficult, if not impossible, to decide whether the 'regard' – or the failure of – 'regard' – leads to the 'material reality' or whether the material reality leads to the failure of regard, since it would seem that both happen at once and that such perceptual categories are essential to the crafting of material reality

(Butler 2009: 25)

The crucial criterion by which to judge analyses of social problems is the extent to which they apply themselves to the interaction between the victim population and the surrounding environment and society, and conversely, the extent to which they eschew exclusive attention to the victims themselves – no matter how feeling and sympathetic that attention might appear to be.

(Ryan 1971: 57)

1.Introduction

The dynamic aspect of social justice has been emphasized throughout the previous chapters. Whereas the common dynamic of distribution and recognition has been defended in an abstract manner in reply to Fraser's 'different logics' argument (Chapter 1), the importance of a dynamic understanding of social justice has been showcased in the case of disability (Chapter 3) and further developed in the previous chapter, where I have shown that the very notion of group salience (often taken as a starting point by discrimination theories) should be understood as the result of a dynamic process. While the relevance of this dynamic understanding of injustice is particularly brought to light in contexts of rapidly shifting social attitudes (Chapter 2) or when seen over a long period of time (Chapter 4), it might seem the usefulness of the dynamic view of social justice is thereby limited to such contexts.

Applying Thomas Kuhn's distinction between normal science and revolutionary science (Kuhn 1962) to attitudes towards social justice - as Nancy Fraser proposes in distinguishing between a normal and an abnormal justice discourse (Fraser 2008) - we might say that the

dynamic understanding only becomes necessary in 'abnormal times'.[123] It is only during times of deep divisions over the meaning of equality, fair treatment, and/or membership in the same moral community that we encounter issues such as the symmetry problem (Chapter 2), the changing definitions of disability (Chapter 3) or emergence of socially salient groups (Chapter 4). The present chapter will correct this possible impression by showing a dynamic approach to social justice is necessary to account for a social justice issue that permeates 'normal' justice discourse: social exclusion.

Social exclusion is widely understood as a dynamic form of injustice due to its mutually reinforcing nature and its inter-generational span. Nonetheless, opinions vary both as to how social exclusion should be defined, as well as to what makes social exclusion wrong. Political theorists working on social exclusion are particularly engaged with the latter question, with answers ranging from material deprivation rendering the excluded unable to participate in 'mainstream society' (Barry 1998, Le Grand 2004) to the animus, prejudice or maliciousness involved in the process of actively excluding others (Minow 1990, Goodin 1996, Kabeer 2006). The first approach tends to define the harm of exclusion along a distributive dimension, whereas the second emphasizes social exclusion as essentially an instance of misrecognition. While both approaches acknowledge the corrosive effect of exclusion with regards to harms pertaining to the other dimension, the tendency is to explain these other harms as consequences of the first – with Robert Goodin, for instance, tracing the misery of the Bengal Famine of 1943 to an essential 'malicious' act comparable to children excluding someone from their game (Goodin 1996: 345).

This chapter's central claim is that a characteristic harm for social exclusion lies precisely in the dynamic between maldistribution and misrecognition in producing and entrenching the excluded as a group. I refer to this process as the misrecognition of responsibility and focus on identifying it based on Levitas and Young's works on assigning blame for exclusion and poverty, before tracing it in studies of stereotype formation, and finally showing why it is a process of misrecognition (rather than maldistribution). This should not be taken as a causal

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[123] Note that this understanding refers more to shifting social attitudes and intuitions among members of society than among theorists themselves. By contrast, Fraser restricts her understanding to social justice theorists alone: 'By analogy with Thomas Kuhn's understanding of normal science, justice discourse is normal just so long as public dissent from and disobedience to its constitutive assumptions remains contained. … By this standard, the present context is one of "abnormal justice". Today's disputants often lack any shared understanding of what the authors of justice claims should look like, as come countenance groups and communities, while others admit only individuals' (Fraser 2008: 2-3).

claim, since following Bulter's insight in the motto above, 'It would be difficult, if not impossible, to decide whether the "regard"-or the failure of "regard"-leads to the "material reality" or whether the material reality leads to the failure of regard, since it would seem that both happen at once'. Whereas the wider upshot for my thesis is to show the need for a combined and dynamic approach to social exclusion as a way of capturing this dynamic, in the concluding section I note how taking the misrecognition of responsibility as a defining mechanism of social exclusion might inform the (previously distribution-based) desideratum of appearing in public without shame.

Section 2 thus focuses on distributive approaches to social exclusion, as developed in public policy and as analysed in political theory within luck egalitarian frameworks. Nonetheless, this approach runs into problems for framing the problem of exclusion as one of lacking opportunities or resources to participate in 'mainstream' activities of the 'average' citizen, while simultaneously claiming ethnic minorities are among the main groups of focus for social exclusion. Since members of ethnic or racial minorities, women and people with disabilities may choose to manifest their identity in ways which run counter to those of 'average citizens', insisting on a homogenous standard risks misrecognising minority identities. Handling this problem raises a dilemma of integration for the luck egalitarians: recognizing the choice of minorities to pursue identities outside the mainstream would be compensated *if* not genuine (resulting in a failure of recognition), and, if genuine, would not warrant compensation as they would be regarded as expensive tastes. Looking at ways the luck egalitarian framework could be extended to handle this dilemma (in particular Cohen's notion of judgmental tastes), I show the attempt would only succeed by bringing in recognition concerns through the back door – thus vindicating the need for the recognition dimension to complement the distributive approach.

Despite distributive approaches to social exclusion being the most prevalent, recognition is at the center of accounts to social exclusion like the one developed by Ruth Lister which I present in Section 3. Such approaches take the experience of disrespect and humiliation felt by the excluded as being at the heart of poverty, and are consequently focused on ending differences of esteem and respect between the excluded and the included. This approach in public policy theorizing is matched in political theory by views of exclusion as difference-making such as the one developed by Martha Minow, where difference is viewed as always a

social (not a natural) process which itself excludes those painted as different from the rest. Yet, I argue that the difference approach needs to be supplemented by acknowledging the distributive dimension to accommodate the case of social exclusion, since the excluded are simultaneously constructed as a group on the distributive as well as the recognition dimension.

Building on this later criticism, in Section 4 I identify the misrecognition of responsibility as a characteristic mechanism of social exclusion that affects members of excluded minorities and the poor alike. Building on Levitas's analysis of the Moral Underclass Discourse in social exclusion, as well as the failures to attribute responsibility for exclusion detailed in Young's *Responsibility for Justice* (2011), I identify a phenomenon of misrecognition of responsibility, consisting in displacement of responsibility for exclusion on the part of the majority and misattribution of responsibility to the excluded themselves. After showing the phenomena are identified in Jones's work on stereotypes against the working class (Jones 2011) as well as in research on the emergence of stereotypes against ethnic and racial groups (van Dijk 2008, Tileaga 2005, 2006) I show the phenomenon is one of misrecognition as a violation of Honneth's achievement principle.

Consequently, ensuring equal recognition requires moving focus away from the excluded themselves to wider patterns of esteem that enforce the exclusion. Focusing on challenging wider patterns of recognition for combating social exclusion opens the possibility for a common solution to the exclusion of ethnic or racial minorities as well as poor members of the majority. In particular, I show that a broader meaning of Sen's solution to exclusion as ensuring the 'ability to appear in public without shame' that relies on challenging patterns that paint the excluded as worthy of shame is able to provide a solution for both ethnic or racial groups as well as the poor.

2. The distributive approach to social exclusion

The distributive model in public policy

The concept of social exclusion naturally lends itself to the dynamic approach I have been defending in this thesis on account of its self-reinforcing nature. Developed initially by

French policy makers in the 1970s (Lenoir 1974), the concept was increasingly used by United Kingdom policy makers from the 1980s onwards as a way of capturing 'the multidimensional consequences of poverty and the *dynamic* process involved' (Levitas 2004: 44, my emphasis). Social exclusion was regarded in the UK context as characterized by a 'combination of linked problems' or 'different factors [which] combine to trap individuals' in spirals of disadvantage (DSS 1999: 23). This influenced the range of remedies proposed to be likewise sensitive to the dynamic nature of the process; for instance, the UK Social Exclusion Unit, (SEU) was established to provide 'joined-up solutions to joined-up problems' (Mandelson 1997). More recently, the dynamic and multi-dimensional nature of social exclusion has led to adopting the terms as a description of the interlinked nature of problems characterising the plight of European Romanis through the *Decade of Roma Inclusion* 2005 – 2015[124] and Roma Integration 2020,[125] as well as other EU initiatives formulated in National Integration Strategies.

In political theory, approaches to social exclusion have been similarly sensitive to its dynamic nature. Thus, it is widely acknowledged that determinants of social exclusion are related and causally overlap, making the process a mutually reinforcing one. Faring badly on one count automatically leads to faring badly on another, which in turn places the individual on a worse position on the first count, and so on. This makes the process itself a self-reinforcing one since its outcomes also constitute new starting points, or determinants, for sinking deeper into exclusion. Social exclusion breeds further social exclusion, leading individuals to be 'trapped into a spiral of disadvantage' (Richardson and Le Grand 2002), or trapped in a 'vicious circle of social exclusion' (Gallie, Paugam and Jakobs 2003, Wade 2004). Moreover, empirical research has confirmed that citizens exposed to social exclusion perceive the mutually reinforcing nature of the phenomenon as being one of its core characteristics. Liz Richardson and Julian Le Grand tested a definition of social exclusion against the opinions of citizens of deprived neighborhoods and social workers and noticed that some respondents gave particular attention to the interrelated nature of the different aspects of social exclusion. While one respondent identifies the problem as that of being helplessly caught in a poverty trap, another noted '[o]ne follows from another, you can't disentangle them.' (Le Grand and Richardson 2002: 10).

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[124] https://web.archive.org/web/20120711142344/http://www.romadecade.org/about (Accessed 10/01/2018).
[125] https://www.rcc.int/romaintegration2020/pages/4/roma-decade-and-the-eu (Accessed 10/01/2018).

Social exclusion naturally lends itself to a distributive analysis, as policy makers often regard it as synonymous with poverty. This is in line with Townsend's influential proposal of defining poverty itself as social exclusion,[126] and permeates both approaches to social exclusion in the UK as well as, for instance, that of the Inter-American Development Bank aiming to eradicate social exclusion defined mainly as material deprivation (Fraser 2010). Similarly, the Commission of the European Union aims to combat social exclusion along three indicators: 'the number of people considered "at risk of poverty", the number of materially deprived persons, and the number of people aged 0-59 living in "jobless" households' (Europe 2020 Strategy *apud*. Atkinson and Marlier 2010: 30). This view permeates theoretical approaches to social exclusion that emphasise its socioeconomic determinants (Brown and Crompton 1994, Byrne 2005, Levitas 2007), and in particular economic restructuring, structural factors, and the breakdown of the welfare state. Indeed, Andrew Fisher claims that concern for structural determinants inspired the notion of social exclusion in the first place (Fisher 2011: 4) and argues that 'impersonal structural dynamics can produce exclusions despite the best of relational intentions, such as in the case of neighbourhood gentrification due to rising house prices' (Fisher 2011: 10).[127]

Theoretical approaches to social exclusion struggle to define what the socially excluded are excluded from. According to Townsend, individuals – or groups – are defined as being in poverty when their resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from 'ordinary living patterns, customs and activities' (Townsend 1979: 32). The focus on identifying 'ordinary living patterns' that the excluded are not able to participate in is central to identifying the relevant dimensions of exclusion on the distributive approach. More recent theories focus on participation in the 'normal activities of 'mainstream society' (Duffy 1995), or the activities and opportunities available to 'average citizens' (Howard et al. 1998), the 'great majority of people' (Gordon et al. 2000 p. 73), or 'key' activities of citizens (Burchardt et al. 2002).

The accounts then proceed to define the relevant activities on which someone counts as having been excluded in distributive – and usually relative[128] - terms, listing relevant

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[126] 'Individuals, families, and groups can be said to be in poverty when… they are, in effect, excluded from ordinary living patterns, customs and activities' (Townsend 1979: 32 *apud*. Levitas 2004: 44).

[127] It is worth pointing out that this distinguishes the distributive from the recognition model of social exclusion that I discuss in the next section.

[128] As Levitas et al. put it, '[t]he selection of which activities matter involves a judgement, and one that may

dimensions. In an overview of definitions of social exclusion, Silver (1995: 60) mentions 'a few of the things the literature says people may be excluded from'; these 'few things' are:

> a livelihood; secure, permanent employment; earnings; property, credit, or land; housing; minimal or prevailing consumption levels; education, skills, and cultural capital; the welfare state; citizenship and legal equality; democratic participation; public goods; the nation or the dominant race; family and sociability; humanity, respect, fulfilment and understanding

As noted by Amartya Sen after contemplating this lengthy list, 'the literature on social exclusion is, obviously, not for the abstemious' (Sen 2000: 2). Nonetheless, a definition considered 'canonical' (Orr 2005) is the one proposed by Tania Burchardt, Julian LeGrand and David Piachaud, which identifies four dimensions of exclusion corresponding to the 'key' activities of the society in which they live: consumption, production, political engagement and social interaction (Burchardt et al. 2002: 30-31).[129] While some political theorists have criticized this definition for occasionally losing sight of the dynamic nature of social exclusion (Le Grand and Richardson 2002: 10-11)[130] the definition nonetheless informs influential approaches to social exclusion in political theory (Barry 1998,[131] LeGrand 2004).

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change over time, as expectations and opportunities change' (2007: 22).

[129] Production is defined as participation in economically or socially valuable activities, and a person counts as socially excluded if she is unemployed, self-employed, in education/training, or looking after family. Political engagement is defined as involvement in local or national decision-making, the excluded being those who did not vote in general elections and are not members of other organizations such as trade unions, political parties, parents' or tenants/residents associations. Social interaction refers to one's integration with family, friends and the community, the socially excluded being those who lack someone who will give them support (see Table 3.1 in Burchardt el al. 2002: 34). A person counts as being socially excluded if she is excluded on any one of these four counts, but the social exclusion is 'deeper' the more of the categories an individual is excluded from.

[130] Richardson and Le Grand criticize the definition proposed by Burchardt et al. (2002) on this count, saying that the reactions 'challenge [the] definition and its operationalization as it currently does not directly incorporate the dynamic aspects of exclusion' (2002: 11).

[131] The second part of the definition above is the object of a dispute over voluntary social exclusion. The operationalization Burchardt et al. offer does not take into account the issues stemming from the introduction of willingness to participate as a criterion of social exclusion, a matter that the authors openly acknowledge (2002: 32). Burchardt et al. proceed as if exclusion from key activities were the only relevant aspect of social exclusion, regardless of whether the individual seek to participate or not.

Distributive approaches and the recognition of minority groups

'Key' activities and the problem of difference

As we have seen above, social exclusion theorists approaching the phenomenon as a distributive harm rely on identifying 'key' 'mainstream' activities that the 'average citizen' partakes in for the purposes of then deducing the relevant dimensions of exclusion. Nonetheless members of minority groups are often identified as an important category of victims of social exclusion (e.g. Percy-Smith 2000, Levitas et al. 2007, Fisher 2011); this accounts for the way the term social exclusion is employed in, for instance, capturing the plight of European Romanis, who are excluded from participation in the 'typical' activities of the citizens of the societies they reside in. Romanis access the *public education* system in lower proportions than the majority population, and tend to have lower *educational* achievements; Romanis have greater trouble finding and maintaining *employment* than the average citizen, have reduced access to *healthcare* and enjoy worse overall health than the majority population.

However, it is often acknowledged that members minority groups have a right to pursue commitments and identities that fall outside the ones characteristic for 'mainstream' society and differentiate them from the majority's way of life. A list of 'normal activities' of the 'average citizen', however carefully crafted, assumes a homogeneous lifestyle and might erase differences in affiliation, background and interests. For instance, participation in full-time employment as a 'key' activity for mainstream society (Burchardt et al. 2002) might be rejected by Romanis in favour of traditional occupations as self-employed blacksmiths, musicians, or tradesmen. The Amish refuse to participate in mainstream education beyond a certain age – and would certainly be excluded by the EU Commission's definition of owning a tv, telephone, and washing machine. Nonetheless, attempting to include the Amish in 'mainstream' education or consumption would amount to forced assimilation. In order to 'integrate' these persons in the 'mainstream activities', it would seem that what is needed is not for Romanis or Amish to change their practices, but for society to change its perception of these practices as 'marginal' and bear the burden in terms of inclusion costs where applicable.

This issue mirrors Young's criticism of generic citizenship which sees 'citizenship as participation in a universal public realm' (Young 1989: 253). In ways that parallel the focus

of social exclusion on 'mainstream' activities of the 'average citizen', Young claims that viewing citizenship as participation in a set of values and activities shared by all citizens is based on the mistaken notion that citizens have the same (or similar) needs, expectations, desires and preferences. This illusion of generality of expectations and lifestyles leads to pressures for a 'homogeneous citizenry' that erases important differences among citizens. Relatedly, because the majority's forms of cultural identification are privileged, the majority's standards and perspective 'parade as universal', while the differences that minorities exhibit are constructed 'as lack and negation', and even as deviance (Young 1990: 59). But it is precisely this bias in favour of the majority population that is the real danger. The insistence on everyone participating in the same values, activities and consumption patterns neglects the very differences among individuals and groups that politics should pay paramount attention to.

Following Young's view, the upshot is that sometimes inclusion does not require providing the excluded with the means to take part in mainstream activities, but, instead, challenging which activities are mainstream. For instance, instead of claiming that traditional Romani occupations focused on self-employment and seasonal work are instances of social exclusion from the 'mainstream' labour market, we could challenge the view that they are marginal and advocate for better protection and access for self-employed people in general and Romanis in particular to other economic services now reserved for those in full-time employment. What is needed, if inclusion is to be distinct from assimilation, is not getting excluded minorities to participate in the lifestyle of the average citizen, but enabling them to pursue lifestyles that differ from the mainstream. How might this challenge be overcome on the distributive dimension?

The luck egalitarian approach

One response is to supplement the structural and outcome-centered focus of the distributive approach as so far presented with an account of agency. Indeed, in an earlier definition of social exclusion, Burchardt, Le Grand and Piachaud specifically mentioned the agent's willingness to participate as a necessary condition for counting her as socially excluded. In addition to non-participation in the 'normal activities of citizens in [one's] society', it was stated that the individual 'would like to so participate, but is prevented from doing so by

factors beyond his or her control' (1990: 230).[132] In line with this insight, Barry (1998) distinguishes between social exclusion and social isolation, or voluntary social exclusion, drawing on the principle of equality of opportunity.[133] Voluntary social exclusion or social isolation is defined as the process of intentionally drawing oneself away from mainstream activities and institutions, whereas (non-voluntary) social exclusion is produced by factors beyond the individuals' control. The upshot is that (non-voluntary) social exclusion is a cause for concern and warrants intervention, whereas social isolation or voluntary social exclusion does not.

Barry seems aware of the special problems of using choice to distinguish between justified and unjustified exclusion when dealing with minority individuals. Thus, when the choice to exclude is made from a very limited choice set and the (self-) exclusion is a response to hostility and discrimination, 'the actual withdrawal is voluntary but the context in which it occurs still makes it the case of social exclusion', not just voluntary social isolation (Barry 1998: 2). Regarding minority groups in particular, Barry claims that 'voluntary' withdrawal into the comforts of the community is a 'characteristic' response to the experience of hostility and discrimination. The implication is that inequalities stemming from choices to self-exclude made under unfair circumstances should be compensated, whereas those stemming from genuine choices should not.

Given Barry's account, Romanis should be compensated for their disadvantage when choosing non-mainstream occupations (such as being self-employed) *if* the occupations themselves and/or the preference for the occupation is not the product of a genuine choice. Moreover, the dynamic nature of social exclusion would entitle Romani children to compensation even if they seem voluntarily to 'choose' to leave school in pursuit of less lucrative jobs traditionally associated with Romanis (for example, flower selling): occupational opportunities and education are (rightly) seen by Barry as connected phenomena, since lack of job opportunities depresses scholastic motivation, and is also associated with poverty. Therefore, if the initial preference is non-genuine and linked to a choice to exclude from education, disadvantages resulting from that fact are to be

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[132] For a discussion of why this component of frustrated preference to participate was removed from the 2002 definition see Burchard et al. (2002: 32).
[133] '[T]he principle of justice as equal opportunity holds that people who are equally able (in terms of native talent) should do equally well, unless they make voluntary choices that result in their faring differently' (Barry 1998: 12).

compensated. Given the intergeneration nature of social exclusion, moreover, it seems even one's children would be entitled to compensation for a parent's (non-genuine) choice to pursue a non-mainstream job, since 'a hungry malnourished child is unlikely to be good at concentrating on school work and '[t]he lack of a quiet room in which to study at home (and, increasingly, a computer) makes homework unattractive and difficult' (Barry 1998: 13).[134]

Le Grand (2004) adds further qualifications to the list of circumstances rendering a decision non-genuine. Referring to the exclusion of members of racial minorities, he argues that a young black man who encountered hostility and discrimination throughout his life decides not to participate in the society's mainstream institutions (for example, university) deserves compensation. If his decision was motivated by an assumption, based on previous experience, that he will be discriminated against, his choice requires compensation even if the university was, unbeknownst to him, 'a haven of non-discrimination' (Le Grand 2004: 175). Further qualifications include: that individuals can be 'myopic' (not able to properly evaluate the future effects of their decision to self- exclude), that they can be acratic (suffering from weakness of will in carrying out their plans), that they could be irrationally attached to certain outcomes (and hence impervious to evidence pointing to the impossibility of achieving the aim), or may lack the technical ability to understand the necessary information (Le Grand 2004: 177-78). Although Le Grand does not make this connection, there is evidence that all these difficulties in decision-making are highly relevant to the fate of poor people, given both short-termism and lack of the educational resources necessary to process the full extent of the consequences of one's actions.

The luck-egalitarian position with respect to voluntary social exclusion would thus favour extensive compensation to members of excluded ethnic minorities who decide not to participate in 'mainstream' employment or education through choices that are not genuine. The exclusion, in other words, is not 'voluntary' and hence distinguishes the case of Romanis, for example, from the case of the rich locking themselves away in gated communities. The criteria for truly voluntary/genuine exclusion refer to the options available in the set of choices (Barry), the agent's subjective knowledge of both the options available

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[134] Barry also mentions that social exclusion acts at the level of school selection: poor people tend to be geographically isolated in poor neighbourhoods, hence local schools will be poorly funded (leading to reduced quality of education). The same geographic concentration of the socially excluded will lead to the formation of socially homogenous classrooms, thus depriving children of the presence of 'children with middle class attitudes and aspirations' who, according to Barry, 'constitute a resource to the rest' (Barry 1998: 13).

and the consequences of her choice, and failures of rationality (Le Grand) and these conditions seem to cover a vast range of motives for exclusion.

The dilemma of the luck egalitarian solution

What does this mean with regards to Young's critique of the ideal of universal citizenship? As we have seen, asking individuals whose identities differ from the majority to nonetheless become included in the homogenizing mainstream is disrespectful to differences between minorities and the majority. The desideratum of participating in activities of the 'average citizen' overlooks the ways in which a person's minority identity can make her different from the average. Yet, luck egalitarians do not subsidise such choices precisely when they are genuine manifestations of minority identity. To the extent that decisions to exclude are genuinely voluntary (however limited that set of choices may be given all the qualifications introduced above), luck egalitarianism would leave members of minority groups to bear the costs of (non)participation.

This problem might, at first glance, look like the 'harshness' objection to luck egalitarianism (Fleurbaey 1995, Anderson 1999, Voigt 2007) since it would seem that persons who choose to pursue a cultural commitment leading to non-participation in a 'key' activity of the wider society would have to bear the costs for all subsequent disadvantages suffered. Nonetheless, this is not what the problem is. Incidentally, luck egalitarianism might be able to justify compensating individuals for their exclusion by making a distinction between a person's responsibility for *entering* the condition of social exclusion, and *remaining* in that condition. Given the self-reinforcing nature of social exclusion, it would be possible to demand compensation for disadvantages that accrue on the person once she is excluded, given her limited responsibility for remaining in that condition. Since social exclusion is self-maintaining, people entering the condition could remain 'trapped in their circumstances because few (or none) of their options could lead them out' (Navin 2011: 540).[135] Such a distinction would render luck egalitarianism able to justify compensating people for the costs of remaining excluded, since the responsibility for the subsequent disadvantages are due to factors independent of the initial choice to self-exclude.

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[135] Note, however, that Navin's argument is about oppression.

Yet, this solution is not suited to respond to the recognition concern that the criticism was really raising. The initial choice to exclude remains an 'expensive taste' that the individual herself should bear the costs of, even though subsequent costs are mitigated by taking structural aspects of exclusion as part of a person's circumstances.[136] Responding to the issue in terms of costs alone (and thus remaining on the distributive dimension) overlooks both the problems arising for the excluded individual given her initial choice to self-exclude, and the way misrecognition for minority identities may shape the structural factors captured as costs. The solution proposed would not, in other words, overcome the challenge that the ideal of inclusion remains the flawed view of 'universal citizenship' – although individuals would receive some assistance in their genuine choices to exclude on cultural grounds by not being allowed to spiral down completely.

The problem thus understood - as one of *recognising* the legitimacy of the decision to exclude and thus deviate from 'universal citizenship' - seems to nonetheless find a solution within a luck egalitarian framework through Cohen's notion of judgmental expensive tastes (Cohen 2004). While Cohen initially placed the cut between justified and unjustified inequalities in terms of responsibility, demanding compensation only for expensive tastes which the bearer 'could not have helped forming and/or could not now unform' (Cohen 1989: 923), he later included compensation for inequalities traceable to preferences or tastes the individual strongly identifies with. Cohen calls these 'judgmental expensive tastes', characterizing them as tastes that embody judgements of valuation and approval, in contrast to brute expensive tastes which the bearer does not attach particular value or approval to. Judgmental expensive tastes entitle their bearer to compensation regardless of responsibility for how they were acquired or whether they could be un-formed; it only matters the bearer strongly identifies with them. Cohen's judgmental tastes would help us solve the recognition problem that emerges for minority groups on the distributive approach, since decisions to self-exclude from 'mainstream' activities would be subsidised precisely *because* they are genuine. Thus, to the extent that Romanis identify with self-employed occupations and pursuing such occupations leads to lower incomes than those enjoyed by mainstream individuals in similar circumstances, Romanis are entitled to compensation *precisely* when

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[136] Equating cultural commitments to expensive tastes has indeed been proposed in the luck egalitarian literature as an approach to who should bear the costs of inclusion in a multicultural society (e.g. Quong 2006).

their choice is genuine – and not, as was the case for Barry and Le Grand, when the choice was somehow constrained.

Nevertheless, Cohen's proposal is only able to account for our recognition concerns by placing the relevant cut not on responsibility, but on *identity*, in a way that brings in recognition concerns through the back door. What really matters for Cohen is not that compensation for choices be 'ambition sensitive and endowment insensitive' in the luck egalitarian sense, but that individuals be allowed to express their identity without opposition (translated as costs) from external factors. This view, while structurally resembling other luck egalitarian approaches, is nonetheless distinct by giving the recognition of individual identity, rather than responsibility, centre stage. Cohen manages to incorporate the relevant aspects of the problem of accommodating difference for excluded minorities only by giving prominence to recognition for a person's identity over the criterion of personal responsibility.[137] This move introduces a recognition substratum to the otherwise typical luck egalitarian position, altering its monistic and distribution-centred nature. The attempt thus ends up vindicating, not dismantling, the argument that in order to include such concerns in a luck egalitarian framework we must supplement it with a recognition dimension.

Luck egalitarian approaches to the social exclusion of ethnic minorities are thus faced with the following options for compensating members of ethnic minorities for disadvantages resulting from choices to pursue careers and lifestyle different from those of the 'average citizen'. When a Romani chooses to practice a riskier, self-employed occupation and ends up resource, opportunity or welfare-poor as a result (compared to members of the majority), luck egalitarians will first try to establish what kind of preference led to the decision to self-exclude from 'mainstream' employment. When the choice is not genuine, Barry and Le Grand will demand compensation. When the decision is a genuine expression of a person's identity, Cohen will demand compensation for that reason. Yet, this faces luck egalitarianism with the following dilemma: on the one hand, it can require compensation for exclusion on grounds of difference, but only when minority members are not making a genuine choice. Yet, this leads to a failure of recognition, as differences would be 'respected' only by discounting the validity of the agent's commitments. Hence, on this first horn of the dilemma,

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[137] One could even claim that Cohen is operating with a different understanding of the autonomous agent altogether compared to the classical luck egalitarian: an autonomous agent does not have to prove having her agency *diminished* to deserve compensation for a choice that puts her on an inferior position, but rather that her autonomy would be *enhanced* by pursuing that particular judgmental expensive taste.

luck egalitarians can either recognise the agent as autonomous or subsidise his choices, but not both. On the other horn of the dilemma, luck egalitarians are able to justify compensation for genuine choices to self-exclude, but only by bringing in explicit recognition concerns (of respecting a person's identity), effectively displacing the concern for responsibility in favour of recognition. In sum, the social exclusion of ethnic minorities can either justify redistribution for ensuing disadvantage by rendering the cultural commitment not genuine (thus disrespecting it), or by including a recognition dimension alongside – or even logically prior to - the distributive one to justify compensation for genuine choices (thus exiting an exclusively distributive framework). In both cases, the need for the recognition dimension in settling this case is clear.

3. Recognition-based approaches to the dynamic nature of social exclusion

Exclusion as difference

So far we have seen that to account for the exclusion of minority groups, luck egalitarianism is forced to introduce recognition concerns through the back door, in a manner already familiar from previous discussions about the incompleteness of monistic frameworks in dealing with complex social problems. In what follows I will show that a monistic recognition approach to social exclusion is likewise insufficient to account for more complex cases of social exclusion concerning the distributive dimension. My main focus will be on Martha Minow's *Making all the difference*, as a purely recognition-based and dynamic view of exclusion. Following Diana Meyers' criticism, I will show that Minow's account is unable to account for an important component of the interplay of social exclusion dimensions, namely from distribution to recognition. This particular dynamic, which I will refer to as the misrecognition of responsibility for maldistribution, will be developed in the next section.

Some approaches to social exclusion place recognition concerns for the excluded at the heart of their accounts, focusing on the way the group of the excluded is produced as a group through processes of misrecognition. Indeed, the term 'social exclusion' was first introduced to refer to an otherwise heterogeneous group of people comprising the disabled, the elderly, abused children, addicts, members of multi-problem households, lone parents and 'anti-social' citizens (Lenoir 1974) on account of the oversights from the part of policy makers that led to the formation of the group. These different groups of people were united as members

of one and the same category despite differences in sex, age or background by the relation in which they stood with the included: 'les exclus' (the excluded) were those who had fallen through the net of social protection, and defined by the very exclusionary processes that differentiated them from those that were 'in' (Lenoir 1974).

More recently, drawing on Sen's insight that the 'irreducible absolutist core' of poverty is shame (Sen 1983: 159), Ruth Lister defines poverty itself as 'a shameful social relation, corrosive of human dignity and flourishing, which is experienced in interactions with the wider society and in the way people in poverty are talked about and treated' (Lister 2013: 112). Exclusion is not primarily about material deprivation, but about the 'othering' of those living in poverty – where 'othering' is further defined as differentiating and drawing boundaries between 'us' and 'them', and consequently maintaining that social distance through self-reinforcing mechanisms (Lister 2004 *apud*. Gupta et al. 2018: 249). Poverty itself is defined primarily through forms of misrecognition such as 'lack of voice, disrespect, humiliation and an assault on dignity and self-esteem, shame and stigma' (Lister 2006: 8). While Lister insists on referring to this as the problem of 'respect' rather than recognition, and interprets the struggle of people living with poverty as a struggle not for the recognition of difference but for 'recognition of and respect for their common humanity and dignity' (Lister 2015: 16), her approach is manifestly a recognition-centred one.

Viewing social exclusion as essentially an instance of misrecognition is further validated by approaches to social exclusion in political theory, where some authors emphasize the role of active exclusion in producing the excluded as a social group (Goodin 1996, Kabeer 2006). Robert Goodin uses the analogy of a group of children who 'maliciously cut out [others from] the games of our schoolmates' (Goodin 1996: 344) and Naila Kabeer (2006) similarly regards social exclusion as a process whereby a dominant group actively excludes others on the basis of their identity. On this analysis, the material deprivation suffered by the excluded is only a consequence of the initial act of active, morally arbitrary exclusion by a majority – such that even the Bengal famine of 1943 might be seen as an effect of being excluded from lucrative war work (Goodin 1996: 345, Sen 2000:11). Thus, the excluded are defined not by how they fare on certain (economic) dimensions, but as a group formed by the active, often 'malicious' process of boundary drawing.

Insightful and widely shared as Lister's analysis is, she is mistaken in claiming the recognition literature that defines the excluded in terms of difference could only take the form

of identity politics. Indeed, one of the earliest accounts of exclusion in terms of difference, put forward by Minow in *Making All the Difference: Inclusion, Exclusion and American Law* (1990) takes Lister's point to heart, claiming that all social construction of difference is a form of exclusion. The book's central claims are that difference is socially constructed and an act of exclusion, and that solving the practical problem of social exclusion requires solving the theoretical problem of difference. The first idea fits with the dynamic view of group-making introduced at the end of the previous chapter: the problem of difference is the problem of cutting social reality into groups and assigning individuals to these groups during social interaction. Socially excluded groups are conjured into existence by a process of exclusion whereby instead of a reciprocal identity relation between individuals ('you are different from me is equivalent to I am different from you') we see a non-reciprocal relation where difference is relative to the perspective of the dominant group, and is socially constructed as inferiority and deviance.[138]

The misrecognition of difference resulting from power relations translates directly into social exclusion by making difference a socio-economic liability (Minow 1990: 119). The 'objective' perspective of the dominant group becomes entrenched in both social expectations and social practices in ways that are self-serving. Constructing difference in relational terms, Minow is particularly motivated by 'the basic connectedness between people and the injuries that result from social isolation and exclusion' (Minow 1990: 379). As opposed to distributive approaches – including approaches centred on the distribution of power between groups - the social relations approach focuses on the functions of difference-making in drawing comparisons between people and establishing the viewpoint of the privileged as the norm.[139]

Remedying the status quo and challenging the viewpoint of the privileged posits a 'dilemma of difference', since '[t]he stigma of difference may be recreated both by ignoring and by focusing on it' (Minow 1990: 20). By ignoring difference, we are guilty of the first type of social exclusion: not challenging and thus helping perpetuate the assumptions of deviance and inferiority and effectively 'freez[ing] in place the past consequences of difference' (Minow

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[138] Minow demonstrates this in relation to disability in particular, although Minow does acknowledge that people with severe cognitive impairments are naturally distinct from majority individuals (1990: 139, 144). Nonetheless, she insists on creating social arrangements that include disabled people as full participants by explicitly rejecting the contrast between normality and abnormality (1990: 378) is critical of the social arrangements that construct deafness as deviant, seeing them as a product of ignorance regarding sign language, in the manner similar to the analysis of disability in Chapter 3.

[139] It is perhaps important to note that for Minow this norm is internalised by the less privileged as 'the more marginal we feel in the world, the more likely we are to glimpse a contrast between some people's perceptions of reality and our own' (Minow 1990: 379).

1990: 42). Yet, trying actively to challenge the status quo by focusing on difference can be guilty of a second kind of misrecognition by 'making those differences matter and thus reinforcing them' (Minow 1990: 42). Minow's solution is to adopt a relational approach whereby the role of privilege in difference-making and the arbitrariness of socially constructed difference are acknowledged and challenged through dialogue between individuals, groups, as well as state institutions.

The solution to social exclusion on Minow's account requires abolishing the group of the excluded as a group, by gradually dissolving the social processes and relations that constitute them as different. This proposal, which once again vindicates the argument against Fraser's contention that the politics of difference aims to preserve group differences on the recognition dimension,[140] also answers to Lister's worry that recognition theories are insensitive to recognizing commonality. Minow is not alone in regarding the abolition of the excluded 'as a group' as the proper solution to social exclusion. Goodin similarly proposes ending the exclusionary processes that lead to the formation of the group of 'the excluded' by claiming the very separation between who is 'in' and who is 'out' is problematic; the ideal is for the boundary – and for the excluded as a distinct group - to disappear altogether (Goodin 1996).

The recognition approach and misrecognition

Despite the sound observation that ending social exclusion requires abolishing the group as a group, the way differences are to be overcome on Minow's account does not provide an adequate solution to the problem of social exclusion for minority groups. Diana Meyers argues that Minow comes 'perilously close to erasing difference' by attaching too much weight to its origin in an unjust 'experience of difference' (Meyers 1993: 221). Minow's insistence that differences worthy of recognition must be independent of domination (Minow 1990: 119 *apud.* Meyers 1993: 222) risks erasing forms of cultural identification that arise out of the experience of exclusion itself. In the case of African Americans, Meyers notes, '[i]f integration is the goal, it must be understood in a way that respects racial difference insofar as individual African Americans choose for reasons of culture and solidarity to identify with this

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[140] According to Fraser, it was only groups constituted in the political economy that aimed to be demolished as a group much like Marx's proletariat that had to abolish itself as a class.

classification…Vile as other-defined racial "difference" is, self-defined racial difference demands respect' (Meyers 1993: 222).

On Meyers's second criticism, Minow's focus on the arbitrariness of initial difference render her account insensitive to forms of misrecognition produced by the majority to justify the socio-economic disadvantages suffered by African Americans. 'The abolition of slavery did not end the injustices inflicted on African Americans', Meyers rightly remarks, pointing to the prejudices constantly invented by the majority to justify their inferior positions. Hence, '[t]o rationalize [unjust] treatment, whites manufactured failures of character and intellect' that might render material deprivation justified (Meyers 1993: 221). In other words, in addition to the initial differences between whites and African Americans that made the latter group deviant and inferior, continued forms of producing stereotypes about African Americans as deviant and inferior are brought into existence. However, these new forms of difference-making are overlooked by Minow's focus on the arbitrariness of the initial differences.

While Meyers paints both critiques as stemming from Minow's over-emphasis on the initial arbitrariness of the act of difference, there is an important difference between them. In particular, accounting for the second problem requires introducing a distributive dimension to difference-making, which is not needed to account for the first. Looking at Romanis as a socially excluded group, the first criticism points to the importance of accounting for Romani identity, as opposed to Northern Indian identity (where Romanis migrated from – see Crowe 1995) at all. Romani identity lies not in genetic lineage, but in the experience of domination, exploitation, marginalization, poverty and exclusion they have suffered at the hands of the majority populations in the territories where they travelled and/or resided. Indeed, Romanis seem to be a people shaped by their problems and discounting these aspects of their identity out of a fixation for initial difference-making processes is guilty of an important misrecognition similar to the dilemmas of recognition posed by Butler in Chapter 1 of this thesis. Thus, in the framework introduced in this thesis we might say that Minow's account is not dynamic enough: since it remains anchored in the initial arbitrary difference, as emphasised by Meyers, it is not sensitive to forms of identification that *emerge* from the experience of social injustice.

Meyer's second critique, however, points to a dynamic between recognition and distribution that is defining for social exclusion more generally. Mirroring Williams' views on the emergence of stereotypes discussed in Chapter 2 (Williams 1973: 233), Meyers draws attention here to the 'manufactured failures of character and intellect' (Meyers 1993: 221) that were constructed by the majority to justify maintaining African Americans in subordinate socioeconomic positions. These are not only – as Meyers points out – distinct from the initial arbitrary difference-making processes (as was the case for the first criticism), but follow a specific pattern of being motivated by socio-economic privilege. As Meyers correctly notes, in the case of manufactured stereotypes that render socioeconomic inequalities justified, 'the clear imperative of justice is to expose myths that link incompetence to skin pigment and to *reverse the exclusionary practices* that took up where slavery left off' (Meyers 1993: 221-22, my emphasis). What should be added is that reversing these practices involves engaging with the way socioeconomic forms of injustice – such as exploitation and marginalization- gave rise to subsequent 'differences': it is *because* African Americans are poorer than whites that they are seen as lazy; it is *because* of the gap in educational outcomes that they are often presented by the majority as stupid and ineducable; it is because they are unemployed that the white majority 'manufactured' (to use Meyer's phrase) the stereotype that they are work-shy. These forms of producing difference are directly linked to maldistribution, since their continuous task is to render unjust material inequalities legitimate.

In what follows I take cue from this second criticism, and trace the process of 'manufacturing' stereotypes in cases of social exclusion more generally. I will show the formation of stereotypes meant to render socioeconomic inequalities justified should be understood as part of the dynamic of social exclusion, and trace the phenomena in Levitas's and Young's work on how responsibility for the exclusion of the poor is misconstrued. I will refer to this phenomenon as the 'misrecognition of responsibility' and trace it in mechanisms of stereotype formation that have been evidenced in the case of African Americans and Romanis, as well as the poor. Focusing on this phenomenon will allow me to complete the argument that approaches to social exclusion that are only grounded in the recognition sphere would not be able to account for this particular aspect of the dynamic between recognition and distribution, whereby maldistribution gives rise to misrecognition.

4. The misrecognition of responsibility

Displacement and misplacement of responsibilities for exclusion

In the previous section it has emerged that a particular form of injustice suffered by members of socially excluded racial and ethnic groups is the emergence of stereotypes meant to render their subordinate socio-economic situation justifiable. While Meyers raised this point in passing against Minow's excessive emphasis on the arbitrariness of initial differences, I argue that this dynamic between material deprivation and stereotype formation represents a central element in the social exclusion of ethnic minorities and the poor alike. I will refer to this phenomenon as the *misrecognition of responsibility*, and describe it following the model proposed in the social exclusion literature by Levitas (2004) which emphasizes processes of misattributing responsibility paralleling those emphasized by Young in *Responsibility for Justice* (2011: Ch. 1). I introduce the analytic categories of displacement and misplacement as two forms taken by the misrecognition of responsibility, and go on to provide evidence of how the phenomena are manifested in the case of working-class people (Jones 2011), African Americans (van Dijk 1987, 2008) and European Romanis (Tileaga 2005, 2006, 2007). I end by arguing why this mechanism is one of misrecognition and not maldistribution, employing Honneth's achievement principle (2003).

While the reverse connection between deprivation and misrecognition identified by Meyers has not been explicitly analysed before in this thesis, some aspects of the case of disability discussed in Chapter 3 and the case of the Cagots discussed in Chapter 4 nonetheless provide illustrations of it. Regarding disability, we have seen how the social environment that impairs the mobility of wheelchair users tends to produce stereotypes that wheelchair users prefer to stay at home or are 'naturally' unable to move, or how people suffering from learning disabilities are seen as incapable and uneducable as a result of difficulties that are *products* of learning arrangements. Because these categories of disabled people are hindered from participation, they are painted as unwilling and/or unable to participate, in ways that misconstrue the causal arrow between (dis)ability and capacity for participation. In Chapter 4 we have seen how in the case of the Cagots, initial forms of economic disadvantage produced accompanying justifications meant to render these disadvantages legitimate, culminating with the production of the 'invisible leprosy' explanation. Such justifications *produced* the Cagots

as an ethnic or racially distinct group in a manner that 'manufactured' the group itself to justify its socioeconomic exclusion.

Whereas the case of the Cagots would have sufficed as a counter-argument to accounts of exclusion solely in recognition terms - showing the necessity of the distributive dimension to explain group formation - the reversal of the causal arrow between disadvantage and stereotype is much wider. According to Levitas, a tendency to produce cultural explanations and disparaging stereotypes for rendering socioeconomic disadvantages justified is in fact '[t]he dominant causal model of exclusion informing policy' (Levitas 2004: 49), which she dubs the moral underclass discourse (hereafter MUD). Although Levitas employs the term culture, she refers to models of cultural production encountered mainly in the case of class, pointing out their exclusionary tendencies in framing the excluded as morally undeserving others and effectively 'present[ing] the socially excluded as morally distinct from the rest of society' (Levitas 2004: 44).

MUD is characterized for Levitas (2004) specifically by constructing the excluded as a morally undeserving other *because* they occupy an inferior socioeconomic position. By direct opposition to cases of discrimination (where socioeconomic disadvantages tend to follow entertaining stereotypes, animus or prejudice against socially salient groups), the connection is reversed. In particular, social exclusion is marked by a reversal of the causal arrow from the processes that generate socioeconomic disadvantage to the agency of the poor with the purpose of rendering exclusion justified. This double move of constructing the excluded simultaneously as economically disadvantaged and morally undeserving is matched by a mirror process of maintaining the socioeconomic privileges of the included as well as their status as morally deserving since '[a]s far as the "included" are concerned, the implied structure is that of meritocracy' (Levitas 2004: 47).

In *Responsibility for Justice* (2011), Young explicitly identifies a phenomenon of producing stereotypes of the poor as undeserving by way of rendering deprivation justified. Looking at discourses on poverty,[141] Young shows that being responsible comes to be *defined* as not requiring public assistance - and depending on public assistance is consequently *defined* as

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[141] Specifically in Murray (1984) and Mead (2006). Note that while Young is referring to 'the poor' rather than the excluded, the line between poverty and exclusion is blurred (see Section 2). In what follows I shall refer to 'the excluded' and 'the poor' interchangeably.

being irresponsible. This simultaneously paints the better off as morally responsible since by the same logic 'being personally responsible… requires nothing other than that one does not depend on public largesse.' (Young 2011: 23). Looking at the production of the same mirror groups as noted by Levitas – the irresponsible poor on the one hand and the responsible well-off on the other, Young notes 'a kind of tautology in the account of poverty that this rhetoric produces' (Young 2011: 23). As she puts it, '[t]hese people are poor *because* they are not personally responsible, and the evidence for their lack of personal responsibility is that they depend on public assistance' (Young 2011: 23, my emphasis).

The construction of the excluded (as well as the included) is a process of difference-making and hence properly pertains to the domain of recognition as described by Minow. The difference between a deserving dominant group and an undeserving group of the excluded is a perfect example of how domination produces difference that becomes entrenched in, and helps reproduce, the status quo. Nonetheless, in this case the difference-making is simultaneously grounded in the distributive as well as the recognition dimensions of social justice. Those that rely on welfare assistance are *constructed as different* by this very distributive relation: by opposition to the well-off they are 'different – they are the only ones who receive public assistance' (Young 2011: 23). Similarly for Levitas, because the excluded are constructed as members of a moral underclass the responsibility of the majority in furthering injustice is 'necessarily obstructed by dominant discourses of social exclusion/inclusion and by meritocratic models' (Levitas 2004: 51). Due to the circular (or in Young's words, 'tautological') nature of the justification, the excluded defined through their difference in distributive terms are *thereby* defined as different and undeserving in the hierarchy of esteem. Through the nature of the difference employed to the advantage of the dominant group, the economic differentiation is both justified by and further legitimates a difference in the hierarchy of moral desert and esteem.

I dub this mechanism identified by Levitas and Young (but also, as I show below, by other theorists of so social exclusion) the misrecognition of responsibility. In line with Minow's theory and its focus on difference-making, we might say that the misrecognition of responsibility consists in a privileged group (the included) imposing its dominant perspective on a minority (the excluded) in ways that are self-serving and that become entrenched in the status quo. In particular, the included impose a deserving-undeserving narrative that is accepted as authoritative by society as a whole (and indeed, even by the excluded) in which

difference is constructed as inferiority and as deviance. What is added in contrast to Minow's perspective is the distributive dimension: the privileged group justifies its superior position in the hierarchy of esteem (by being deserving) through direct connection to its position in the socioeconomic hierarchy. Simultaneously, the morally deviant and irresponsible 'other' is defined as such through her distributive relation with the included. These forms of difference are, moreover, mutually reinforcing, making them part of the dynamics of social exclusion itself.

Although the misrecognition of responsibility occurs simultaneously in producing the moral as well as economic group of the included and, respectively, excluded, it is nonetheless possible to distinguish analytically between the misrecognition of agency as it affects the included and the excluded. Regarding the agency of the included, we can identify a phenomenon of displacing responsibility for upholding exclusionary structures and mechanisms whereby the responsibility of the included is erased from view. Referring to Bourdieu's notion of cultural capital, Levitas notes that its exclusionary aspect and its role in producing patterns of social exclusion is rendered invisible. Since the focus is on the excluded, the responsibility of the majority in furthering injustice is 'necessarily obstructed by dominant discourses of social exclusion/inclusion and by meritocratic models' (Levitas 2004: 51). Hence, it is erased from view that the well-off 'participate in the same structure of privilege and disadvantage, constraint and enablement' that produce the poor as a group (Young 2011: 26). Instead, it is uncritically assumed that since the excluded are only an errant minority 'for the most part, members of other segments act responsibly' (Young 2011: 15). The displacement of the responsibility of the rich thereby *both* places the poor as the only candidates for blame – by framing explanations in terms of structural factors and the majority population out of the equation– and justifies the illusion that the non-poor majority is 'for the most part' acting responsibly.

The displacement of responsibility creates a vacuum in explanations which makes it possible to blame the excluded themselves for the disadvantages they suffer. This represents a process of *misplacing responsibility* on the excluded themselves. This move is one of the defining features of MUD, which shifts focus on 'the behavior of the poor rather than the processes of the wider society' and subsequently blames the poor themselves for having 'the wrong values and attitudes' (Levitas 2004: 49). Displacing responsibility on the side of the dominant group produces the illusion that the excluded act under fair background conditions. Thus, poverty

becomes increasingly legitimated as a justified inequality that is engendered by the choices of the excluded themselves. Economic poverty becomes, first, 'poverty of opportunity' (Levitas 2004: 48), and poverty of opportunity subsequently becomes 'poverty of aspirations' on the part of the excluded. (Levitas 2004: 49). In this progression responsibility is *misplaced* from wider structures and patterns to the behavior and values of the excluded themselves, which are painted as 'other' and as belonging to a moral underclass lacking 'the values and morality ascribed to the rest of society' (Levitas 2004: 44-45). Similarly for Young, since 'everyone has opportunity and most are integrated' explanations for exclusion misplace responsibility on the poor themselves. All other explanations being ruled out 'poverty can be accounted for *only* by being something about *them*' (Young 2011: 23, my emphasis). Specifically, responsibility for exclusion is misplaced on the excluded with explanations such as that 'they refuse to work, refused to work to acquire skills when they had the chance, had babies when they were too young'; for short, they 'do not accept the same rules and exhibit the same character traits as the rest of Americans.' (Young 2011: 23) Through misplacement, the excluded are presented as morally undeserving and 'morally distinct from the rest of society' being effectively produced as an undeserving moral underclass. (Levitas 2004: 44)

Not only do displacement and misplacement of interact from the former to the latter, with displacement creating the possibility of. The process is mutually reinforcing along a reverse connection, whereby the displacement of responsibility on the side of the included is *confirmed* by the misplacement of responsibility on the excluded. This causation is already implied in Young's description of a circular (or in her words: 'tautological') explanation of blameworthiness and poverty whereby it is *because* the poor are irresponsible that they are poor, whereas the included are responsible for not needing public assistance (Young 2011: 23).

Focusing attention on the agency of the excluded obscures the illegitimacy of wider inequalities, which come to be 'regarded as unproblematic and wholly legitimate' (Levitas 2004: 47). This helps solidify the notion that the included are morally deserving, re-enforcing the point initially developed in relation to Bourdieu's notion of cultural capital that the responsibility of the majority is 'necessarily obstructed … by meritocratic models' (Levitas 2004: 51), as well as by the sheer focus on the undeserving excluded as providing 'a lens through which the rich become virtually invisible' (Levitas 2004: 49) with the direct

consequence of confirming majority beliefs that the standards they employ are meritocratic (Levitas 2004: 52).

Evidence for the phenomenon: displacement and misplacement in practice

Displacement and misplacement of responsibility on the excluded poor

In his work on stereotypes against working class people, Jones notes the same mutually reinforcing mechanism between displacement and misplacement of responsibility. Referring to what I have called the misrecognition of responsibility as the 'doctrine of personal responsibility' (2011: 182), Jones argues that this doctrine renders the position of the wealthy justified by demonizing the poor and relegating them to an undeserving, 'feckless and feral' underclass. In his view, the demonization of the working class as an irresponsible and morally undeserving other is a direct way of rendering the position of the well-off justified. Viewing the process of demonisation as 'a 'grimly rational way to justify an irrational system' (2011: 182), Jones details how the misplacement of responsibility on the poor renders the positions of the rich justified: 'Demonise them, ignore their concerns - and rationalise a grossly unequal distribution of wealth and power as a fair reflection of people's work and abilities' (Jones 2011: 182). In line with his view of the demonization of the working class as a rational strategy, Jones sometimes implies the process of misplacement has its primary cause in an *intentional* strategy for displacement: 'at its heart, the demonization of the working class is the flagrant triumphalism of the rich who, no longer challenged by those below them, instead point and laugh at them' (Jones 2011: 269).

In addition to phenomena of displacement involving the agency of the rich, Jones also notes phenomena of displacement of the causal input of structural factors in explaining exclusion which lead to misplacement. Analysing David Cameron's 2008 Glasgow speech explaining 'poverty, or social exclusion [are not] purely external events like a plague or bad weather […] But social problems are often the consequences of the choices people make', Jones shows how the causal input of structural phenomena such as industrial job loss is displaced, in ways which lead to misplacement (Jones 2011:74). The erasure of structural factors is, Jones points out, particularly ill-suited in a discourse delivered to a city with double the unemployment rate compared to the national average as a result of structural job loss. This

displacement of responsibility simultaneously entrenches *both* the misplacement of responsibility on the poor, *and* the material deprivations resulting from this oversight. Policies attempting to incentivize work by cutting benefits displace responsibilities for structural changes and place both the blame and the cost on the poor. A uniform national policy meant to incentivize particular individuals proceeded 'as if the labour market in the south east was the same as the labour market in the South Wales valley, and clearly it's not. But if you introduce the same policy, what you do is stigmatize the areas where there's is no work' as well as 'blaming the victims of all this, when they are the victims not the problems.' (Jones 2011:94)

The role of displacement in furthering social exclusion is emphasized not only through its negative impact on policies to combat the socio-economic exclusion, but through its inherent logic. Paralleling Levitas's concerns about MUD above, Jones notes that the social exclusion discourse itself tends to misplace responsibility on the poor. Jones regards the substitution of social exclusion for the term 'poverty' as a way of implying that the poor themselves have agency in producing their exclusion. Since exclusion is something that causally requires (at least partial) agency[142], the social exclusion discourse itself implied that '[r]ather than being the result of social forces, your place in society was partially determined by your behaviour' (Jones 2011:100). Mirroring Levitas's criticism that poverty becomes 'poverty of opportunity' and poverty of opportunity becomes 'poverty of aspirations' (Levitas 2004: 48-9), Jones notes a deterioration of misplacement under New Labour policies which assumed it is possible for the poor to become included. The subsequent failure tragically 'propagated the chav caricature by spreading the idea that people are poor because the lack moral fibre' (Jones 2011: 94). This in turn has made attitudes against the poor 'harder than they were under Thatcher' by validating public opinion in its assignation of blame: 'if people observe that even Labour holds the last fortunate to be personally responsible for their fate why should they think any different?' (Jones 2011: 94).

Jones's observation that New Labour policies further produced the excluded as a morally undeserving group points to another aspect of the mutually reinforcing nature of the

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[142] As Matthew Taylor perceives the problem of social exclusion discourse more generally, 'there was a sense not that you should blame the poor for being poor, although there was a bit of that as well, but that poverty was a process in which people were active in one way or another' (Taylor quoted in Jones 2011: 100).

misrecognition of responsibility. The policy practice itself becomes a locus where the displacement and misplacement of responsibility is furthered since, as Jo notes 'social policy and its administration also become discursive and symbolic practices' (2013: 524). Discourses about the 'fecklessness of the poor' not only infiltrate policy making, but are entrenched by policy making in their turn. Poverty as a 'shameful social relation' is manifested in interactions not just with the wider society but also in interactions between the included and 'politicians, officials, professionals… and sometimes academics' (Lister 2013: 112). Therefore, the severity of misrecognition of responsibility tends to vary over time, a phenomenon also noted by Young in remarking a shift between seeing 'vulnerability to poverty is a function of complex institutional factors' in the 1980s, to the discourse she is criticizing, which traces 'the causes of being poor […] to attitudes and behaviours of the poor people themselves' (Young 2011: 3)

Displacement and misplacement for excluded minorities

The displacement of the majority's responsibility and the misplacement of responsibility exclusively on the excluded has also been emphasized in the literature on stereotype formation under the name 'redistribution of responsibility'. Teun van Dijk (1987) first introduced the term to define a process whereby the majority denies its own responsibility in maintaining unjust race relations. Van Dijk takes as evidence for this process the use of existential phrases to describe an unjust status quo ('there is inequality') instead of phrases that convey the agency of the majority in producing and maintaining disadvantage. The situation involves an *apparent* concession in favour of the disadvantaged group (that they are indeed suffering disadvantages), followed by an explanation that denies responsibility of the majority in perpetuating the disadvantage. This constitutes a shift of responsibility away from the majority by masking its role in perpetrating injustice. Van Dijk compares the discursive move to statements such as 'I know there are intelligent blacks but…' (van Dijk 2008: 143) in that the acknowledgement of disadvantage still allows the possibility of blaming (see also van Dijk 1992). The redistribution of responsibility is therefore a denial of responsibility on the side of the majority, since 'one effective move of denial is to either dispute responsible agency or to conceal agency' (2008: 143). Claiming the inequalities of the status quo 'exist' serves to render invisible the responsibility of the majority in maintaining it through

displacement, while simultaneously intimating the responsibility for the (only apparently conceded) injustice lies on the victim and is therefore justified.

The 'redistribution of responsibility' has been further linked to the mechanism of underclass production by Christian Tileaga, who focuses on the case of European Romanis. Tileaga (2005) identifies the same processes of redistribution of responsibility and apparent concession from van Dijk's work, and finds evidence that a widespread response to the exclusion of Romanis is placing exclusive blame on Romanis for their disadvantage. Thus, one interviewee responded that the social exclusion of Romanis does exist, but 'only' because Romanis don't want to integrate' (Tileaga 2005: 611). This simultaneously denies blame for exclusion on the side of the majority population (through the use of 'only') and puts that blame on the Romani population's unwillingness to integrate (by saying Romanis do not want integration). In a similar double move, a respondent posited that 'everything happens because of them. Because …they don't have the desire [to integrate]' (Tileaga 2005: 616). 'Everything' and 'only' thus serve a double purpose of excluding all responsibility on the side of other groups, and leaving the excluded themselves as the only ones responsible for 'everything. They accomplish, in other words, both the displacement and the misplacement of responsibility, and serve, according to Tileaga, to 'rationalize and delegitimize discrimination against Romanis' (2005: 613).

In the case of Romanis, the misplacement of responsibility is further entrenched by linking it to problematic stereotypes about Romani 'culture'. When confronted with disparities in educational goals between Romanis and the majority, respondents claimed that Romanis were 'effectively … dragged to school' (Tileaga 2006: 34). Regarding housing, one interviewer claimed that Romanis who had received housing in a block of flats 'have eaten it from the ground like rats' (Tileaga 2006: 34).[143] The misplacement of responsibility on the side of Romanis is made into a 'cultural difference' which serves to legitimate non-participation in key dimensions of exclusion such as education or housing. The phenomenon whereby 'the hardships that Roma experience (unemployment, poverty and other manifestations of social exclusion) [are seen] as essentialized by-products of their own culture' has been noted by other authors as well (*e.g.* Trehan and Kocze 2009: 55). As I have

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[143] Examples abound, and nearly all integration efforts seem to have been interpreted by respondents in this manner. For instance, a further interviewer claimed that all efforts for integration would be useless: '[t]o make them a communal bath, they destroy it (.) it builds them a block (.) it is destroyed' (Tileaga 2007: 704).

argued elsewhere (Popescu 2014), this phenomenon of producing stereotypes that delegitimise integration efforts is characteristic of antiziganism. Compared to stereotypes such as Scots being stingy or the French[144] all eating frogs, stereotypes against Romanis 'are morally loaded, implying that Romanis deviate from the majority's moral order' and contribute to the image of Romanis as less than our moral equals (Popescu 2014: 176). In the case of Romanis, the misplacement of responsibility interacts with other mechanisms of misrecognition, blurring the lines between (socioeconomic) exclusion and 'cultural difference'.

The phenomena of displacement and misplacement of responsibility help to link the social exclusion of ethnic minorities to that of poverty or economic exclusion as seen from the perspective of the ethnic majority. Contrary to narratives claiming the poor and members of ethnic minorities are engaged in separate struggles advanced, among others, by Fraser, we can notice that they both suffer from this particular form of misrecognition injustice whereby dominant groups subtract their agency from the social processes that maintain disadvantage, and simultaneously assign agency for the exclusion on the disadvantaged themselves.

These assignations of blame become entrenched as stereotypes for ethnic and racial groups as well as for the poor. Indeed, comparing the situation of African Americans, the Roma and working class 'chavs' described by Jones, the same stereotypes of group members being unwilling (rather than unable) to become included in employment, education, healthcare and housing emerge. Indeed, both African Americans and the Roma suffer from misattribution of responsibility along 'underclass' lines. 1970s discourses on African American inclusion were misplacing responsibility on the excluded minority by blaming it on a 'culture of poverty'

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[144] In line with the dynamic view of social justice proposed in this thesis, it is perhaps more accurate to say that stereotypes about the French are not painting them as our moral inferiors (as the Romanis are painted) at the present time. Even such benign stereotypes can have an excluding force if politically manipulated. Thus, Bertrand Russell writes 'When I was young, the French ate frogs and were called 'froggies', but apparently they abandoned this practice when we concluded our entente with them in 1904. […] In the 19th Century, it was a common place of British opinion that Germans were efficient and enlightened and Russians backwards and barbarous. About 1910, it was ascertained that Germans (who turned out to be mostly Prussians) were coarse, brutal and narrow-minded, and that Russians had a Slav soul. The vogue of Russian literature in Great Britain which set in about the same time was a direct outcome of the political *rapprochement* with Russia (Carr 2001: 67). The quote is used by E.H. Carr to illustrate 'the subjection of thought to practice' when it comes to framing foreign nations as undeserving and inferior to justify going to war with them. Although the context is thus significantly different from that of exclusion in matters of social justice, the dynamic of reversing the causal arrow for the purpose of the idea that the relevant population is acting justifiably is the same.

rather than race. Romanis were also framed primarily as an underclass rather than an undercaste (Ladanyi and Szelenyi 2006: 6-10).[145]

Ethnic and racial groups, as well as the poor, are painted as morally undeserving 'others' in ways that both mask and enforce the privileges of dominant groups. That is to say, the relation from misplacement to displacement is encountered in both cases, entrenching hegemonic narratives of the white middle and upper classes. What is more, stereotypes against Romanis as a morally undeserving 'other' are less prevalent among the poor and the unemployed. As evidenced in Matthew Loveland and Delia Popescu's research on the correlation between one's economic situation and the tendency of entertaining anti-Romani stereotypes, (2016) those in permanent employment, as well as those who fully participate in the domain of consumption[146] are more likely to entertain stereotypes that legitimize the exclusion of Romanis than those in more precarious employment, or the poor. The authors postulate that this is due to the fact that those included in mainstream employment are 'more likely to accept [the narrative of Romanis as morally 'other'] as a defense of their position in the labor market' and those who participate in consumption paint the Roma as 'lazy, thieving opportunists with little desire to work in the "legitimate" economy' as 'an active expression of a consumer–citizen narrative' (Loveland and Popescu 2016: 339).

Loveland and Popescu's research on Romani stereotypes, as well as Levitas's research on the poor and the myth of meritocracy, show that rather than pitting the poor and members of ethnic minorities against each other, attention should be drawn to patterns of exclusion disfavouring *both* ethnic or racial groups *and* the poor. The exclusion of both categories is related to strengthening the advantageous positions of the dominant groups in society. However, as the case of Romanis shows, the probability of members of ethnic and racial minorities suffering from misattribution is enhanced by the fact that unwillingness to integrate can be embedded in 'cultural' aspects. In terms of the mutually overlapping nature of determinants behind social exclusion, it seems that race and ethnicity are further

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[145] Analysing the social exclusion of African Americans as a result of structural economic changes in the 1960s, Patrick Moynihan (1965) and James Coleman (1966) proposed explanations for single-motherhood and low educational attainment that disproportionately affected Blacks in terms of a 'culture of poverty' seen as an adaptation to severe deprivation. Nonetheless, the notion inspired a conservative wave of theorizing (Levy 1977, Russel 1977) that reversed the causal arrow and explained the *poverty* as a result of '*cultural' preferences* for single-motherhood or low attainment, and left structural factors out of the question. Whereas the former explanations were aiming to reduce stigma by emphasizing structural determinants, the later ones produced stereotypes about Blacks having 'cultural' preferences that engendered poverty, leaving out causal factors. *apud*. Ladanyi and Szelenyi (2006: 6).

[146] '[O]wnership of consumer goods' (Loveland and Popescu 2016: 339).

aggravating factors that might lead to members of some groups spiralling down and being trapped in spirals of disadvantage more hopelessly than others. Nonetheless. The existence of a common mechanism (despite differing degrees of severity) further points to the possibility of a joint solution to the social exclusion of ethnic and racial minorities as well as the poor, a possibility which I will explore in Section 5.

Misrecognising responsibility: distribution or recognition?

Both Levitas and Young relate the misrecognition of responsibility to the distributive dimension. The fundamental process leading to the production of both a class of morally deserving included and a class of morally undeserving excluded is grounded in the 'tautological' equation of poverty to evidence for blameworthiness. The misplacement of responsibility on the poor themselves was explicitly seen by Jones as a rational strategy of the rich to render material deprivation justified, directly linking displacement and misplacement to material deprivation. This mirrors Marx's assertion that 'the man without credit is pronounced not only the simple judgment that he is poor, but in addition […] a pejorative moral judgment that he possesses no trust, no recognition, and therefore is a social pariah [and] a bad man' (Marx, K. 1844 Comment on James Mill: 215-6/450 *apud*. Renault 2013: 706): the distributive inequality simultaneously produces the judgement of being undeserving. The phenomenon of misrecognizing responsibility has been dubbed by van Dijk (and adopted by Tileaga) as the 'redistribution of responsibility' – further in line with a distributive intuition that the phenomenon is displacing a certain amount of responsibility from one side and misplacing that same amount on another.

The question then arises whether the displacement and consequent misplacement of responsibility are indeed instances of misrecognition rather than maldistribution. Phenomena of reversing the causal arrow of justification for disadvantage have been remarked by some luck egalitarians, where it is part of a purely distributive logic. Thus, Arneson notes in his discussion of the notion of the 'undeserving poor' that the rhetoric of 'reward[ing] the deserving and punish[ing] the undeserving' is 'reminiscent of what liberals formerly were wont to call "blaming the victim"' (Arneson 1997: 328).[147] Dworkin likewise shows

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[147] See also Katz (1990). Arneson is right to point out the term has fallen out of use for capturing the relevant misattribution of responsibility for the economically disadvantaged. While the term was initially introduced with such ambitions by William Ryan (1971) in his analysis of how African Americans tend to be blamed for

sensitivity to the role of the majority in framing the poor as undeserving, focusing on the displacement of responsibility. In *Justice for Hedgehogs* he claims – in relation to poverty[148] – that the rich tend to legitimise their position through spurious justifications, which is the task of moral philosophy to undo. Political theory should be employed to 'trouble the comfortable with argument [when] their selfishness impairs *the legitimacy of the politics that makes them comfortable*' (Dworkin 2011: 351, my emphasis). Dworkin's hope is to challenge the 'legitimacy of politics' by showing the justifications offered by the rich to render their position legitimate are self-serving. Hence, Dworkin manifests a concern for the phenomenon of misrecognizing responsibility (by the rich), with the double aim of rendering their position 'comfortable' (i.e. entrenched in the status quo) as well as justified. The role of political theory is to undo this illusion, so that '[a]t a minimum [the rich] must not be allowed to think that they have justification as well as selfishness on their side' (Dworkin 2011: 351). Might it not be sufficient, then, to employ a distributive dimension in accounting for the problem of misrecognizing responsibility?

Such an argument would not be convincing, however, for several reasons. First, the luck egalitarians in question identify the relevant problems as outside the concerns of their (ideal) theoretical concerns. Dworkin in particular frames the issue in the broader context of how to apply such staples of political theory as the social contract, the veil of ignorance and his own system of auctions on a desert island (which, he notes here, would take months to complete) to real-life problems. The goal is not, either for Arneson or for Dworkin, that of reforming the luck egalitarian conception of responsibility in light of the (non-ideal) circumstances of responsibility being often misplaced and displaced. While luck egalitarians are able to observe the existence of the problem when comparing theory and practice, they are not able to theorise the specific harms it produces. These harms are a violation of misrecognition; their failure lies beyond the distributive intuition of a difference between ideal distribution and real distribution of responsibility, and capturing them requires engaging with recognition theories, as I show below.

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their own problems, the term is now mostly reserved for discussions of attributing blame to victims of sexual assault (see Whatley 1996, Greeson, Campbell and Fahler-Cabral 2016, Cook and Lane 2017).

[148] It should be noted that ethnicity and race are aggravating factors of poverty according to Dworkin, as he believes that '[t]he gap between theory and politics is particularly great and depressing in racially or ethnically diverse communities; majorities continue to be reluctant to help poor people who are markedly different from them' (Dworkin 2011: 351).

Accounting for this difference indeed requires leaving distributive intuitions behind altogether. Unlike the vocabulary of a difference in amounts of responsibility between ideal distribution and real maldistribution suggests, the problem would be improperly described as taking responsibility 'away' from the included majority and placing it 'on' the excluded. There is no central authority charged with doling out the right amount of responsibility to both sides involved. Instead, the problem is one of the relations, interactions, and patterns of meaning between the majority and the excluded, in which being in need of assistance means being irresponsible, and being well-off means being deserving. The process constitutes a misrecognition of both the agency of the excluded and that of the included in producing and re-producing patterns of exclusion.

The displacement of the responsibility of the included as an instance of misrecognition is best captured along Honneth's achievement principle of esteem (Honneth 2003: 147). This 'meritocratised' aspect of recognition (in opposition to the 'democratised' aspect of equal respect) aims at ensuring equal recognition in the labour market by demanding a proper estimate of everyone's social contribution (Honneth and Fraser 2003: 140-41) The principle is violated by displacing the responsibility of the rich because this displacement represents a distortion of their proper social contribution. The fundamental problem is that of an oversight of how dominant groups further social exclusion in producing and reproducing both the symbolic and the material aspects of the status quo. This oversight results in a distorted perception by looking at reality through an erroneous assumption of merit.

Conversely, the achievement principle is violated for the poor by underestimating their achievements. Because background conditions are viewed by the majority as just, the way in which the agency of the excluded acts against structural inequalities as well as symbolic patterns that render them shameful and blameworthy is not acknowledged. Seeing failures to integrate as the result of the agency of the poor rather than a result of how that agency is frustrated is another distortion of the principle of achievement. Whereas the excluded tend to work longer hours than the well off, for example, their efforts remain unrecognized as the majority is blinded to specific circumstances of their actions, taking the result as evidence for undeservingness itself. With respect to the excluded poor, it is perhaps interesting to note the reversal of meaning implied in the term 'feckless'. Used currently as a slur against the excluded, as in 'feckless and feral underclass' (Jones 2011: 23), the etymology of the term just means 'without effect', i.e. ineffective in carrying out one's will, as applied, for instance,

to not obtaining political majority for a decision. While this original understanding suggests a focus on the circumstances that rendered (responsible) agency frustrated, the current use of the term has changed that meaning to an assignation of blame, and irresponsibility. The misplacement of responsibility leads to misrecognition also in the treatment of welfare states who look on the unemployed with suspicion in asking them to provide evidence for exercising responsibility (Wolff 1998). Treating the excluded in line with the requirements of the achievement principle would mean challenging in equal measure the norms and patterns that act to frustrate the agency of the excluded, by recognizing the responsibility of the majority as well. Otherwise, if we displace responsibility and regard the background conditions of the agency of the excluded as given 'rather than seeing them as the outcome of practices and policies that could be altered... we adopt a stance of bad faith in respect to our own responsibility for them' (Young 2011: 40)

Secondly, the violations of the achievement principle the excluded suffer from might not be perpetrated by the included only, but internalised by the excluded themselves. Applying the principle to social exclusion, Gottfried Schweiger focuses on how the violation of the achievement principle affects the perceived responsibility of the poor themselves. As he notes, the failed application of the achievement principle in cases of social exclusion 'makes [the excluded] feel that they are responsible for their situation. From the perspective of the achievement principle, social exclusion is often seen as a personal failure, but it is rather a violation of this principle' (2013: 547). Hence, the excluded themselves might be blinded to the violation of the achievement principle and internalise the distorted image that they are irresponsible.

The misplacement of responsibility on the poor with the result of creating a moral underclass is not just a violation of the achievement principle, but can take the form of active denigration. Building on Honneth's achievement principle, Max Pensky explains that 'denigration – is not just an indication of the failure of a life project to conform to an achievement principle, but in fact the very mechanism for exclusion itself' (Pensky 2011). Denigration moves from the denial of esteem (for failure to attain a certain goal), to a denial of equal moral standing, by excluding the denigrated from the community of equals. Denigrating the excluded by relegating them to a moral underclass constitutes the socially excluded as not just outside the society's economic order, but outside the society's *moral* order, makes it impossible for the excluded to feel 'reconciled' with the ethical life of their

community as organized by the state (see Hegel's notion of *Sittlichkeit* in e.g. Hegel 1820/1991 §142). The misplacement of responsibility is, thus, a form of misrecognition through its denial of solidarity, both within civil society and in the relations between individuals and the welfare state.

Similar to shame – as analysed by Martha Nussbaum in Chapter 2 – denigration attaches itself to the whole person, with the additional element of acting so as to exclude the person denigrated from the moral community. This is evidenced especially by stereotypes attaching themselves to the excluded which depict them as less than human. Stereotypes about Romanis acting 'like rats' as well as stereotypes about the poor as forming a 'feral underclass' (Jones 2011: 23), or a 'subhuman class [of] good for nothing scroungers who have no morals no compassion no sense of responsibility and who are not capable of feeling love or guilt' (Jones 2011: 26, fn. 16) are worse violations of equal recognition than the misattribution of responsibility itself. This move, which we sometimes see in practice, from misplacement to denigration matches dynamic aspect of stereotypes as noted by Jones and Young, whereby attitudes towards the poor may worsen once a certain narrative is accepted.

Finally, a just recognition in terms of achievement requires not a redistribution of responsibility but a dismantling of unjust hierarchies of esteem between the included and the excluded. Displacement and misplacement are both instances of misrecognition – namely, misrecognition of responsibility – in virtue of both constituting violations of the achievement principle. Ending misplacement and displacement requires not an equal distribution of responsibility by a central authority, but becoming cognizant of the distortions of the principle of achievement in social interactions. Displacement and misplacement, to paraphrase Markell, are not goods individuals can have more or less of, but recognition relations that can go well or poorly. The solution to the misrecognition of responsibility for exclusion is, consequently, not to give the excluded sufficient amounts of a certain 'good', but to challenge the social norms that distort the principle of achievement and consequently denigrate the excluded as a blameworthy underclass.

This requires, in turn, abolishing the group of the excluded as a group. This solution is emphasized by various theorists in noting the failures of approaches to social exclusion that remain focused on bringing the poor above a certain threshold. Thus, Goodin criticizes the

very vocabulary of exclusion and inclusion for re-enforcing the very divide it aims to abolish. As Goodin explains, the very concept of inclusion implies the existence of margins or endpoints beyond which lie the *excluded*. The demand to include someone in a game, for instance, is a demand to 'stretch the playgroup at the margins' (Goodin 1996: 347). Similarly, focusing on the excluded as defined by their exclusion will never bring them 'to the centre of social life' but merely push them 'just over the line' (Goodin 1996: 348). As long as the division between included and excluded is in place, inclusion remains 'merely a matter of "bare" inclusion' (Goodin 1996: 359), and *necessarily* reifies boundaries and the processes that 'differentiate one class of persons from another' (Goodin 1996: 356).

Similarly, Levitas insists that challenging the moral underclass discourse requires challenging the exclusionary tendencies that produce it. Viewing MUD as embedded in 'a behavioural and cultural deficit model of the poor in relation to embodied cultural capital' (Levitas 2004: 51), she argues ending social exclusion requires challenging the exclusionary nature of cultural capital itself. This requires, in turn, abolishing the included/excluded divide, since maintaining the distinction obscures the wider problems of exclusion intrinsic to cultural capital by directing our attention instead on the more localised problem of how to 'help, cajole, or coerce the outsiders over some perceived hurdle into the mainstream' (Levitas 2004: 47). Focusing on the situation of the excluded instead of the patterns of recognition that produce the excluded as a group enforces the cultural capital model at the heart of social exclusion by maintaining illusions of meritocracy on the side of the included.[149] Instead of focusing on who is in and who is out,*'[t]hat division* may be seen as a threat to social cohesion or as a moral disgrace' (Levitas 2004: 47, original emphasis).

Although the importance of social cohesion is often emphasised in the social exclusion literature,[150] its relation to the misrecognition of responsibility for exclusion, which produces a class of comfortable, rich and deserving and an underclass of 'feckless and feral' excluded individuals and ethnic groups is seldom acknowledged. Viewing the denigration, stigma, stereotypes and prejudice against the excluded as an instance of misrecognition helps us see

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[149] 'As far as the "included" are concerned, the implied structure is that of meritocracy' (Levitas 2004: 47).

[150] E.g. CASE 1997 (Economic and Social Research Council, Thematic Priorities Update 1997): 'Understanding the processes by which individuals and their communities become polarized, socially differentiated and unequal, together with the rapid social changes that disrupt traditional forms of social cohesion are of great concern and forms an urgent research agenda'. Similarly, Barry argues that we should worry about voluntary social isolation (solely) for being a threat to social cohesion (Barry 1998: 4).

that social exclusion is a threat to social cohesion not only, and perhaps not even primarily, by the material inequalities it creates, but by its corrosive effect on the common ethnical life of communities affected by exclusion.

5. Recognising responsibility and 'appearing in public without shame'

In this chapter I have argued that an important dynamic of social exclusion regards the displacement and misplacement of responsibilities for inclusion on the excluded themselves. This has validated both the need for a dynamic approach to social exclusion, able to account for phenomena whereby displacement and misplacement emerge to render maldistribution justified, as well as the need for a dual approach to the phenomenon for capturing the interaction between these dimensions. It has also shown, with respect to approaches to social exclusion in particular, that a normative theory of exclusion should require combating displacement and misplacement and that doing so requires a transformative remedy more in line with recognition than redistributive approaches to exclusion. Nonetheless, this should not be taken to mean that distributive concerns are secondary in importance – since the misrecognition of responsibility occurs given pre-existing maldistribution. Indeed, a transformative approach that takes both recognition and distribution equally seriously can be reached taking as a point of departure Sen's desideratum of 'appearing in public without shame'. In what follows I show how the standard can be improved by an understanding of shame along the transformative lines drawn by the achievement principle.

Following Adam Smith's famous observation that 'a creditable day labourer would be ashamed to appear in public without a linen shirt' (1776: V ii.k.3), Sen similarly employs the ability to 'appear in public without shame' in this approach to poverty and social exclusion. Whereas other social exclusion theorists such as Barry insist on the importance of being 'respectably clothed by the prevailing standards of one's society' (Barry 1998: 22), Sen understands the ability to appear in public without shame as being much more encompassing. To wit, being free of shame requires, among other things, 'to be able to visit and entertain one's friends, to keep track of what is going on and what others are talking about' (Sen 1987: 18). This standard will fluctuate since what is necessary to avoid shame thus defined 'requires a more expensive bundle of goods and services in a society that is generally richer' (Sen 1987: 18)

While Sen insists that capabilities in general and shame in particular should be understood as a function between goods and resources on the one hand, and social conventions on the other, he does not seem to take the potential of changing social conventions to relieve the pressure of shame sufficiently into account. On the contrary, he claims that the test of appearing in public without shame is 'not so much having equal shame as others, but just not being shamed, absolutely' (1983: 161). This understanding of an absolute (or equal, for that matter) level of shame seems impermissibly grounded in distributive intuitions. This grounding runs counter to Anderson's observation that capabilities should not be understood as simply a matter of 'one's fixed personal traits and divisible resources', but as a function of these traits and resources in relation to 'social relations and norms, and the structures of opportunities, public goods and public spaces' (Anderson 1999: 319). Shame, in other words, supervenes on a certain pattern of goods on the one hand and norms on the other, and taking this relation into account opens up the possibility of questioning norms that socially construct shame.

In order to ensure the capability of 'appearing in public without shame', we can therefore act not only at the level of which goods and resources to distribute, but also at the level of which societal norms construct what is shameful. In line with this broader understanding of the relational and structural determinants of capabilities in general and shame in particular, the misplacement of responsibility on the excluded can be interpreted as a social norm that contributes to producing public images of the excluded as worthy of *shame*. This is true both for the case of the excluded as described, for instance, by Jones, as well as by minority groups who are painted as a moral underclass. 'Without shame' on this reading, should be understood to mean ' without being made to feel shame' - that is, without being constructed as deviant and blameworthy in the eyes of the included majority. Appearing in public without shame – and without blame – means being able to appear in public without legitimizing 'paternalistic or punitive policies' motivated by a supposed moral inferiority (Young 2011: 23). It would mean interacting with welfare state institutions without being looked at with suspicion and having to prove you are not irresponsible – only incompetent.

Ensuing the poor and excluded ethnic or racial minorities are able to appear in public without shame thus requires (in addition to distributive requirements), combating persistent narratives about these groups entertained by the majority population. In the case of Romanis, the ability to appear in public without shame requires changing the public narrative of the 'Gypsy threat'

through activism (Loveland and Popescu 2016: 347). Combating this narrative has distributive implications since the persistence of the narrative 'renders [Romanis] a perpetually vulnerable population', since whenever structural, socio-political or economic factors change, 'economic downturns provide an opportunity for groups with various political or economic interests to capitalize on Roma vulnerability' (Loveland and Popescu 2016: 348).

Regarding the excluded poor, the ability to appear in public without shame also requires combating the narrative of the irresponsible, feckless and feral underclass. Basic strategies for combating stereotypes such as public reaction against stereotypes painting the poor as scroungers, or types of discourse that effectively dehumanise working class people would be needed. This method would, just like the case of Romanis, also have distributive effects, since displacing responsibility away from structural factors and the responsibility of the majority in upholding them risks penalising the excluded for structural job loss (see Jones 2011: 94). A recognition of the responsibility carried by both structural factors and the majority in perpetuating unfair social divisions might therefore help combat the distributive effects of exclusion through enabling more effective measures.

Hence, applying the transformative approach studied in the previous section requires challenging patterns of esteem entertained by the majority which violate the achievement principle. This avenue matches Anderson's proposal for racial integration as discussed in her *Imperative of integration* (2011). Unlike assimilation, integration 'emphasizes the need to change the dominant group too' and to ensure fair cooperation according to institutionally defined social roles in structured environments, where it is possible to ensure the roles are not racially identified in ways that might entrench segregation further. Although Anderson does not use this vocabulary, her emphasis on enabling the excluded to participate in the labour market on equal terms as a central solution to integration shows an emphasis on the achievement principle of recognition.

Emphasising the aim to combat displacement further, a transformative approach to shame is also able to ensure the dominant groups are able to appear in public without shame. This narrative takes to heart statements such as that poverty is 'a national shame' (Young 2011: 3) or that the sheer symbolic division between the deserving included and the undeserving excluded is 'a moral disgrace'. Indeed, the further we extend recognition for what is

shameful, the more people would be included in our sphere of moral concern. Extending recognition for shameful behaviour in producing negative externalities so as to include Calais refugees, for instance, would lead to including refugees in ordinary justice discourse.

This last point concerns an aspect of justice that has always been tantalizingly close to many issues raised in this thesis, namely the importance of the political sphere. Indeed, in her treatment of social exclusion Fraser (2010) regards the social exclusion of the global poor as an injustice that lies at 'the intersection of several scales' – namely misrecognition, maldistribution and misframing (Fraser 2010: 364). The global poor are 'misframed' according to the political dimension of justice, whose corresponding injustice is that 'those who are constituted as non-members are wrongly excluded from the universe of those entitled to consideration within the polity in matters of distribution, recognition, and ordinary-political representation' (Fraser 2010: 367). Echoing Arendt's dictum of citizenship as 'the right to have rights', Fraser notes that being excluded from political representation is a 'meta-political injustice' in denying those that suffer from it the right to contest the terms of inclusion.

While the political dimension lies outside the concerns of this thesis for reasons previously explained ensuring individuals the capacity to 'appear in public without shame' goes some way towards integrating political concerns in requiring individuals have the ability to appear in public. Here it is worth pausing to think how the possibility might be denied. In his analysis on the homeless, Leonard Feldman (2002) paints the group of the homeless as a category produced by processes of exclusion by the state: on the one hand, they are defined as excluded from processes of private ownership and enjoyment of goods, and on the other they are excluded from public places at certain times, such as parks or sidewalks, such that the homeless become excluded from public life altogether. Goodin similarly mentions the homeless as a prime category of concern for social exclusion, calling them 'the Appalachians of today, the most conspicuously "left out" among the domestically disadvantaged' (Goodin 345). Requiring that the homeless be allowed to 'appear in public without shame' thus challenges political processes of legislating the homeless out of public life. Yet beyond this point, allowing e.g. the global poor to 'appear in public' requires extending the boundaries of membership in ways that require further argument.

6. Conclusion

Despite social exclusion having been 'discovered as a new social evil' (to paraphrase Goodin 1996: 343) in the 1990s, struggles remain over how to understand it, whether it is different from poverty, and what constitutes the specific harm of being excluded. In this chapter I have shown that part of the problem might be that approaches to social exclusion in political theory tend to remain grounded in either purely distributive or purely recognition-based dimensions. Whereas these approaches are able to account for some of the concerns and empirical findings about social exclusion put forward in public policy (such as its mutually reinforcing nature), monistic approaches are unable to account for the richness of phenomena and particular patterns of interaction between them identified in the empirical literature on social exclusion.

In particular, I have shown that monistic approaches are unable to account for a phenomenon identified as central practice of social exclusion by disparate authors like Levitas, Young, Jones, van Dijk and Tileaga. This phenomenon, which I have called the misrecognition of responsibility, refers to blaming the excluded themselves for their problems once maldistribution has taken place, and simultaneously framing the included as morally deserving. Even though it is a form of misrecognition (specifically, a violation of Honneth's achievement principle), the phenomenon logically presupposes pre-existing maldistribution, which it attempts to render justifiable.

Accounting for the misrecognition of responsibility validates the necessity of a dualist and dynamic approach to social justice, as I have advocated throughout this thesis. Whereas a purely distributive approach is unable to account for the misrecognition presupposed by the phenomenon, purely recognition-based approaches to exclusion like the one advanced by Minow is unable to capture the reverse dynamics from maldistribution to misrecognition. In the case of social exclusion this dualist and dynamic understanding is able to bring together the case of socially excluded ethnic or racial groups as well as socially excluded members of the majority, insofar as they are victim to the same phenomena of misrecognising their responsibility and constructing them as a class of morally inferior others. Although the social exclusion of ethnic minorities is likely to be 'deeper' than that of majoritarians all things equal – since ethnic and racial groups are already part of processes of othering – it is not part of a distinct phenomenon. Despite a narrative of the poor and members of ethnic and racial

groups being in competition over public sympathy and concern, empirical studies such as that of Loveland and Popescu show that those who are excluded or at risk of social exclusion are less likely to entertain stereotypes about Romanis as immoral and 'feral' than the included.

A final advantage of regarding the misrecognition of responsibility as a defining harm of social exclusion is that it would lead to aiming for a transformative remedy of abolishing the excluded as a group. Not only is this in line with established theories on social exclusion like the ones advanced by Goodin or Levitas, but it has the potential to enrich distributive approaches such as Sen's proposal to allow individuals to 'appear in public without shame'. A direction for further research on the recognition dimension would be to attempt grounding the distinction between inclusion and accommodation in terms of ending misrecognition of responsibility of excluded ethnic and racial groups (for inclusion) as opposed to ending other forms of misrecognition of diversity (for accommodation). This potential for enriching monistic debates is one of the broader outcomes of this thesis, which I now move on to assess in the thesis' conclusion.

Conclusion

Much like Pierre Bayle wrote a 600 page-long *Philosophical Commentary on These Words of the Gospel, Luke 14.23: 'Compel Them to Come In, that My House May be Full'*, this thesis can be read as a lengthy comment on Fraser's notion that 'recognition and distribution operate according to different logics'. Pursuing the anti-reductionist agenda, I have claimed that a conceptual distinction between the recognition and distributive dimension of social justice should be maintained given the distinct areas of concern, the different approaches in the respective bodies of literature, and specific nature of the goods and normative standards involved. Respect, for instance, cannot be reduced to an opportunity distributed to people, because the kind of standard it requires involves relations between people rather than distribution by a central authority and this standard cannot be met within these interactions by trading off respect against other opportunities. Claiming I have not disrespected you because I have given you money after uttering a racist or homophobic slur against you would further entrench rather than alleviate the injustice of misrecognition.

Neither can we ensure equal opportunity by only seeing to it that all members of society are treated with equal respect and concern. Here, Dworkin's distinction between equal treatment and treatment as an equal comes to mind. Whereas all have a right to equal concern and respect, this 'abstract right' translates into a non-negotiable right to *treatment as an equal* by relevant political institutions (in terms of having equal voting rights, for instance), but may result in *unequal treatment* in terms of distributive shares, in accordance with fair principles of distributing relevant rights and opportunities (Dworkin 1977: 273). The recognition-based standard of equal respect and concern can, therefore, offer at best a framework in which to make democratic decisions about just distributions, but cannot solely determine fair criteria; for Dworkin, establishing this later aspect of justice is indeed 'the sovereign question of political theory' (*idem*.) rather than something we simply deduce from the desideratum of equal recognition.

Against Fraser's claim that the two dimensions operate according to different logics, I have argued that recognition and distribution properly understood *as* perspectives on social justice rather than ontologically distinct entities show more overlap and commonality of aim than difference. Most importantly, the aim of recognition is *not* to protect (and ideally proliferate)

difference, but rather to *erase* unfairly constituted differences where the neutral fact of difference becomes the negative fact of difference. While this argument as presented in Chapter 1 of this thesis might have seemed grounded in a peculiar understanding of recognition (and hence potentially not translatable to other perspectives), throughout the following chapters I have argued that this understanding of misrecognition is necessitated lest recognition theories encounter a 'symmetry problem' (Chapter 2) as well as for providing clearer understanding of the types of misrecognition involved in the cases of disability, discrimination and social exclusion (Chapters 3, 4 and 5).

Pursuing the integrative dynamic agenda, I have gradually argued for an understanding of group-making processes as involving both distributive and the recognition concerns. Groups are shaped by both the socio-economic conditions with which group members interact, as well as patterns of recognition (or misrecognition) of relevant differences between them and non-members. Looking at the case of disability in Chapter 3, I have argued that the group of disabled persons is defined not by a 'lack of internal resources', but by an interaction between the internal constitution and external structural and material environment. The bodily constitutions or mental capacities of those who come to be regarded as 'the disabled' are rendered defective as a function of the material and social environment. The group of disabled persons is defined by the interaction between social norms and expectations as well as material factors – be they access facilities, learning arrangements, or available technologies – that determine opportunity structures. The recognition dimension pushes our grasp of what equal concern means ever further, challenging which structures of opportunities are fair and acting together with distributive concerns in rendering the situation of disabled persons more just.

This interaction model of group-making has been generalised from the case of disability to the case of discrimination in Chapter 4. The example of the Cagots provides an illustration of an 'ethnic' group for which the relevant group-making 'difference' was made and remade by the majority in order to render exclusion on economic grounds justified. The case of the Cagots challenges definitions of discrimination restricting the area of concern to 'non-idiosyncratic' (Lippert-Rasmussen) or highly visible (Sunstein) traits. As in the case of disability, this approach to discrimination assumes a model in which the traits that ground discriminatory treatment are somehow 'internal' to group members, rather than a product of interaction between different individuals and groups. Yet, as I have shown in Chapter 4, a

dynamic understanding of group-making processes involving both distributive and recognition elements is necessary to account for the case of Cagots, as well as for some of the most severe cases of discrimination we can think of (such as the caste system in India), where the relevant differences are not naturally, but socially salient.

In Chapter 5 we have seen that group-making processes do not *only* affect the initial formation of the group *qua* group (as argued explicitly by Minow) but are *also* 'manufactured' continuously, often in order to render the maldistribution that results from initial animus or prejudice justified. I have shown this 'manufacturing' process at play in stereotypes against European Romanis, where it forms a 'threat' narrative that impedes social inclusion. Yet, this type of continuing misrecognition – which in the case of social exclusion I have called the misrecognition of responsibility – does not affect Romanis alone, but the socially excluded more generally. Thus, seeing group-making mechanisms as both continuing processes and processes that can move from maldistribution to misrecognition, it is possible to treat socially excluded Romanis and majority poor individuals by the same standard – which can, as I have suggested, be regarded as an extension of requiring all members of society have the 'ability to appear in public without shame'.

The dynamic approach, finally, sheds light on both some of the commonalities and some of the differences between processes of social exclusion and discrimination. The initial mechanism of 'manufacturing' stereotypes discussed in relation to Minow in Chapter 5 can be said to be an essential group-making mechanism. As such, it can be linked to the case of the Cagots in Chapter 4 with a double aim. First, it demonstrated that initial difference can be manufactured to justify unjust distributive patterns. This connects the initial example of the formation of the group of the Cagots *qua* group to the continuous making and re-making of the poor, Romanis or African Americans. Second, the connection shows a common pattern between discrimination and social exclusion. Although these two social phenomena are generally regarded as distinct and seen to require separate solutions, a dynamic perspective helps see they in fact are part of a common dynamics. Indeed, the solution to social exclusion favoured by Levitas and Minow can be phrased as requiring the abolition of the excluded as a socially salient group. This is further in line with William Ryan's claim that

> The crucial criterion by which to judge analyses of social problems
> is the extent to which they apply themselves to the interaction the

victim population and the surrounding environment and society, and conversely, the extent to which they eschew exclusive attention to the victims themselves – no matter how feeling and sympathetic that attention might appear to be. (Ryan 1971: 57)

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Much like Pierre Bayle's treatise is, in fact, a 600-page essay on how to interpret the word 'compel', my thesis can be interpreted as a 85.000-word essay on how to interpret the word 'perspective'. Although Fraser herself introduces the dual perspectival approach specifically to differentiate it from approaches that equate recognition and distribution to ontological substances in the world, her intuitions sometimes fluctuate between the perspectival and the ontological understanding. Thus, she sometimes traces causal mechanisms back to recognition or redistribution as if they had causal powers in themselves (Chapter 1).

By opposition, I have insisted firmly on considering recognition and distribution explicitly as perspectives or labels that it is simply more convenient to use given the distinct sets of intuitions and concerns they conjure up. They are sets of normative concerns we have when looking at social reality, not ontological substances constituting that reality itself. Of course, the way we perceive social reality – and what social reality therefore is – is not independent of normative assumptions. The social harms we pick out in social reality are not, of course, completely independent of the perspectives we apply. While this observation is usually seen to justify the use of quotes around the term 'social reality', as some have done with culture,[151] few feel the need to write 'recognition' instead of recognition or 'distribution' instead of distribution.

Nonetheless, the fact that recognition and distribution are so often regarded, sometimes despite explicit statements to the contrary, as ontological substances in the world rather than perspectives warrants such a distancing device. Equal opportunity is a matter of 'distribution' rather than distribution, since opportunity structures necessarily interact with 'recognition' rather than recognition. Equal respect is a matter of 'recognition' rather than recognition, as it both impacts and is impacted by fairness criteria and ensuing 'distributive' structures. I

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[151] See also Phillips's justification in *Multiculturalism without Culture* (2007) that the use of quotes around the concept of culture is no longer needed since its contested nature is already widely acknowledged

believe this is one instance in which non-ideal theory phenomena like the ones I have analysed in this thesis can add clarity to concepts in ideal theory – where the pure notions of recognition and distribution are usually developed. I shall use quotes in the remaining paragraphs to illustrate this.

Finally, slightly moving away from the different logics point, I hope the thesis has provided evidence for the existence of an important overlap between the interests of groups largely seen as pursuing 'distributive' concerns (such as the poor) and groups pursuing mostly 'recognition' concerns (such as African Americans, people with disabilities, ethnic, or sexual minorities). Focusing the attention on the similarities rather than the differences between these groups shows our current understanding of identity struggles as being necessarily in tension with the interests of the economically disadvantaged is mistaken if we relax our stark understanding of distribution and recognition as fixed, insisting instead on a perspectival approach of 'distribution' and 'recognition'. While minorities and the economically disadvantaged sometimes have *politically* opposed interests – as Benjamin Disraeli once remarked when claiming the working class are Tory voters 'in the marble', or as the near-anthropological fascination with the white working class Trump voter has shown – this is due to an impermissibly narrow understanding of the wider injustices affecting both types of groups.

The economically disadvantaged and members of minority groups might clash politically in competitions over particular resources – in line with the saying that politics is about deciding what there is not enough money for. These groups might also clash over 'recognition' struggles since the economically disadvantaged might generate movements against minorities to assert superiority of 'recognition' as discussed in Chapter 2. Yet the recognition-distribution frame aids both our understanding of these reactions – in particular that of the economically disadvantaged against 'recognition' struggles– and our ability to disentangle some of the misconceptions behind these reactions. Regarding economic disadvantage in particular, an integrated view helps substantiate the intuition behind prioritarian approaches to social justice arguing that we should prioritise the improvement of the situation of the worst-off. Recent approaches connecting prioritarian intuitions to public policy (such as Wolff and de-Shalit 2007) similarly note specific problems such as the dynamic clustering of disadvantages accruing to the worst off. While these problems are usually understood as pertaining to a 'distributive' dimension, the existence of phenomena such as the ethnicisation

of poverty or feminisation of poverty shows that concerns associated with 'recognition' act to reinforce material deprivation. The integrated approach I am proposing therefore helps explain both why the 'recognition' dimension should be given weight in assessing the situation of the worst off, and why it does not engender a solution following a 'different' logic.

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