The Sense of Injustice

Justice in its emphatic sense, justice as a fiery sword, is the always practical, always eventful, always political struggle for the elimination of injustice.

—Jay Bernstein

The reorientation around the value of non-domination that I discussed in the last chapter is at the heart of the prioritization of injustice in critical theory. In this chapter, we will see that this involves moving away from thinking of injustice as either an empirical deficit measured against an ideal of justice or a conceptual derivative of such an ideal. Among other things, we will see that the prioritization of injustice involves reimagining the dynamics through which demands for democratization emerge in the world in a way consistent with the discussion in chapter 2. This chapter therefore seeks to demonstrate why critiques of overly rationalistic accounts of universal justice do not have to consign us to the scholastic pieties associated with postfoundational ontologies. These ontologies leave us in the awkward skeptical position of presuming that we have to hold fast in practice to assumptions that we profess to know, theoretically, to be false. The alternative path is to reorder the relationship between justice and injustice so that universalization can be approached as a horizon for actions responding to situated experiences of the wrongs of injustice.

My purpose in this chapter is to work through the significance of the observable shift in discussions of issues of democracy in critical theory, as well as in strands of analytical political philosophy, toward conceptualizing injustice independently from a prior formulation of a principle of justice. The lines of thought I reconstruct invite us to stop thinking of injustice as an observable deviation from justice, understood as a positive ideal. I argue that the thinkers considered here all share the intent to contest “the idea that injustice is defined and made recognizable by some positive vision of justice, that the conception of justice is primary.” The purpose of contesting this picture is to rearrange the conceptual order of justice and injustice.
In speaking of the priority of injustice, I am following Jay Bernstein’s proposition that “injustice is the medium of real justice.” According to Bernstein, this premise should reorient the vocation of critical theory away from developing ideals of equal treatment or models of discourse ethics against which the world can be evaluated. Instead, priority should be given to the analysis of the struggles against domination that call such normative ideals into existence in the first place. I will argue that the reordering of the relations between ideas of justice and experiences of injustice also involves a heightened interest in the role of the passions in reasoning about moral action, indicating negative emotions such as anger, disgust, and shame as much as positive ones such as compassion and empathy.

The emphasis on the feeling for injustice as a primary mobilizing force in political action is a theme that crosses between critical theories of action and ontologies of the political considered in part 2. For example, we saw in chapter 4 that Jacques Rancière’s account of proper politics gives primacy to the idea that democracy emerges as a response to the wrong of injustice. Rancière tends to impose a singular meaning on action against the felt wrongs of injustice, which he presents as always and everywhere to involve a claim for equality. Simon Critchley better captures the importance of the emphasis on the passions in motivating action against injustice. He shares with the tradition of Left ontology discussed in part 2 a view of politics that is marked by a deep suspicion of the state and an opposition to what is seen as a pacified field of consensus. He also privileges a view of democracy not as a political regime but as a movement of democratization through which political life is formed and contested. But Critchley keeps a distance from the view that politics can be deduced from ontology, a view he suggests is shared by theorists of hegemony as much as it is held by theorists of immanent communism and insurgent anarchism. He rejects the assumption that the meaning of the political can be derived from a prior ontological grounding in affect, abundance, lack, species being, or vitalism: “There is no transitivity between ontology and politics.”

In contrast to strongly ontological interpretations of the political, Critchley proposes an ethical account of the political, one in which the becoming political of a situation disrupts any appearance of ontological solidity that affairs might have. He proposes that politics should be understood as a practice generated in response to situations of injustice. The process of becoming political is provoked by the experience of the “ethical demand,” referring to the exposure of a subject to the call of the Other. In this understanding, derived from the responsive phenomenology developed by Emmanuel Levinas and embellished by Jacques Derrida, the experience of the universal emerges through the provocation of passions that move subjects to action. Critchley therefore provides an account of the political that seeks to displace the primacy accorded to ontologies of lack, constitutive outsiders, or dissensus, all of which elide any place for motivated action. What is most distinctive about Critchley’s account of the political is, then, the emphasis it places on accounting for situated action by embodied subjects.
In his explicit concern with “the problem of motivation in politics,” Critchley tends to suppose that the absence of philosophically robust justification of morally good action means that what we need is an account of the cultivation of the ethical dispositions required to act in the absence of secure foundations. It would be a mistake, however, to read his account of motivation as one that privileges mere ethics over proper politics. Critchley’s discussion of the political is best approached as an account in which ethics is the theme under which questions of the motivation of action are explicitly addressed. Read in this way, Critchley helps us draw into view the full significance of the emphasis on the priority of injustice that one finds across a number of strands of contemporary political thought—this emphasis is an index of a concern for analyzing the various rationalities of action involved in the assertion and affirmation of claims of injustice that require a democratic response.

The feeling for justice is often associated with positive affects—with dispositions toward compassion, empathy, and forgiveness—which, it is easily assumed, can and should be actively cultivated and harnessed toward greater fairness. In his account of the motivations of political action, however, Critchley proposes that anger is “the first political emotion.” It is the emotion generated in contexts of “political disappointment” and one that produces motion, that is, that moves the subject to action. Whether or not we agree that there is a primary political emotion, Critchley’s proposal does illustrate the degree to which any affirmation of the priority of injustice is closely associated with a recentering of the passions in accounting for political action. If we favor a focus on injustice and how feelings like anger can motivate action against it, as Critchley does, then we shift attention away from positive dispositions. A feeling for justice might also involve a series of “the antipathetic passions,” such as envy, jealousy, resentment, outrage, revenge, and indignation. Another way of glossing the point is that we should not presume that understanding the feelings that animate a concern with injustice is an excuse to reduce our concerns to the cultivation of ethical relationships. Justice may or may not be thought of as a virtue. But the argument for the priority of injustice should certainly not be reduced to that dimension of human affairs alone.

Giving priority to injustice involves, in no small part, affirming the affective dynamics through which political action is generated as a response to varied forms of harm, injury, or maltreatment. We might view this affirmation as simply a variation on a long-standing idea most famously associated with David Hume, for whom passions and affections motivate action. The important implication is that acting, including acting morally, is not best understood as dependent on grasping and applying a rational principle or truth. The point of affirming this understanding of action, though, is not to assert that reason is merely an ephemeral layer placed over a roiling tumult of unruly emotions, either in a celebratory way or as a matter to be bemoaned. That conclusion holds fast to a single picture of reason as opposed to the passions, when in fact the point of the affirmation is to
encourage us to change our picture of reasoning and rationality. The significant implication of the affirmation of the passions is that any concern for justice has its origins in capacities to be moved by injustice and that our picture of reasoning about justice needs to be adjusted accordingly.

The shift toward prioritizing injustice has certain precedents, we will see, but it is most clearly expressed in the recent work of Amartya Sen, speaking to debates in analytical political philosophy, and in the theory of recognition developed by Axel Honneth, seeking to reconfigure the tradition of critical theory. Before discussing these two thinkers, I turn to a consideration of how giving priority to injustice is associated with an argument for giving greater attention to the “sense of injustice” in moral reasoning.

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There is, of course, already a long tradition of concern with the theme of injustice in social theory. Yet the focus of theorizing about injustice often remains on analyzing the dynamics of resistance to taken-for-granted sources of harm, such as patterns of capitalist exploitation of labor and the degradation of the environment or formations of gendered, sexualized, and racialized oppression. In forms of radical empiricism, the amassing of empirical data on patterns of inequality is often equated with mapping injustice, the persistence of which is attributed to a set of pernicious “beliefs.” These ways of acknowledging injustice as an animating dynamic of political life end up reproducing the same ordering found in ideal theories of justice, in which injustice appears as the suspension of justice—an ordering illustrated by the stylistic ubiquity of the bracketing together of justice and injustice as “(in)justice.”

While wary of venturing too far into the terrain of normative justification, critical social science is certainly often motivated by a concern to make explicit the senses of injustice that animate particular fields of contention. This is an important commitment worth further development. Debates about environmental justice and about “the right to the city” are examples of this type of analysis. They draw into view two important issues for how we think about the relationship between justice and injustice. The first is that normative understandings of justice are worldly principles, which emerge from situated conflicts and orient action. The second is the proposition that critical analysis starts not so much from a clear-sighted definition of justice but from a shared abhorrence at some form of wrong.

We should certainly take seriously the recommendation to start off from injustice. But we need to avoid the impression that one could reconstruct the meaning of justice by simply tracing the explicit content of visible expressions of feelings of injustice. To assume that one can do so only threatens to underplay the signif-
icance of giving priority to injustice. The argument for the priority of injustice in critical theory should not be too readily interpreted as requiring an elective identification with favored activist voices or with the expressions of victims. To understand why, we need to dwell a little longer on the significance of the idea of “the sense of injustice” that lies behind the argument for giving priority to injustice in democratic theory.

The idea of the sense of injustice is a relatively recent one in political philosophy. It does have some precedents, for example in the legal theory of Edmond Cahn. He argued that the sense of injustice is an almost natural feeling that gives impetus to actions against violations of equality or dignity. The implication of Cahn’s concept of the sense of injustice is that one can determine the meaning of justice by mapping the explicit content of expressions of the sense of injustice. The sense of injustice, in this account, is a kind of empirical guide to the meaning of justice. More recent work that emphasizes the sense of injustice does not make the same sort of strong naturalistic claim as Cahn, nor does it necessarily think of explicit opposition to injustice as a guide to the proper meaning of justice. It involves a much more fundamental reordering of the conceptual relations between justice and injustice.

Contemporary treatments of the idea of the sense of injustice are primarily associated with an argument developed by Judith Shklar. In The Faces of Injustice, Shklar observes that justice has been the privileged object of normative theorizing in political philosophy, whereas injustice has been thought of as an empirical fact that is primarily felt as a lack or absence of justice. Justice is often assumed to be a positive ideal, the primary concept from which injustice is theoretically derived and the idea from which the real world is found to empirically deviate. Giving justice conceptual priority over injustice is a feature of approaches that seek categorical definitions of the meaning of justice as well as those that suggest justice is merely a charade obscuring relations of power and violence. Shklar’s account of the sense of injustice challenges both the idealistic and the cynical interpretation of the meaning of justice.

Shklar argues that moral and political philosophy (she has in mind the egalitarian tradition of thought represented and revived by John Rawls) take for granted that “injustice is simply the absence of justice, and that once we know what is just, we will know all we need to know.” She calls this “the normal model” of thinking about justice, in which the emphasis is on perfecting robust foundational accounts of justice and virtue. The task of moral reasoning is taken to be defining the ideal model of a just society, against which actual examples of social arrangements can be critically evaluated. The normal model does not necessarily ignore injustice, but it does tend to reduce it to “a prelude to or a rejection and breakdown of justice, as if injustice were a surprising abnormality.” In contrast, Shklar argues that injustice is a normal feature of existing social systems, but she also observes that explicit claims for redress, revenge, or retribution are not actually common at all.
So the question arises of just how and why the sense of injustice gets awakened and articulated when it does arise.

The significance of Shklar's argument is not simply its recognition that injustice is a more routine feature of social life than is often supposed. Nor is her argument simply about analyzing the causes of injustice. The most powerful claim she makes is that the fundamental weakness of ideal theories of justice arises from the absence of the perspective of victims of injustice. Shklar observes that debates about how to define the distinction between misfortune and injustice, so central to the tradition of luck egalitarianism, arise from adopting the perspective of a reasoning subject more or less prepared to act on behalf of victims of some wrong. These theories tend to be resolutely monological in tone. Her deceptively simple suggestion is that theories of justice should actually make more effort to include the perspective of the victim in their frameworks of analysis. Doing so draws into view the importance of the passions in articulating claims of injustice: "No theory of either justice or injustice can be complete if it does not take account of the subjective sense of injustice and the sentiments that make us cry out for revenge."\footnote{18} In this formulation, Shklar makes clear that questions of injustice are intimately connected to passionate forms of expression. Her argument has affinities with Stanley Cavell's criticism of John Rawls's idea of "the conversation of justice," discussed in chapter 5, in which Cavell argues that Rawls's model does not open itself up to the full variety of ways in which injustice is experienced and expressed. In this respect, the crucial claim that Shklar makes in elaborating on the need to think more deeply about victimhood is that there is a fundamental asymmetry between justice and injustice. Justice, she argues, "radiates no emotional appeal."\footnote{19} The value of justice lies, after all, in impartiality and universality. Injustice, on the other hand, is affectively rich in a way that doing justice is not, and is not meant to be. Injustice, to put it another way, is felt and necessarily particular and partial in a way in which justice is not.

The idea that injustice is passionately felt while justice is not might seem to imply that acknowledging injustice not only requires identification with the viewpoints of its victims but does so in a way that threatens any possibility of rational coordination of public life by ceding authority to subjective expressions of grievance or injury. But Shklar's critique of the normal model of justice should not be mistaken for an argument in favor of identifying wholly with victims of injustice. The purpose of her argument is not to replace the certainties of monological modes of philosophical reasoning with the certainties provided by idealizations of victimhood.\footnote{20} The element of skepticism directed toward the authority of normal models of justice by attending to subjective claims of injustice cuts both ways for Shklar, so that those claims themselves are accompanied by doubts and uncertainties as to their validity. Proposing that the perspective of victims must be included in any account of injustice is, then, related to Shklar's insistence that it is not enough to just listen and affirm victims' claims of injustice. As we will see,
to think that it is enough might actually be one route to reproducing injustice of certain sorts. Shklar’s focus remains squarely on the political question of how to evaluate claims and expressions of injustice.

Shklar does not suppose that the most pressing task we face is to develop a standard against which claims of justice can be adjudicated. Her argument is that democracy is the best political frame for responding to expressions of the sense of injustice, because it does not silence “the voice of the aggrieved and accepts expressions of felt injustice as a mandate for change.” Shklar thinks of democracy as a framework for mobilizing shared experiences of injustice, in order to think through the significance of particular claims. Rather than presume that those claims are to be adjudicated by philosophical legislators or their underlying causes explained by social scientists, she insists that making sense of claims of injustice must take place through forms of public intercourse. Shklar’s argument is, then, one version of an argument that seeks to dethrone an impartial model of universal rationality by according a privileged place to the public sharing and evaluation of narratives of injustice.

To fully grasp the implications of Shklar’s argument about the animating force of the sense of injustice for how we think about the forms of reasoning required of critical thought about democracy, we can usefully turn to Cora Diamond’s account of the expression and response to injustice. Elaborating on an issue also central to Shklar’s argument, Diamond presumes that there is a difference in the positions of the victims of injustice and of those placed in a position of response. Diamond is not directly concerned with the issue of democratic justice but rather with the grounds for extending justice to animals. The significance of her argument here is that she asks us to focus on the difficulty of responding to injustice as injustice. She proposes that matters of justice arise in scenes of exposure to the face of injustice. Justice is therefore derived not first and foremost from considerations of universal rights but from relations of attention: “The capacity to respond to injustice as injustice depends, not on the capacity to work out what is fair, but on the capacity really to see, really to take in, what it is for a human being to be harmed. This is not easy for us; it requires a recognition of our own vulnerability, and there are not comparable demands on us in thinking about the deprivation of rights.” Like Shklar, and Young as well, Diamond does not assume that there is a single subject-position from which such matters can be addressed to impartially decide who is a bearer of rights. She asserts that what is crucial for doing justice is convening the shared space between victims and those placed under a demand for a response. Diamond suggests that those placed under a demand for justice often disavow any shared sense of vulnerability. In her view, the “capacity to respond to injustice as injustice” does not involve calculating fair shares from a distance, nor an appreciation of philosophical arguments about shared capacities for reasoning or even for suffering. It arises first and foremost from the difficult acceptance by a subject of his or
her own of vulnerability, a response that arises in scenes of “acknowledgment” of the claims of others rather than in a knowing relation of what is right, good, or justifiable—in an appreciation, that is, that what is required is a response to a claim, not verification.25

Diamond’s account of injustice might well appear to have more to do with questions of moral philosophy than of democratic theory. But the relevance of her account lies in establishing that questions about who should be afforded standing as a subject of justice are not open to purely philosophical or explanatory determination. Diamond helps us see that there is an irreducibly ethical dimension to these questions, that is, a dimension that exceeds purely rational calculation or explanatory knowledge but draws on capacities to be affected by the claims of others for acknowledgement. These ethical scenes of acknowledgement certainly do not negate the significance of the political. From the perspective of the heterodox tradition I am reconstructing here, such claims take on their full value only by passing through the worlds of public reasoning.

In their shared attention to experiences of vulnerability as a condition through which the sense of injustice emerges, both Shklar and Diamond put a premium on the importance of not presuming in advance that all forms of need or all demands for attention are of the same type. We have returned here to the argument encountered in chapter 7 concerning the distinctly political quality of justice understood as “the fundamental impulse against arbitrariness.”26 Diamond in particular reminds us that there are all sorts of situations in which subjects are called on to respond to the needs and claims of others but that not all of these are necessarily situations of injustice. In important respects, both Shklar and Diamond presume that questions of justice require the capacity for discrimination, that is, the capacity to exercise exemplary judgment.27 They both emphasize the importance of attending to the grammar of public expressions of harm in order to formulate the appropriate response that might be articulated in those expressions.

Diamond helps us see that what is most at stake in Shklar’s argument about the animating force of the sense of injustice is not an assertion of the primacy of a nonrational kernel at the core of political life. And it is not an argument about the ontological primacy of emotions or the passions. The force of the argument lies, rather, in the way it shifts the picture of the tasks of critical analysis. Shklar’s argument about the democratic processing of the sense of injustice dovetails with other arguments about the importance of thinking of justice dialogically. Shklar’s account of the sense of injustice is, therefore, one example of a broader tradition of thought that affirms the affective dimensions of justice claims. This affirmation is the means by which the agonistic aspects of political life are integrated into traditions of reasoning that have previously overestimated the importance of impartiality as the key to securing universal justice claims.

The characteristic feature of this heterodox tradition is that appeals to emotion, the use of personal testimony or anecdote, and passionate rhetoric are all
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seen to be central both to generating claims of injustice and in processing them democratically. These modes of expression are often thought of as distinct from reasons, arguments, principles, and justifications, all of which have a somewhat rationalistic ring to them. But the stark distinction between the rational and the more-than-rational does not quite hold up. As Fraser explains, “In political discourse telling a story or adducing an exemplar is not an alternative to advancing a reason. Rather, it is itself a form of argumentation in the broad sense, another way of advancing a reason or justifying a claim.” This understanding of multiple “genres of reasoning,” far from assuming that reaching agreement requires the bracketing of passions and moral sentiments, takes for granted that affective attachments to particular conceptions of the good serve as a resource for cultivating democratic dispositions toward justice. It is an understanding that leads to the view that justice is best advanced by institutionalizing what Stuart Hampshire calls “disputable reasoning” rather than “convergent reasoning.” In Hampshire’s view, the principle of justice holds simply “that contrary claims are heard.” Justice as conflict, in this sense, is governed by rationality understood simply as “the habit of balancing pros and cons in argument.”

Taken together as examples of a broader strand of thought, both Shklar’s and Diamond’s elaborations of the theme of the sense of injustice represent a fundamental challenge to the normal way of reasoning about justice. Justice is normally assumed to be a positive ideal from which injustice is a deviation and against which various real world approximations or departures can be measured. Understood in this way, the normal model of justice also shapes a settled way of thinking about the respective tasks of philosophical reflection and social science analysis. The revised view of the priority of injustice that follows from acknowledging the force of Shklar and Diamond’s arguments requires us to rethink this intellectual settlement.

An Injustice-Centered Theory of Justice

The train of thought Shklar opens up requires us to rethink some of the conventions of critical theory, not least as they pertain to the self-understanding of critical social science. I think that Shklar’s critique of the normal model of justice in moral and political philosophy also accurately describes important features of how justice and injustice are approached in critical social science. While social scientists often display a keen sense of the normality of injustice that Shklar finds so lacking in philosophical accounts of justice, a wariness toward normative discourse means that they usually apprehend injustice against the background of an implicit model of ideal justice. As a result, injustice shows up as the absence of justice in exactly the way that Shklar finds typical of the normal model in philosophy. We can see this pattern of thought in three distinct but overlapping forms of critical reasoning.
in social science. First, there is a style of critical social science description and explanation in which injustice becomes visible by comparing actual patterns of disadvantage against ideal theories derived from other fields. In this type of analysis, the meaning of injustice remains subservient to the demonstration of the absence of justice. Second, there is a widely dispersed style of theory in which appeals to superior ontologies or explanatory theories are presumed to trump what are regarded as the inherently individualizing tendencies of normative reasoning about the justifiability of particular social arrangements. And third, there is a style of analysis that presumes that simply demonstrating the empirical fact of inequality is equivalent to providing evidence of injustice.

The problem with these forms of critical social science is that they presume that philosophy is a field to which one can appeal when one needs ideals and principles. But philosophical accounts of justice do not necessarily lack adequate social science foundations needed to explain departures from justice or the endemic generation of injustice. In fact, the standard social scientific suspicion of philosophical concepts actually compounds the most fundamental problem with normative theories of justice. This problem, as we have seen, is the recurring tendency to theorize about these matters monologically, as if injustice is an objectively identifiable phenomenon that can be established either by arriving at a normatively robust foundational account of justice or by arriving at an epistemologically robust or ontologically comprehensive account of the causes of exploitation or inequality.

So it turns out that these two approaches—the normatively philosophical and the explanatorily social scientific—are perfectly well suited to one another, each feeding off the presumed authority of the other: on the one hand to define the ideal of justice and on the other to explain causal dynamics. Neither approach adequately answers Shklar’s challenge of taking seriously the sense of injustice as a starting point for theorizing about justice nor the way in which this argument draws democracy into the center of such theorizing.

The implicit accommodation between these two fields revolves around the continuing commitment to thinking of justice primarily as an ideal. It is a way of thinking that means that the wrongs of injustice are always assumed to show up as an absence of justice. From this shared perspective, to accept that the grammar of justice necessarily draws on partial modes of passionate utterance that give voice to the sense of injustice and that claims-making is the crucial practice through which injustice is expressed and worked through democratically seems to threaten to introduce a ruinous dimension of particularism into a field that should be governed by universal principles. The tendency to think of difference, partiality, pluralism, and variety as either a threat or rebuke to universal criteria of justice arises from a shared inclination to think that the value of universalism lies in an aspiration toward impartiality. To insist on thinking that the main problem to be addressed in developing a critical theory of democracy is one of universality ver-
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sus particularity generates the temptation to reassert some principle of universal validity that can synthesize across observable differences and variety.34

What gets lost in the worry about the threat of particularism introduced by affirming the role of the passions in democratic theory is a recognition that debates about the universal status of normative concepts tend to revolve around the confrontation between two different senses of the universal: the universal as a standpoint of impartiality and universality as a horizon of inclusion. We have already seen how, in different ways, thinkers such as Habermas, Benhabib, and Young recast these debates by confronting the claims of impartial universalism embedded in political thought with an appreciation of the modes of inclusive universalism through which claims of justice are articulated. My argument here is that these critical theorists, among others, demonstrate that there is no need to abandon the terrain of justice for deeper and deeper levels of ontological creativity. Doing so leaves one only ever able to assert the paradoxical contingency of universal principles, or to reassert the need to synthesize particular viewpoints into a universal agreement. By contrast, taking the priority of injustice seriously is a path to disrupting the theoretical order according to which injustice shows up only against the background of more or less implicitly universal models of ideal justice.

The belief that one’s ability to call a state of affairs unjust requires recourse to universal standards might not be the best way of thinking about how criteria actually work, as we saw in chapter 2. The presumption that critique has to depend on universal standards of some sort is a defining feature of the normal model of thinking of injustice as the absence of some ideal condition, however reluctantly that ideal might be specified. As Elizabeth Wolgast has argued, the presumption that judgments of injustice require a standard inevitably “leads us back to the assumption that justice must be some kind of ideal.” Thinking that we must in advance have a standard against which to judge affairs gets the grammar of justice the wrong way around. The meaning of the concept of justice is best approached as an emergent response to an experience of harm, injury, or wrong: “We craft responses to wrong, our purpose being not to satisfy some preconceived picture of justice but to address the snares of injustice.”35 The strong implication of this simple-sounding proposition is that justice is something developed not to satisfy an ideal model but in relation to situated expressions of injustice. In short, justice is not an ideal. It is a condition that is approached through processes of repair, redress, reparation, and redistribution.

This way of thinking about the grammar of justice requires us to find ways of conceptualizing injustice independently from a prior formulation of a universal principle of justice. If Shklar and Diamond, alongside thinkers such as Stanley Cavell and Stuart Hampshire, provide resources for doing so in a philosophical register, then Amartya Sen provides a social science imagination for doing so.36 Sen’s work is well known for its contributions to welfare economics and social choice theory, for its excoriating critique of the narrow rationalities of mainstream
economic thinking, and for drawing ethical issues into economic thinking. Sen’s elaboration of the “capabilities approach” to human development has important implications for how issues of justice are theorized, not least in making freedom the central reference point for the theory of justice.\textsuperscript{37} From my perspective here, one of Sen’s most significant contributions is to establish that theories of justice are always theories of some form of equality. This point extends even to theories that eschew egalitarianism in preference to some other value such as freedom. He insists that the core question facing any normative theory is not “why equality?” but “equality of what?” This question is important here partly as a corrective to the sweeping assertion found in the work of Jacques Rancière, who invokes “equality” as a catchall term to characterize any dissensual interruption of settled orders. Sen’s work also develops a distinctive reconciliation between apparently contradictory egalitarian principles of justice and the value of freedom. Sen requires us to think more carefully about the content of demands for equality, and not only in the technical sense of deciding on the “focal variables” that might be used to assess the fairness of some given state of affairs.\textsuperscript{38} More fundamentally than this, his approach to questions of justice and injustice rests on the idea that it is both necessary and possible to differentiate the various forms of harm that generate expressions of injustice.

As with other thinkers we have considered in elaborating on the prioritization of injustice in democratic theory, Sen elaborates his work in conversation with John Rawls’s account of justice as fairness. Rawls emphasizes equality in access to the means of freedom as his core principle of justice. By contrast, for Sen, freedom needs to be “distinguished both from the means that sustain it and from the achievements that it sustains.” Sen’s concern is, then, with “equality of freedom,” and his argument is that this value relates to but is not equivalent to a concern with either the means or results of freedom. From his perspective, freedom is the reference point for a focus on “our capability to achieve valuable functionings that make up our lives, and more generally, our freedom to promote objectives we have reason to value.”\textsuperscript{39} Freedom, for Sen, is about effective agency, an idea we have already seen at work in critical theories of democracy discussed in chapter 7 under the themes of non-domination and freedom as power. The focus of Sen’s account is with the extent of freedom in this sense.

My primary interest here in Sen’s work is with the way in which it explicitly questions the expectations that are brought to the task of theorizing about justice.\textsuperscript{40} Specifically, his interest in making sense of the force of ideas of injustice and justice in the world, in contrast to the development of models of a just society, recommends him to our attention in further understanding the turn to the priority of injustice in democratic theory. Sen has sought to develop and deepen the critique of the normal model of justice identified by Shklar, and he does so in a way that starts off from recognition of the sense of injustice as the core animating dynamic of the politics of social justice. His approach is to focus on “trying to identify
manifestly unjust situations that can be feasibly bettered.” This focus is related to the idea that theories of justice are forms of practical reasoning, which means that they necessarily include considerations of feasibility and practicability. Herein lies the core contribution of Sen’s work as a social scientist in developing a new paradigm of critical analysis guided by the maxim of being “against injustice.” His aim, he has asserted, is to contribute to the development of “an injustice-centred theory of justice.”

The central argument of Sen’s work on justice is that rather than develop foundational accounts of what a just society would look like, we should focus on what he calls manifest or patent injustice: “The greatest relevance of ideas of justice lies in the identification of patent injustice, on which reasoned agreement is possible, rather than in the derivation of some extant formula for how the world should be precisely run.” The argument about the need to focus on patent injustice might sound like a standard form of social science impatience with high theory. Yet in Sen’s hands, the strong claim about patent injustice follows from “the emergence of a shared recognition that ‘injustice’ may be dependent on open discussion of issues and feasibilities.” This affirmation of the role of public discussion in recognizing patent injustice is related to the centrality Sen accords to an expansive sense of democracy. It is related in particular to a commitment to treating seriously the agency and judgment of individuals, rather than treating people as “patients” to be dispensed various benefits.

The proposition that the recognition of injustice emerges through public deliberation is a crucial dimension of Sen’s approach, one that resonates with arguments we have already considered by Benhabib, Diamond, Fraser, Shklar, Young, and others. Far being self-evident and requiring no further elaboration, patent injustice turns out to be something that can be apprehended only through an open public culture of discussion and debate. In short, the argument about the need to start from patent injustices is part of a broader argument about a shift in reasoning about matters of justice, in which evaluating the quality of public debate plays a central role.

The most coherent and explicit treatment of the argument for starting from patent injustice is found in Sen’s The Idea of Justice. The book builds on Sen’s own argument that democracy is not uniquely Western and also on recognition of the degree to which the contemporary reconfiguration of ideas of justice draws significantly from political contexts outside the West. The starting assumption in The Idea of Justice is that a workable account of social justice needs to begin from readily available understandings of injustice, rather than presuming that what is required is a philosophically robust model of the ideal just society: “A theory of justice that can serve as the basis of practical reasoning must include ways of judging how to reduce injustice and advance justice, rather than aiming only at the characterization of perfectly just societies.” Sen’s principal claim is that the identification of what he now refers to as “manifest injustice” needs to be made more
central to theories of justice. He is not suggesting that we just remain at the level of these intuitions but rather that manifest injustices should be given precedence in the reorientation of how matters of justice are conceptualized. The core feature of his argument is the contrast between an approach that he calls “transcendental institutionalism,” which seeks to identify perfectly just conditions along the lines of Shklar’s normal model, and a comparative approach that focuses on whether specific changes can enhance justice.

In discussing transcendental institutionalism, Sen again takes Rawls’s approach to theorizing justice as his reference point. Sen argues against the sort of approach that seeks to develop a perfect model of principles of justice and then translates these into blueprints. He suggests that the types of answers that transcendental institutionalism gives about perfectly just orders “are quite distinct and distant from the type of concerns that engage people in discussions on justice and injustice in the world (for example, iniquities of hunger, poverty, illiteracy, torture, racism, female subjugation, arbitrary incarceration, or medical exclusion as social features that need remedying).” As with other thinkers we have discussed, Sen argues here that any consideration of justice must take seriously the very different kinds of harm that animate the sense of injustice.

The most contentious claim that Sen makes against “normal” philosophies of justice is that arguments about foundational principles are not really very helpful in advancing the cause of justice: “If a theory of justice is to guide reasoned choice of policies, strategies or institutions, then the identification of fully just social arrangements is neither necessary nor sufficient.” This double claim has generated much debate. I would suggest that the claim about the lack of necessity of concepts of a just society might actually overlook the degree to which ideal theories of justice are used pragmatically in the course of conflicts against manifest injustice. But the real significance of Sen’s point that ideals are neither necessary nor sufficient is that questions of justice arise only in the context of arguments about how to reduce manifest injustices. In this understanding, to jump immediately to “transcendental perfection” might actually work to distract attention from the problematic situations in which these issues arise in the first place.

The force of Sen’s argument about the lack of necessity and the insufficiency of foundational accounts of justice therefore lies in the challenge it presents to the standard picture of the relation between theory and practice. Sen suggests that the transcendental approach “lands us unnecessarily in the remote exercise of looking for a black cat in a dark room that may or may not be there at all.” His alternative is not to embrace intuitive understandings of injustice as an alternative to theoretical reflection but to reconfigure the tasks of a theory of justice. Sen holds that if it is not possible or wise to seek after an ideal theory of justice, then it certainly is possible to assess the justice of a state of affairs by reference to other situations, without having access to a perfect theory. A concern with questions of justice, for Sen, is an inherently comparative exercise.
The emphasis on the practical situations out of which conversations about justice arise is central to Sen’s comparative approach to justice. Being able to recognize wrongdoing or injustice, in this view, does not require consensus around theoretical ideas. It depends on widely shared and discoverable understandings of injustice and indignation. Sen’s recommended alternative ascribes considerable importance to social science in elaborating and putting into practice comparative justice based on making judgments between feasible alternatives. Specifically, Sen argues that his own professional fields of social choice theory and welfare economics have an advantage over philosophy because they can inform the comparative analysis that is central to his view of justice as a matter of practical reason. In particular, economic analysis of this sort is able to rank alternatives without reference to an external criterion, and in ways that give due weight to people’s expressed assessments and preferences.49

Whereas philosophy tends to seek after perfectly just social forms, Sen contends, economics allows one to rank and evaluate alternatives. The model of economics that Sen has in mind here is certainly a long way from conventional forms of neoclassical economics, which he has criticized for their inadequate appreciation of the dynamics of rationality.50 Sen makes economics central to the comparative analysis of injustice as a way of foregrounding an idea of theory that seeks to assess situations in which injustice arises. The prominence of social science in this account stands for a commitment both to factoring in questions about the feasibility of alternative options and, crucially, to building in multiple perspectives about theories of justice while acknowledging the unequal distribution of power.

Sen’s argument about the idea of justice is, I think, fundamental to the movement toward assigning priority to injustice in critical theories of democracy. Among other things, it makes clear that prioritizing injustice involves a reordering of the relationships between philosophical reasoning and social science analysis. In fact, as Eric Beerbohm argues, Sen’s work can be used to distinguish two specific ways of thinking about the priority of injustice. First, this idea can refer to the “investigative priority of injustice.” Here the priority of injustice means shifting attention to developing ideas that are helpful in throwing light upon how injustice is experienced, articulated, and potentially addressed. This involves developing principles that are “serviceable” in relation to the fields of decision-making where questions of justice arise. Second, it can refer to the “conceptual priority of injustice.” This idea keeps us from assuming that what is at stake in Sen’s argument is simply an assertion of the priority of practice over theory. Rather, what is at stake is a transformation of the very idea of the vocation of theorizing about justice. The significance of Sen’s approach is that “it urges us to treat the very concept of injustice as more basic than justice, so that the latter is derived from the former.”51 This same shift of emphasis is found across a range of thinkers already discussed in this book, including Shklar and Diamond, Cavell and Wolgast, Young and Bohman.

A theme found across the work of Shklar, Diamond, and Sen, echoing a theme
discussed in chapter 6, is that the shift away from ideal theories of justice is rooted in a recognition that people are positioned differently in relation to structures of injustice: as victims, perpetrators, bystanders, beneficiaries. Sen's focus on theorizing in light of the pluralism of human life and people's differential capabilities helps us to see that attending to the animating sense of injustice does not mean simply valuing intuitions or abdicating judgment. He insists that any claim through which injustice appears as an issue needs to be examined and assessed: “We cannot be sure whether it is erroneous or well founded without some investigation.” If we accept that the grammar of justice necessarily draws on partial modes of passionate utterance that give voice to the sense of injustice, then claims-making appears as the crucial practice through which injustice is expressed and worked through democratically. But “claims” here must have a double sense, of both the assertion of a harm or injury suffered and its assessment as an assertion. Accordingly, Sen's account combines a focus on attending to injustice with a commitment to democratic reasoning, a practice that he presents as combining capacities for indignation, sympathy, and reason: “Resistance to injustice typically draws on both indignation and argument. Frustration and ire can help to motivate us, and yet ultimately we have to rely, for both assessment and for effectiveness, on reasoned scrutiny to obtain a plausible and sustainable understanding of the basis of those complaints (if any) and what can be done to address the underlying problems.” This insistence on the public processing of claims of injustice allows us to identify Sen's argument as a version of a critical theory of democratic justice. It presumes that while a claim arising from a sense of injustice must be the starting point for analysis, this sort of claim must in turn pass through a filter of public reasoning that draws on plural modes of expression.52 Such a vision implies that a core aspect of critical analysis of democracy and justice is the evaluation of the qualities of public culture.

A Phenomenology of Injustice

Sen is significant for introducing the theme of the priority of injustice into post-Rawlsian traditions of analytical political philosophy. Although he acknowledges Shklar's account as a central reference point for his own project, he has relatively little to say about the affective dynamics that provoke expressions of the sense of injustice. A second strand of thinking that contributes to the conceptual prioritization of injustice does have more to say about this matter and is more explicitly concerned with the practices of publicity through which the democratic processing of claims of injustice takes place. The priority of injustice emerges in this tradition in relation to a broader embrace of the concept of recognition as the core principle for the reconstruction of critical theory.53 Sometimes the concept of recognition is associated with a response to the rise of identity politics or the
emergence of multicultural societies, as in the work of Charles Taylor and James Tully. Sometimes it is rooted in shifts in political mobilization from the politics of distribution to the politics of recognition, as described in different ways by Jürgen Habermas and Nancy Fraser. And sometimes it is associated with an ambitious theoretical project to relocate the sources of both critique and emancipation, as in the work of Axel Honneth.

Across these varied projects, the turn to recognition has been associated with a foregrounding of a family of concepts, including domination, justification, freedom, and dignity, as the basis for a reconstructed critical theory of democratic justice. At its simplest, the idea of recognition in this broad tradition refers simply to the idea that the “crucial feature of human life is its fundamentally dialogical character.” More fundamentally, the turn to recognition gives priority to intersubjective understandings of the self, valorizing a broad range of forms of political expression, and accords epistemological primacy to practices of recognition over cognition. Linking these social theoretical, cultural, and philosophical strands of work is the assumption that injustice arises from deep-seated forms of misrecognition, or from the withholding of recognition. One key contribution of this turn to recognition is to foreground an analytical emphasis on the situated emergence of the sense of injustice, from which the dynamics of democratization are generated. It is this emphasis that makes this strand of thought such an important resource for developing the type of ordinary inquiry into the “ethnographically emergent” dynamics of democratic politics outlined in chapter 2.

Axel Honneth provides the most explicit statement of an injustice-centered theory of democracy based on the concept of recognition. Honneth’s particular model of critical theory is based on the assumption that it is not enough to find “an empirical reference point in social reality in which to base the theory’s immanent justification.” The real challenge is to determine whether any such reference point expresses “the unmet demands of humanity at large.” In short, for Honneth critical theory seeks after “a quasi-transcendental justification of critique in the structure of social reality.”

Honneth’s ambitious project makes recognition central to a philosophical anthropology that he has claimed is meant to contribute to a “phenomenology of experiences of social injustice.” The principal claim of his approach is that transformative political action is animated by felt experiences of disrespect that draw on “intuitive notions of justice violated.” His theory of recognition and disrespect relies on an understanding of capitalism as a process that generates systematic social pathologies that impair conditions of self-realization. While Honneth therefore retains a focus on the connection between injustices and their systematic sources, he presents these sources not merely as pathologies that deform the capacity for human reason but as ones that undermine the very social conditions of identity formation.

In developing a phenomenological approach to experiences of injustice, Hon-
The Sense of Injustice

Honneth seeks to redirect critical theory away from the discourse ethics developed by Habermas. He is also concerned to avoid the trap of the wholly negative model of critique that he ascribes to Adorno, in which critique is presumed to no longer have a place in social life because society “is no longer constituted in such a way that social anomalies, even emancipatory interests or attitudes, can be found in it.” Honneth’s starting point is the claim that the first generation of the Frankfurt School suffered from a “sociological deficit” rather than from inadequately specified normative foundations, as Habermas proposed. In Honneth’s view, the founders of this tradition of thought struggled to locate the normative sources that could provide an internal justification of critique in existing social arrangements because of their continuing commitment to the concept of labor as the primary dynamic of historical change.

The strong claim that Honneth makes for his social theory is that it synthesizes the two trajectories out of the productionist paradigm inherited from classical Marxism that I outlined in chapter 1. He seeks to combine the emphasis on the affective dimensions of subjectivity developed in ontologies of immanence with the Habermasian emphasis on the rationalization of different forms of action. And he follows Habermas in seeking to locate emancipatory and transformative potentials in forms of action other than labor. As we have seen, Habermas has sought to locate the conditions of progress in social interaction, drawing a sharp distinction between two forms of action: communicative and symbolic interaction on the one hand and instrumental and strategic action on the other. The distinction is primarily based on an interpretation of the pragmatics of language. Honneth holds that the normative potential that Habermas finds in the pragmatics of language needs to be relocated in social practices more broadly in the expectations of recognition that subjects bring to social interaction.

While Honneth therefore retains from Habermas the emphasis on the normative horizons built into the communicative relationships through which social life is coordinated, he decisively departs from Habermas in arguing that we should not equate “the normative potential of social interaction with the linguistic conditions of reaching understanding free from domination.” He recenters the normative core of critical social theory on the dynamics of recognition, which has affective and embodied aspects that the Habermasian emphasis on the cognitive dimensions of communication fails to credit. And in so doing, Honneth also restores the dynamics of conflict and contestation to the very center of a critical theory of deliberative democracy.

The concept of recognition that Honneth proposes is sourced from the history of class analysis, and draws on Hegel’s account of labor as the scene of a confrontational drama of recognition and misrecognition from which self-consciousness arises. Honneth locates the possibility of changing given social orders in the dynamic struggle for recognition, pluralizing this struggle for recognition beyond the social relations of work and labor to which it has been classically contained by...
Marxist theory so that it includes multiple forms of disrespect. He distinguishes three forms of social recognition.64 These are “the communicative presuppositions of a successful formation of identity” and refer in turn to “emotional concern in an intimate social relationship such as love or friendship, rights-based recognition as a morally accountable member of society and, finally, the social esteem of individual achievements and abilities.”65 In this account, Honneth is able to reaffirm that labor is a central dimension of recognition without making it into a metaphysical dynamic of revolutionary emancipation.66 For Honneth, violations of the expectations of reciprocal recognition that are built into social interaction are at the heart of experiences of social disrespect, and in turn, under certain circumstances these forms of disrespect serve as the motivational spark for political conflicts. From this perspective, all politics involves struggles for recognition.

The normative source of critique in Honneth’s work is therefore located in the experience of being dominated, along one axis of recognition at least, and in the sense of injustice that this experience generates. His work can be seen as an alternative to Habermas’s account of how steering media shaped by system imperatives undermine the communicative background of lifeworld contexts. Honneth focuses instead on “the social causes responsible for the systematic violation of the conditions of recognition.”67 Honneth certainly remains indebted to the communicative paradigm opened by Habermas but shifts attention away from the concern with reaching understanding and toward the analysis of plural conditions of recognition. In Honneth’s view, if recognition is a condition of identity, then experiences of disrespect associated with feelings of shame, anger, or indignation are fundamental to the political articulation of injustice: “The feelings of injustice that accompany forms of disrespect represent a pre-theoretical fact, on the basis of which a critique of the relations of recognition can identify its own theoretical perspective in social reality.”68

Like other critical theorists, Honneth holds that the normative principles enabling critique cannot be assumed but need to be articulated and justified. In Honneth’s case, he finds the possibility of critique and transformation in individuals’ experiences of violations of the collectively shared moral expectations on which social life is really founded. His political theory of recognition “locates the core of all experiences of injustice in the withdrawal of social recognition, in the phenomena of humiliation and disrespect.”69 The sense of injustice therefore emerges from within subjective experience and is expressed in the emergence of social struggles.70 We have already seen other versions of this idea in the work, for example, of Nancy Fraser, Iris Young, Judith Shklar, and Amartya Sen. More so than those thinkers, however, Honneth has been quite clear in arguing that one should not presume that explicit forms of social protest or political mobilization can just be treated as “empirical indicators” of the fundamental causes of domination or oppression.71 I want to elaborate further the most important challenge that arises from this perspective, namely the problem of how to acknowledge forms
of injustice that do not allow for the articulation of felt experiences of injustice in the first place.

**Moral Grammars of Injustice**

Honneth’s social theory is premised on the methodological procedure of “normative reconstruction.” While it seeks to identify immanently justified values in social practices, it does not suppose that these are simply valid in their own terms. Instead he uses those values to further engage and assess concrete situations of injustice. This form of analysis is a version of a longer standing principle of critical theory according to which critique needs to identify “an element of its own critical viewpoint within social reality.” Honneth finds this foothold in what he posits as “a core of expectations of recognition that all subjects bring to social interaction.” He holds that social conflict emerges when these expectations are systematically undermined and flouted. For Honneth, not all features that underlie communicative interaction take linguistic form in the way supposed by Habermas’s theory of communicative action, “since recognition is often tied first of all to physical gestures or mimetic forms of expression.” As already suggested, the principal claim of Honneth’s approach is that it is felt experiences of disrespect and humiliation that animate political action. In terms that resonate with other accounts of the priority of injustice that I have discussed, Honneth asserts that emancipatory political action is not animated by ideal models of justice or even by positive emotions but by experiences of having “intuitive notions of justice violated.” In making this argument, Honneth appeals to Barrington Moore’s argument that there is a kind of “cognitive substrate” that accounts for intuitions of injustice. These do not amount to fully formed theories but are more like implicit criteria of moral disapproval. Honneth argues that there exists “a highly sensitive sensorium for injuries” that justifies moral claims of injustice.

The intention behind Honneth’s argument about the sources of injustice is to recenter the vocation of critical theory on better understanding “the moral feelings that accompany the experience of disrespect—shame, anger, or indignation.” The concept of disrespect refers to “the specific vulnerability of humans resulting from the internal interdependence of individualization and recognition.” Disrespect arises from the withdrawal or denial of recognition along at least one of the three formative dimensions of recognition. In this understanding, the aim of critical theory is to analyze “the moral grammar of social conflicts” as they arise from the dynamics of recognition and its denial.

The emphasis on the affective dimensions of recognition and disrespect in Honneth’s work overlaps with feminist strands of critical theory developed by writers such as Benhabib, Fraser, and Young. At the same time, it is distinct from other forms of theory that valorize affect as a distinct ontological layer of life, in-
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sofar as it does not remain on a single plane of immanence. Honneth insists that the affective dimensions of disrespect only have “cognitive potential.” He insists, in turn, that “the injustice of disrespect does not inevitably have to reveal itself but merely can.”80 As already indicated, Honneth has observed that it is often assumed that social movements “can serve critical theory as a kind of empirically visible guiding thread for diagnosing normatively relevant problem areas.”81 Whether the cognitive potential inherent in feeling hurt or ashamed becomes a moral-political conviction depends on how the affected subject’s cultural-political environment is constructed: “Only if the means of articulation of a social movement are available can the experience of disrespect become a source of motivation for acts of political resistance.” Honneth’s account of the experience of disrespect as the affective source of injustice is meant to inform the analysis of political mobilization and movement formation, which needs, he suggests, to be more attentive to the dynamics of “moral experience” animating social conflicts.82 He therefore does not presume that a felt sense of injustice will necessarily be publicly articulated. Honneth is, then, concerned with accounting for the rationalities that shape the uneven apprehension, articulation, and acknowledgment of injustice.

Honneth’s most significant contribution to the broader move to give priority to injustice in critical theories of democracy lies here, in his emphasis on the potential for disrespect to find expression in political movements. This emphasis allows us to make explicit the normative conundrum that lies at the heart of the conceptual affirmation of the sense of injustice as an animating dynamic of democratic politics. As we have seen in Shklar’s original account of the sense of injustice, the acknowledgment that injustice is a normal feature of human life does not mean that it is always culturally expressed and politically articulated as such. For sure, both Shklar and Sen place an important emphasis on the democratic processing of claims of injustice once they are articulated. But the questions that Honneth brings explicitly into view are how and why the sense of injustice is not articulated more often and more vociferously.

In order to elaborate on the question of the selective attention given to experiences of injustice in the public sphere, it is helpful to return to the work of Barrington Moore Jr., whose account of the political dynamics of injustice is one of the recurring reference points in Honneth’s own account of the politics of recognition. In his concern with understanding when anger does and does not arise as a response to the injuries of systematic exploitation and domination, Moore’s revisionist account of the history of modern revolutionary politics raises a fundamental issue for any account of democratic politics that accords an analytical or conceptual priority to public expressions of injustice. In his account of the moral economy of modern rebellion, Moore suggests that political anger and public indignation arise for at least three reasons: as a response to failures of authority to meet “express or implied obligations”; in relation to the organization of the division of labor and the experience of “desirable and undesirable forms of work”;
and in relation to the *distribution of goods and services*, shaped by principles of “equal and unequal sharing.” For Moore, these three fields give rise to different feelings of the sense of injustice that people might articulate. As a comparativist, he focuses on the question of whether they might form the basis of “a recurring, pan-human, sense of injustice.” Injustice, in this account, arises from “the combined requirements of innate human nature and the imperatives of social living.”

In Moore’s narrative of the history of injustice, insurrections and uprisings tend most often to be defensively oriented, best interpreted as “attempts to revive a social contract that had been violated.” He argues that actual examples of revolt and rebellion are based on felt experiences of injustice and not on grand dreams of total transformation assumed by the modern revolutionary tradition exemplified by classical Marxism. They need therefore to be situated in relation to specific grievances, or senses of injustice. Moore’s account of the history of popular mobilizations against injustice retains its theoretical significance because it takes such phenomena as examples of “the emergence to the surface of latent standards.” Expressed in this way, Moore’s account provokes the questions of how and why certain experiences of injustice find explicit expression, and how and why in turn they might help to generate new criteria of criticism and condemnation.

The significance of this analysis for appreciating Honneth’s project is that Moore is centrally concerned with the absence and inhibition of anger and complaint. He is interested in understanding when anger does and does not arise in response to injuries. Understanding the process of “stifling the sense of injustice” is the challenge his work lays down for a political theory of recognition. It is a challenge that tempers any straightforward valorization of explicit cries of injustice. From the perspective initiated by Moore and developed by Honneth, one of the critical questions that explicit cries of injustice raise concerns the conditions that facilitated their articulation in the first place.

The issue raised by Moore for critical theories of injustice overlaps with the account of “epistemic injustice” developed by Miranda Fricker. Also following Shklar’s lead, Fricker combines strands of thought from analytical political philosophy, feminist theory, and theories of power to argue that the question of how senses of injustice find expression requires further thought and analysis. The idea of epistemic injustice not only refers to unfair distributions of knowledge or information but alerts us to questions of how epistemic practices of *testimony* (“conveying knowledge to others by telling them”) and *hermeneutical practice* (“making sense of our own social experiences”) are shaped by unjust relations of domination. Testimonial injustice involves the denigration of a speaker’s word. Hermeneutical injustice occurs when a person is systemically disadvantaged in access to making sense and articulating his or her own experiences. In both cases, epistemic injustice “wrongs someone in their capacity as a subject of knowledge.”

The notion of epistemic injustice is not simply a model of silencing. It refers to the skewed distribution of believability and self-interpretability. It is more akin
to an analysis of “systematically distorted communication” than to ontological interpretations of the aporias of subject formation. It can be interpreted as a more formalized version of the issue addressed by Moore, namely the stifling of the sense of injustice and its expression. Read alongside Honneth and Moore, Fricker’s account suggests that the task of a critical theory of injustice is the analysis of contentious issues in terms of the relationship between the conditions of harm and injury that generate a sense of injustice and the conditions that encourage or inhibit its public articulation and acknowledgment.

Moore and Fricker help us situate the significance of Honneth’s project in the broad arc of arguments about the priority of injustice. For Honneth, the tradition of critical theory needs to be renewed because it is no longer plausible to assume that critical theory is merely an expression of “a process of emancipation that is already under way.” Honneth’s focus on the priority of injustice reorients attention squarely to questions of how and why injustice is or is not articulated as such in the first place. He asks why those affected by injustices “do not themselves problematize or attack such moral evils.” For him, the central feature of contemporary injustice is the relationship between “the existence of social injustices and the absence of any public reaction.” Honneth argues in turn that the most pressing question for critical theory has become one of “how a moral culture could be so constituted as to give those who are victimized, disrespected, and ostracized the individual strength to articulate their experiences in the democratic public sphere.”

We can see, then, that while giving priority to injustice might well focus attention on the ways in which movements articulate claims of injustice, Honneth places this concern within the broader context of needing to understand the relation between experiences of harm and injury and the selective apprehension and articulation of these experiences in the public realm. Looking for expressed claims of harm or injury of exploitation can tempt us to pass over the ways in which a central feature of structural injustice might be the effective dampening of victims’ capacity to express their own experiences of harm and wrong. And this phenomenon presents a particularly acute challenge for a tradition of critique that, as we have seen previously, has come to disavow monological styles of reasoning on behalf of victims of injustice, in the name of a democratic commitment to dialogical reasoning.

Orders of Justification

Honneth’s account of the phenomenology of injustice succeeds in opening up the analysis of the plural rationalities out of which a sense of injustice might arise. Yet it finally subordinates this appreciation of pluralism to an image of unalienated human life. Beneath the avowed concern with affective dimensions of social struggle, a strong subtext of rationalism is retained, not least in his effort to recon-
struct the notion of reification as a resource for critical analysis. In this respect, Honneth's project illustrates recurring difficulties that beset political theories that are rooted in theories of recognition, including those of Habermas and Benhabib considered in the last chapter. It is, of course, a staple of post-Enlightenment thought, from Freud onward, to acknowledge that the formation of personal identity inevitably, unavoidably, involves forms of misrecognition, internal division, and uncertainty. On the one hand, by elevating misrecognition and disrespect into the core violations that people can suffer, theories of recognition therefore risk positing an ideal image of unsullied ethical relations against which to judge worldly systems of power. On the other hand, from the opposite direction, by elevating a historically specific narrative of master-slave dynamics into a general model of sociality, they are sometimes accused of hypostatizing the pathologies of specific social formations into quasi-transcendental principles.

One response to these criticisms is to recast the political vision centered on the concept of recognition in terms of what Patchen Markell calls a “politics of acknowledgement.” This idea is meant to refocus attention on the cultivation of the self’s appreciation of its own finitude, as the condition of responsive relationships toward others. It is an image that echoes Diamond’s argument that a key requirement for justice is the acknowledgment of mutual relations of vulnerability. The problem, though, is that this form of critical elaboration only reinforces Nancy Fraser’s worry that Honneth’s account ends up reducing the political sociology of struggles to moral psychology. In short, critical responses to theories of recognition that replace one model of the ethical core of political life with another do not, on their own, help us to flesh out a thicker picture of the political dynamics of injustice.

It is necessary here to distinguish two aspects Honneth’s use of the concept of recognition. First, he uses the idea of recognition to bring into view the affective dynamics of the emergence of the sense of injustice. However, this insight is then contained by his insistence on taking recognition and its violations as the singular, quasi-transcendental medium through which injustice is generated. The plural sources of disrespect that Honneth differentiates are all, in the final analysis, anchored on a single axis, that of recognition, the ethical core linking different rationalities of action. In contrast, Nancy Fraser’s alternative treatment of recognition maintains the sense of plural sources of injustice, not least in argument with Honneth’s own position. In line with other strands of thought that emphasize the plural sources of harm, injury, and wrong to which claims for justice are a response, including otherwise quite different thinkers such as Michael Walzer, Luc Boltanski, and Bruno Latour, we already have seen that Fraser places recognition alongside other axes of political dynamism. The fundamental difference in the contrasting understandings of the place of recognition in critical theory proposed by Honneth and Fraser turns on their respective modes of concept formation. As already noted, Honneth’s search for a quasi-transcendental moral foundation that
will enable him to assess the universal potential of situated struggles leads him to focus on recognition as the core dynamic around which power relations unfold. Fraser finds Honneth’s focus on recognition too restrictive and argues that not all discontent is due to misrecognition, disrespect, or infringements of dignity. Hers is a more resolutely worldly image of the tasks of critical theory. As we have seen in chapter 6, Fraser contends that social struggles draw on a wide range of motivations. These include “resentment of unearned privilege, abhorrence of cruelty, aversion to arbitrary power, revulsion against gross disparities of income and wealth, antipathy to exploitation, dislike of supervision, and indignation at being marginalized or excluded.”100 In Fraser’s view, discourses of recognition and redistribution are understood not as quasi-foundational principles but as observable *folk paradigms* of justice and injustice: “Tacitly presupposed by social movements and political actors, folk paradigms are sets of linked assumptions about the causes of and remedies for injustice.”101 She presents her own practice of critical theory as a reconstruction of these folk paradigms. Like Honneth, Fraser is keen to avoid the trap of taking the terms of social movement activism as the last word on the normative conditions of injustice and justice. For her, the compelling task is to critically engage with the models of injustice present in actually existing political contention, but without recourse to a strong metaphysical foundation for critique.

Rather than thinking of the injustices of misrecognition in terms of psychological injury, Fraser switches theoretical register to suggest that they should be conceptualized in terms of status subordination. She distinguishes between economic struggles against injustice and the cultural politics of discrimination, or class-based and status-based forms of injury. These distinctions, drawing on Marx, Weber, and Polanyi, are analytical and not ontological, since the two dimensions of action they pick out are always intertwined in practice.102 Her use of analytical distinctions of this sort is animated by a concern to foreground “justice claims” as the central focus of a theory of justice.103 She argues that the dimensions of economic struggle and cultural politics (or class and status) are associated with two distinct types of remedy—redistribution and recognition, respectively. Adopting the Weberian vocabulary of status enables Fraser to assert that rather than conceptualizing the “cultural” dimensions of politics by reference to concepts of identity, they should be given a thoroughly social, interactive inflection. Reconceptualizing identity-based politics in terms of status therefore recasts the debate between redistribution and recognition away from a set of opposed ontological concepts of economy versus culture, materiality versus the symbolic. This translation sustains the argument that cultural dimensions of politics are not “merely cultural” at all but constitute a dimension of injustice that is based on institutionalized patterns of evaluation—a dimension similar to Young’s account of the relations between self-development and oppression.

It is here, in a “non-identitarian account of recognition,” that we can locate the central innovation of Fraser’s account of justice and its difference from Honneth’s.
Thinking of the politics of recognition in terms of status draws into view the standing of subjects as full and equal partners of social interaction. It is a conceptual move central to Fraser’s guiding norm of participatory parity, discussed in chapter 7. According to this norm, justice requires conditions that enable participants in a community “to interact with one another as peers.”¹⁰⁴ The nonidentitarian, status-based account of recognition is in turn integral to Fraser’s account of misrecognition as a violation of justice. For Fraser, justice “consists in the absence of socially institutionalized obstacles to participatory parity.”¹⁰⁵ Injustice, in turn, is understood as an effect of institutionalized patterns that impair the ability of members of society to interact as peers.

In Fraser’s understanding, then, evaluations of the justice of social arrangements have two dimensions: an objective dimension, involving assessments of the distribution of material resources to enable participatory voice; and an intersubjective dimension, involving the evaluation of institutionalized patterns of cultural value with reference to a norm of equal respect and equal opportunity. The objective dimension precludes systematic socioeconomic inequality. The intersubjective condition precludes systematic patterns of denigration and deprecation. The significance of this twofold understanding of justice and injustice is that, in contrast to Honneth’s position, it enables Fraser to conceptualize recognition as “a remedy for injustice” rather than “the satisfaction of a generic human need.”¹⁰⁶

In making a series of analytical distinctions between different dimensions of injustice, Fraser encourages us to move beyond the assumption that what Habermas once called “problems of distribution” and struggles over “the grammar of forms of life” refers to two distinct types of social conflict. It is better to follow the suggestion of James Tully, for whom distribution and recognition “should be seen as aspects of political struggles, rather than as distinct types of struggle, and thus a style of analysis is required that has the capacity to study political struggles under both aspects.”¹⁰⁷ In a variation on the idea of clarifying the “structural characteristics” of conflicts that I proposed in chapter 5, Tully suggests using a “bifocal form of critical analysis,” one “that clarifies empirically and normatively the recognition and distribution aspects of contemporary struggles and their interaction without reducing one to the other.” Furthermore, Tully argues, “Struggles over recognition, like struggles over distribution, are not amenable to definitive solutions beyond further democratic disagreement, dispute, negotiation, amendment, implementation, review, and further disagreement.” In contrast to Honneth’s account, for Tully recognition is not a deep underlying telos of interaction. It is instead seen as a “a partial, provisional, mutual, and human—all-too-human part of continuous processes of democratic activity in which citizens struggle to change their rules of mutual recognition as they change themselves.”¹⁰⁷

Tully’s sense of recognition as a dimension of ongoing democratic interaction helps us define more clearly the significance of Fraser’s difference of opinion with Honneth over the value of the concept of recognition. Honneth remains firmly
committed to embedding his account of democracy in a strong ethical vision of the
good life in a way that Fraser’s account eschews. She focuses on status subor-
dination rather than infringements of fundamental features of personal identity
and therefore provides a more ordinarily political sense of injustice, rooted in
the claim that the norm of participatory parity is present in various folk para-
digms of justice. Fraser’s view implies that claims against injustice arise not so
much as expressions of the violation of fundamental human needs for reciprocal
recognition but rather from the denial of equal participation in the collective life
of political communities. Honneth’s strongly ethical model of disrespectful vio-
lations presents a rather abstract, featureless picture of the scenes of recognition
in which selves and others confront one another. By contrast, Fraser’s account of
the framing of justice claims suggests that the enactment of those scenes is, in
fact, highly variable. And furthermore, as I argued at the end of chapter 6, one
of the most important implications of post-Habermasian theories of deliberative
democracy is that these scenes are also necessarily partial and situated. In short,
the sense of injustice necessarily arises from a feeling of the violations of salient
expectations of the conferral of respect, the provision of material resources, or
inclusion in shared activities.

Across the different positions represented by Honneth, Fraser, Tully, and other
theorists of the politics of recognition, the shared emphasis is to orient the critical
theory of democracy toward the analysis of the plural rationalities of action that
motivate claims of injustice. The prioritization of injustice rests on a commitment
to the idea that harms, violations, wrongs are experienced, felt, articulated, and
assessed in situations of intersubjective interaction. It follows that justice is, in a
fundamental sense, a public phenomenon.

The clearest articulation of the priority of injustice as an account of the dynam-
ics of democratic public life is provided in Rainer Forst’s inflection of critical the-
ory. Forst elaborates on the conceptual priority of injustice by reference to a norm
of justice as the “right to justification.” Forst understands “society as an ensemble
of practices of justification.” This idea resonates with the pragmatist sociology of
critical practices associated with Luc Boltanski, Laurent Thévenot, and others,
which draws attention to the coordinating and problematizing role of various
“orders of worth” operating in a wide range of fields of social action. Forst pos-
sits broadly encompassing “normative orders” that configure how demands for
justification are articulated in different fields of action. He makes the justifiability
of social relations the core problem for a theory of justice, and he insists that ad-
ressing this issue is not a matter for arbitration by academic reason alone.

Forst argues that a critical theory of justice must start from an acknowledg-
ment of the “fact of multiple domination,” a scenario that for him, as for James
Bohman, is revealed by attending to the dynamics of transnational political pro-
cesses. As with other thinkers I have already considered, the meaning of justice
for Forst is primarily defined in terms of opposition to arbitrary rule. Demands
The Sense of Injustice

for justice, that is, demands to eliminate domination, are thereby made the central analytical concern for critical theory. But for him, the meaning of justice and domination is defined quite tightly around a norm of reason-giving as a practice of justification. Forst defines power as “the ability to order and influence, to occupy, and, in extreme cases, to dominate the space of reasons for others, that is, to determine the limits of what can be said and thought and, above all, of what is accepted and acceptable, of what is justified.” This formulation might well call to mind Rancière’s account of the partition of the sensible, suggesting that there is a substrate of felt experience waiting to be expressed in moments when the repressions of ordered social life can be interrupted. But crucially, the concept of “the space of reasons” that Forst invokes here does not refer to the fixing in place of individuals’ subjective dispositions. It does not suppose at all that experience is a function of the isolated and purely subjective apprehension of reality, which may or may not then be expressed. Rather, the space of reasons refers to the structuring of the intersubjective horizons of action and perception. This concept does not present action as a passive, representational medium of perception but supposes that perception and action are interdependent, so that reason is understood as thoroughly bound up with the pragmatics of action. Seen in this light, Forst’s understanding of power is not simply an account of the discursive constructions of experience or ideological constrictions on expression. It is an account of how fields of social action are coordinated and problematized through shared and contested expectations of justifiability.

A number of critical theorists, as we have seen, propose that justice arises from demands for the eradication of domination. Forst interprets this theme in terms of a norm of the equal respect and dignity owed to people as agents of justification. His account of democratic justice rests on an understanding of the political as “a specific practice of justification.” His view of justice as justification makes explicit the link between injustice and claims-making around ideas of all-affectedness that was discussed in detail in chapters 6 and 7. According to the idea of justice as justification, “All social relations to which one is subject and that can be changed by political action are to be justified reciprocally and generally to all those affected in a relevant way—be they economic relations or relations of political authority.” We see here how Forst effectively translates the ideals of reciprocity and generality found in other strands of critical theory into a principle of the equal right to demand justifications and to initiate controversy and discord. He argues that critical theory “calls not only for justifiable social relations, but for a practice of justification.” A fundamental aspect of Forst’s understanding of justice is that questions of justification are always posed in concrete situations “by historical agents who are no longer satisfied with the justifications for the normative order to which they are subjected.” In short, Forst effectively transforms the all affected principle into an expansive, stringent theory of a right to justification, one rooted in a “phenomenology of dignity.” He holds that citizens should be seen as “endowed

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with a right to justification of all actions or norms that affect them in morally relevant ways." And in turn, citizens bear a duty to provide such justifications when called upon to do so.

Forst's account of justice as justifiability underscores how the conceptual shift to prioritizing injustice reorients attention toward analyzing the articulation and assessment of demands for justice: "The demand for justice is an emancipatory demand, which is described with terms like fairness, reciprocity, symmetry, equality, or balance: putting it reflexively, its basis is the claim to be respected as an agent of justification, that is, in one's dignity as a being who can ask for and give justifications." Forst here provides a clear statement of the way in which the priority of injustice in critical theories of democracy is associated with a reassertion of an idea of public life as a field in which a variety of genres are called upon to negotiate interactions by giving and sharing reasons. This emphasis on the public dynamics of experiences, articulations, and responses to injustice links the different strands of thought discussed in this chapter—from Shklar's account of the sense of injustice to Sen's account of the imperative to engage with manifest injustices and on to Honneth's account of the embodied sources of felt violations of recognition and Fraser's account of status subordination. In the work of each of these thinkers, there is an implicit sense that doing justice to claims of injustice requires placing them in the space of reasons, that is, treating them as part of extended practices of justification. It is in Forst's work that we see this sense most explicitly formulated. Forst makes quite clear the idea of justice claims as claims against domination by formulating them as claims for justification of social relations.

Locating Injustice in the Space of Reasons

I have sought throughout part 3 to reconstruct an emergent paradigm of political thought that prioritizes injustice in the development of a critical theory of democracy. It is a diverse range of thought, to be sure, marked by a commitment to finding new ways of synthesizing egalitarian frameworks of justice with particular understandings of freedom as power and non-domination as core democratic values. The orientation to the priority of injustice involves focusing critical attention on processes of claims-making and the contingent emergence of a sense of injustice.

Chapter 6 identified in the conceptual transformation of the all affected idea a recurring emphasis on the importance of practices of claims-making to democratic politics. Chapter 7 developed this emphasis further by identifying the specific form of harm on which critical theories of democracy are increasingly focused—the wielding of arbitrary power, or domination. Building on this emphasis on democracy as a means of mitigating and redressing domination, this chapter has elaborated on the significance of giving conceptual priority to injustice when developing critical inquiry into democratic politics.
This chapter has brought together the twin emphases on claims-making (discussed in chapter 6) and the value of non-domination (discussed in chapter 7), tracing how both aspects inform a more fundamental shift in the way in which concepts of justice and injustice are arranged. Looping back to the argument in chapter 2 on how best to think of criteria, this chapter has outlined a conceptual reordering in which the sense of injustice is accorded primacy over ideals of justice. This conceptual reordering depends on the idea that the practical and normative force of democracy lies in the public processing of claims of injustice and demands for justice.

The conceptual prioritization of injustice repositions the task of critical inquiry in a more modest relation to the actual dynamics of political disputes. It does so in two ways.

First, while critical theorists certainly do not assume that political action somehow requires normative foundations to get off the ground, they do assume that critical reflection can reconstruct and elaborate the intuitions animating various conflicts in order to open them up to forms of public reasoning and assessment. This means that theories of democracy that prioritize injustice inevitably have an ambivalent relation to activist politics. Radical scholarship has strong elective affinities with movements struggling for justice, but it also is consistently wary of the universalizing dimensions of normative political reasoning. David Harvey, for example, suggests that normative issues can be approached in three ways: through philosophical reflection; through the development of frameworks of basic human needs; or through alignment with the ferment of social movements, the route he recommends.117

My contention here is that the prioritization of injustice in critical theories of democracy complicates the model of radical scholarship as voluntarily electing to align itself with the aims and ambitions of social movements or radical political activism. This perspective recognizes social movement mobilizations as crucial to the apprehension and expression of the sense of injustice but does not accord them unquestioned empirical authority or normative validity. While prioritizing injustice focuses attention on the ways in which activist movements articulate justice claims, it places this concern within a broader analysis of the relationship between the phenomenology of harm and injury and the selective articulation of these experiences in the public realm.

Prioritizing injustice therefore implies a more hesitant relationship toward movement politics than is often admitted in traditions of critical thought. It is here that the second aspect of the repositioning of critical inquiry can be seen. The prioritization of injustice involves a fundamental reorientation in the vocational theory itself, toward the analysis of justice claims that arise from the situated emergence of the sense of injustice. The importance of the critical theory tradition is not just that it extends the concerns of ideal theories of justice beyond a narrow conceptual focus on the distribution of a range of public goods restricted to
legal and political rights, nor that it introduces deeper understandings of power or social relations to those traditions. The conceptual prioritization of injustice represents a more fundamental challenge to the generic model of theory at work in both liberal and radical accounts of justice. In this challenge, the containment of discussions of justice within overly prescriptive styles of normative reasoning is placed under scrutiny. I have dwelt on how feminist thinkers, including Seyla Benhabib, Nancy Fraser, and Iris Marion Young, all insist that principles of justice must be theorized dialogically rather than deduced either from prior models of perfect justice or from social scientific accounts of the causal implication of people into extended chains of actions and consequences. In these strands of thought, the ideal of impartial universalistic reason is replaced by a dialogic notion of pluralistic forms of expression, one in which embodied, partial, passionate modes of expression are made central to forms of engagement that acknowledge the concrete experiences of other subjects. In short, the prioritization of injustice recen- ters inquiry into democratic politics on the shared apprehension of injuries and harms such as exploitation, marginalization, powerlessness, violence, and cultural denigration.118

The emphasis on the sense of injustice as the animating dynamic of democratic politics, with the implication that explanatory and normative priority should be given to the expressions of wrong articulated by victims of domination, exploitation, or oppression, might well resonate among critically inclined scholars. The valorization of claims of injustice seems also to open the way for the view that all claims of injustice should be accorded equal value. Certainly arguments for the priority of injustice are intimately related to arguments about the primacy of the passions in reasoning about moral action. And the emphasis on forms of passionate expression associated with arguments for the priority of injustice might well seem to make judgment a purely subjective matter.119

But isn’t it here that critical thought needs to be able to provide robust, universal principles that can be applied to determine genuine from spurious claims? As I have already argued, to suppose that the ability to apply universally valid principles is essential to the task of critique is to get the picture of judgment the wrong way around. Here we might recall Iris Marion Young’s observation in response to the presumption that being able to call a situation unjust must involve at least an implicit deduction from generally agreed principles: “This is not in fact how appeals to justice function in actual political life.” Injustice, Young argues, is not recognized by applying universal principles to actual situations. Rather, ideas of justice appear as the result of the articulation of senses of injustice: “Appeals to justice and claims of injustice are not a result, they do not reflect an agreement; they are rather the starting point of a certain kind of debate. To invoke the language of justice and injustice is to make a claim, a claim that we together have obligations of certain sorts to one another.”120 This is a fully political image of the
politics of justice and injustice. It does not suppose that transcendent principles, not even ones rooted in a phenomenology of recognition, could finally determine the content of justice. This is not because all theory is inevitably nonideal in its application but because this view belongs to the tradition of critical theory. Which is to say that Young does not suppose that determinations of injustice are either objectively definable or subjectively capricious, but argues instead that they are intersubjective achievements—that their value depends on and shapes the quality of democratic politics.

Young helps us see that what is at issue in according conceptual priority to injustice in theories of democracy is not an appeal to the political virtue of movements or activism, nor is it a problem of the contrast between foundational universalism and relativistic particularism. What is at issue are different ways of thinking about how universal criteria actually work—as authoritative references to impartial principles or as situated claims for acknowledgment, inclusion, and recognition that seek to enact public life in more democratic ways.

To fully grasp the significance of the conceptual shift toward prioritizing injustice—to fully grasp the significance of saying that the discourse of democratic justice is first and foremost a register of claims-making—we need to appreciate the double significance of the idea of “claims” at work in arguments about the priority of injustice. The idea of claims of injustice implies that matters of justice arise in contexts in which existing patterns of power are contested through the voicing of objections of one form or another in the register of justice. In this sense claims are asserted against manifest injustice. But the idea of claims also refers to the notion that these claims are assertions and therefore should be subject to a democratic test by being passed through the medium of public debate. By saying that claims of injustice and claims for justice are assertions, I simply mean to draw out the sense in which critical theories of democracy present these matters as subject to continuous, conjoint, intersubjectively anchored inquiry.

The double sense of claims of injustice as assertions is an indication of how the prioritization of injustice seeks to hold together two equally compelling imperatives of a democratic style of critical theory. First, it reflects a long-standing commitment to giving explanatory and normative priority to the expressions of wrong articulated by those who are subject to domination. For example, Enrique Dussel argues that the primary motivating force of critical theory is to do justice to the perspective of victims. Dussel’s own philosophy of liberation is premised on the idea that political action involves the transformation of the different experiences implied by the multiplicity of modes of victimhood through intersubjectively mediated discourses of solidarity. Part of this process, he insists, involves having to recognize and negotiate different aspects of affectedness through which people might be subjected to systems of domination. Dussel therefore also helps us grasp the significance of the second imperative to which the priority of injus-
tice is a response, which is the commitment to the communicative engagement of participants in the determination of interests, needs, and values. This means that claims of injustice are presumed to be subject to judgment and evaluation through a broadly inclusive public process of deliberation in which the validity of those claims is scrutinized.

To be clear, the emphasis on the second dimension of claims-making, the democratic processing of claims of injustice stressed by Dussel, but also by Habermas, Forst, Sen, Shklar, is not born out of a skeptical disposition. Agreeing on whether claims of justice are warranted is not a matter of determining epistemological certainty. The emphasis on the democratic processing of claims is shaped by two commitments we have already addressed. First, we have seen that the priority of injustice cannot be made equivalent to a simple affirmation of the transparently objective fact of injustice without the risk of passing over the ways in which a fundamental feature of structural injustice might be the stifling of victims’ capacity to express their own experiences of harm and wrong. Second, and related to this issue, there is both intrinsic and instrumental value in attending to the specific expressions of harm and injury that animate a felt sense of injustice: doing so allows us to hear the precise form of wrong that is being objected to and it facilitates acknowledgement, that is, it allows us to formulate an appropriate response or course of action.

We should avoid the temptation of thinking that following the train of thought that rejects ideal theories of injustice in favor of attending to expressions of injustice is a just matter of declaring the priority of practice over theory. What is in fact at stake in giving conceptual priority to injustice is a shift in the understanding of the vocation of critical theory. The shared understanding across the pluralist tradition from which the theme of the priority of injustice emerges is that what makes a state of affairs appear unjust—to those immediately on the receiving end of domination and to those called on to act in response—is not a reference to a prior construction of what would count as a properly just arrangement. What is involved instead is an affirmation that practices of justification are central to the identification of injustice as injustice. Accepting that this is the case does not cast us adrift from the safety accorded by clinging to universal principles and into the depths of relativism. Rather than a rock-solid theory of justice, what is needed to discern what is just and unjust is critical attention to the conditions of dialogue and response through which manifest injustices are recognized and addressed (or not).

The argument in favor of according injustice primacy over ideals of justice therefore transforms the value ascribed to theory. It requires giving up on the idea that universalism is menaced by relativism and particularity and thinking instead about the different registers in which claims to universality are articulated. It also requires giving up on the scholastic presumption that it is possible to arrive at monological determinations of justice against which worldly inequities can be
revealed and condemned. It requires, in short, taking up again the challenge of thinking democratically about justice once presented by David Harvey, in his recommendation to pursue “a just distribution justly arrived at.” The unfulfilled potential for working through the dual aspects of Harvey’s formula calls for a recentering of analytical and conceptual attention on the fragile dynamics of democratic contention. Which is to say that it requires attending to the relations between the situated emergence of felt senses of injustice and the processing of these claims through practices of public reasoning.