

MARK DAVIDSON

JUSTICE AND CITIES

Metro Morals



Justice and Cities

This book explores different theories of justice and explains how these connect to broader geographical questions and inform our understanding of urban problems.

Since philosophers like Socrates debated in the ancient agora, cities have prompted arguments about the best ways to live together. Cities have also produced some of the most vexing moral problems, including the critical question of what obligations we have to people we neither know nor affiliate with. The first part of this book outlines the most well-developed answers to these questions: the justice theories of Utilitarianism, Libertarianism, Liberalism, Marxism, Communitarianism, Conservatism, and recent “post” critiques. Within each theory, we find a set of geographical propensities that shape the ways purveyors of the theories see the city and its moral problems. The central thesis of the book is therefore that competing moral theories have distinct geographical concerns and perspectives, and that these propensities often condition how the city and its injustices are understood. The second part of the book features three studies of contemporary urban problems – gentrification, segregation, and (un)affordability – to demonstrate how predominant justice theories generate distinctive moral and geographical interpretations.

This book therefore serves as an urbanist’s guide to justice theory, written for undergraduates and postgraduates studying human geography, urban and municipal planning, urban theory and urban politics, sociology, and politics and government.

Mark Davidson is a Professor in the Graduate School of Geography at Clark University.



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MARK DAVIDSON

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About the Author

Mark Davidson is a Professor in the Graduate School of Geography at Clark University. He is an urban geographer interested in how societal developments and challenges get shaped and changed by cities. Since cities are spaces of confluence, Mark's work has been broad in scope. He has examined how social, economic, environmental, and fiscal changes are manifest in cities, and how governments alter their policies and practices in attempting to direct these changes. Over nearly two decades, Mark has consistently published in high-impact human geography and urban studies journals, along with producing edited collections for SUNY Press and Sage. He is currently Managing Editor of *Dialogues in Urban Research* and the urban geography editor for *Geography Compass*. Prior to joining Clark University, Mark held fellowships at the Nelson A. Rockefeller Centre for Public Policy and Social Science, Dartmouth College, and the Urban Research Centre, University of Western Sydney. He holds a BA (Hons) and PhD in Geography from King's College London.

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Introduction

1

Justice from the Urban

Introduction

We live in a time when conflicts rage over who has the right ideas. Every hot-button political issue now demands that you take sides. You either see things correctly, or you are in the wrong. This gives political debates a deeply moral character. If someone is dead wrong, there is no middle to meet in. A politics based on accommodating someone who is lying or completely misguided would be a waste of time, if not outright dangerous. But not everyone sees things like this. In conversation, the Australian journalist Clive James said: “freedom of speech is a concept and justice is concrete.” It is a thought that causes you to pause. What does it mean to say justice is concrete? I think it means that justice is something we work out together. By contrasting justice with concepts, James was making a critical distinction. Ideas are not the essence of justice. We certainly use them to understand justice, but they are not justice itself.

Observe any group of young kids and you can usually see this in real time. If a four year old jumps to the front of the lunch line, all the other kids will be bothered. They will feel like you do when someone does the same thing in the grocery store. But the four year old does not have any philosophical understanding of justice to draw upon. They will make no claims about categorical maxims or utility maximization. They will simply say “get to the back” or “I was here before you.” This becomes a moment where complaints are voiced with the intent of making things right. When our line jumper goes to their rightful spot, normal service resumes. The kids do what kids do. Justice is concrete.

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So, where do concepts come into the picture? If we take James's utterance as a starting point, concepts can be understood as tools that help us understand and codify justice. If you live in a society where no one can speak freely, it is hard to imagine having the tools required to manage disagreement and conflict. By developing the concept of freedom of speech, it helps us to think about why this is the case. But, even in this one example, we still struggle with these ideas. Our newspapers are full of stories about censorship, cancel culture, Twitter bans, and so on. We undoubtedly value concepts like freedom of speech, but we continually struggle to figure out when, where, and how they should be applied.

When political and moral debates become polarized, concepts tend to be overly important. In the U.S., we argue over things like when the country was founded, whether gun regulations or mental illness are responsible for shootings, or when human life starts. Participants in these debates conceptualize things in completely different ways. Often these conceptualizations are incredibly convincing to those who use them, but they need not necessarily be true or useful. The history of thought is littered with ideas, concepts, and ideologies that many found utterly convincing at some point, only now for them to be seen as abject failures.

The 20th-century political scientist Michael Oakeshott (1991) claimed that modern politics (post-Renaissance) is unique in its valuing of the conceptual over the concrete. What matters in modern political affairs, Oakeshott argued, are rationalizations. Without some conceptual framing to organize your outlook, you have no political career. It might even be difficult to have a political debate if you do not have some predefined rational approach. This elevation of rationalism involves seeing moral questions as purely technical problems. Deciphering just from unjust is a technical exercise, to be solved by deploying concepts. Oakeshott was troubled by all this. He thought that since the Renaissance, European thinkers had been reducing politics down to competing rationalizations:

All the Rationalist can do when left to himself is to replace one rationalist project in which he has failed by another in which he hopes to succeed. Indeed, this is what contemporary politics are fast degenerating into: the political habit and tradition, which, not long ago, was the common possession of even extreme opponents in English politics, has been replaced by merely a common rationalist disposition of mind.

(32)

Oakeshott's criticism here highlights the political stakes of philosophical and moral disagreement. It certainly remains important to compare and

evaluate competing theories of justice. But we should keep in mind the service that concepts provide. They help us to make sense of those feelings that make justice concrete. To develop this distinction a little more, we can look back at the philosophical disagreements occurring at the time Oakeshott thought rationalism took hold.

The 18th-century German philosopher Immanuel Kant (2017 [1797]) argued that we have innate categories of thought. The existence of these categories meant we interpret things as just or unjust in predictable ways, even if our behavior is not always aligned. For Kant, the problem of justice was not about conflicting ideas, so he tried to understand how our innate mental abilities could be brought to bear on our senses. In taking up this task, Kant would disagree with the Scottish philosopher David Hume (2012 [1739]). Hume thought that all our ideas, including justice, had been formulated from our sensory experiences. In other words, we had come to understand what is just by experiencing a sense of injustice. When we made sense of this feeling, we produced conceptualizations to capture and understand. Although Kant was inspired by Hume's argument, he would reject it. Kant would claim conceptual categories had to precede the sensory.

Kant's philosophical disagreement with Hume remains unresolved. Kantians and Humeans are still debating. Which side you agree with can have geographical implications. This provides us with our first example of how a philosophical difference can lead to a shift in geographical perspective. If Hume was right, we should expect to find that moral ideas change dramatically across time and space. Different communities will have different sensory experiences and they will do a better or worse job cultivating their understanding of senses. If Kant was right, we should find geographical and historical differences are much less important. Kant thought all humans have the same innate mental categories, meaning we all have the same mental tools for making sense of the world. By arguing this, Kant could insist that universal forms of moral agreement are possible. He thought we just needed to use our mental capacities to establish moral codes.

Kant and Hume's differences therefore show that philosophy impacts how we think geographically. However, geography can also impact how we philosophize. Since ancient Athenians debated in their city's agora, we have known that living in the "big city" can be a life-changing experience. This was certainly the conclusion that late 19th and early 20th-century sociologists – Georg Simmel, Fredrich Tonnies, Louis Wirth – came to (Gottdiener et al., 2019; Sennett, 2017). Living amongst a million people changes the way we relate to one another (McDermott, 1974), and if and how we care about each other (Smith, 2007). It is therefore no great insight to say that our feelings and thoughts about justice have evolved in modern

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urban societies (Lynch, 1976). We are distinguished from our pre-industrial ancestors by the ways we think about social relations, interact with each other, and justify our collective decision-making (Sennett, 2017; Soja, 2010). This shift has necessitated many social changes, including how, when, and why we apply theories of justice (Fainstein, 2010). And, of course, it has also given us new things to be concerned about: vast informal settlements, gross inequalities, novel modes of exploitation, and so on (see Davis, 2017; U.N., 2018).

Most of today's pressing moral problems tend to have distinctly urban dimensions. But there is a great deal of diversity in how urban moral problems are confronted (Flanagan, 2016). Certain problems seem to preoccupy us more than others. In the U.S., issues like gun rights and freedom of speech constantly headline political debates. When these issues are raised, it is often the context of cities. Can guns be carried in shopping malls? What type of political rallies should be held in downtown squares? The reason these are important issues in the U.S. is, at least in part, historical. Often, disagreements are based in constitutional debates that predate industrial urbanization. We therefore find ourselves in an increasingly urbanized world with a complex set of inherited moral and political understandings.

It is rare to find scholars trying to unravel this intertwining of geography, history, and thought. In philosophical debates, the onus tends to be on finding moral rules and identifying the most logical justice theory (Hui, 2019). This search for *a* theory of justice often precludes the possibility that context might act on theorization. There are good reasons for this. Admitting that moral judgment might be contextual can drag debate into the vortex of relativity: if context defines, there is nothing universal to be established (Feyerabend, 2010 [1975]). This is a moral debate with few easy answers. Similar difficulties surround the problem of intellectual baggage (Hui, 2019; Said, 1979), where we do not have any agreement on how accrued individual or social experiences condition us to favor certain types of understanding.

This is therefore not a book that comes with a prescriptive understanding of justice. It is also not a book that catalogues the long list of things that are considered justice issues. It is a book about the problem of understanding justice from an urbanist's perspective. We begin with the idea that justice is concrete: justice is something that is worked out while experiencing the world with others (see Crowder [2019]). Moral judgment is called for when we experience problematic situations. We must use theories and concepts to deal with these. But not all jobs require the same tools. Preconceived notions of justice – what you might otherwise call a dogmatic commitment

to a certain moral standpoint – can serve to limit the extent to which experience informs our moral judgments.

This is a familiar and unoriginal position. It is an idea at the heart of liberal education (Ryan, 1997), but can also feel like a minority position in today’s tribal political climate. Exploring various theories of justice and trying to understand how they shape the ways we think about cities means entertaining different perspectives. It means reading things you do not agree with and being open to a change of mind. Indeed, accepting that justice gets worked out in concrete situations means always reserving judgment. In some unknowable future event, an obscure moral argument might prove to be the most convincing (see the post-Renaissance world!). The central point is that you will never be able to make such choices if you cannot appreciate and adjudicate between moral theories.

It is a paradox of today’s information age that tribalism so often defines our intellectual and political landscapes (Fukuyama, 2018; Sloterdijk, 2014). Overabundant information has helped to sever many linkages between identity and history. The German philosopher Peter Sloterdijk (2014) describes this as the “liquidating” of identity and formation of “post-historical self-reliance.” Paradoxically, identity has become more important in tribalistic societies: you must choose your side and stick to it! Engagement, wavering, and indecision have all become signs of weakness. Philosophers like Carl Schmitt (2007 [1932]) thought this is the way politics inevitability works. A conflict becomes established – them and us – and continues until annihilation is complete. In this type of world, moral debate is suspended once tribal divisions are established (Keane, 2003a). The only moral distinction that matters is good (right) and evil (wrong). It is therefore easy to see why our tribalistic politics and academic debates often seem so passionate. The battle between good and evil has kept cinemas full for decades and now makes Netflix a multi-billion-dollar company.

Passions undoubtedly motivate us and a world without them is not worth having (Hume, 2011 [1740]). It has become fashionable in some circles to use this argument and then elevate the passionate above deliberation (Walzer, 2002). For this reason, Carl Schmitt’s far-right political theories have recently become broadly influential on the critical left (e.g., Mouffe, 2009). Schmitt’s position makes everything political and ensures moral debate is more a bare-knuckle fight than spirited colloquy. The influential French philosopher Alain Badiou (2006) has urged people to have unrelenting commitments to their firmly held political beliefs, what he calls having “fidelity to an event.” This can only mean those in passionate raptures are deaf to their opponents. For the likes of David Hume, this is a partial

embrace of the human desire for justice: it is an unreflective embrace of the passionate without recourse to thought.

In a tribal world, inconclusive deliberation about justice can seem politically impotent. W.B. Yeats's poem *The Second Coming* famously captured this sentiment: "The best lack all conviction, while the worst are full of passionate intensity." Yeats's words possess deafening resonance today, encapsulating a political problem at the heart of our moral being. We are all passionately drawn to moral judgments, but those who pause for reflection can be swept away by the faithful.¹ Passionate commitment and moral certitude are rarely bedfellows. Our two parts of justice – the feeling and thinking – are therefore hard to practice together. Having fiery convictions about something being unjust does not ensure intellectual clarity.²

To borrow from Hume then, the goal here is to work with both passion and reason. It is not the intent to appeal to the reader's passions by cataloguing the city's countless wrongs; there are already lots of books that do that. Nor is there a promise of arriving at a point of moral closure. While there are ways to navigate between moral theories, there is no grand synthesis to be found in the book's conclusion. The primary goal of the book is modest, being to explore how different theories of justice inform how we understand urban problems. But before we get to this task, we must sketch out how theories of justice connect to broader geographical questions.

Thinking Justice and Cities Together

In the coming chapters, we will examine different theories of justice in good faith, assessing each theory without necessarily interrogating all the framework's questionable assumptions. This openness to competing viewpoints is not without significant challenges (Dworkin and Dworkin, 2001; Taylor, 1989). One such challenge is particularly geographical. When we consider any moral theory without thorough critique, we can end up using geographical perspectives that we have not explicitly chosen. For example, some justice theories direct our attention to local level concerns, like neighborhood communities and civil associations. These are undoubtedly important scales of analysis, but a strong theoretical onus on them can make us less concerned with broader processes, like national identity or global class relations. The reader should be attentive to these nuances.

To further complicate matters, the geographical content within various moral theories is not consistent. Different versions of conservatism can, for example, have varying degrees of concern for local affairs. This issue is most pronounced when it comes to liberalism, where there are many different versions in circulation. To summarize any one theory's geographical

perspective therefore involves simplification. This is a fraught task, but we can tentatively start it by identifying how each theory tends to raise particular moral concerns. Some theories often begin at the scale of the individual, involving a figuring out of the extent and type of rights that humans possess. These types of theories have made significant moral and political contributions, but they have also often overlooked problems that extend beyond individuals. For example, focusing on the individual as a bearer of rights can divert our attention from communal or religious issues. In some instances, these political conflicts are waged to ensure that collective issues can take priority over individual rights. We frequently see this in the U.S., where the constitutional rights of individuals consistently conflict with communal beliefs.

In 2018, the U.S. Supreme Court considered the case of *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.³ The court was asked to adjudicate whether owners of public businesses can refuse to provide their services based on the First Amendment's protection of free speech and free exercise of religion. The particulars of the case concerned the legality of a Colorado bakery refusing to produce a custom wedding cake for a gay couple. The owner of the bakery claimed that the baking of the cake ran counter to his Christian faith and that he should not be compelled to make something that contradicted his religious beliefs. The basis of his argument was that the U.S. Constitution protected him against the requirement to provide a service that conflicted with his faith.

One reason the case made national headlines, beyond it playing into long-running American cultural wars (Hunter, 1992), was how the conflict weighed individual rights against communal values. When justice is defined by the protection of individual rights, in this case those provided by the U.S. Constitution, social and geographical concerns can become less important. When the Supreme Court came to a decision, it ruled the bakery's discrimination unconstitutional. This overturned the State of Colorado's previous ruling. The majority opinion on the Supreme Court argued that the baker did have the right to exercise his religious beliefs, but only within the scope of "generally applicable laws." The Commission had ruled that the baker acted lawfully, since the State had a legal obligation to remain neutral on religious issues. When the Supreme Court upheld the constitutional rights of individuals, it therefore rejected both the Colorado court's decision and the religious values of the baker.

It is possible to imagine another version of American federalism that might reverse this geographical prioritization (see LaCroix, 2011). Indeed, the ongoing experiment of American federalism constantly involves a negotiation of federal and state sovereignty. Since the U.S. Constitution and the Bill of Rights define justice as the fulfillment of individual rights

within national borders, the enactment of justice at the communal level is a constant source of political and legal tension. A great strength of the American political and legal systems is that they enable a highly diverse population to engage in a common political project (Madison et al., 2020). However, the project's reliance on a social contract derived from a justice-as-rights approach will always bring localized communities into conflict with the country's founding documents. This is not a criticism. It is simply an observation of the political and geographical tensions that result from dueling moral frameworks.

Of course, this process can also work the other way around. If we adopt a certain geographical perspective, we can be biased towards certain types of explanation and theories. This is most evident in nationalist political movements, where an absolute attachment to a geographical community can serve to resolve moral questions (see Anderson, 1991). Having geographical and/or racial community substitute for moral dialogue was insightfully described by George Orwell (2011) in his 1945 essay "Notes on Nationalism." At the end of World War II, and close to the end of his own life, Orwell's reflective essay attempts not to dismiss the importance of geography to politics. Rather, Orwell attempted to excavate his own geographical affections from the ashes of a war fought to stop German nationalism. Orwell wrote:

By "nationalism" I mean first of all the habit of assuming that human beings can be classified like insects and that whole blocks of millions or tens of millions of people can be confidently labeled "good" or "bad."

(np)

The short sentence gets straight to the point: nationalism is dangerous precisely because it can make the prismatic tonality of morality into a satisfyingly dull monochrome. As Orwell guides his reader through the workings of nationalism, he is paradoxically moving towards an embrace of geographical community. Orwell wanted his readers to embrace a progressive version of patriotism. This meant not denying a love of country, in his case England, but rather celebrating *and* seeing it as no better than any other.

Orwell accepted that nationhood was inseparable from community, and dealing with this conclusion meant finding the best version of it:

The emotional urges which are inescapable, and are perhaps even necessary to political action, should be able to exist side by side with an acceptance of reality. But this, I repeat, needs a moral effort.

(np)

Orwell did not try to convince nationalists and fascists of their wrongs. Rather he was aiming his fire at his fellow English intellectuals and their general disdain for popular attachments to nation. Orwell's was a third position, being a conditional embrace of national community. Geographical attachments would, Orwell thought, remain critical to the resolving of moral and political problems. He had witnessed how powerful these attachments to place had been, in Burma, in Wigan, in Paris, in London. Orwell's starting point for political and moral thought therefore appeared to have been acutely geographical. He thought we should start with who people are, where they live, how they live, and the places they cherish, before moving onto ideas and concepts.

Orwell's words serve as an instructive example of how justice need not be concerned with abstract individualism. In contrast, Orwell thought it was to be understood as something deeply geographical. Yet, as Orwell's fuzzy recommendations demonstrate, there is no straightforward path through this problematic relationship. Although some justice theories tend to push us towards strong geographical perspectives, little is set in stone. Both moral and geographical theory are moving targets, reflecting their time and place.

Certain moral problems concern us more than others. Today we face an unprecedented climate crisis. This is making us ask new moral questions, like what are our moral obligations to those outside our national borders (Peeters et al., 2019). Likewise, the rapidly expanding and mutating process of urbanization continues to throw up new political and moral problems. Take the growth of technology within cities as an example, commonly called "smart cities" (Gibbs et al., 2013). This is presenting us with moral dilemmas that are difficult to resolve. Using facial recognition software in public spaces, like airports and subways, is new territory for planners and policymakers. The technology promises significant advances in security and management, but it also makes real the threat of an omnipotent surveillance state. As new urban problems emerge, the traction of moral theories shifts.

So, before we examine the different ways that moral theories frame the city and urbanization today, we need spend some time thinking historically (see Schnaiberg, 1971). The most influential theories of justice – those we will cover in the coming pages – emerged over time. What are now often viewed as abstract theoretical schemes have their genesis in attempts to resolve the social problems of their time. Of course, the social history of moral and political thought is a vast topic (see Morgan, 2011; Russell, 1967). So, in the next section, we will therefore focus on the main differences and similarities of ancient and modern justice theories. By distinguishing

the moral thinking of these two historical epochs, we can understand how certain moral ideas emerged alongside, and because of, the growth of urbanization.

An Urbanist's Historical Sketch of Justice

In classical Eastern and Western philosophy, admirable ethical positions often weave into arguments that few would make today. Like modern philosophy, classical works are also inconsistent (Adamson, 2016). Any attempt at sketching out how classical philosophy informs modern theories of justice inevitably glosses over much complexity and nuance. To further complicate matters, contemporary philosophers are still engaged in debates about what classical philosophers actually said about justice (e.g., Brüllmann, 2019). The likes of Plato and Aristotle did not help us in this regard. Their Athenian dialogues revolve around the critique of other positions. This has given us an excellent understanding of what theories of justice they rejected, but few uncontested views about what they thought it was. Classical theories of justice are therefore best approached by looking at the contexts within which they emerged, with this showing how virtue became the axis around which they revolved (Sandel, 2010).

In both Eastern and Western classical philosophy, the idea of justice is often associated with social harmony. This connection reflects how Greek and Confucian philosophers were confronting an emerging sociological problem: that their societies were growing and becoming more complex. Classical Athens (480–323 BC) had grown into a city-state following the birth of Athenian democracy (508 BC) under Cleisthenes. As the polis grew and the democratic experiment deepened, moral order became an obvious topic for Athens's learned community (Popper, 2020). Confucius would likewise experience social and geographical change in his adopted home of Lu (now Shangdong). Having risen from middle-class roots to become Minister of Crime, Confucius sought to serve his state in a time of political upheaval (Ni, 2016). This service involved developing a scheme to dismantle the city's walls and form a centralized government, to thus remove the physical and institutional barriers that had enabled hereditary powers to bring about social and political change.

Such changes make it unsurprising that social harmony became a core concern for classical philosophers. Whether it be changing moral norms or sudden economic changes, classical philosophers had to make sense of public issues just like we do. And yet the way classical philosophers developed

their answers can discomfort the modern reader. Social harmony might seem like a familiar concern, but classical philosophers often thought about it in ways that seem strange to us. They did not think about social harmony in terms of equality, like we think about everyone enjoying the same bundle of rights or prospectively moving towards an equitable income distribution. For thinkers like Plato, this type of equality was very much bound up with emergent social problems (Popper, 2020). For classical Confucian and Greek thinkers, social harmony was to be resolved by allocating people to the “right” place in changing social structures.

Plato’s *Republic* is often credited with being the first Western exposition on justice. However, it does have important forerunners. The concept of *dikaiois* appears in both Homer’s *Odyssey* and Josephus’s *Antiquities*. The term refers to civilized social conduct, where one person respects their obligations to others. This concern then continues as a central theme in Plato and Aristotle’s writings. Confucian philosophy follows a similar path. Although there is no strictly analogous term for justice in Confucian philosophy, the Chinese term *yi* is often offered as an equivalent (Lu, 2022). It is usually translated as meaning a just obligation, righteousness, or appropriateness. Duvert (2018: 5) explains that to practice *yi* “leads to the fulfillment of all human duties.” Both Greek and Confucian philosophies therefore understood justice as being concerned with how people organize their social roles and relations.

Where classical philosophies of East and West diverge is how they develop arguments about just social conduct, and thus harmonious social relations. In the West, philosophers like Plato and Aristotle founded understandings of justice in reason (i.e., *logos*) (see Wang, 2009). Plato’s dialogues are exercises in reasoned debate, undertaken with the expectation that an irrefutable position will emerge. In *Republic*, Plato places Socrates into a series of debates, where successive arguments about justice are contested. Socrates reveals the irrational reasoning behind each, and thus is presented as moving closer and closer to the truth. The Eastern tradition approaches the problem differently. Instead of reasoning, emphasis is placed upon emotion and how just relations between individual members of a society can be fostered:

This preeminent importance of individuality and human affection reflects a distinctive Confucian approach to social and political integration that is not enforced through laws and norms, but induced through a gradual process of moral cultivation and the promotion of emotional attachment among different individuals in a society.

(Wang, 2009: 321)

The Confucian concept of *yi* deemphasizes institutions and the law as instruments of justice, whereas the Greek tradition is attempting to found institutions via disinterested reasoning. Mencius, the Chinese philosopher described as the “second sage” after Confucius, made much of this distinction. He pointed out that laws can be unjust, and thus an individual who abides by these laws cannot be considered just themselves. Only by cultivating a morally sound conscience could *yi* be attained, meaning justice was a matter of individual conduct not institutions.

The Confucians and Ancient Greeks therefore tried to identify virtuous moral principles that individuals should abide by. In the Greek tradition, Aristotle is most often associated with this effort (Curzer, 2012). He describes four cardinal virtues: prudence, justice, temperance, and fortitude. These virtues are Aristotle’s answer to how humans can live a good life and achieve what the Greeks referred to as *eudaimonia*. Achieving *eudaimonia* represented the highest state of being, a state where reason was being applied to life’s problems. Excelling, or being virtuous, meant establishing habits of good character. Praiseworthy ends became the crux of decision-making. Acting justly is part of Aristotle’s answer to how we can live together harmoniously in complex societies.

In the Confucian tradition, a similar emphasis on virtue exists. Four virtues are generally acknowledged: benevolence (*rén*), righteousness (*yi*), wisdom (*zhi*), and propriety (*lǐ*). Like Aristotle, Mencius thought that any individual who lived by these virtues could achieve psychological and social well-being. Mencius’s writings also stress that certain conditions must be met – basic needs, ethical education, determination – so that individuals can make virtuous choices. Living without extreme hardship and having some basic education would, Mencius thought, allow all people to be good. In other words, if we remove extreme hardship and ignorance, you will find that human nature is virtuous:

Humans all have the feeling [xīn] of compassion. Humans all have the feeling of disdain. Humans all have the feeling of respect. Humans all have the feeling of approval and disapproval. The feeling of compassion is benevolence. The feeling of disdain is righteousness. The feeling of respect is propriety. The feeling of approval and disapproval is wisdom. Benevolence, righteousness, propriety, and wisdom are not welded to us externally. We inherently have them.

(Van Norden, 2019: np)

This proposition has been the subject of much debate, reinterpretation, and critique. Whatever its merits, it has certainly put the idea of virtuousness at the center of moral debates since (Sandel, 2010).

Often, philosophers and politicians have concluded that their societies lack virtue. For Plato, the new Athenian democracy was a disaster. Even despite its exclusive definitions of citizenship, Plato thought that the city's stress on equality had undermined its traditional hierarchies. What Plato wanted was reality to conform to its essential forms. For him this meant having people serve in the innate roles they were born to inhabit; everything should be in its place.

The 20th-century philosopher Karl Popper (2020) identified Plato's *Republic* as the origin of teleological historicism in Western thought. What Popper meant by this was that Plato gave us the dangerous idea that human civilization should be traveling towards a harmonious end state. For Plato, this meant rejecting the turbulence of Athenian democracy and returning to the natural social order, where people embraced their innate social positions in the same way they did their virtues. Confucianism contains something similar (see Angle, 2012; Watson, 2010). For example, the late Zhou dynasty identified "four occupational" classes: scholars, farmers, artisans, and merchants. Aligning individuals with their occupational classes became a prospective social reform agenda; again, everything in its place. While these occupational classifications were never rigidly applied, just like in the Western tradition, the idea of justice being connected to a correct, more virtuous, social form has never completely disappeared.

There is no doubt that classical philosophers were as concerned about justice as we are. In both the Eastern and Western traditions, we find attempts to come to an understanding about what a just society would look like. Often, the resulting theories revolved around ideas like virtue, whereby personal conduct and "proper" social orders were linked together by an appeal to moral goodness. This thinking intimately linked the individual and social. Philosophers like Plato and Mencius thought that individual fulfillment meant little without a functional social context (i.e., social order). In Athens, this brought philosophers into conflict with politicians. The Athenian democratic experiment unleashed a great disruptive idea – political equality – that continues to disturb us today. To this problem we now turn.

Modern Justice Theory

The road from classical to modern theories of justice is winding. On the way, we encounter Thomas Aquinas (2018; see Turner, 2014) and his separation of secular justice – what he called "natural law" – from divine justice (see Box 1.1). We can also find that great amoralist, Nicolò

Machiavelli (2020), dispensing political advice to Italianate princes. His form of justice is bound up with the necessities of ruling and maintaining order. Reflecting on political victory, Machiavelli wrote: “Then again, victories are never so overwhelming that the conqueror does not have to show some scruples, especially regarding justice” (73). Fast forward to the post-Enlightenment moral skepticism of Friedrich Nietzsche (2018) and we find a return to classical philosophy. Nietzsche rejected the entire modern project of finding a theory of justice (see Hui, 2019). As we try and chart our route through this maze, it is important not to portray justice theory as evolving in neat and sequential trajectories. Over time and across thinkers there are new tangents pursued and old debates rekindled. So, without an obvious starting point for modern justice theory, where to begin?

Box 1.1 – On Thomas Aquinas

Thomas Aquinas was a European Dominican friar (1225–74) born in Lazio (now a region of Italy). Aquinas studied at the University of Naples and later completed his studies in Paris. He is widely thought of as the most influential thinker of the medieval period. Although a Catholic, Aquinas took great interest in works of Aristotle, and he attempted to incorporate the teachings of ancient Athens with his Catholic faith. He was a prolific writer, his most influential work being the unfinished *Summa theologiae*. Written for students, this work would go on to inspire the foundation of what became Thomistic philosophy. By taking inspiration from Aristotle, Aquinas would help (re)connect European societies to classical civilization. The scope of this contribution is vast, including Aquinas developing the idea of “natural law.” This idea held that people exercised reason independently via the creation of “human law.” Aquinas therefore opened up an area of moral inquiry distinct from “divine law” and revelation. In doing so, he was a required forerunner of later Enlightenment thought.

There is no doubt that the messy intellectual flourishing we call “the Enlightenment” (see Robertson, 2021) brought with it a cloudburst of moral philosophy. The two most significant manifestations for this thought were the American and French revolutions (Wood, 1993). Neither revolution was purely a function of new thinking. Both were very much

materialist events, being generated by radical social and economic changes. But alongside these changes, helping to shape and make sense, were the Enlightenment's philosophies and theories. These had been circulating in the American colonies and France (Acemoglu et al., 2011; Madison et al., 2020). When social upheaval began, the Enlightenment's ideas about legitimate political orders were close at hand. Both 1776 and 1789 are therefore moments in time where nascent philosophical ideas were pushed to the forefront of history. In America, revolutionaries were well read in classical philosophy (Richard, 2015). They were also directly influenced by the philosophy of John Locke (see Box 1.2) and the pamphleteering of Thomas Paine. In France, Locke's writings were again influential, but here his influence was joined by Montesquieu, Rousseau, and Voltaire, among others. Within the ranks of literate revolutionaries, these thinkers provided the frameworks necessary to think about what would come next, how new societies would be more just, and thus what the stakes of their revolutions were.

Two features of these Enlightenment-fed revolutions are important for understanding modern justice theories. First, both rejected traditional forms of authority, specifically the monarchy and the church. Second, by rejecting previous social structures, the revolutions required a framework to organize and legitimize a new social order. Quite what these frameworks were and where they came from continues to be debated (Stromberg, 1988; White, 1981). For some, the origins of the new social orders can be traced to England's Glorious Revolution of 1688 (Ackroyd, 2015). The key part of England's revolution had been the provisional accession of William of Orange. To become king, William had had to accept the 1689 Bill of Rights. This document, drafted in the House of Commons, recognized that the citizens of England had "ancient rights and liberties." These rights were protected by the popular sovereignty of parliament and, thus, were beyond the remit of royal power.

The great contradiction of the Glorious Revolution was that it was no revolution at all. In the context of its own time, it was a relatively peaceful political transition. Many preferred to see it less as a revolution and more as a reversion. The founder of modern conservatism, Edmund Burke, approvingly wrote: "The Revolution was made to preserve our ancient indisputable laws and liberties, and that ancient constitution of government which is our only security for law and liberty" (cited in Pincus, 2003). Whether reversion or revolution, England's Glorious Revolution had elevated individual rights and made it the monarch's job to protect them.

Box 1.2 – On John Locke

It is difficult to overstate the influence of John Locke (1632–1704). His writings on the limits to human knowledge and empiricism set in motion a transformation in scientific inquiry. Locke’s *Two Treatises of Government* would do a similar thing for political and moral thought. By defining what a legitimate government looks like, Locke both rejected monarchical orders and gave grist to the vast political transformation that occurred in the 17th and 18th centuries. Locke’s understanding of property would make its way into the thought of both Adam Smith and Karl Marx, to therefore echo throughout the political histories of the 20th century. In his biography of Locke, Roger Woolhouse (2008) documents his difficult relationship with London. Woolhouse writes that any trip to London required careful planning on Locke’s part, since he had trouble breathing in the city. Locke wrote to a friend: “my breath is yet short [...] and I know not how long stay it will permit me in town, but not presently, I must husband my time there as well as I can” (Locke cited in Woolhouse, 2008: 348). Such messaging shows Locke to be very much a pre-urban thinker. Later 18th-century writers would find the city unavoidable, both in life and thought.

With King James II removed and William of Orange installed, John Locke returned to England from exile in Holland to publish his *Two Treatises of Government*. Locke’s work became the theoretical counterpart to the revolution he had supported from across the English Channel (Woolhouse, 2008). In his *First Treatise*, Locke took aim at the theological foundations of the Divine Right of Kings, intending to undermine the prevailing understanding of hierarchy held among the English gentry. The *Second Treatise* sets out a new framework for government. The significance of these works was not necessarily their originality. Locke did not formulate many of the *Treatise’s* key ideas, like natural rights or the social contract. However, he did craft them into a persuasive argument at the very time that England was remaking itself.

For Locke, the Glorious Revolution was to be read as part of a broader historical move towards a more just society. He was part of a generation of thinkers who embraced the power of ideas to change society. The fuel to this engine was rationality – the exercise of reason (Kolm, 2002). In his *Second Treatise*,⁴ Locke (2020) argued:

reason being plain on our side that men are naturally free, and the examples of history showing that the governments of the world, that were begun in peace, had their beginning laid on that foundation, and were made by the consent of the people, there can be little room for doubt, either where the right is, or what had been the opinion or practice of mankind, about the first erecting of governments.

(np)

These sentences paint the English monarchy, or at least that of Charles I and James II, as an aberration; temporary bouts of irrationality. Borrowing from Thomas Hobbes (2017), Locke describes men [sic] as “naturally free,” thus suggesting that under the monarchy English citizenship had become perverted. Rather than making a revelatory discovery, Locke thought of himself as rediscovering the rightful basis of knowledge and government.

Locke’s influence on the Glorious Revolution provides us with an important staging point in the emergence of modern justice theory. Unlike classical philosophy, Locke’s theory of justice does not concern itself with the individual and their virtues. His primary concern is the relationship between subject and ruler, making his main contribution the proposing of a rational arrangement between the two. The resulting moral prescriptive is much more restricted than that suggested by the ancients. Locke tells about the necessary limits to government, and that liberty is possessed by individuals. Famously, this meant Locke argued against pursuing a perfectible end state. To the contrary:

The great and chief end, therefore, of men’s uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of nature there are many things wanting.

(*Second Treatise*, 1690: np)

In Locke’s view, a just government is one that allows individuals to enjoy the benefits of society without the same society unreasonably restricting the scope of individual ambition. Locke’s elevation of property rights as the key component in this moral formulation is something we still work with today (Tuckness, 2020).

Locke’s two treatises would become an important intellectual and political influence on American revolutionaries (see Box 1.3). This influence would also be popularized by Thomas Paine’s (2010) *Age of Reason*. It is possible that Thomas Jefferson’s pen might never have drafted the *Declaration*

of *Independence* without the rabble-rousing pamphlets of Thomas Paine. Paine had arrived in America from England two years before the revolution. Upon arrival, he immediately published two pamphlets, *The Crisis* and *Common Sense*. Paine’s clear and engaging prose made *Common Sense* fuel for the revolutionary fire. Paine took aim at England’s George III, explaining how a controlling monarchy, some 3,000 miles away, was a historical

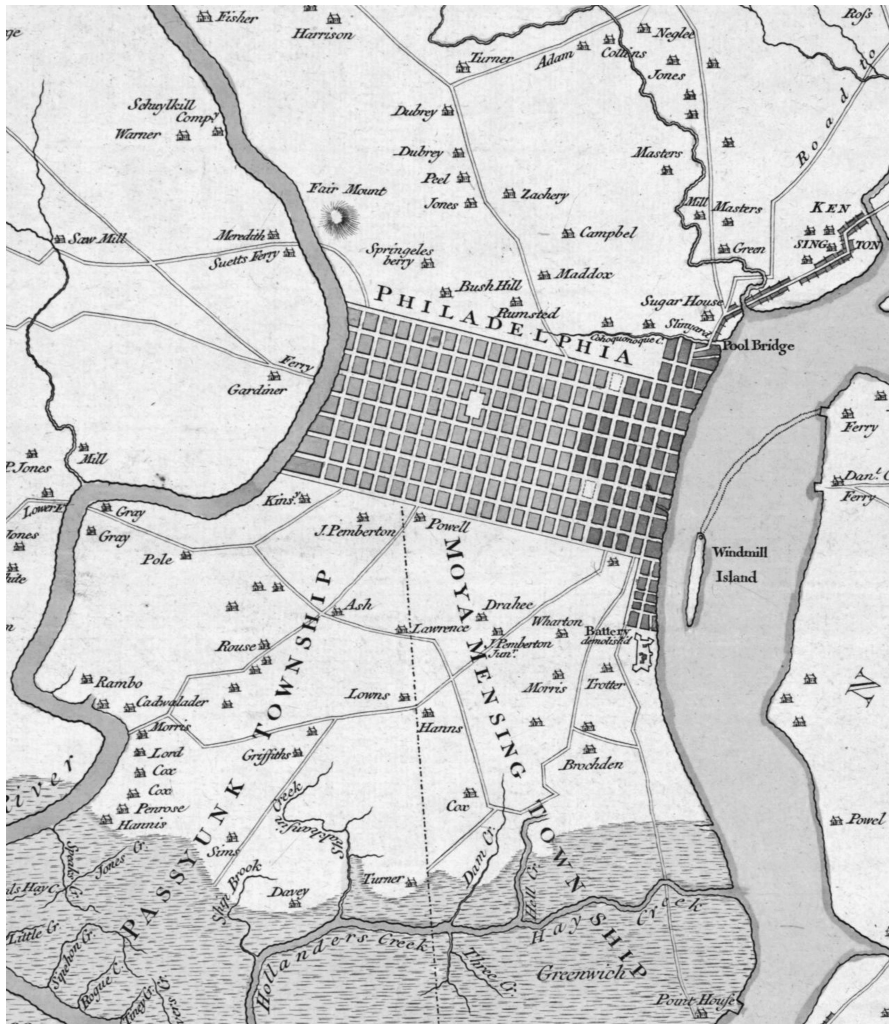


Image 1.1 1777 Map of Philadelphia, PA. A small coastal urban settlement and site of globally significant political and technological innovation.

Source: Wiki Commons.

absurdity. The only reasonable solution to the problem of American government was, Paine claimed, republicanism:

A government of our own is our natural right: And when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance.

(*Common Sense*,⁵ Paine, 2016: np)

Paine is here pure Enlightenment, asserting that governments serve, first and foremost, to protect an individual's rights. He insisted that America must chart its own enlightened path.

Box 1.3 – American Revolution and Philadelphia

If the American Revolution has an urban home, it was Philadelphia, PA (see Image 1.1). During the 1700s, Philadelphia became the center of commerce and politics in the American colonies. It was therefore the natural locale for the ferment of the American Revolution and subsequent inaugural Continental Congress. Philadelphia's residents would include Benjamin Franklin and Thomas Paine, both of whom placed themselves at the center of the emerging American experiment. In 1776, the city would be the first to hear the *Declaration of Independence* read aloud. Thomas Jefferson had written much of the proclamation in the city. In Franklin's autobiography, Philadelphia is portrayed as a crucible of innovation and change. The advent of the popular press is connected by Franklin to economic growth, political debate, and social change. Philadelphia therefore serves as a good example of how the stories of urbanization and political change are so often intertwined. Just as with the French Revolution, tremendous social upheaval accompanied urbanization, creating a need for new moral and political thought. People such as Franklin, in places like Philadelphia, were ready to develop, print, and propagate this thought.

Paine would go on to play his part in the subsequent French Revolution. There he would have a decidedly mixed experience (Keane, 2003b). Like the American Revolution, there are differing intellectual histories of the French counterpart (Censur, 2019). Francois Furet (1996) claimed that the

intellectual needs of the French Revolution were created by the declining influence of the monarchy. This decline created a vacuum for new ideas about government, into which stepped the Enlightenment philosophers again. Furet's historicist interpretation attempted to supplant Marxian interpretations. Marxists had tended to view the revolution as resulting from heightened class contradictions. Furet disagreed, and instead explained the French Revolution as coming from a combination of a decaying elite and explosive new political ideas.

Baker (1990) identified three types of political ideas that emerged within the Enlightenment. First, you had *justice*, which was most often defined in opposition to a despotic monarchy. This firmly planted in the popular imagination the notion that monarchies were illegitimately wielding political authority. The second was *reason*. This replaced tradition as the basis of decision-making. Finally, you had *will*, or rather the right to enact enlightened ideas. In France, the most conspicuous propagators of these ideas were Rousseau, Montesquieu, and Voltaire.

Rousseau's *The Social Contract* is one of the most influential and controversial texts in Western political philosophy. Published in 1762, it sets out a powerful justification for republican government. Most controversially, it argues that coming together to form a society involves the individual abandoning their claims to natural rights and submitting to the "general will." In contrast to Locke and Hume, Rousseau's republicanism relegated concerns about individual liberty by elevating the importance of the collective. Montesquieu's writings also played a role in the formation of post-revolutionary government. In 1748, he published *The Spirit of the Laws* and introduced the idea of a separation of powers. Montesquieu argued that individual parts of government needed to be distinct: the executive, the judicial, and the legislative. Montesquieu was providing a solution to the central problem of both the American and French revolutionaries: how to produce a system of government that could avoid the despotism they were reacting against.

The American and French revolutions therefore made enlightened political thought about more than ideas. It was now bound up in radical social and political reform. The writings of Locke, Paine, Rousseau, among many others, began to shape the institutions and laws that people lived with. Removing despotic monarchs had involved rejecting the idea that subjects were granted their political being. The likes of Locke and Rousseau had created ways to think about politics without any need for any higher authority. It was reason that would drive government from now on. Paine's (2010) *Age of Reason*, published in 1794–5, epitomized this shift, offering an outright rejection of religious revelation. Paine put his entire faith in human reason: "The Christian theory is little else than the idolatry of the ancient mythologists, accommodated to the purposes of power

and revenue; and it yet remains to reason and philosophy to abolish the amphibious fraud” (57). Questions relating to politics and justice needed to be answered by individuals. There were now, according to Paine, no legitimate theological or ancestral answers to the problems of government.

Enlightenment philosophers therefore helped to create a new epoch. Questions of just government and just society were again being discussed in ways not seen since ancient Athens and imperial Rome. Divine and hereditary government were being rejected and new – or rediscovered – rights asserted. How these rights could be understood and installed within newly formed governments had become a critically important political question. For Kolm (2002), we are still struggling to answer the questions these Enlightenment philosophers formulated.

A contrasting of Locke and Rousseau’s work can help illustrate this persistence. In both their works, we find “natural rights” taken in different directions. For Locke, rights, and in particular property rights, require protecting the individual and their possessions from wider society. In other words, property rights are bound up with the protection of individual liberty. Locke therefore wanted to provide a reasonable argument to stop the state seizing property. In contrast, Rousseau saw joining society as a process of submission. Any individual natural rights you have become part of a collective. The key idea here is that it is only reasonable for the individual to relinquish these rights since they receive many more benefits from social membership. From a common starting point – recognizing the natural rights of individuals – Locke and Rousseau therefore end up at diametrically opposed political positions.

The philosopher Michael Sandel (2010) developed a useful distinction to understand this difference. On the one hand, we have theories of justice that emphasize welfare. These theories argue that societal claims can be made on individuals. The most obvious example of this being tax. Most countries forcefully (i.e., if you do not pay your taxes, you are in trouble!) redistribute assets from one person or group to another. In contrast, we have theories that emphasize freedom. These theories are concerned with understanding the limits that apply to government action. Sandel’s distinction maps neatly onto familiar political divides. We often have low-tax political parties (i.e., limits on government action) squaring off against progressive-tax parties (i.e., more government seizure and redistribution).

Both Sandel (2010) and Kolm (2002) have claimed this philosophical and political divide has resulted in virtue becoming a neglected moral concern. Sandel (2010) argues that justice has too often been reduced to the problem of redistribution (Kolm, 2002). Whether this remains true today is debatable. Recent years have seen the idea of virtue feature prominently in political debates. In the traditional or social media spheres, we commonly hear

about virtue-signaling as being a not-altogether unproblematic part of the political landscape. So, while the Enlightenment philosophers helped to define justice in particular ways, today we increasingly seem to share many of the concerns held by classical philosophers.

Modern Justice and the City

The American and French revolutions gave modern theories of justice purchase at the very moment when the early industrial urbanization was emerging. In 1776, the U.S. had an estimated population of 2.5 million. Only 40,000 of which lived in its largest city, Philadelphia. New York City was home to just 25,000 and Boston, 15,000. France did not perform its first census until 1801, but historians have estimated Paris's population at 600,000 in 1789, up 100,000 from the turn of the century. The French population was roughly 28 million in 1789, making it an overwhelmingly agrarian country. Across the channel, London had a population of one million by 1800. The 1800s would therefore be the century of urbanization. By 1900, London would be home to 6.5 million, Paris 2.1 million, and New York City 3.4 million.

The evolution of modern justice theory can therefore be traced upon the urbanization of Europe and the Americas. When we look to the late-18th century, we can find some of the key political thinkers of the time reflecting the growing cities around them. In the late 1700s, urbanization seems to have been viewed as something of a choice. The two thinkers who best reflect this are Rousseau and Jefferson. Both had been immersed in Parisian life, albeit in different capacities and for different periods. Both became vocal critics of what they experienced, despite the fact they seemed to enjoy urban life.

Rousseau was born in Geneva and lived in various European towns and cities, both large and small. His was an undoubtedly cosmopolitan life. Rousseau's passions for learning and music took him to Paris, but his reflections on the city are hardly endorsing. Richard Sennett (2017: 115) describes Rousseau as "the greatest writer on [...] urban public life," but also remarks that Rousseau "believed cosmopolitanism was no high stage of civility, but a monstrous growth." For Rousseau, Paris was an epicenter of cultural degeneration. Rousseau saw Paris as a theatre full of people acting. Parisians cared more about outward repute than inner being. He hankered for the small town, where the essentials of everyday survival ensured everyone knew their purpose and played their part. Cities like Paris, with their divisions of labor and accumulated wealth, offered something quite

different. One could, in given circumstances, be whoever one wanted to be. For Rousseau this was the epitome of an inauthentic life.

Rousseau is therefore an early critic of urban economies and the associated urbanite. The things he cherished, morality and art, were being corrupted by the city. Both had become performed for audiences, making it impossible for them to come from deep and personal reflection. The cultivation of personal and moral identity for a nameless other was precisely society's problem. Rousseau mourned the loss of private life that resulted from the prominence of public life.

This all had political consequences (see Ellison, 1985). Rousseau saw Europe's small towns as places where people could resist the corruption of cosmopolitan society. His theories of human nature presented an image of the self being unsullied at birth. From then, it was slowly degraded by society's negative influences. The city represented the most intense imposition on the self. How could, he asked, political creativity come out of this context? Inauthentic social bonds could hardly provide the basis for a negotiated social contract. His Calvinism led him to prefer the small town, where the rigors of subsistence kept people in touch with authentic social bonds. The urbanites' free-floating existence offered no such securities. Rousseau would thus anticipate the later social critiques of Parisian radicals in the 1960s (Debord, 2002). Like them, he suggested that state-sponsored spectacles would have to be used to create community in the atomizing metropolis. Unity would have to be manufactured.

Imposing this urban perspective on Rousseau's germinal political theory illustrates a key tension in early modern justice theory. Rousseau looked at Paris and thought it no place to achieve justice (Ellison, 1985; Sennett, 2017). His preference for the small town reads not as pure romanticism, even if it is deeply conservative. Paris was an anomaly at the time, and Rousseau clearly would have preferred it to remain so. This sentiment was shared by a future president in Monticello, Virginia.

Thomas Jefferson had moved to Paris six years after Rousseau's death. His reaction was similar to Rousseau's. In his most famous criticism of the city, Jefferson echoes Rousseau's view that cities and moral degeneracy are inseparable:

The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigor. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.

(*Notes on the State of Virginia*, 1998⁶: np)

In the preceding paragraphs, Jefferson had set out his view that agrarian life is morally superior to that in the city. He claimed that “Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example” (np). Jefferson’s geographical vision is anti-urban. He favored a nation of independent yeomen. Only in this context could the political equality he had written into his *Declaration* become a reality. The prospect of large urban communities did not offer the republican experience he sought: “Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition” (ibid.: np).

The vision Jefferson had for the U.S. was nothing like the Paris he would make home:

Carpenters, masons, smiths, are wanting in husbandry; but, for the general operations of manufacture, let our workshops remain in Europe. It is better to carry provisions and materials to workmen there, than bring them to the provisions and materials, and with them their manners and principles.

(Jefferson, 2018: np)

These words were written in 1787, only two years before he departed for France. They show, at least in this moment, how Jefferson thought a just democratic nation was incompatible with continued urbanization. Just like Rousseau, Jefferson thought that urbanization was something that could and should be resisted for the good of the political community.

As with most facets of Jefferson’s life, his anti-urbanism was deeply contradictory. During his time in Paris, Jefferson hardly hid himself away. In his autobiography, he writes of Paris’s residents: “A more benevolent people I have never known nor greater warmth and devotedness in their select friendship. Their kindness and accommodation to strangers is unparalleled” (1998: 101). He then follows this up with an embrace of Paris’s enlightened cultures: “Their eminence, too, in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society, to be found nowhere else” (ibid.). By his own account then, Jefferson’s anti-urbanism does not rest on any presumed absence of enlightened values in the city.

When Jefferson was leaving Paris, there was much that he wanted to bring back to Monticello. Jefferson eagerly engaged with Paris’s scientific and artistic communities, developing a keen taste for Parisian fashion. He was also a keen student of the city’s architecture and planning. Adams

(1997) notes how Jefferson wrote to a friend in Virginia about the possibilities of replicating Paris's initial attempts at the urban shopping malls: "A particular building lately erected here ... has greatly enriched the owner of the ground, has added one of the principal ornaments to the city and increased the convenience of the inhabitants" (Jefferson in Adams (1997: 59)). When Jefferson returned to the U.S. to become Secretary of State, he found himself in charge of the Federal City program.⁷ In this role, he would again draw on his observations in Paris when passing on his sketches of Paris's neoclassical architecture to inform L'Enfant's 1791 planning of Washington D.C. (Berg, 2008; see Image 1.2). Although Jefferson's writing



Image 1.2 Aerial Photo of L'Enfant's Radial Planning in Washington D.C. A scheme informed by Jefferson's experiences in Paris, 2019.

Source: Author.

Introduction

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