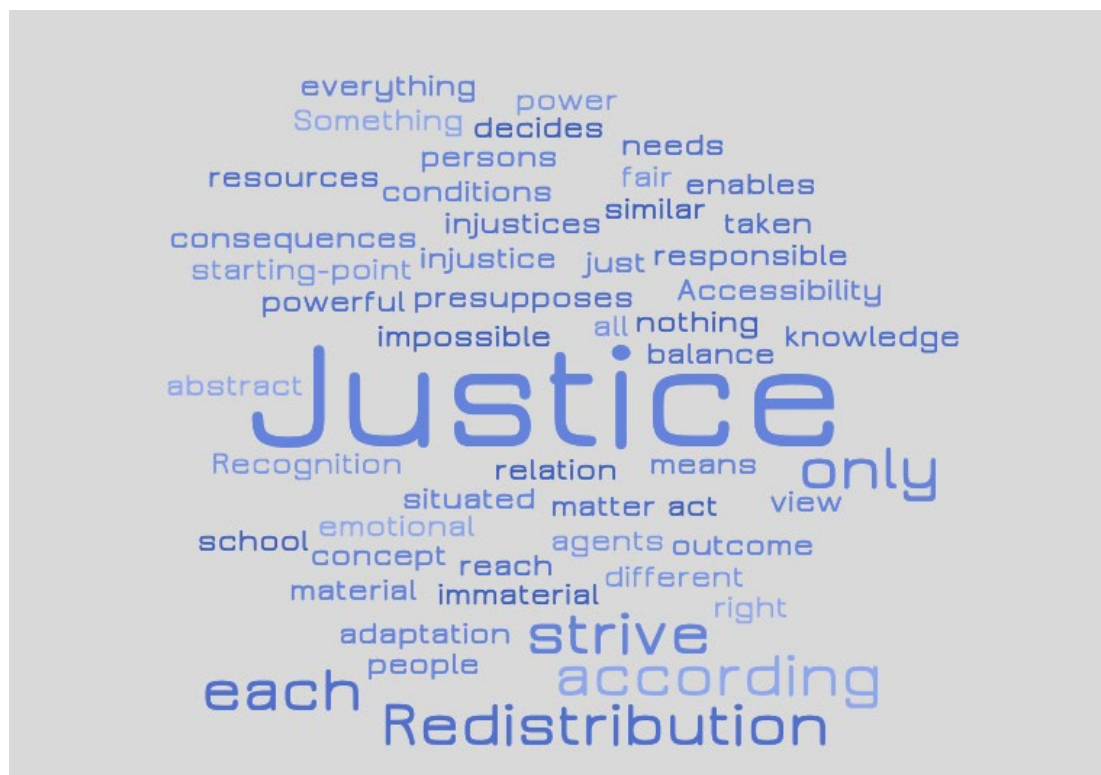


Special issue

Exploiting Justice in a Transformative Swedish Society

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The genesis of this special issue was a multi- and interdisciplinary symposium held at the University of Gothenburg in October 2016, with the title *Exploiting justice - Processes, Performances and Politics*. Gender scholars and scholars with an interest in equality from multiple academic fields and

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disciplines gathered to 'exploit justice'. When asked about justice and what it means, the participants expressed a variety of perceptions and associations.

- Justice is nothing.
- Justice is a matter of balance of power.
- It is not an abstract concept but situated and with consequences for people.
- Justice presupposes injustices, there is only justice in relation to injustice.
- Justice is what the powerful decides.
- The right to knowledge, and to a school that enables all persons to act as responsible agents.
- Accessibility and adaptation.
- To strive for a just or fair view on everything.
- Recognition.
- Redistribution, not only of material resources but also emotional and immaterial.
- From each according to her means, to each according to her needs, different conditions are taken as the starting point for redistribution so that the outcome will be similar.
- Something to strive for, but impossible to reach.

In the discussions the participants analysed and questioned presumptions, political and legal manifestations of justice, and reflected on the many ways of understanding justice in relation to gender. Five main topics were explored: migration, education, the city as a space for (in)justice, health and historiography. The discussions took place in traditional and non-traditional ways and places. Panel discussions, city walking, art exhibitions, film shows, and discussions were used to exploit justice as a concept, idea, practice, form of rhetoric, political and legal norm.

The starting point for the discussion was the several ways of understanding gender justice structured around two main aspects: gender justice as a question of identity and recognition, and gender justice as a question of rights and responsibilities and of the distribution of these between men and women. In recent decades, this way of thinking about gender justice based on a binary structure in which women and men are

placed in two separate categories has been challenged by queer theory and intersectional perspectives. This has undermined, at least theoretically, the distinction between women/men and has also shed light on the interplay between other aspects such as class, sexuality, ethnicity, race, function, etc.

The outcome of the symposium was a heightened and multi-faceted understanding of justice in a specific context, characterised by mutually enforcing and counteracting transformation processes, performances and policies. Marketisation, privatisation and signs of decreasing reliance on the political system appear concurrently with a resilient trust for the public sector and the welfare system. The relationship between the state, the market, the family and the individual has changed. The market has taken over several welfare services from the state and, at the same time, reliance and dependence upon the family is increasing. Even though the political system is based on an ideal of participatory democracy and the reliance on democracy is relatively high in Sweden, there are signs of increased polarisation, a school system that provides varying levels of education, utterances on social media silencing certain voices and increased inequalities that create a society in which persons are denied very basic needs, while others have unlimited assets. In this context, justice and democracy depend upon becoming objects of struggle and rethinking (Brown 2015). What has for a long time been taken for granted, now has to be reclaimed. The dystopian perspective on Sweden in 20 years' time, captured in the novel *The Rabbit Yard* (2017) by Johannes Anyuru, as a divided society lacking solidarity, responsibility for others and trust, might otherwise become true.

Justice is a multifaceted concept and is the hub around which the articles in this special issue revolve. The articles collectively offer a multi-disciplinary exposé of a subject that is highly relevant to the global endeavour to transform into a sustainable society. The objective of the collection is by no means to define what justice is or should be, even though a perception of justice as structural rather than individual is favourable; also, the objective is not to define what justice is *not*, even though injustices are addressed. Thus, the topics raised in the issue draw on relational social justice rather than individual distributive justice. The ambition is to 'exploit justice', meaning to take advantage of the concept, or, to use it for one's own benefit. Like the book *Exploiting the Limits of Law* (Gunnarsson,

Svensson and Davies 2007), ‘exploiting’ encapsulates the ambivalence of practically-orientated critique, in other words, a rejection of discarding the addressed concept, in this case, justice, at the same time as it is subject to critical investigation and analysis. Exploitation often seems to imply a power imbalance whereby a person or thing has no choice about the terms of a relationship and may not even be aware that they are being used to another person’s advantage. The suggestion in *Exploiting the Limits of Law* that this is not necessarily the case is also repeated here. Scholars may use the concept to the benefit of justice where this is possible, but also critique and transcend the concept when necessary.

The articles are written within a Swedish context, yet relevant more broadly. The transformation many of today’s democracies are experiencing, according to which the state is remade on the model of the firm and government is transformed into governance (Brown 2015), is evidently not only a reality for Swedish and Nordic society, it is a global phenomenon. Sweden resisted the global trends of liberalisation, individualisation and precarisation for a long time. However, in recent decades, Sweden has very rapidly adapted to what is, in some aspects, an extreme and unique neoliberal ideology. The privatisation of services provided by the welfare state has gone far (Rönnberg et.al. 2013) and injustices and segregation between groups are increasing (SOU 2020:46).

Concerns about the transformation have recently been raised. In 2018 a new authority was established, the Delegation against Segregation. The starting point for establishing this authority was a genuine concern for the increasing level of segregation in parts of Sweden, i.e. in the cities, as well as increasing socio-economic gaps between groups. Specific areas have been highlighted as being characterised by poor living conditions and social problems (Dir 2017:33). The same year, 2018, a Commission on Equality was also established. A report was published in 2020 (SOU 2020:46). In this special issue some of the concerns raised by the Delegation and the Commission are addressed.

From a global perspective, income inequality in Sweden remains relatively low due to a small wage gap, high employment and high taxation, combined with good quality education and social security. However, inequality has increased and this started in the 1980s and early 1990s (State of the Nordic Region 2020). In 2017, the differences in income level were

the highest since records began in the 1970s (Statistics Sweden 2019). There is no absolute definition of poverty. However, the number of households at risk of poverty and of social exclusion is as high as 18% (Statistics Sweden 2017). Despite increasing inequalities, since the 1970s, the distributive ambitions that previously characterised the progressive tax system have been debilitated (Flood, Nordblom and Waldenström 2013, 59), even though the growing income inequalities (in both income and disposable income) in the Nordic countries (see for example, GINI Country Report Sweden 2012) are not exceptional, but also occur globally (Global Wealth Report 2018; OECD Inequality 2016²). According to the OECD, Sweden is the OECD country in which the income gap has increased the most since the 1990s (OECD Economic Surveys: Sweden 2017 and 2019). The upward trend in income inequality is partially the result of structural factors such as an ageing population, changing family structures, educational achievement and immigration. Nevertheless, economic and political factors also play a role, particularly the rise in capital income, taxed at a moderate level relative to labour income, as well as the slow uprating of benefits since the 1990s (OECD Economic Surveys: Sweden 2019). Also, the Swedish Long-Term Survey 2019, which focuses on inequality, shows a huge growth in capital income for the 10% of the population in the highest income level since the 1990s and this development partially explains the increasing inequalities (Long-Term Survey 2019).

At the same time, there has been heightened emphasis on justice³ and individual rights in present-day Sweden, including protection against discrimination. The growing focus on the concept in the debate is interesting, given the many signs of growing levels of injustice. Justice (although a multifaceted concept) has often been related to the view of individuals being valued equally and the statement that all human beings should be treated equally. Theoretical presumptions on justice impact the understanding of justice, for example, that justice can be defined (distributive, retributive or procedural) and how justice can or should be achieved. Politically, in Sweden as well as in the other Nordic countries, justice has been captured by and perceived with the help of other concepts,

² In 2016, the level of income inequality in OECD countries was at its highest level for the past 50 years.

³ One illustration of this is the increased use of justice (in Swedish *rättvisa*) in the media debate, captured by data available in the Media Archive database. 30 years ago, in 1989, Justice was referred to 274 times and, in 2017, 30 397 times.

in particular equality, as well as by legitimacy and redistribution through both the tax system and welfare measures (Long-Term Survey 2003/04, Appendix, 42). One example of the connection between justice and equality, as well as the preference for equality before justice in the Swedish context, appears in a report published by the Expert Group on Public Economy (Ds 2001:42). Starting with what has been highlighted as the two main interpretations of justice in the report, equal distribution and ‘status quo fairness’, the focus shifts from justice to equality in the statement that “equality can be defined as equal distribution with the aim of achieving justice. To strive for equality is to strive for an equal distribution of something, while doing this with the aim of achieving justice.” (Ds 2001:42, 95).

‘Equality’ is used for justice between groups in general and ‘gender equality’ for justice between men and women. The meaning of equality is basically the same in both concepts. However, gender equality has developed a specific connotation as a defined state policy and a legal principle. Equality (in general) is a foundation of the welfare state but is not formally expressed in the same way as gender equality. Both concepts are increasingly addressed and debated⁴, as is justice. The concept of equality (and even justice) has primarily been related to material conditions and to redistributive policies (see for example, Long-Term Survey 2003/04, Appendix 8).

There is an increasing focus on justice as a concept in a legal context in Scandinavia, for example, as evidenced in publications and as a topic for conferences. This is interesting as it was virtually absent and even banned under the influence of Scandinavian legal realism, impacting not only legal scholarship but also politics (Long-Term Survey 2003/04, Appendix 8, 41). As expressed in a call for a conference and PhD workshop organized by the Nordic legal journal *Retfærd* in 2019.

Legal realism explicitly pointed out that concepts of justice and rights are linguistic constructs which do not correspond with any tangible phenomena in the ‘real’ world. In dogmatic methodology the distinction between legal science and legal politics might be the clearest example showing the lack of legitimacy of incorporating

⁴ In 1989, equality (jämlighet) was referred to in the media 78 times and gender equality (jämslldhet) 74 times. In 2017, the figures were 13 625, and 28 773, respectively (Media Archive).

normative standpoints in dogmatic research. Only legal philosophy and philosophy in general have discussions about the concept of justice and its role in legal systems be found (sic!).⁵

The influence of Scandinavian realism may be important but the disinterest in justice is more general. In their book *Critical Jurisprudence. The Political Philosophy of Justice*, Costas Douzinas and Adam Gearey argue that jurisprudence and critical jurisprudence in particular, may widen the scope and allow a radical rethinking of concepts such as justice (Douzinas and Geary, 2005).

In the Nordic context, justice is usually expressed in terms of equality, democracy and a certain level of welfare. Also, justice is not a condition, but rather a process. The Nordic perspective, called *communitarian* by the legal historian Anu Pylkkänen, embraces the notions of solidarity and responsibility for the other, important for the relatively high degree of redistribution (Pylkkänen 2009). Instead of defining justice, it is probably more fruitful to identify injustice. In an Anglo-American context, Iris Marion Young is perhaps closest to the Nordic perception of equality as the opposite of injustice, and the connection to solidarity and responsibility. In her book *Responsibility for Justice*, her starting point for a new model of responsibility lies in an understanding of social relations that weaken or even destroy the idea of collective responsibility. What she calls the 'social connection' model, with a responsibility that extends beyond the responsibility for yourself and your family, has some common features with the Swedish model of democracy. We as citizens are responsible for monitoring political institutions in order to counteract structural injustices (Young 2011).

In a Western context, much of the current rhetoric, policy, legislation, practical measures and theoretical perspectives on justice are rooted in a human rights framework. Theoretical presumptions on justice impact the understanding of justice, for example, that justice can be defined (distributive, retributive, procedural or even communicative), and how justice can or should be achieved. Justice has often been related to the view of individuals as being equal, as being valued equally and to the statement that all human beings should be treated equally. Even when individuals that

⁵ <https://www.jus.uio.no/forskning/publikasjoner/retferd/arrangementer/concepts-of-justice-in-legal-research.html> (Accessed 2020-08-05).

identify themselves or are identified by others as ‘different’ or belonging to a distinct social and/or political group have claimed human rights, they have claimed equal human rights (Lister 2003, 90).

Equality and gender equality

According to Pylkkänen, equality as an ideological feature has a special place in the Nordic context, compared to other countries. Inequalities are considered to be opposed to justice, conceptualised by the concept of equality. Egalitarianism took the shape of the “...eradication of social hierarchies, the redistribution of social resources and the encouragement of contracting processes amongst social groups and corporations, rather than on persons and non-discrimination.” (Pylkkänen 2009, 164). For an extended period, Nordic society has had explicit ambitious commitments about equal opportunities and a welfare embracing all, not only in a formal sense (expressed, for example, in individual rights) but in a more substantive sense, through extensive redistribution and an active state expected to “put life in order” (Hirdman 1989). And, as expressed by the concluding report by the Commission on Equality (SOU 2020:46), there are studies showing that a large measure of equality successfully can be combined with good economic growth. Such policymaking increases social mobility and make children’s life chances less dependent on the environment they are born into.

The state has also been active in achieving gender equality, captured by Helga Hernes with the concept of the “women-friendly state” (Hernes 1987). However, this view, on the Nordic state as being women-friendly, has been questioned by other feminist scholars (Hirdman 2014). The Swedish gender equality project has also been criticised for being increasingly nationalistic and based on both heteronormative and racial principles (Martinsson, Griffin and Giritli Nygren 2016). This is in line with what Pylkkänen highlights in her historical analysis of the nation building from the 19th century until today. According to Pylkkänen, when building the welfare state, the implied notion of equality was based on a sense of nationalism (Pylkkänen 2009). Even though her focus is on Finland, it is plausible to think that this is also the case in the other Nordic states.

There is a perceived divide between politics and law in the Nordic context, marked by Scandinavian legal realism, and equality has been

considered more a matter of politics than of law. As a political matter, equality has been about redistribution, small income differences and a universal welfare state. Equality in legislation, may be constructed formally or substantively, i.e. equality as equal treatment or opportunities or equality as result. Over the last 10-15 years, the rights discourse has become more evident, and equality in such a discourse is more about an individual's formal rights to make various choices, i.e., of formal equality. When equality is safeguarded by law in a rights discourse, what is normally thought of is the individual's right to 'access to justice'. No matter if it is narrowly perceived (having a case heard in a court of law) or more broadly (having access to human rights institutions, equality bodies and ombudsman institutions), it is still an individual right. Equality as a political concept is about a welfare system that provides an infrastructure for high quality education, a health service and housing for all, for example, i.e. a universal welfare system. In Swedish society, trust between individuals and between the state and individuals is relatively high. Trust is an aspect of the social capital so critical to the legitimacy of an equalising redistribution. Even though still significant, the differences between various groups regarding trust in Sweden seems to be increasing. The unemployed, individuals with poor health, as well as groups sympathetic to the far right, are among those experiencing an increasing lack of trust (Holmberg and Rothstein 2016).

At the same time that the political ambitions to govern and to 'put life in order' have been shared in all the Nordic countries, the role of legislation and legal scholarship has differed. Legal scholarship in Sweden, Norway and Denmark was supportive and to some extent a prerequisite for radical political measures, while in Finland, legal scholarship was more reluctant about egalitarian policies. What has been argued, by e.g. feminist legal scholars, is the importance of recognising the close relationship between law and politics. According to Pylkkänen (2009), the concept of equality has taken the Nordic countries a long way, although an historical analysis reveals that the concept itself has caught the Nordic states in a kind of trap. The legal notion of equality (still) has a close connection to liberal individualism, which maintains that the individual is primarily a possessing subject. The doctrines of property and personhood have been criticised by many feminist legal scholars (see for example, Radin 1982; Davies and

Naffine 2001). It appears to be difficult to combine this type of legal subjectivity with the visualisation and recognition of discrimination and violations of human rights, and to deal with such acts. The main result of Pylkkänen's analysis is to address both law and politics; the law has to be related to the context and used in combination with other tools in order to achieve substantive equality or rather to eliminate discrimination. Both law and robust policy approaches are needed (Pylkkänen 2009, 252). This implies that the law has to be studied and analysed in a broad context, which is what the articles in this special issue do.

Transformation

In her book *Undoing the Demos*, Wendy Brown sketches out a neoliberal transformation of the democratic system. From a system based on inclusion and participation, democracy is converted into a managerial system driven by the ideal of efficiency. The state "is remade on the model of the firm while compelled to serve and facilitate an economy it is not supposed to touch, let alone to challenge" (Brown 2015, 40). Government is transformed into governance. Justice, the balance of diverse interests and rights, are displaced by market metrics (Brown 2015, 43 and 131).

The transformation is evidently not only a reality for Swedish and Nordic society. The transformation is "a global phenomenon, yet inconstant, differentiated, unsystematic, impure." (Brown 2015, 20). The transformation in Sweden, the traditional example of the specific social democratic welfare model (Esping-Andersen 1990) characterised by a universal welfare policy and a strong welfare state, is apparent. To an increasing extent, welfare services are produced by profit-driven companies, as well as risk capital companies, and non-profit organisations are rare. Market solutions have been introduced using arguments of economic efficiency and free choice, while arguments based on democracy, justice, power and human rights are absent (Rothstein and Blomqvist 2009). The undemocratic characteristic of democracies is what the author Shoshana Zuboff addresses in the book *Surveillance Capitalism*. She writes that there has been a transformation of the American society towards oligarchy because a group of wealthy families donates as much as one half of the funding that is given to political parties, to Republican candidates promising to limit regulation, decrease taxes and restrict human rights, all

aimed at preserving or even strengthening the privileged positions of the wealthy. To some extent similar processes are occurring in Sweden, partially captured in the film *The Square* by Ruben Östlund, as well as money-laundering scandals involving Swedish banks.⁶

It is relevant to study Sweden given its relatively high position in various international benchmarking indices on both equality and gender equality⁷, its characterisation as an equal society both in practical and ideological terms, and its ambition to transform society with political and legal measures (Svensson and Gunnarsson 2018). Equality is actually one of the main objectives of the socio-political model, called ‘the Swedish model’ equivalent to ‘the Nordic model’, considered a role model for the European Union. ‘The Swedish model’ is used in various ways, both as a general socio-political model comprising certain important elements, as well as for ways to deal with specific topics such as prostitution, the media system, or managing the coronavirus, to offer a recent example. According to the Swedish government, the main objectives of the model are prosperity, equality (or equity), gender equality, autonomy and independence. The model comprises three fundamental pillars: a labour market that facilitates adjustment to change, a universal welfare policy and an economic policy that promotes transparency and stability.⁸

In practical and material terms, equality or, in other words, justice, has been perceived as being procedural and orientated towards an (equal) outcome and equally distributed prosperity (equity) and, in ideological terms, as equal value related to conformity rather than to individuality. At the same time, two of the objectives explicitly aimed at the Swedish model are, as previously stated, autonomy and independence. One way of understanding this is that the question of (individual) identity has not been at stake in the Swedish context, while group identity has, at least when it comes to certain groups such as blue-collar and white-collar workers, respectively.

The perceived ideological preference for conformity in the Swedish context has been criticised from diverging angles, including liberal, intersectional and post-colonial positions. Swedish scholars using

⁶ *Swedbank and the money laundering, part I and II*, Uppdrag granskning, SvT (Swedish Television), February 2019.

⁷ See for example, The Global Gender Gap index by the World Economic Forum and the European Union’s Gender Equality Index.

⁸ See for example, the description of the model in: *The Swedish Model 2017*.

intersectional perspectives have criticised what they conceptualise as ‘the myth of gender equality’, as based on a specific homogenic culture (Martinsson, Griffin and Giritli Nygren 2016). According to these scholars, conceptualising gender equality as a myth captures the self-image constructed in a Swedish public and political context as “one of the cornerstones of modern Swedish society”⁹. This has been confirmed in an international discourse. According to Martinsson, Griffin and Giritly Nygren, this model could also be criticised as being nationalistic, modernistic in terms of progress exclusive - rematerialising genders in hetero- and cis-normative ways. Also, according to the scholars, one of the challenges for gender equality as a political project is to avoid creating other power inequalities.

What seems to be clear is that the Swedish society, including the Swedish model, have transformed, when it comes to both the practical (or material) aspect and the ideological aspect. First, what is striking is the paradox between a still ambitious commitment to equality and welfare for all, while at the same time there is an increased economic inequality and a greater class divide that has resulted in an almost permanent social exclusion and which is characterised by ethnicity. Second, Swedish society has undergone a pronounced transformation in its ideological perspective. What has been identified as communitarian values has been replaced by liberal values, for instance, by an increased emphasis on individual rights over systemic sources of inequality (Davies 2007, 219). It is not that the ideals of liberalism or communitarianism actually exist in Sweden (or in the other Nordic states), but rather a range of values balanced in different ways (Nousiainen 2001, 25 and 45). The transformation has clearly impacted the economic system, labour market, education and integration policies (Schierup and Dahlstedt 2016), as well as the policy of gender equality (Svensson and Gunnarsson 2012). Gender equality is rearticulated in a neoliberal discourse, covering a complex relationship between feminism and gender equality. The close connection between feminism and gender equality within the women-friendly state (Hernes 1987) has been challenged by liberal debaters, for example Arpi and Wyndhamn (2020). Though adhering to gender equality, they reject active measures to achieve gender equality,

⁹ See the official site of Sweden, [Sweden.se/p2/](https://www.sweden.se/p2/), (Accessed 2019-03-08).

conceptualising such measures as a radical project called the gender doctrine.

The transformation has gone further in Sweden compared to the other Nordic countries (Kroll and Blomberg 2013). At the same time, there is still broad support among the Swedish population for the traditional welfare state and also for the public sector as the provider of welfare services. Nevertheless, support for lowering taxes has decreased in recent years and the critique of the privatisation of welfare services has increased. The differences between voters and the voted representatives in these matters are significant (Nilsson 2018). The statement by Brown that the transformation in Sweden intersects with the continued legitimacy of welfarism (Brown 2015, 20) is confirmed in the SOM Institute survey on public opinion (Nilsson 2018). The dismantling of the generous and universal welfare system has been a frequently discussed topic in the media and in the public debate in Sweden in the 21st century (Carlén, Persson and Suhonen 2010).

Even though from a global perspective Sweden is still an equal society, inequalities are rapidly increasing, which has been investigated and discussed by the Commission on Equality. Even though this situation is not exceptional but is also taking place globally, it has a specific resonance in the Swedish context given Sweden's strong ideological commitment to equality. The increasing inequalities are a result of the dismantling of public welfare, as well as accessible and affordable welfare services. Responsibility has been transferred from the public welfare system, characterised by far-reaching redistributive ambitions and financed by taxes, to the individual and their choices and priorities. This transformation primarily affects aspects of life that traditionally and still in practice are gendered as female, such as concern about and care of children, disabled and older persons. The school system, including preschool and day care of small children, has been subject to transformations such as larger groups of children and fewer highly educated employees, that require more active parents. These changes tend to affect parents differently. Also, the staff at school, mostly women, are affected by shrinking resources. What's more, the right to personal assistance for disabled persons and special housing for older persons have been restricted. The pension system has had a certain impact on women in generally low-paid jobs, with shorter periods in the labour

market and with low occupational pension. With less political will to address the varying life conditions, as well as the privatisation of welfare services, schools, pharmacies, and other infrastructural services, there is a striking risk that the already existing unequal conditions may further deteriorate (SOU 2020:46).

Inequality also impacts the opportunity for people to participate in democracy. The Swedish government regards this as a challenge for the political system (Ku18:02). Unequal access to the media, reluctance by the political system to deal with hate speech and online threats and limited access to public space (privatised and commercialised) are all aspects of the transformation of Swedish society that give cause to reflect upon if, and if so how, *equality* altered to *justice*, increasingly is perceived in terms of individuality, freedom and privacy. Even though *justice* as a concept has positive connotations, it can also conceal a perception that turns out to be the opposite of equality, in a specific context (characterised as neoliberal) in which the equality ideology is described as something that is patronising, or as a coercive ‘state ideology’ (Svenska Dagbladet 2003; Reslow and Stenkvist 2019). Certain requirements in the school’s curriculum to promote certain values have been met with such criticism. Preschools and schools are obliged to communicate and engender respect for human rights and the basic democratic values upon which Swedish society rests, as well as counteract gender patterns that limit a child’s development, choices and education.¹⁰ To fulfil these obligations, a norm-critical approach is promoted and used in equality work in general. This approach has been questioned and met with aggressive resistance, not least as an approach used in school. Conservative politicians, representatives of the Christian Democrats (Busch Thor 2018) and Sweden Democrats, as well as liberal media actors, have criticised it as being nonsense, as coercive feminist ideology and state ideology. Additionally, gender equality, feminism and gender studies have all been subject to combative attack (see for example, Arpi and Wyndhamn 2020).

The articles in this issue concern several of these internationally relevant transformations that are taking place in the Swedish context. One way to address the transformations is to use the concept of justice and utilise it in a way that might combine the tradition of equality directed towards material

¹⁰ The Education Act 2010:800 1 Ch. 5 para.; Curriculum for the Preschool Lpfö 18, 7.

conditions and ignore the differences and identity. The exploitation of justice as a notion, also includes an exploration of alternative ways to perceive justice and how it relates to the specific context of a Swedish society which, to some extent, is characterised by a neoliberal transformation. The neoliberal discourse, addressed as one of the critical points in the gender equality model, is something that is general to the subjects that are discussed in most of the articles in this issue.

The topics of the articles

The Nordic feminist perspectives in legal scholarship have traditionally been successful in advocating and effectuating a feminist perspective of justice both within law and in society. However, thus far, Nordic feminist perspectives of law have at least partially been limited to questions of equality between men and women, as well as in relation to justice confined to the boundaries of the nation state. The articles in this special issue transgress these limitations in various ways. In her article, **Jannice Käll** takes on the challenge of elaborating the notion of justice advanced by new materialist theory as a means of infusing the Nordic feminist perspective on law. This is achieved by reading new materialist theory and Nordic feminist perspectives of law side by side. New materialist theory has recently become a prominent topic in philosophy in general, as well as in legal theory. Within the new materialist field of theory, several scholars have explicitly focused on how to further develop feminist theory through building upon and advancing feminist thinking. A special focus in the new materialist stream is to increasingly connect traditional critical perspectives with intersectional and postcolonial perspectives of justice. Such connections are pursued by both shifting the contextual focus of feminist theory as well as by an ontological shift from linguistics to matter. By reading such developments in new materialist theory alongside Nordic feminist legal perspectives, Käll advocates that such a shift is something that is already present to some degree in Nordic feminist perspectives of law, but that they can be pushed further by using a new materialist focus.

Furthermore, Käll shows that the broader stream of feminist new materialisms, as well as Nordic feminist legal perspectives of law, could benefit from developing an idea of law that permeates the new materialist perspectives that are now emerging in legal theory. In sum, the reading

suggests that a focus on new materialist justice could be used to infuse Nordic feminist legal perspectives on justice by both shifting the understanding of law, and justice, as well as its contextual focus.

As previously stated, the material aspect of justice has long been acknowledged not only in feminist legal perspectives in the Nordic context but also in the political arena. However, after a period of political ambitions to eradicate such injustices, inequality related to basic socio-economic prerequisites, such as level of education and social living conditions, has increased. Also, health is not equally distributed. Women suffer more from poor health than men, not least in labour markets that are dominated by women, such as elderly care. Young women have been identified as a group that suffers from stress-related diseases partly due to unrealistic expectations of success, fitness and beauty. Appearance as a form of injustice has been raised in an English-speaking context by Deborah L. Rhode in *The Beauty Bias. The Injustice of Appearance in Life and Law*. She has explored the cultural preoccupation with attractiveness and the impact of this preoccupation (Rhode 2010). One consequence of this preoccupation with attractiveness can be seen in the beauty industry, in specific regarding appearance-altering treatments that may involve a significant health risk for individuals. What is striking is the lack of regulation of this beauty industry. At present the market for treatments that are performed to alter a person's appearance is partly unregulated. Recently, after an intense public debate, a new act was proposed in the Swedish context with distinctive features such as to limit certain treatments to specific professional groups and to introduce a licence requirement for service providers offering appearance-altering treatments that may involve a significant health risk (SOU 2015:100; Ds 2019:20).

Hanne Petersen and **Rasmus Glud Madsen** discuss the historical and symbolic perceptions and representations of justice. Justice and beauty are related, as are beauty and health. Justice has historically been symbolically and allegorically portrayed as feminine figures, often goddesses. Beauty has a historical value and is used for political, commercial, health, artistic and many other purposes. Ideals of beauty and attempts to live up to them can be harmful historically, especially for women. Being regarded as beautiful (or not) may contribute to fairness, justice and well-being, but also to injustice. Globalisation and technology have led to pluralisation and

uncertainty about what is just, beautiful and healthy, but have in no way rendered these values obsolete.

In recent decades, the education system has been the target of profound reforms. According to several scholars, in reality, it has become a system that provides varying levels of education depending on whereabouts in a city a pupil lives. This transformation enables the institutionalisation of segregation and an unequal distribution of high-quality education. In the article by **David Jivegård**, the recent closure of a suburban school and the motives behind it are investigated with respect to what conceptions of justice the discourse is dependent upon. He further investigates the material effects of this discourse on the non-discursive, material constitution of the city, when put into practice through the decision to close the school. He shows that an implicit conception of justice expresses itself in three stages; first, it expresses itself as the separation of some of the forces that are part of producing the problem; second, it expresses itself as a scalpel, dissecting homogenised parts of the city in relation to the forces that have been separated; and third, it expresses itself as moralisation, by attributing blame to those homogenised parts in which the ‘wrong’ forces are manifested. According to Jivegård, this is accomplished through justice taking a majoritarian expression: guilt serves as a standard measure for an implicit conception of justice, which demands space to be conceived as fixed and rigid. This further enables a justification of the destruction of certain relations, connections, and communities.

In the second part of the article, Jivegård explores the possibility for a conception of justice that does not express itself by separating forces, homogenising space and moralising the homogenised spaces. In this part, the article seeks to conceptualise a form of justice that is open to a multiple and open-ended spatiality. The article argues that such a conception of justice would contribute to enabling more integrative and connective relations between the inhabitants and between the different areas of a city. In order to imagine and construct such a conception of justice, Jivegård argues that a majoritarian approach to justice must be abandoned in favour of a minoritarian approach; an approach that would indirectly draw statements about justice from a non-discursive, material ‘environment’. In doing so, justice must further abandon a distribution of blame and responsibility and instead seek to pluralise the forces flowing through

different spatialities. He argues that such a minoritarian approach to justice can be envisioned by applying the concept of segmentarity, as developed by Gilles Deleuze and Félix Guattari.

At the same time, the education system is an arena for policies that have transformative ambitions, met by conflicting opinions. Gender equality and anti-discrimination are emphasised in the Education Act and Swedish preschool curriculum. The article by **Kristina Hermansson and Anna Nordenstam** analyses how norm-critical literature could be used as part of the (gender) equality and value work in Swedish preschools. This literature is quite a new genre niche, aimed at bringing about more inclusive, multifaceted children's books. By analysing interviews with preschool teachers and through observations of reading aloud and book talks, the study highlights the perceptions and usage of this specific literature in relation to justice and equality. The main theoretical point of departure is Nancy Fraser's concept of justice. The study shows that norm-critical literature is considered to be important in the task to impart and establish respect for human rights and the fundamental democratic values, used as a mirror and as a means to combat outdated gender norms, particularly regarding masculinity. The conclusion is that justice in terms of recognition and affirmative recognition was prioritised, while justice in terms of redistribution or transformative recognition principally was not brought to the fore.

Modern urban development is said to challenge the entire idea of participatory democracy, which is explicitly adhered to in Sweden (SOU 2000:1), as well as in the entire welfare system (Salonen 2011), through disintegration (a concept to address increased segregation). Public space, the streets, mean different things to different people and are accessible in different ways. Walking as an interdisciplinary field of knowledge could help transform the limited and discriminatory accessibility of public space to become more accessible, and to take possession of it. Also, Walking Art may offer a way of investigating social and political topics in new ways. In her book *A Jurisprudence of Movement*, Olivia Barr calls for greater attention to be paid to legal movement and how it can help understand, and perhaps escape, from a colonial legal inheritance (Barr 2016).

The increased market rationality that characterises the housing market has impacted city space. **Cecilia Lagerström's** article presents a city walk,

(In)Justice in the city, which took place in the Haga neighbourhood of Sweden's second-largest city, Gothenburg, in 2016 and was conducted within the symposium *Exploiting Justice*. The walk started from Haga's peripheral areas and gradually approached its centre in order to provide space for narratives other than the dominant public image of Haga. Various conceptual and perceptive entrances were used for the participants' physical encounters with the five sites visited. At each location, complex layers of history, urban planning, and people's intersecting interests became visible. Although the walk generated responses from participants who spoke of abandonment, secrecy, order, and a lack of human encounters, it simultaneously paved the way for a variety of different interpretations of the sites. In this way, the walk could be seen as a critical performative practice that awakened different voices and narratives, all of which could be included in a complex way of participating in democracy.

Public space as a place in which women experience fear and restricted access has been addressed by many authors. To give some examples, Fileborn and Vera-Gray advocate for a victim-centred justice response to street harassment, and examine the potential of various conceptions of justice to function for such a response (Fileborn and Vera-Gray 2017). Discourses on women's fear in public space in research and practical physical planning has been analysed by Carina Listerborn, using critical and feminist urban theory (Listerborn 2002).

Traditionally, public space has also been associated with the male subject, and the urban pedestrian as a cultural idea is not an exception, it is rooted in a strong male tradition. Also, according to Cecilia Lagerström, texts on walking have been criticised as being created by a white male gaze, de-historicised and untouched by class, gender, ethnicity, etc. The female walker has been given less space in texts on walking. As a counter strategy, some scholars have made visible female artists' walking practices and reflected upon alternative perspectives to the heroic, bombastic male perspective. This also applies to other non-privileged groups that cannot take on the traditional flaneur position, since they have obviously not been able to view the streets as an accessible sphere for free movement and exploration (Lagerström 2019).

Additionally, in public space online, the increase in hate speech and threats targeting women specifically, tends to silence women's voices in

social media. In her article, **Moa Bladini** states that research shows that online sexist abuse is silencing female voices and restricts women's living space. She argues that online offences targeting women, characterised by sexism and misogyny, should be recognised as online violence against women. This article takes an everyday life perspective on online violence against women and uses the concept of the continuum of sexual violence to explain how online violence against women forms the basis of a common fear that restricts women's everyday lives. The article also highlights that freedom of expression comprises more aspects than the prohibition of censorship and argues that the aspect of diversity of voices is of special importance in the context of online violence. The aim of this article is to show that if governments do not act to prevent assaults by certain individuals and groups that target women online, democracy is at risk. Governments are obliged to act to protect everyone's freedom of expression and to protect women from violence, including in digital space. By failing to protect women's voices, governments are failing to guarantee justice for all.

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