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Reconceptualizing Justice in Human Geography: Landscape as Basic Structure, Justice as the Right to Justification

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This article argues that geographers should rededicate themselves to developing a positive theory of justice. In the past fifty years, research has made enormous strides in theorizing injustice, but mostly geographers rely on commonsense and unexamined notions of justice as “fairness.” In this article, I trace this avoidance of justice theorizing to the way geographers originally engaged with Rawls’s foundation work and argue that his *A Theory of Justice* should be reexamined to better understand one of the central concepts: the “basic structure,” especially as it has been reformulated by feminist political theorists. I argue that the landscape is a key component of the basic structure and understanding it as such offers a first step in a positive theory of justice that is deeper than the commonsense justice-as-fairness. Having established landscape as basic structure, I then argue that a second step toward a full theory of justice would be to understand justice as the “right to justification” (as theorized by the Frankfurt School’s Forst). The end result—combining landscape as basic structure with justice as the right to justification—is a theory that allows for assessing both “minimally” and “maximally” just geographies. *Key Words:* *basic structure, injustice, justice, landscape, right to justification.*

Landscape is a shared creation. It is not something outside of human beings that they merely look at. Rather landscape ... is humanly modified space. Landscapes are neither natural nor the opposite of culture. They are the infrastructure of collective existence.

—David Nye (2010, 130)

And what landscape study needs even more is a concept of landscape that will assist in the development of the very idea of social justice.

—George Henderson (2003, 196)

Over the past fifty years, geography has significantly remade itself into a discipline committed to investigating the sources and effects of injustice at every scale, from the body to the globe, and thus to the project constructing more just neighborhoods, cities, regions, and countrysides. Writing to introduce an important theme issue of this journal appearing on the forty-fifth anniversary of the publication of David Harvey’s ([1973] 2009) landmark

and course-changing book, *Social Justice and the City*, Heynen et al. (2018) noted that “geographers maintain fidelity to the idea that the discipline should keep working to understand unjust processes within urban life and simultaneously seek solutions to make cities more just” (301), and the twenty-six papers that followed amount to a remarkable compendium of the power—and the diversity—of the kinds of vital, engaged research such an orientation inspires. They also offer, however, evidence of an intriguing fact about geography’s justice orientation: It rarely also includes efforts to rigorously interrogate the concept of justice itself. For the most part, the concept of justice in geography is remarkably taken for granted.

With only one exception (Barnett 2018)—which I return to—and one partial exception (Lake 2018), none of the articles in the *Annals of the American Association of Geographers* special issue subject the concept of justice to scrutiny. The vast majority of articles do not even so much as define the concept

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of justice they are working with, not even those that use justice as a primary analytic (e.g., Grove et al. 2018). Collectively, the articles seem to rely instead on a common sense that is perhaps best captured in one of the few articles that does define the kind of justice the authors are interested in: Pettygrove and Ghose's (2018) article on struggles for "food justice" in Milwaukee. Pettygrove and Ghose (2018) defined "food justice" as "activities associated with pursuit of (more) equitable food systems, including, primarily, equitable access to nutritious foods and community control over food production" (601). Justice thus equals equitability in distribution and control over the institutions and systems that produce such distributions. Or, to say the same thing, only using Harvey's ([1973] 2009) "liberal formulation" from fifty years ago: "a just distribution, justly arrived at" (98).

Harvey was here echoing exactly the conception of justice developed by the premier liberal twentieth-century theorist of justice, John Rawls ([1971] 1999), in his monumental *A Theory of Justice*, in which the latter even more concisely defined justice "as fairness." This (for geographers rather undefined) sense of "justice as fairness" continues to shape how the concept of justice is operationalized in our discipline, even for those works purporting to advance the cause of social and spatial justice theorizing (e.g., D. Mitchell 2003; Fainstein 2010; Soja 2010). Rawls's ([1971] 1999) *A Theory of Justice* was, of course, dedicated to rigorously defining exactly what "fairness" meant (or should mean) in liberal capitalist societies. Although Harvey's ([1973] 2009) eventual rejection of Rawlsian liberalism because it could only uphold an unjust status quo (when it did not, despite itself, lead to authoritarian solutions—see later) paved the way for geography's vigorous project to uncover the sources of injustice that shape our worlds, what it did not do (even in Harvey's own work) is lead to a reconceptualization of the concept of justice itself. If anything has marked this half-century of justice scholarship in geography, it has been a continued reliance on a generalized sense not merely of "justice as fairness," but rather that justice is fairness.

For Heynen et al. (2018), this fuzzy conceptualization of justice is to our discipline's advantage: "What the concept of social justice lacks in terms of facilitating intellectual and political consensus, it makes up for in centering heterodox efforts at generating relevant theory and practice that can change

the social circumstances of people living in cities, regardless of how these terms are defined" (301). For Barnett (2018) by partial contrast, geographers' reluctance to theorize justice has led us into a situation where, on the one hand, we disavow normative ideals of justice (as in Rawls's theory), whereas, on the other, we smuggle such normative ideals back in as the (unspoken) ideal against which we measure the injustices we are intent on revealing. Barnett (2018) thus argued for reconceptualizing not justice, but injustice, and for understanding injustice "not as an absence of justice, just as illness is not an absence of health" (323). Instead, "[i]njustice is a positive condition, arising from an experience of injury of some kind or, more broadly, from an 'abhorrence of wrong'" (quoting Wolgast 1987, 194). This is an important argument that, by prioritizing injustice, has the potential to move us well away from taken-for-granted or unacknowledged ideal norms of justice (e.g., justice as fairness), but it does not necessarily resolve the problem. Barnett (drawing on Iris Marion Young, Rainer Forst, and others) offered something of a theory of justice as emergent in democratic, agonistic claims making (see also Dowler and Ranjbar 2018; Lake 2018), but he actually ended up mirroring exactly that which he critiqued: His primary criticism of geographic work was that, whether it acknowledged it or not, such work defined injustice as the absence of justice (i.e., it only worked with a negative definition of injustice, not a positive one). The position Barnett ended up in was simply the opposite: Justice can only be defined as the absence of injustice (i.e., his definition of justice is negative, not positive).¹

I find this inadequate, and in the remainder of this article offer instead a positive concept of justice that also relies on a positive concept of injustice. This concept is based in turn on two key ideas emanating from the precincts of moral and political philosophy, exactly the precincts, that is, from which Harvey launched his reorientation of human geography fifty years ago (Harvey [1973] 2009, 9), and to which geographers have regularly been urged to return if we really want to advance the discipline as a discipline vital to the theorization of social justice (Henderson 2003; Barnett 2017). These two ideas are (1) "the basic structure," a key Rawlsian concept that has been subject to intense scrutiny in just those precincts, but that has—quite symptomatically but also quite problematically—largely been ignored

in geography; and (2) “justice as the right to justification,” a key concept most fully developed by the contemporary Frankfurt School social theorist Rainer Forst, which received some attention in geography in Barnett’s work but has yet to be synthesized, as I do in this article, with theories of the basic structure. By synthesizing the two, I offer a geographic conceptualization of justice that moves beyond the taken-for-granted, ill-defined sense of “justice as (or is) fairness,” or a sense of justice equaling “a just distribution justly arrived at” in which all of the key terms (justice, fairness, justly arrived at, etc.) are left for thematization at a later date, but that still remains supple enough to allow for the kind of “heterodox efforts” at understanding the forces that produce justice and the efforts that will be needed to create more just geographies that Heynen et al. (2018) celebrated.

To make my argument, I focus especially on the question of “landscape justice.” My reasons for doing so are several. The first is simply pragmatic. There is a coherent body of work, and a set of intense debates, that have long sought to uncover the relationship between landscape and justice, debates that continue into the present (Jones et al. 2024; for a review see D. Mitchell 2023b), even if, or rather especially because, those debates also suffer the problem of “taken-for-grantedness” that the discipline as a whole suffers from. The landscape justice literature can thus serve as a metonym for the discipline more generally. Second, if landscape serves as the “infrastructure of collective existence,” in technology historian David Nye’s concise definition, then it can also serve, as will be seen, as a clear example of the benefits paid by carefully focusing on the “basic structure” as foundational for conceptualizing justice in geography. Landscape, as humanly transformed nature and built environment (Sauer [1925] 1963; Harvey 1982; D. Mitchell 1996), offers a firmly material foundation for understanding what will here be called the *object* of justice theorizing, which is to say the object that must be transformed to create greater justice. As will become clear, a focus on landscape as basic structure shows that it is insufficient to theorize justice only as an absence of injustice (or only as relational or emergent): A positive conceptualization of justice itself is also needed. Therefore, third, given its century-long development as a central concept within geographical theory that has made plain how landscape is not only, or not

simply, infrastructure, but also a medium and mode of representation and a way of seeing, landscape can better bear the weight and complexity of justice theorizing than can comparatively more abstract concepts like space and comparatively more subjective concepts like place (cf. D. Mitchell 2021). The latter two concepts do not necessarily carry with them an attached politics of representation indivisible from a politics of materiality in the way that landscape does (Mels 2016). Such an attached politics of representation is vital for the development of the positive theory of justice that is advanced below: justice as the right to justification.

The remainder of the article advances the dual argument of understanding landscape as basic structure and justice as the right to justification (and thus defends the focus on landscape justice) in three parts. First, I make the case for understanding landscape as basic structure. This part begins diagnostically by seeking to understand why this central concept—basic structure—that one would have thought could provide a solid, material basis for justice theorizing in geography was all but ignored, even as it became a critical object of debate among moral and political theorists of justice, especially including feminist philosophers who otherwise have been so influential within geography like Iris Marion Young. The reason for undertaking this diagnostic work is to make clear the opportunity we thereby missed: the opportunity to develop a fully materialist, fully geographical theory of justice and to move beyond un- or undertheorized notions of justice as fairness. I also outline some of the key debates shaping the development of the basic structure concept in moral and political philosophy.

I then move on to make the case for landscape as (part of the) basic structure and show how, given its indissoluble links to matters of representation, a reworked concept of landscape becomes a vital object of justice theorizing. In other words, this section begins to finally address Henderson’s (2003) now more than twenty-year-old, but still largely unfulfilled, call to develop a “a concept of landscape that will assist in the development of the very idea of social justice” (196). I first make a *prima facie* case for including landscape in the basic structure and then focus specifically on how the landscape concept necessarily includes politics of representation that make struggle over landscape as basic structure all the more important. This lays the

groundwork for understanding how understanding landscape as basic structure aids in the development of the “very idea of social justice.”

I then turn to this very idea, arguing that it is equally important to develop a concept of justice suitable to the (reformulated) concept of landscape as it is to develop a concept of landscape helpful in advancing the idea of social justice. Developing Forst's conceptualization of justice as the right to justification, in this section I show how landscape justice consists in landscape's justification. Maximal justice, for Forst (2012), is a “*fully justified basic structure*” (262, italics in original) and the section “Landscape Justice and Its Justification” explicates what might constitute a fully justified landscape.

All three parts require a significant (re)engagement with Rawls. I make no apology for this. Some might think that Rawls's work is passé or somehow now superseded, but as will become clear across the length of the article, his theories and the critique of them remain primary touchstones for nearly all justice theorizing within contemporary political and moral philosophy, even the most radical variants. They also are the foundation for geographers' commonsense approach to justice, whether acknowledged or not. His insights should not be ignored. They should be engaged and critiqued. That geographers have for so long ignored them (and I count myself among the guilty) is not to our credit.

Part 1: The Basic Structure

Geographers and *A Theory of Justice*

Rawls's foundational theorizations of justice are rarely engaged with in contemporary geographical scholarship, and when they are, such engagements are typically either shallow or dismissive. As Clive Barnett (2018) wrote in his contribution to the “Social Justice and the City” issue of the *Annals*,

the ways in which Rawls is referred to—either as a representative of a liberalism to be dismissed as hopelessly parochial in its unreflective universalism or as a source of an ideal theory to be used as an evaluative yardstick—indicate a recurring misrecognition of the central concerns that animate a great deal of the political theory that does now show up in geographical research. (322)

I would like to suggest in the following paragraphs that such misrecognition of the central concerns of political theory (Barnett's primary example is

geographers' appropriation of the work of Young) has its roots in geographers' initial engagement with Rawls himself and particularly with his *A Theory of Justice*.

This engagement was limited and one-sided.² It focused almost entirely on the “analytical device” Rawls developed to “structure [the] decisions” (Clark 1986, 147) of the people—the liberal individuals—who are subjects of his theory. In Clark's (1986) words:

This device is the original “position”: an *imaginary moral landscape* which facilitates individuals' decision-making so that the interests of the least well-off are advanced over the separate (selfish) interests of each person. Essentially, Rawls threatens individuals with an unjust world, and creates a particular geography of morality that so dominates the will of individuals that they negotiate a social constitution founded on principles of justice. (146, italics added)

It is this “imaginary moral landscape” that has come under sustained criticism within geography, if for no other reason than its impossible utopianism, a utopianism that, in Harvey's ([1973] 2009) words, forsakes its own liberal and egalitarian distributive preconditions. “From Rawls's initial position it is possible to arrive ... at a Marx [of the “dictatorship of the proletariat” ilk] or a Milton Friedman, but in no way can we arrive at ... liberal or socialist solutions” (109) to distributive inequalities. This is so because justice as fairness is founded on the principle that justice is achieved when “the prospects of the least fortunate are as great as they can be,” and when “the advantages of the more fortunate promote the well-being of the least fortunate” (Rawls 1969, cited in Harvey [1973] 2009, 109). For Harvey, liberal and (democratic) socialist justice is foreclosed by the very fact that in Rawls there logically must be some mechanism—a dictatorial state or a dictatorial market—that enforces a “just distribution.” Nothing guarantees that it will be justly arrived at, which is also a common critique of Rawls's work from within his own field of political philosophy (Barry 1989).

For Gordon Clark (1986), the problem is similar, if differently inflected: Rawls's theory relies on an unrealistic and unattainable model of the individual. “To make [the original position] work, Rawls requires a disembodied individual consciousness which is very experienced but, at the same time, fundamentally ignorant” (152). Moreover:

the formation of the original position remains a mystery. Possible modes of formation serve only to question the whole enterprise. For example, if the

original position is formed by “players,” this implies the existence of a social as opposed to individual consciousness. Alternatively, if it is formed by the state, then the implication is that Rawls depends on a Hobbesian elite who manipulate the consciousness of others. (152)

The original position is, therefore, “a very moral place” (Clark 1986, 152), but also a quite dystopian one, less a place of negotiated dialogic consensus—a place where the basic contract of society is worked out—and more one where such a contract is either stumbled onto or forcibly imposed.

David Smith (1994) was more sympathetic to Rawls’s exercise. Working through a wide range of critiques of *A Theory of Justice*, Smith nonetheless appreciated and seconded Rawls’s largely “intuitive” (Smith 1994, 82; Rawls [1971] 1999, 30–36) sense of justice as fairness and equality. Smith (1994) argued that although the “difference principle” Rawls thinks people in the original position will arrive at is only a pragmatic, “second-best solution” to distributive injustice, it nonetheless accords well with, and advances, “the strength of the egalitarian content of Rawls’s theory” (85). In Rawls’s theory, the difference principle is “lexically” secondary to a first principle of justice, the principle of equality: “each person is to have an equal right to the most extensive scheme of basic liberties compatible with a similar scheme of liberties for others” (Rawls [1971] 1999, 53). That is to say, the second principle of justice—Smith’s “second-best solution”—that any inequalities “are arranged ... to the greatest benefit of the least advantaged, consistent with the just savings principle” (which vouchsafes the interest of future generations; Rawls [1971] 1999, 266)—can only be invoked after the conditions of the first principle have been fully met. The “egalitarian content” is egalitarian, then, both because any inequalities in liberty are permissible only if they “strengthen the total system of liberty shared by all” (Rawls [1971] 1999, 266) and because inequalities in the distribution of goods will redound to those least well off. Still, Smith (1994) wondered whether people in an original position will actually arrive at these priorities, especially as in Rawls’s formulation, differences in “natural advantage” (e.g., intellectual capacity, bodily strength, etc.) are allowed to remain. Following Barry (1989, 222–56), Smith (1994, 84–85) held that such a formulation means

that those in the original position will, in fact, be not equal at the outset, but will be advantaged or disadvantaged in a “morally arbitrary” way.

These and other critiques in geography (e.g., Mels and Mitchell 2013; Barnett 2017, 2018) thus tend to focus on a particular aspect of Rawls’s theory: the thought experiment of the original position, with its veil of ignorance in which “players” have to be both knowing and unknowing, equal and unequal, at one and the same time. It is little wonder, therefore, and as Przybylinski (2022) recently suggested, that geographers quickly abandoned their engagement with Rawls. Rawls’s theory was understood to be (and in relation to the original position arguments, largely is) basically idealist. Geography is, at root, basically materialist, which is to say more concerned with the world as it is than as it might be. Geographers are (or should be) more concerned with actually existing injustice than with idealizations of justice (Barkan and Pulido 2017; Barnett 2017, 1018; Heynen et al. 2018). This is a partial and limited reading of Rawls’s theory, though, and one that has had significant consequences for justice theorizing within geography.

The Basic Structure and Its Discontents

By concentrating on Rawls’s thought experiment (to the near exclusion of all else in his theory), geographers have tended to focus on the “who” (or the subject) as well as the “where” (or the domain) of justice, mostly ignoring the “what” (or the object) of justice.³ The subjects are disembodied “consciousnesses” and the domain is an impossible utopia. The object by contrast, is what Rawls ([1971] 1999) called the basic structure of society, “or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and principle economic and social arrangements” (6). For Rawls, these major institutions included legal protection of basic liberty rights (of thought and consciousness), “private property in the means of production,” markets, and (in later revisions), “the monogamous family” (6). These (and similar) institutions are the basic structure because “Taken together as one scheme, ... [they] define men’s rights and duties and influence their prospects, what they can expect to be and how they

can hope to do. The basic structure is the primary subject [or, rather, in the language above, the primary object] of justice because its effects are so profound and present from the start" (6–7).

The basic structure plays a role as, or even more, important in Rawls's theory of justice, as that played by the original position. The second part of Rawls's book, extending to more than 170 pages, is essentially dedicated to working out what the basic structure is and how it defines life chances, distributive possibilities, duties, liberties, and so forth, given the principles of justice Rawls derived from the original position. As he wrote in perhaps his most succinct statement:

... the cumulative effect of social and economic legislation [and thus institutions such legislation creates and reforms] is to specify the basic structure. Moreover, the social system shapes the wants and aspirations that its citizens will come to have. It determines in part the sorts of persons they want to be as well as the sorts of persons they are. Thus an economic system is not only an institutional device for satisfying existing wants and needs but a way of creating and fashioning wants in the future. How men work together now to satisfy their present desires affects the desires they will have later on, the kind of persons they will be. These matters are, of course, perfectly obvious and have always been recognized. They are stressed by economists as different as Marshall and Marx. (Rawls [1971] 1999, 229)

Or, as Rawls ([1993] 2005) put it in a later work, the basic structure describes "the way in which major social institutions fit together into one system and how they assign fundamental rights and duties and shape the divisions and advantages of social cooperation" (258; see also Rawls 2001, 10). A more materialist conception of how "life determines consciousness" to use Marx's formulation, of how a political-economic "base" determines the shape and structure of human lives and their myriad social relations, is hard to imagine.

It seems rather odd, then, that this aspect of Rawls's argument has received next to no attention, and definitely no critical attention, from geographers. Clark (1986, 156) mentioned the basic structure only once, when quoting Rawls (1985, 224) defending and revising his arguments about the original position to make them more historically rooted. Clark's article was, of course, explicitly a critique of Rawls's original position arguments and the "moral

landscape" they created and relied on, but it was also meant thereby to call into question both the conception and the content of Rawls's theory of justice as fairness. It is hard to know, then, how Clark was able to quote Rawls's clear linking of the original position to the assessment of the basic structure without acknowledging that the latter had a significant role to play in Rawls's theory. For his part, Smith (1994) never mentioned nor discussed the concept of the basic structure, although knowledgeable readers might sense its shadow when he quoted Barry (1989): "Does this set of institutions operate in such a way that the worst-off group—those who do least well out of them—could not do any better under any alternative set of arrangements?" (216). Similarly, Harvey ([1973] 2009, 109) only mentioned the basic structure in passing, and largely to justify his quip about how Rawls's original position can only lead to Milton or Marx, quoting an early Rawls (1969) argument about how to determine if the basic structure of society is distributively just or not. He never tackled the basic structure head on, despite both the importance it plays in Rawls's theory and its affinity to core geographical concerns with the structural constraints within which we live, core concerns that Harvey himself has done so much to define.⁴ Nor do other geographical theorists pay much, if any, attention to the basic structure and what role it plays in Rawls's conceptual universe, much less the role it could play in a critical reconceptualization of geographical theories of justice.⁵

Such an ignorance of the basic structure as a central object of justice, and thus centrally important to theories of justice, has not marked critique in other fields. Perhaps the original position remains Rawls's most discussed and critiqued idea, but the basic structure is a close second. Within various branches of political theory, critique is extensive and impossible to summarize. Here I focus on a few important interventions that are vital, in my view, to any full understanding of the basic structure and the role it could and should play in geographical justice theorizing.

Some of the earliest and sharpest critiques came from feminists.⁶ Prominent among these was Rawls's own student, Susan Moller Okin (1980, 1989), who showed how Western philosophy in general, and Rawls's theory in particular, assumed that the family is either "beyond justice"—simply not part of the basic structure and thus not an object of justice

theorizing—or is always already just. Okin noted that John Stuart Mill was different in this regard. He argued forcefully that families were frequently unjust, and that unjust families were a “school of despotism,” but he also never really questioned the division of labor within the family (Okin 1989, 20–21). Okin argued in response that a just society would only be possible if it was rooted in just families (of whatever configuration), families—or households—in which a just division of labor, rather than an exploitative one, obtained: “Until there is justice in the family, women will not be able to gain equality in politics, at work, or in any other sphere” (Okin 1989, 4).

Taking gender seriously, Okin made clear, required a thorough reconceptualization of both the subject (“who”) and the object (“what”) of justice, and therefore a transformation of the most basic structures of society, like the family. Okin was careful in her analysis not to assume or overvalorize the heterosexual nuclear family—unlike Rawls ([1971] 1999, 6), who in his revised *A Theory of Justice* ten years after Okin’s (1989) critique, could still write of the “monogamous family” as if it was the most natural thing in the world.⁷ Nor did Okin assume gender as given. Indeed, she argued that for there to be a more just society, gender had to be “abolished.” Understanding gender to be socially constructed, her point was not to question sexual difference, but rather to shine a light on the unjust conditions of possibility for “actually existing gender” (not her phrasing) in Western liberal societies and how, in turn, this actually existing gender served as a condition of possibility for Western liberalism as we knew it, and thus for the basic structure as Rawls described it.

For some theorists, Rawls’s only gradually acknowledged rooting of both the preconditions for the original position and the contours of the basic structure in a rather unexamined and idealized mid-twentieth-century democratic liberalism (and the patriarchal and racist forms it in turn rested on), as exemplified by his slow recognition of gender and the family as central components of justice, was enough to disqualify the concept of the basic structure as the primary object of justice (although not explicitly stated, this was the position of Nancy Fraser [1997] for example). For Young (2006), however, it was a reason why the basic structure needed to be subjected to much more thorough theoretical

scrutiny. Any full theory of justice had to take the basic structure seriously. “Theorizing justice,” Young (2006) held, “should focus primarily on the basic structure, because the degree of justice or injustice in the basic structure conditions the way we should evaluate individual interactions or rules and distributions within particular institutions” (91). Arguing that this position is central to Rawls’s whole theory, Young also argued that it “stands in some tension with another aspect of Rawls’s theory The claim that the subject [object on our terms] of justice is the basic structure is in tension with Rawls’s emphasis on distributions—of rights and liberties, offices and positions, income and wealth, and so on” (91). In common with many Marxists (Geras 1985, 1992; Harvey [1973] 2009), Young (2006) held that a primary focus on distribution tended to “pay too little attention to the processes that produce the distributions”—that is, primarily, the means and relations of production—and obscured the vitally important role in shaping justice played by “the social division of labor [a primary concern of Okin’s], structures of decision-making power [central, as we will see, to Forst’s theory of justice], and processes that normalize behaviors and attributes of persons [which is vital to Young’s own theorizing]” (91). For Young (2006), an adequate theory of justice “will require a more developed account of what the basic structure includes and how structural processes produce injustice than Rawls’s theory offers” (92).

Part 2: Landscape as Basic Structure

Here, then, I want to make the case for including the landscape—and the relations of its production, together with the politics of representation it inevitably becomes bound with—as part of the basic structure. The human transformation of the earth’s surface, and thus the endowment and arrangement of things on the land, as well as how they are understood, I now argue, confronts us as self-evident. What this landscape does, though, is decisive for what justice is. Young understood this. In her critical appraisal of Rawls’s development of the basic structure concept, she noted that his theory “assume[d] people who are normal” in the sense of being “normal fully cooperative members of society over a complete life” (Rawls [1993] 2005, 20). This required Rawls to put “to the side ‘temporary

disabilities and permanent disabilities or mental disorders so severe as to prevent them from being cooperating members of society in the usual sense” (Young 2006, 95, quoting Rawls [1993] 2005, 20). He thus failed to consider how that “usual sense” “presupposes contingent physical structures and social expectations that make some people appear less capable than they would appear within altered structures and expectations” (Young 2006, 96). Taking Young’s cue, it is rather remarkable that the built form of the land—urban and rural neighborhoods with their more-or-less accessible sidewalks and services, agribusiness landscapes, superhighways stretching to the horizon, segregated neighborhoods, massive districts of logistical warehouses, villages lacking access to fresh water and schools, preserved heritage sites and set-aside national or memorial parks, networks of telephone lines, fiber-optic cables, and server farms, in short the bread and butter of geographical research as exemplified in the *Annals of the American Association of Geographers* special issue—is not a primary object, a primary focus, a central matter of justice theorizing. In the precincts of moral and political philosophy, they are not. Young’s is a lonely voice. They are not, in good part, precisely because geographers have not forced their way into those precincts, demanding that the physicality of geographical space—the built landscape—be central to any valuable theory of social justice. This is a shame, because, as Young (2006) made plain, the very shape of the landscape can produce “an oppressive normalization of particular life situations” (96), reinforcing injustices along a whole range of vectors. An important step, thus, is to show precisely how the landscape—the infrastructure of our collective existence in all its material and representational complexity—must be considered part of the basic structure, and what it will mean when it is.

Landscape as Basic Structure: A Prima Facie Case

A prima facie case for considering the landscape as a central component of the basic structure is not hard to make.⁸ I make it in three steps. First, in everyday usage—landscape as “a stretch of inland scenery,” as standard dictionary definitions put it—landscape is both the view (as in landscape painting) and what is viewed: the specific arrangement of things on the land. Landscape in this latter sense is “morphology” (Sauer [1925] 1963), or “built

environment” (Harvey 1982)—that is, “shape and structure” (D. Mitchell 2012, 44–47)—and differs from, for example, “environment” in that it is specifically understood to be humanly produced (and not just the “surrounds” and ecological underpinnings that are environment) and imbued with meaning (Olwig 2019). Landscape “comprises an underpinning component for ensuring the well-being and dignity of communities and individuals” (Egoz 2011, 530). If early geographical work on the morphological landscape rested on an overly simple model in which a rather undifferentiated “culture” went to work on nature to produce a cultural landscape that reflected its needs, interests, and sensibilities (Sauer [1925] 1963; Meinig 1979), later work sought to more specifically determine the forces and relations of production that construct the ordinary landscape, in all their uneven and often exploitative guises (D. Mitchell 1994, 1996; Breitbach 2009), as well as to better understand the role that the built landscape then plays in shaping and directing social life (Schein 1997; Fields 2017; Wall and Waterman 2018).

I have elsewhere argued that the produced landscape in capitalism has to be understood as being primarily (if not exclusively) produced as and through the relations of commodity production (D. Mitchell 2008, 2009). The social relations of production of the landscape are based in the exploitative transformation of living labor (workers’ labor power) into “dead labor” (the ossified form of the landscape). These relations of production are certainly shaped at the site of landscape production itself (the road being resurfaced, the field being plowed, the skyscraper and associated plazas being constructed, the plantation-forest being planted, the sewer pipes and fiber-optic cables being laid), as well, of course, in the place where the landscape components are themselves produced (the copper and rare-earth mines halfway around the world, the steel plants, the wind farms and coal-powered electricity-generating plants, the sawmills and wood-laminating factories, wherever they might be found). They are also shaped at the borders (and through border policy), in the migrant camps, in the jails, and in the housing markets, among so many other places that have a role to play in setting wage rates and work conditions and thus the forms and rates of labor exploitation. If the landscape is dead labor, in this sense of labor power ossified, then the central question for landscape studies is just how labor

is made dead (D. Mitchell 2009, 2012; Tyner 2019). To put this another way, if the built environment that makes life and society possible at all is dead labor, then how can the landscape not be part of the basic structure? This is just as true if the relations of its production are less exploitative than they are under contemporary forms of capitalism or if they, or components of them, are in fact produced under non-capitalist conditions. In any imaginable socialist society, the landscape will still be dead labor—living labor ossified—although the relations of production that lead to this death might be quite different indeed.

Second, although the landscape itself is necessarily dead labor, necessarily a production (and thus part of the basic structure), it is also the substrata on which all other production takes place. The arrangement of “things on the land”—factories, farms, forests, mines, and refineries; houses, schools, parks, and stores—is a fundamental matter of justice, and of course, the traditional focus of spatialized accounts of distributive justice (like Harvey’s early efforts and much of Smith’s work). Such work on distributive justice has been critiqued by feminist theorists like Young (2006, 91; see also Young 1990, 2000), who have argued for a keener focus on the “processes that produce distributions.” Young’s (2006) critique “derives in the first place from Karl Marx’s criticisms of liberal conceptions of justice. Claims of distributive fairness, in his opinion, frequently presuppose institutions of private property, wage labor, and credit, when these might come into question for a more critical conception of justice” (91), and, as we saw, they did in Rawls’s conception of the basic structure. A central matter (or object) of justice must, in this view, therefore be both the specific and the total relations of production that the extant landscape (and its constant restructuring) make possible. This indicates that the landscape is basic structure in a second way: Not only is it basic structure because it shapes how life can be lived, but it is basic structure because it shapes (and is shaped by) how the things that make life livable (and for some not or less livable) are themselves produced. For Young (2011), responsibility for justice thus required taking responsibility for the relations that produce distributions and for the complex, extended forms of social interaction that become possible, closed off, or in need of radical transformation given the extant “shape and structure” of the land.⁹

Third, if these two aspects of the landscape—that it is a production that, as dead labor, creates the very conditions of possibility for social life, its relations and institutions, and that it is the very substrata on which other (economic) productions take place—help make a *prima facie* case for landscape as basic structure, they hardly exhaust what landscape does (much less what it means). The landscape is not only the home of production, of course, but vitally of social reproduction, no matter how attenuated the possibilities for such reproduction might be (Breitbach 2009). As feminist geographers have long argued (Katz 2001, 2004), and feminist political philosophers have more recently come to understand (Fraser 2016), the crises and contradictions of social reproduction are both a site of intense social struggle and a driving force of historical transformation. Social reproduction is inextricably entangled with the landscape, from workers seeking to remake the landscape in ways favorable to their own interests (Herod 2001) within a political economy where “the maintenance and reproduction of the working class is, and ever must be, a necessary condition for the reproduction of capital” (Marx 1987, 537), to the way that capital’s “orientation to unlimited accumulation tends to destabilize the very processes of social reproduction on which it relies” (Fraser 2016, 100), thus creating not just crises of care (as Fraser put it and no matter how important such crises truly are) but fundamental mismatches between the systems and geographical topologies of reproduction and the fundamental needs of capital (as Katz has shown; see also Meehan and Strauss 2015). “Geography,” Paglen (2009, 280) wrote, “sculpts the future.” The landscapes we inherit and reproduce (with whatever modifications) “place possibilities and constraints on what is yet to come” and thus to “change the future,” including any future possibilities for a just social reproduction, “means changing the material spaces of the present” (Paglen 2009, 280). These spaces of the present, are, of course, gendered and raced just as the care work of social reproduction is gendered and raced, and thus the spaces that compose the landscape of social reproduction must necessarily be part of the basic structure: They shape and are shaped by the complex relations of not only production but social reproduction. The production of landscapes of reproduction also “produce[s] distributions.”

Landscape as Basic Structure and the Politics of Representation

In all three steps I just laid out, I have been concerned primarily with the material landscape, quite literally that which we face, that which we “see when we go outside,” to appropriate Lewis’s (1979, 11) definition of the landscape. My concern has been with first impressions (to use the literal translation of *prima facie*). As fifty years of geographical research and interdisciplinary landscape theorizing has made plain, however, the landscape is never only what we see, no matter how attentive and critical we might be. It is also what we do not or cannot see (Williams 1973; D. Mitchell 2008), what we choose not to see or obscure (Barrell 1980; Cosgrove 1984, 1985; Birmingham 1987; W. J. T. Mitchell 1994), and how we go about seeing it (Berger 1972; Cosgrove and Daniels 1988). There is a “landscape way of seeing” that is ineluctably ideological (Cosgrove 1985) and an exercise of power (W. J. T. Mitchell 1994; Olwig 2019). As Mels (2016) argued, this turn to questions of power and structured forms of seeing in landscape studies opened up the possibility for a deeper engagement with landscape’s “politics of representation”: “Representation was indispensable from any understanding of: the manoeuvres of discursive power, hegemonic ways of seeing, identity formation and modernity, etc.” (417). For Mels, because representation is a “core concept of justice” (cf. Young 1990; Fraser 1997), any thorough accounting of the landscape–justice nexus must account for the “logics of representation” that landscapes incorporate and by which they are known. “For both Fraser and Young,” according to Mels (2016), “modes of representation (interests, opinions, and lived experiences) are linked to sites (spaces) of representation,” and are particularly valuable for that reason, but their “theorizations of the spatialities of justice leave in abeyance the concrete geographies and historical forms of oppression, misrecognition, marginalization, cultural imperialism or violence”¹⁰ (419). Not just landscape studies, but the landscape itself affords no such abeyance, as landscape actively concretizes these and is thus “part and parcel of the very condition of justice” (Mels 2016, 419). In Mels’s (2016) theory, struggles over representation, in this case what he called “political representation” become “entrenched in the material landscape,” and thus, recursively create the

conditions of possibility to represent and be represented, as “representation, whether of oneself or of a group, demands space” (420, quoting Mitchell 2003, 33).

Representation and its close relative recognition are now widely understood to be central matters of justice. Fraser’s (1997) early work forcefully made the case that theories of justice based on politics and practices of (re)distribution (like Rawls’s) were insufficient. Just redistributions had to be dialectically related to just recognition. For scholars like Fricker (2007, 2013, 2018), the question of recognition is a question of epistemic justice (and injustice). *Epistemic injustice* entails systematic silencing, misconstruing (including the inability to understand others in their own languages), or ignoring voices and claims such that a person’s or a group’s status as a subject of justice is diminished or destroyed. For Fricker, epistemic injustice can take the form of *testimonial* injustice, which is not having one’s words trusted, usually on the basis of race, gender, or other aspects of identity; or *hermeneutic* injustice, which is having one’s voice and experiences systematically misinterpreted because there does not yet exist sufficient language for understanding them, largely because certain people and groups have been excluded as possessors of “valid” knowledge (for a fuller discussion, see Ohlsson and Mitchell 2023). Recognition—epistemic justice—is thus a vital component of justice more generally. The politics of recognition has to be understood as an object of justice. Like the politics of redistribution (and for that matter, production and reproduction), the politics of recognition—actually existing epistemic injustices—are “entrenched in the landscape,” to use Mels’s formulation.

In her later work, Fraser deepened her theories of justice by elevating representation to the same status as redistribution and recognition: A full theory of justice must include all three. For Fraser (2008), representation is political “in a ... specific, constitutive sense, which concerns the scope of the state’s jurisdiction and the decision rules by which it structures contestation. The political in this sense furnishes the stage on which struggles over distribution and recognition are played out” (17). As Mels (2016) pointed out, what is particularly important in Fraser’s theory is that it turns attention toward “the relations of representation” (419), and as with redistribution and recognition, these relations are

entrenched in the landscape. That this is so becomes clear, for example, when one reads the definition of landscape on which the European Landscape Convention (ELC; see Jones 2009; Olwig 2009) is based against the definition of landscape offered by Nye in one of the epigrams for this article. For the ELC, landscape is “an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors” (ELC, ch. 1, art. 1). This begs innumerable questions: Which people? Living where? Which perceptions? Why those? What relations of representation allow us to know (and act on) those perceptions? How do those relations of representation (and recognition) shape and reshape the landscape as defined by Nye (2010)—“the infrastructure of collective existence” (130), which is, of course, a much better definition of the material landscape than the “area” of the ELC?

Rawls ([1971] 1999) wrote, when defending his difference principle (which states that any inequalities must be to the advantage of the least advantaged), that it “insists that each person must benefit from permissible inequalities in the basic structure. This means that it must be reasonable for each relevant man defined by this structure, when he views it as a going concern, to prefer his prospects with the inequality to his prospects without it” (56). In part, Rawls’s argument here is a basic argument against utilitarianism. Note the language, though: Human beings are *defined* by the basic structure; they structure their preferences in relation to it. How, then, can a theory of representation and a theory of recognition not be vital to theorizing the object of justice, how can they not be vital to theorizing the landscape as a central component of the object of justice—the basic structure—especially when we take note of the sexist language within which Rawls developed his theory (Okin 1980, 1989)? The question can be phrased in a different way, though, a way that makes, now not a *prima facie*, but a more indirect case for understanding the landscape as part of the basic structure. Recognition and representation—political struggle, that is, including the political struggle to be included—concerns establishing the central institutions that govern life: the basic structure, the infrastructure of our existence. As such, then, politics is necessarily about shaping and reshaping the landscape, as it is the infrastructure of our everyday lives. Landscape is what we fight over,

not in any original position, but here and now (just as we did there and then), and at no point is that “we” given. Who counts now, and how, necessarily gets entangled in the landscape, breathing life into its dead labor.

Part 3: Justifying Landscape Justice

Justice as the Right to Justification

Just as we need a concept of landscape appropriate for the development of the idea of social justice (a concept that landscape as basic structure, together with its politics of recognition and representation, begins to fulfill), so we need a concept of justice that will assist in the production of just landscapes. What might this be? We have, of course, many hints toward answers to this question in the work of Okin, Young, Fraser, Fricker, and others already discussed in this article, but here I would like to focus attention on the concept of justice developed by the Frankfurt theorist (and student of both Rawls and Jürgen Habermas) Rainer Forst, and particularly his conception of justice as the right to justification.¹¹

To understand Forst’s theories, however, it is important to first review Habermas’s arguments about justice, especially those developed relatively late in his career, and especially as they have been critiqued by Forst himself. For Habermas, justice, like truth, is a “discursively resolvable validity claim” (quoted in Pettit 1982, 219), which is more susceptible to empirical investigation than to normative definition. Nonetheless, there remained a normative core in Habermas’s sense of justice well into the 1980s: a “just system is that which impartially and maximally satisfies people’s real needs” (Pettit 1982, 228). For Habermas, there was a distributive core to justice, which was arrived at through maximally rational procedures of discursive engagement. Later on, though, especially in *Between Facts and Norms* (Habermas 1992) and through a series of debates with Rawls, Habermas developed what Forst (2014) called a “critical theory of justice” that was discursively grounded and settled, as with Rawls, on the argument that “justice itself has no authority than that which it ‘earns’ in a justified way; public justification remains the ‘touchstone’ of normativity” (156).

Lake Rawls, Habermas has been centrally concerned with the basic structure as the primary object of justice, but his work “presupposes a model in which the citizens accept the conception of justice based on publicly sharable reasons, such that an actual moral consensus independent of comprehensive doctrines exists” (Forst 2010, 163; see also Forst 2012, ch. 4). Yet Habermas does not deny that there is a foundational content to justice: “justice concerns the equal freedoms of unique and self-determining individuals” (Habermas 1990, 244). Or, more fully:

Every autonomous morality has to serve two purposes at once: it brings to bear the inviolability of socialized individuals by requiring equal treatment and thereby equal respect for the dignity of each one; and it protects intersubjective relationships of mutual recognition requiring solidarity of individual members of a community, in which they have been socialized. Justice concerns the equal freedoms of unique and self-determining individuals, while solidarity concerns the welfare of consociates who are intimately linked in an intersubjectively shared form of life—and thus also to the maintenance of the integrity of the form of life itself. (Habermas 1990, 244)

Within this context of solidarity, justice must be publicly defended; that is, according to the Habermasian approach, it must be justified, and it is only in the context of its justification that justice takes on a real, practical meaning. Yet recently, Habermas (2014, cited in Pierce 2017) reversed himself on this position, arguing that solidarity is not an essential aspect—the “reverse side” as he once called it—of justice, moving himself ever closer to Rawls’s liberalism (see Forst 2010) and perhaps diminishing the radical core of his critical theory of justice.

Forst has sought to retain that radical core, and in ways valuable for developing a conception of justice helpful for advancing landscape justice. As with Habermas, justification is the touchstone of Forst’s theory. For Forst (2017), justice consists in (1) *non-domination*, and thus (2) *the right to justification*, which are operationalized through *reciprocity* and *generality*, respectively. Reciprocity means that “one does not make any claims to certain rights or resources one denies to others in arguing for one’s claims” (Forst 2004, 317). Generality means that all affected persons must be able to access and accept the reason (for a claim of justice) in relation to universal (i.e., intersubjectively shared) and fundamental norms (Forst 2012, 6). These base arguments are linked to

a reorientation of justice theory from “recipient-oriented views” toward “*production* and its just organization” (Forst 2017, 122),¹² which is the radical kernel of Forst’s theory. He argued that most mainstream theories of justice are distributive and “understand ‘distributive justice’ exclusively as a matter of allocating goods” (Forst 2017, 122). Such theories “obscure essential aspects of justice—in the first place how goods come into the world” (Forst 2017, 122). They also “neglect the *political question* of who determines the structures of production and distribution and in what ways—hence the question of power—as if there could be a giant distribution machine that only needs to be programmed correctly” (Forst 2017, 121).¹³ Moreover, such theories “disregard ... [the fact] that *justified claims* to goods do not simply ‘exist’ but can only be ascertained discursively, which class for procedures of justification must in turn be defined in normative terms as a matter of justice” (Forst 2017, 121). Finally, these theories leave “the question of *injustice* largely out of the account ... [and, for example, equate] someone who ... is deprived of goods as a result of a natural catastrophe with someone who suffers the same deprivations as a result of economic or political exploitation” (121). The proper questions of justice therefore must instead “aim at the *intersubjective relations and structures*, not at *subjective* or *putatively objective states* of the provision of goods” (121), and in particular must concern themselves with relations and structures of production.

Forst (2017) further argued that the opposite of justice is *arbitrariness*, which in turn is the core of domination: “The basic impulse that opposes injustice is not primarily of wanting something, or more of something, but of no longer wanting to be dominated, harassed, or overruled as someone who has a claim and a *basic right to justification*” (123). In this view, the central “political essence of justice ... is who determines what is received by whom. On this conception the demand for justice is an emancipatory one. ... The person who *lacks* certain goods should not be regarded as the primary victim of injustice but instead [the primary victim] is the individual who does not *count* when producing and allocating goods” (123).

Forst closely linked his arguments to Marx’s conceptions of alienation and exploitation (both of which are vital to making some people not count) and argued that it is in Marx’s theory of commodity

fetishism that the heart of the matter can be glimpsed. Through commodity fetishism, relations between people appear as relations between things and the possibility of free association of people (a precondition for the right to justification) becomes impossible. Humans come to be dominated by an “alien power”: the estranged commodities they make—their and others’ dead labor, which, of course, they no longer own (but could, perhaps, purchase back). By contrast, “Freedom ... can only consist in this, that socialized man, the associated producers, govern the human metabolism with nature in a rational way, bringing it under their collective control instead of being dominated by it as a blind power” (Marx, *Capital*, Vol. 3, quoted in Forst 2017, 128). Like Marx, Forst (2017, 129) held that justice can only be approached to the degree that there is a radical transformation in the social relations of production, which in turn requires a careful analysis of the injustice rooted in existing social relations of production and distribution. Framing justice in this way “highlights the Kantian character” of justice, which Forst thinks continues to elude both Rawls and Habermas, “because it expresses the autonomy of those on whom a normative order of justice claims to be binding ... namely the autonomy and dignity of being a free and equal justificatory authority. This dignity is violated when individuals are regarded as mere objects of social relations or *primarily as recipients of goods*” (129, italics added).

So in what, more precisely, does justice as the right to justification consist? “Minimal justice calls for a *basic structure of justification*, maximal justice for a *fully justified basic structure*” (Forst 2012, 262). To put this in terms common to justice theorizing, minimal justice consists in a set of structures that will promote procedural justice; maximal justice consists in a basic structure that is substantively just and can be shown to its denizens and all others affected to be so. (As Forst argued, minimal, procedural justice is a precondition for maximal, substantive justice.) On the one hand, Forst (2012) argued that in this understanding, as a “practical” matter “each person” has a “fundamental moral right to justification ... a right that grants persons a moral veto against unjustified actions or norms” (67). This right to justification is not simply a right to have things explained to oneself. Rather, it is a “right to

count equally in reflections regarding whether reasons for action are justifiable” (Forst 2012, 130). On the other hand:

the first question of justice is the question of power. For it is not just a matter of what goods are to be legitimately distributed and for what reasons, in what amount and to whom; it is also a matter of *how* these goods come into the world in the first place, *who* decides on the distribution, and *how* it is carried out. (Forst 2012, 195)

Landscape Justice and Its Justification

Here, then, we begin to approach a theory of justice that might be sufficient to landscape as basic structure, that is, to landscape justice. It is a theory that emphasizes the right to justification as a foundation for being justly involved in the production of a maximally just, fully justified basic structure, a fully justified landscape.

Because landscape is dead labor, landscape is power materialized (D. Mitchell 2008, 2012, 397–99). Minimal landscape justice means both having a voice in how that dead labor is made dead in the first place and how it is distributed. It entails “a right to count equally” and to have productions and distributions adequately justified. Minimal landscape justice, in this sense, is akin to the “right to centrality” in Lefebvre’s (1996) right to the city: It is the right to be involved in the shaping and reshaping of the landscape (cf. Egoz, Makhzoumi, and Pungetti 2011). This minimal form of landscape justice is what is enshrined—however problematically (Jones 2009, 2016)—in the ELC, with its demand for participatory landscape planning; and it is a central point of contention when parochial understandings of who belongs in the landscape and who the landscape belongs to come to be questioned, as when immigrants arrive in (and make possible the [re]production of) “an area, as perceived by people” (as, recall, the ELC defines landscape; Egoz and De Nardi 2017).

Maximal landscape justice, which presupposes minimal landscape justice, however much that might be struggled over, is the just production of landscape as a central component of “society’s basic structure, which determine[s] social life in its entirety.” It is akin to the city as an *oeuvre* in Lefebvre’s right to the city: a work in which all are involved in its making and none are alienated. “True alienation,” as

Forst (2017) put it, “consists in failing to see oneself and others as social, morally, and politically autonomous subjects of justification or as authorities within a normative order” (11). But it is also, as Lefebvre made clear, when one’s own productions are taken, expropriated, made alien to one’s own self, when one becomes a mere appendage of another. Maximal justice entails minimal landscape alienation. Even more, as Henderson (2003) reflecting on the legacy of J. B. Jackson argued twenty years ago, a just landscape must be a beautiful landscape, not just in its aesthetics, but because both its production and the ability to live in it would “include the full participation of all and the economic means to do so” (197).

Conclusion

I have argued that geographers’ truncated engagement with Rawls’s *A Theory of Justice*, focused nearly exclusively on his “original position” thought experiment and not at all on his conception of the basic structure, deflected attention and careful analysis away from the *object*—the what—of justice. I further argued that landscape is a central component of that “what.” As a produced infrastructure of collective existence as well as an object that incorporates, shapes, and reflects politics of recognition and representation, the landscape is a fundamental part of the basic structure. Understanding the landscape in this sense takes us some way toward answering Henderson’s call for geographers to develop a theory of landscape poised to assist in the development of social justice, and in doing so has pointed the way to a positive theory of justice with a broad relevance for human geography more generally: Forst’s conception of justice as the right to justification, and especially his arguments concerning minimal and maximal justice.

So far, however, the theory of justifiable landscape justice I have proposed is only in outline form. There is much work to be done. For example, if Forst (2012, 195) asserted that the first question of justice is power, he also argued that the best approach to justice, one that far outstrips a focus on distribution, including the distribution of power, is to “focus on the real question, that of the organization and distribution of the means of production, which is, as I would say, the first question of justice” (Forst 2017, 126). His two “first questions of justice”—the question of power and the question of the organization and distribution of (and, I would add, control over)

the means of production—are not in contradiction. Within the landscape, though, the relation between them needs to be worked out. This is something that landscape (and other) geographers are particularly good at, and well-disposed to do. More than forty years of intense theoretical and empirical work on the production of landscape and its politics of representation are also, if seen in the proper light, more than forty years of intense work on understanding the basic structure and its modes of justification.¹⁴

Much of this work has, of course, been focused on the *injustices* that the landscape entrenches (to use Mels’s word), but as such, it has also helped us see what must be done to shift the landscape from being deeply unjust closer to being maximally just, and what sorts of just practices of recognition and representation, what structures of justification, must be constructed to approach such a maximally just state. In defining landscape as the infrastructure of collective existence, Nye (2010) was concerned primarily with what happens when “landscapes ... cease to support the people who live in them” (130), when, that is, they become what he termed *anti-landscapes*. Concerned as he was with technological disasters, Nye’s primary interest was in those events—Chernobyl, the New York City blackout, Love Canal—that make places uninhabitable, temporarily or permanently. To the degree we live in unjust landscapes, we all live in anti-landscapes, although we hardly suffer equally (as the articles in the *Annals* special issue made so clear), precisely because landscapes are not even close to being maximally just; that is to say, few landscapes support our collective existence. A theory of landscape justice that understands it to be a right to landscape justification might at least provide some tools for transforming anti-landscapes into landscapes, and especially landscapes that assist not in developing “the very idea of social justice,” as Henderson (2003) had it, but rather in developing the very fact of social justice.

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Notes

1. For a fuller discussion see D. Mitchell (2024b).
2. This is very much also a self-critique. Until recently, my own engagements with Rawls (e.g., D. Mitchell 2003; Mels and Mitchell 2013) suffered from the same blindness to the substantive argument concerning justice at the core of Rawls's work I identify for the earlier generation of scholars whose work is the main subject of this section. I followed in their footsteps, uncritically.
3. This subsection extends arguments in D. Mitchell (2024a). My language follows Jaggar (2009; see also Przybylinski 2022; Ohlsson and Przybylinski 2023). Rawls's language is a little different and there is a potential for confusion. Where Jaggar used the "subject of justice" to describe the "who" of justice (e.g., citizens or all residents, men or all humans, only human or all nature, etc.)—that is, those subjects with the standing to make claims for justice—Rawls tended to use "the subject of justice" to describe the "what" of justice (the institutions and so forth toward which claims of justice may be made), which Jaggar termed the "object of justice."
4. The basic structure plays no role at all in Harvey's (1996) later justice theorizing.
5. Work by Flemsætter (2024), however, deploys the basic structure analytically in relationship to landscape change in Norway.
6. A fuller discussion is found in D. Mitchell (2023a).
7. Two years later, however, Rawls (2001, 10) revised his formulation once more to incorporate "the family in some form" as "belong[ing] to the basic structure" (see also Young 2006).
8. The discussion in this and the next section elaborates D. Mitchell (2024a).
9. Young's (2011) important (but sadly unfinished) arguments concerning the complex geography and sociology of responsibility deserve far more scrutiny than I can give them here. For a start, see D. Mitchell (2023a).
10. Readers will no doubt recognize this as a variation on Young's (1990) famous "five faces of oppression."
11. This subsection elaborates arguments in D. Mitchell and Ohlsson (2023).
12. Unless otherwise indicated, all emphases in quotations belong to Forst.
13. The image of a "giant distribution machine" is Young's (1990).
14. There are, of course, innumerable other issues that need attending to. For example, I have throughout this article assumed that the subjects of justice are human beings, but what happens if (or perhaps rather when), those recognized as subjects of justice extend to the nonhuman? My own sense is that much of this argument remains quite valid, but at the same time, the question of *representation* becomes ever more vital (as has become clear, globally, in court cases concerning, for example, the rights of rivers or other aspects of nature).

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