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Towards compassionate justice: recognition, invisibilization, and the institutions of justice

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Towards compassionate justice: recognition, invisibilization, and the institutions of justice

Abstract: Despite the formal fairness of many institutions, people continue to experience injustices without effective means of reporting them, or awareness of being treated unfairly — a problem particularly troubling in a liberal democracy. Drawing on the Ethics of Care, Martha Nussbaum's account of compassion, and Axel Honneth's critical-theoretical account of recognition —situated within the Frankfurt School tradition— this article argues that this phenomenon is best understood as institutional invisibility: a failure of recognition that persists even when formal procedures function correctly. The Ethics of Care and Nussbaum's political anthropology of vulnerability explain why this failure matters, while Honneth's spheres of recognition and forms of disrespect specify what invisibilization denies, grounding our thesis that cultivating compassion as a virtue, at both individual and institutional levels, allows this failure of recognition to be overcome. The argument is briefly illustrated through the contemporary case of migration, where denial of recognition spans the spheres of care, rights, and solidarity.

Keywords: Ethics of Care; Justice; Institutions; Martha Nussbaum; Recognition; Axel Honneth; Compassion; Vulnerability; Migration.

Introduction

It is often thought that the justice of an institution ensures justice for all its members. However, it is common that, despite having formally correct processes and practices, within these institutions there are individuals who experience injustices without effective means to denounce them, or worse, without being aware that they are being treated unfairly. This discrepancy is alarming and contrary to the fundamental principles of a liberal democracy.

The so-called Ethics of Care addresses some of the challenges faced by other approaches to goodness and justice. It is characterized by its concern for individual welfare and needs and by promoting relationships of trust, respect, help, and healing, in contrast to the more abstract and systematic emphasis that some theories place on equity, equality, and individual rights (Besser-Jones & Slote 2015, p. 410). While sharing their fundamental moral, social, legal, and political values, it complements these theories by restoring the relational dimension.

It is believed that approach is particularly fruitful for addressing the social problems faced by some minority groups whose circumstances prevent them from converting claims and needs into tangible improvements. It has, accordingly, been cultivated in reflections on women's social problems and in feminist critiques of theories that overlook gendered challenges by privileging moral absolutes or individual autonomy.

Martha Nussbaum, for example, articulates an Ethics of Care with a recovery of Aristotelian virtue ethics by stressing the importance of the moral education of feelings for human flourishing and upright conduct in society and its institutions. She argues that all people, regardless of gender, possess basic capacities fundamental to a dignified human life. By focusing on capabilities such as health, education, autonomy, affiliation, and political participation, her universal framework identifies the material, social, and political barriers that restrict women's opportunities while avoiding gender essentialism and recognizing diverse forms of personal and communal fulfilment.[1] It thus provides tools for policies and practices that promote gender equality and social justice (Nussbaum 2001b; 2011).

In this context, the Ethics of Care shows that women's social, moral, and political challenges can only be captured by attending to relationships among individuals, groups, and communities. Addressing the problems of vulnerable groups therefore involves building healthier and more compassionate relationships. Truly equitable and inclusive institutions must promote both the recognition and the overcoming of lived but unperceived injustices.

In the light of the foregoing, this paper argues that institutional invisibility — the failure of recognition Honneth identifies, which persists even where formal procedures function correctly — can be properly diagnosed only by reading the Ethics of Care alongside his theory of recognition, and can be remedied only through the cultivation of compassion as an institutionalized virtue. This diagnosis is situated within the left-Hegelian, critical-theoretical lineage that runs from Horkheimer and Adorno through Habermas to Honneth, for whom the normative deficits of formally correct institutions can only be grasped through a theory of recognition, not through procedural correctness alone. The paper first characterizes the institutions of justice and the problem of invisibilization they can harbour, understood as a failure of recognition; it then turns to Martha Nussbaum's account of the human person, as an instance of the Ethics of Care, to explain why this failure matters; and it closes by examining the role that compassion, as a specific virtue, plays in the construction of just institutions grounded in recognition, illustrating the argument through the contemporary case of migration.

Analysis of the situation of vulnerable groups in justice institutions

When analysing social institutions, various theoretical conceptions are presented that shed light on their nature and function in society. According to Anthony Giddens' view (1991), for example, social institutions are conceptualized as enduring structures that organize stable patterns of human activity. These structures are intertwined with other aspects of social life, playing a fundamental role in the reproduction and organization of life in society. However, there are more individualistic views of institutions, such as the one proposed by John Rawls (2001), who explores the idea that social institutions are the result of individual actions and decisions, influenced by rational choice and the search for distributive justice.

Searle (1995) locates collective acceptance at the centre of institutional existence: institutions emerge through a community's acceptance of rules and standards. Habermas and Honneth deepen this account by emphasizing the normative demands of justice and recognition. Honneth's theoretical vocabulary speaks directly to our problem. In "Invisibility: On the Epistemology of Recognition" (2001), social invisibility is the experience of being treated as if one were not present—a failure of recognition that precedes, and often underlies, formal violations of rights. *The Struggle for Recognition* (Honneth 1995) distinguishes three spheres: love and care within primary relationships; rights granted through legal and political institutions; and solidarity, or the social esteem accorded to a person's or group's contribution and way of life. These spheres map into our framework: care corresponds to the Ethics of Care; rights to the formal justice pursued by institutions; and solidarity to the social worth denied to invisibilized groups. Migration will test this framework, since geopolitical asymmetries between North and South make all three failures especially visible. Hereafter, "recognition" names Honneth's technical concept when these spheres are directly at issue, but retains its ordinary sense—acknowledgment, regard, or esteem—in the broader discussion. From this perspective, institutions must promote equity and inclusion. Nussbaum (2006) similarly argues that recognizing vulnerability and fostering care are fundamental to human dignity and well-being.

Our perspective on institutions, in alignment with authors such as Habermas, Honneth and Nussbaum, diverts from the notion that they are no more than static tools for coordinating action. Instead, they are understood as dynamic entities crafted to fulfil essential expectations regarding rules and standards. This implies that individuals have different expectations of the various institutional contexts in which they participate. It is argued that, in order for an individual to fully develop and function freely in different social settings, institutions should

enable him or her to reach his or her personal fulfilment. For example, if judicial institutions are impartial, efficient and transparent, citizens will trust the legal system and feel that they are provided with adequate protection against injustice. However, when institutions are corrupt, biased, or ineffective, trust in the system can swiftly erode. In such instances, individuals may feel powerless and vulnerable to injustice, leading to feelings of resentment and social unrest. In extreme cases, this discontent can contribute to political instability and even destabilization.

In our societies, an evident problem is the inefficiency of justice institutions, which is alarming due to the growth of institutional maladjustments. This results in an insufficient institutional response, which in some cases generates restlessness or even worse, resignation to the point of submission to the status quo. In *The Experience of Injustice*, Emmanuel Renault (2019) situates his analysis within the tradition of recognition theory inaugurated by Honneth — a filiation made explicit in the book's subtitle, *A Theory of Recognition* — which strengthens the connection between the invisibilization described here and the framework of recognition sketched above. There, Renault distinguishes between lived injustice and the experience of injustice. The former refers to cases in which the experience of injustice is not perceived as unjust and, therefore, does not result in protests. This is to say that it is entirely plausible that noncompliance with expectations never materializes in a sense of injustice, resulting simply in forms of dissatisfaction and suffering that individuals do not attribute to injustice. On the other hand, the experience of injustice refers to lived injustice in practical and cognitive dimensions that potentially leads to an awareness of being a victim of injustice and, therefore, to transformative action. The experience of injustice is not simply a rejection of normative knowledge, but also a demand for a re-evaluation of such normative, which implies a transformation in the acceptance of socially established principles of justice (Renault 2019, p. 13).

The significant contribution of institutions to the formation of individual autonomy highlights the importance of recognizing cases of institutional negligence, especially in the area of justice. It is worrying to observe how these institutions, whose main function is to guarantee equity and prevent injustice, often fail to fulfil their purpose and, instead, perpetuate forms of social marginalization while failing to implement effective mechanisms to make such situations visible. Lack of awareness, acceptance or denial of these circumstances not only hinders the full development of individuals but also leads to the obsolescence of the institutions themselves. Liberal democracies require solid institutions in charge of justice which are

capable of constantly adapting when their principles do not adequately respond to the needs that they should attend.

The silence of vulnerable individuals due to the lack of effective mechanisms to assert their claims not only prolong their marginalization but is also a clear case of institutional inefficiency. Or, to express it more clearly: the fact that there are vulnerable individuals in institutions who realize that they are vulnerable but are unable to change their situation —experience of injustice— or are not even aware of their vulnerable status —lived injustice— is a serious example of institutional inefficiency. This problem is not only alarming in and by itself but also gives rise to fundamental questions about the nature and effectiveness of societies that call themselves *democratic*. Considering that women are, more frequently than not, part of such vulnerable groups, they have developed a greater sensitivity to these issues. This brings to the spotlight the importance of care and empathy, underlining how these values can contribute to a broader and fairer understanding of social and institutional relations. By highlighting the role of virtue and feminism, this paper seeks not only to better understand the roots of injustice, but also to propose effective ways to combat injustice focusing on compassion and care as key elements for a positive social transformation.

Martha Nussbaum calls this phenomenon of invisibilization "adaptive preferences", in the sense that the affected individuals stop desiring and demanding goods and rights that, when systematically denied, are no longer considered feasible and even become forgotten in their mental universe. This shows that cultural contexts limit our thinking and aspirations (2001b).[2] Nussbaum supports the notion that recognizing the existence of injustice is a crucial step while stressing the need for institutions to be sensitive to the material and social conditions that affect people's ability to identify and defeat injustice.

In this context, the contributions of Miranda Fricker (2007) gain significance and become extremely relevant. She introduces the concept of epistemic injustice. This notion refers to situations in which a person is harmed in his or her ability to be recognized as a source of knowledge. Epistemic injustice can manifest itself as testimonial injustice when prejudice gives less credibility to someone's words, and/or as hermeneutic injustice when the lack of interpretative resources leaves a person at a disadvantage in understanding and communicating his or her social experiences.[3] Fricker (2007) emphasizes that these forms of epistemic injustice can have a negative impact on the ability of humans to protect their interests and trust their own knowledge.

Together, these perspectives connect empathy, care, institutional structure, and epistemic justice in recognizing and addressing lived injustice, offering a comprehensive framework for analysing and remedying various forms of oppression. This approach is framed within a feminist perspective by recognizing and valuing women's experiences from which the Ethics of Care emerged.

Proposal for the integration of Compassionate Justice and the Ethics of Care: An Approach through the thoughts of Martha Nussbaum.

If Honneth's spheres of recognition identify what invisibilization denies, Nussbaum's philosophical anthropology explains why recognition matters in the first place: her conception of the human person shows why corporeal vulnerability and relationality make recognition — beginning with the sphere of care— a condition of human flourishing rather than an optional complement to justice. Within Nussbaum's philosophical approach, the Ethics of Care gains relevance within the institutions in charge of justice derived from her conception of the person and its inherent dignity. In her work *Frontiers of Justice* (2006), the author develops a conception of the human person in which two ultimate aspects of the Ethics of Care are highlighted: corporeality and the capacity or need for relationships.

In *Frontiers of Justice*, Nussbaum emphasizes that our corporeal being conveys a degree of vulnerability and fragility that is part of our reality as human beings and must be made visible and revalued as an intrinsic part of our humanity. Nussbaum, inspired by Aristotle, sees human beings as "political animals," and thus, they are not only capable of morality but also have an animal body, and their human dignity, rather than being opposed to this animal nature, inheres in it and in its temporal trajectory" (2006, p. 87). This implies that vulnerability and the need for care are a natural part of every person's life. Part of human development itself involves interactions in groups to satisfy common and even mutual needs. These relationships mark periods of dependence, assistance and interdependence that occur within the continuum of life for each member of a group and falling into one or the other pole of the spectrum has no impact on individual dignity.

This way of thinking seeks to reverse the tendency of several justice theories, generally having a contractual nature, which stem from an idealized conception of the person and end up developing their principles and criteria from and for people belonging to hegemonic groups, creating a periphery of vulnerable groups that are ignored, poorly represented or referred to secondary treatment.[4] Honneth's account of the forms of disrespect (*Missachtung*) tied to each

sphere of recognition sharpens this point: denial of care is expressed as a violation of the body; denial of rights, as exclusion from legal standing; and denial of solidarity, as the denigration of a person's or group's way of life. It is this third form —the disregard of ways of life that fall outside the hegemonic model— that most precisely names what happens to the peripheral groups described here: not merely a lack of representation, but an active devaluation of the form of life they embody.[5]

Highlighting human vulnerability as inherent to every person seeks to rescue the goodness of being needed: individuals move in and out of periods of dependency, sometimes caring for others and sometimes being cared for, and it is in this interdependence that our humanity is most fully expressed. Recovering this conception of the person repositions vulnerable groups —infants, pregnant women, the elderly, the sick, the disabled— as subjects of justice in their own right, deserving recognition simply because they are members of humanity, not because of any instrumental contribution they make from a utilitarian point of view.

This is linked to a second aspect of Nussbaum's conception of the human person: relationality. Her political animal requires relationships to achieve its ends, and several of the capacities in her list —affiliation chief among them— can only be realized through interaction between individuals or between an individual and their social environment.[6] People do not associate merely for individualistic mutual benefit; they also form altruistic and benevolent relationships grounded in shared purposes, and cooperate not only from an economic logic but through companionship, affection, and mutual support — forms of collaboration essential to building societies that are not only more just, but more humane.

In this way, Nussbaum's political conception of the person makes it possible to establish a relationship between justice, compassion and the Ethics of Care. By affirming that our "bodily need, including the need for care, is a feature of our rationality and our sociality; it is one aspect of our dignity, then, rather than something to be contrasted with it" (2006, p. 160), the author opens the door to an understanding of human dignity that is intimately related to attention to the needs of the other in caring relationships. In such relationships, the path to the harmonious development of individuals in favourable and inclusive social environments will be found. Being a needed individual will be part of a continuum within which different types of human life are expressed, and caring for one another will be a logical consequence of understanding the broad spectrum in which humanity itself is expressed.

In short, this conception forms the basis for the moral imperative to care for and support vulnerable groups. This imperative implies that justice must transcend the traditional boundaries associated with concepts like independence and autonomy to broaden its scope and encompass all aspects of human diversity. The implications of this political conception of the person will be reflected in the design of institutions, laws, and public policies that promote a way of life aligned with feelings of compassion, altruism, and benevolence.

The article follows Nussbaum in holding that the basis from which the basic political principles of a society must emerge is the conception of the human person. Otherwise, the scenario created would be all made up, perhaps even idyllic, and would be at risk of becoming discriminatory. Considering human beings as temporary animals both needed and in need, who go through periods of dependency, brings attention to this vulnerability that humanizes societies. Rationality, productivity and independence are temporary and, as such, must be considered in the frameworks of justice, giving way to the recognition of asymmetrical relationships in which reciprocity is seen from the perspective of compassionate justice (Nussbaum 2006, p. 160).

Incorporating notions such as altruism and benevolence into a political theory is complex. Although the list of capabilities is intended to become a scaffolding on which to build the basis of a society that can harbour compassionate justice and Ethics of Care, many fronts remain open that should be complemented by a form of education that fosters virtues such as compassion. In this sense, Nussbaum recognizes that there are "frontiers" that justice has not yet reached and seeks, in more of her works, to find other ways to bridge the gaps or systemic injustices that prevail in our laws and institutions. The author resorts to the analysis of the role of empathy and emotions such as compassion as complementary elements for justice.[7]

Justice is reflected in society's laws and institutions but is operated by humans as moral agents. Human beings need to recognize our own common dignity and vulnerability if the aim is being motivated to exercise compassionate actions that crystalize the abstract principles of justice. It is people who create institutions and laws, who implement and live them, and who seek to fill the remaining gaps that affect the particular lives of the most vulnerable. The emotional repertoire of compassionate citizens will be the motivational key to the recognition and dignified treatment of all people equally (Pinedo-Cantillo & Yáñez-Canal 2022).

Compassion: A Model Integrating Virtue Ethics and Ethics of Care

Traditionally, justice has regulated relations between those considered equal in rights and capacities. As Baier notes, this leaves vulnerable groups aside or alters their characteristics—for example, by treating children as adults in process or the elderly as the adults they once were (1987, p. 53). Such simulated equality overlooks human difference and the real needs of persons with disabilities, young children, and older adults, rendering them invisible to institutions of justice.[8]

Human life instead unfolds through periods of intense dependency: in childhood, illness, disability, and the decline of capacities in older age. This reality reveals a world of connection and interdependence not faithfully portrayed by relations among presumed equals. Although equality remains necessary to social institutions, it does not portray the full human experience. Laws and institutions must therefore incorporate an Ethics of Care that embraces interdependence and seeks to welcome and integrate everyone.

A more realistic approach accepts persistent disparities of power and capacity. Interdependence is more common than relations among equals, so institutions must account for asymmetrical relationships at different levels (Baier 1987, p. 53). Justice must contemplate everyone's needs through both universal principles and networks of care; otherwise, it remains incomplete and dehumanized. The paper therefore proposes supplementing laws and institutions with tools that foster empathy and compassion, closing the gaps through which lives poorly represented in traditional systems disappear.

Nussbaum develops the strategy of education in feelings to promote repeated behaviours —virtues— in society to complement the gaps that she has identified in the structures of justice. This article follows her lead but sharpens its target: it holds that the promotion of the virtue of compassion is what allows institutions to overcome the failure of recognition here called institutional invisibility, supplying justice with the affective and relational resources that formal procedures alone cannot provide. The argument is that this virtue could use the intuitions of Ethics of Care and promote relationships of interdependence that consider every human being as worthy of recognition and care. At the same time, the promotion of this virtue in society would revalue our inherent vulnerability, making it a common, not shameful, element that every human being possesses by the simple fact of being human. Without shame or stigma, vulnerability is simply to be accepted and should lead to a consideration of assistance and care as primary social goods to be distributed by justice.

This paper considers Nussbaum to be inserted within the feminist tradition of virtue ethics, neo-Aristotelian in nature, while at the same time, connecting with more traditional

theories of justice and Ethics of Care. In such tradition, an idea of eudaimonia is found for a concept of human flourishing, which is achieved through virtues, in close relation to a social environment that is favourable to them. Thus, the author focuses on seeking social and political environments that encourage human development under the light of human dignity.

As Stohr underlines, "the exercise of virtue is a complex skill, involving both appropriate emotional atonement (the job of the moral virtues) and correct judgment honed through experience —the job of practical wisdom—" (2015, p. 276), this article aims at a strategy that seeks the unity of human experience, contemplating not only rationality but also the emotional life of people to provide them with a favourable scenario for the development of virtue. For this reason, and thinking of arriving at practical proposals for implementation, the text posits to start from understanding the cognitive mechanisms of people's emotions to propose mechanisms of motivation towards transformative actions that can become virtues within a given society.

Ethics of Care, as pointed out, starts from the willingness to be receptive to the needs expressed in order to, subsequently, come to feel with the person and seek, together, the form of care that is most appropriate in each case. This process highlights and puts in the first place the relationship between people and the dialogue that must take place between the caregiver and the recipient of care. It is sustained that Nussbaum's vision, which adds to the development of people's moral character through the virtues, complements this vision by establishing not only an emotional relationship, but also a rational development in which people engage in dialogue, seek alternatives, respect each other's autonomy as far as possible, and grant each other mutual recognition. Even in a care relationship with extreme asymmetry where the recipient is not able to recognize the care, making it impossible to form the bidirectional relationship that the Ethics of Care presupposes, the Ethics of Virtue would allow the virtuous character of the caregiver to complete the care equation.[9]

In this sense, the virtue of compassion seems to provide a unique lens for the visibility and attention of vulnerable groups. Moreover, compassion has been specifically explored by Nussbaum as an emotion that can lead to an active engagement with the undeserved and severe suffering of others and thus can become a motivating force for social change. In *Frontiers of Justice*, the author argues that compassion leads us to recognize the humanity shared with other human beings. Compassion leads to "judgment that the good of others is an important part of one's own scheme of goals and ends" (Nussbaum 2006, p. 91). Compassion will be that

emotional bridge that connects individuals to the experiences of those in vulnerable situations and moves them to advocate for their recognition and rights.

To connect compassion as an emotion that promotes caring bonds with compassion as a virtue that drives transformative action, its cognitive mechanisms must be understood and cultivated. In *Upheavals of Thought*, Nussbaum defines it as a painful emotion occasioned by awareness of another person's undeserved misfortune (2001a, p. 301).[10] This emotion can become the experiential basis for developing the virtue.

By analysing the cognitive elements of compassion, Nussbaum attempts to understand how this feeling develops in people and how it can be fostered to lead to action and, ideally, to the virtue of compassion. This thought is, as Pinedo-Cantillo and Yáñez-Canal recognize, a stoic inheritance in the author's thought in which the value judgments and beliefs that a person has are intimately linked to the appearance of an emotion in him or her (2022, p. 82). It is thanks to these cognitive elements that we can understand the process by which they perceive that a person, or group of people, is being affected, undeservedly, to such a degree that their human development is endangered. This perception leads them to feel compassion for others and can be influenced by public opinion, the media, culture or even by public policies, which with their narrative can exalt these cognitive elements provoking or encouraging the appearance of compassion. In other words, there is an open window to the education of feelings at the social level that can lead people to understand and feel their own vulnerability and the interdependence they require to achieve their goals and projects, and in this way, they can project themselves onto others, feel compassion for them and make them part of their circle of concern.

Thus, compassion has three cognitive elements: the judgment on the seriousness of the matter; the judgment on the undeserved suffering; and the so-called "eudemonistic judgment", in which the person or creature "is a significant element in my scheme of goals and projects, an end whose Good is to be promoted" (Nussbaum 2001a, p. 321). This third judgment is based on the recognition of the other as a person and on the understanding that his fragility is one's fragility, and his success or failure is also linked to ours. At this point, Nussbaum's proposal becomes closer to the Ethics of Care, where the establishment and maintenance of caring relationships are the basis of moral life within society.

Regarding the first element, the emergence of compassion depends on the perception that the person is being affected in an area of importance, which has the potential to damage his or her possibilities of development. In this sense, one could think of deficiencies or

affectations that imply or foster a state of vulnerability. As a guide, one could think of a list of primary goods and Nussbaum's much more comprehensive list of capabilities, which integrates physical, psychological, individual, social, political, etc. elements. Such a list corresponds to a complex human conception, which implies capacities related to the body and rationality, while seeking the individual and collective good.

Compassion moves people to seek to level the playing field so that the existing conditions of justice do not exclude vulnerable groups. The shortcomings and harm of these groups tend to be invisible; compassion seeks to focus attention on them and tend to take action.

The second element refers to the suffering being undeserved —i.e., that the person has not created the situation with his or her own hand. This element can be elusive, since it implies entering the realm of assigning responsibility, and this is not always entirely transparent. Of the three, this element is the most manipulable by public opinion and other external factors. It is very easy to create or remove the label of the victim from a person or group of people. However, if it is considered that laws and social institutions, as well as luck and the genetic lottery create winners and losers, it can be accepted that one's social position and vulnerabilities are largely subject to external influences, so they are not entirely in that person's control and responsibility, so there is room for compassion.

Compassion moves individuals to look at the undeserved suffering of others as something that challenges them directly and that must move them to action not only because it is just, but also because it is morally good, given that every human being is a person who deserves to reach a minimum threshold of a dignified life.

The third factor, the eudemonistic judgment, is based on the recognition of one's own relational vulnerability. Thanks to this recognition, people can read their own history in the experiences of others, being able to project the sufferings and expectations of others onto their own. This judgment of similar possibilities helps individuals connect their sphere of concern with the concern for the fate and destiny of others, who, although they may be situated at a great distance, are recognized by them as equals. Herein lies the indispensable element of the recognition of others as human beings who are an end in themselves and who are entitled to a dignified life.

In this way, compassion is fostered, as one manages to recognize that the shortcomings and sufferings perceived in others could be their own. By understanding one's own fragility and worth, it becomes possible to understand and recognize that of other human beings. This exercise is aimed at questioning existing social arrangements, analysing privileges and systems

of distribution of goods and resources. By understanding the fragility of human life, one tends to wish that the worst off could have a more dignified starting point, promoting the selection of principles that raise the minimum threshold of well-being required for a decent society.

This thinking breaks the vertical view, often found in some justice schemes in which the vulnerable —children, the elderly, people with disabilities, women— are viewed from a hierarchy that seeks to solve their needs "from the top down". In other words, it seeks to create criteria of justice that operate among those who are considered "equals" or citizens on an equal footing, leaving attention to these groups for later, compensatory or supplementary moments of justice. Although this type of thinking may lead to the implementation of more or less effective assistance systems, it fails to give the dignity of full recognition to the person concerned. It hides a repudiation of the weak, the fragile, the lacking or different. In this way, assistance can stigmatize and undermine self-respect. Compassion, on the other hand, seeks to break this hierarchical gaze by focusing on common vulnerabilities. In doing so, it engages in a dialogue between the two poles of the relationship in which listening to the needs of the other is achieved and compassionate action is promoted. This is one of the points at which virtue ethics and care ethics join forces in bringing about a connection between people that ultimately seeks human flourishing and social justice.

Without a just society for all, people will not be able to meet the moral demands imposed on them by the recognition of the dignity of the most vulnerable. Here, one starts with the recognition of the other as a person and the understanding that their fragility is one's fragility, and their success or failure is also linked to ours. This point can also be promoted by fostering a narrative of empathy that seeks to widen one's circles of concern. Little by little, it can be shown how one's life is related to that of others; and gradually, one can understand that an injustice morally demands a reaction from us and that privileges can also become undeserved.

The three elements of compassion can be culturally influenced, so they can be educated. It becomes apparent how narratives are constructed that minimize or make harm to vulnerable people or groups invisible. There is also evidence of narratives that victimize or create villains. It is common to hear how people with disabilities bleed the budget, migrants steal jobs, or women exaggerate their vulnerability by seeking unfair privileges. Just as a society we have constructed these images that have repercussions on the fabric of justice, we can construct others that start from the recognition of people regardless of their condition. As it has been stated, individuals can also foster judgments about the seriousness of undeserved harm or about

the social responsibility they have for the vulnerable position of a person or group of people. These cognitive elements can be developed and promoted, creating a more compassionate and humane view of justice. Compassion moves us to action and to seek a life of dignity for all.

In this way, liberal democracies charged with individualism and utilitarianism generate criteria of justice that are blind to the recognition and development of vulnerable groups. Although regulations for their care are considered, they fall far short of what an ethic of care might contemplate. People who experience this powerlessness in the face of a society that scorns their vulnerability instead of embracing it suffer from a lack of recognition and care that violates their human dignity.

Compassion must come into play as an indispensable element of good citizenship, cultivated through education, law, and institutions. But as Nussbaum points out, this fostering must be bidirectional: it is not enough for citizens to be compassionate if institutional structures and laws are not. Compassionate individuals build compassionate institutions, and, in turn, these institutions teach citizens compassionate conceptions of the good, responsibility, cooperation, and reciprocity (Nussbaum 2001a, p. 405).

Compassionate citizens can then demand a minimum floor of justice commensurate with human dignity, while compassionate laws and institutions function as what could called a second school of compassion, showing citizens what a society values simply by what it protects.[11] Provisions for the care of the very young and the very old, for instance, signal that every stage of human life is valuable, rather than only those stages that carry utilitarian worth.

For Nussbaum, the healthy development of emotions sits at the core of her political proposal. Two capacities in her list bear directly on compassion: capacity five, emotions, which protects development from being impeded by fear or anxiety and secures the human associations crucial to it;[12] and capacity seven, affiliation, which protects the capacity to imagine another's situation, to recognize and show concern for others, and the social bases of self-respect and non-humiliation. Affiliation, in particular, supplies the cognitive elements compassion requires: the ability to connect with someone who suffers undeservedly, and the understanding that their development matters because of our equal dignity.[13] This individual threshold of capabilities is complemented by a call for interdependence, in which identity expands through connection with the purposes and goods of others (Baier 1987).

The virtue of compassion is thus necessary for human development, and cultivating it —through curricula, public policy, and institutional design— is a gradual, structural task, not merely a private disposition. Our laws and institutions play a central role in shaping

compassionate justice: how they capture our concern for children, people with disabilities, and older adults will determine how close they come to building and preserving the interpersonal bonds this virtue requires.

This emphasis on care contemplates complex relationships in which the role of caregiver may be freely chosen or may fall on the person as an imposition or necessity, although it may be exercised and assumed with love. This reality calls for careful reflection on the caregiving roles assumed, generally by women, and which endanger their human development not only because of the burden they entail, but also because of the lack of recognition and support that these roles often receive. Even if the most severe cases of dependency due to illness or disability are excluded, the simple process of human life development should demand much more robust support and assistance schemes. From the simplest and most universal cases such as parents caring for their children and children caring for their parents to the most complex cases that require a complex web of social assistance, these are realities present in every society and are necessary to make way for justice and compassion. There is a grave moral obligation to include such scenarios within the fabric of justice.

Educational institutions offer one starting point by making the narratives of vulnerable groups visible through what Nussbaum calls the cultivation of imagination in the arts and humanities (2001a, p. 426). Such exercises help people recognize humanity in those distant from their own contexts and form habits of empathy and conjecture that can culminate in concern for others (2001a, p. 427).

Society can likewise bring the stories of marginalized groups—people with disabilities, older persons, migrants, and women—closer to citizens. Because the imagination faces obstacles, wherever society has created distinctions (Nussbaum 2001a, p. 430), giving voice to those silenced by incomplete dominant narratives enriches our understanding of humanity.

This work extends beyond education: denigrating narratives can be embedded in media, institutions, laws, and policy. Compassion may be fostered through critical education, awareness campaigns, inclusion policies, volunteering, and community service that connect public efforts with civil society and help justice close its remaining gaps.

The above suggestions are examples of how the promotion of scenarios where the virtue of compassion can emerge as a complement to justice could be implemented. This virtuous development would be consistent with the Ethics of Care by establishing a scenario where caring relationships can occur in favour of the most vulnerable groups and, therefore, of society

as a whole. The development and implementation of concrete strategies is beyond the scope of this paper.

The case of migrants illustrates with particular clarity how the dynamics analysed throughout this article operate in contemporary institutional life and does so in a way that speaks directly to the asymmetries between the geopolitical North and South that shape today's politics of mobility (López-Farjeat & Author 2022; 2023). Migrants are frequently subject to a denial of recognition that spans all three of Honneth's spheres at once: the sphere of care, when family separation and detention treat the migrant body as an object of administrative management rather than a site of vulnerability owed protection (Straehle 2023); the sphere of rights, when irregular status forecloses legal standing altogether (Bosniak 2023); and the sphere of solidarity, when public narratives portray migrants as a burden or a threat rather than as contributors to the communities they join**.** This dynamic is concentrated with particular intensity along the Mexico-United States corridor, where instruments such as the Migrant Protection Protocols ("Remain in Mexico") and US-pressured enforcement have transformed Mexico into a de facto waiting room and detention zone for migrants never destined to stay there (López-Farjeat & Author 2022). The 2023 fire at the National Migration Institute's Estación Lerdo facility in Ciudad Juárez, in which forty migrants died locked behind doors they could not open, stands as a stark instance of the denial of care in Honneth's sense: bodies treated as administrative units to be contained on behalf of a receiving state's border policy, rather than as sites of vulnerability owed protection. This is compounded by the epistemic injustice Fricker (2007) describes: migrants' testimony about the conditions that forced their displacement is routinely met with diminished credibility, while the interpretive frameworks needed to make their experience legible to receiving societies are often absent or hostile. Under these conditions, Nussbaum's adaptive preferences take on a sharp political dimension: migrants may internalize their own invisibility, ceasing to expect a recognition they have learned not to anticipate. A politics of compassionate justice would require institutions capable of the bidirectionality described above — not only compassionate citizens, but migration policy, asylum procedure, and labour protection structured so that recognition is institutionally reliable rather than contingent on individual goodwill.

This recognition-centred diagnosis is not uncontested. Nancy Fraser has argued, in her exchange with Honneth, that framing injustice primarily as a failure of recognition risks eclipsing its distributive dimension — the material deprivation, unequal wages, and exploitation that recognition alone cannot repair (Fraser & Honneth 2003). The objection has

particular force here: migrants are not only misrecognized but frequently underpaid, uninsured, and structurally excluded from the labour protections citizens take for granted, and no compassionate institutional culture, on its own, redistributes wages or grants access to healthcare. Here, this concern is seriously considered rather than dissolved: compassion, as understood in this paper, is not a substitute for redistribution but a condition of its being pursued at all — the affective disposition without which the political will to redistribute rarely materializes. A compassionate immigration policy is not only one that acknowledges migrants' testimony and dignity; it is one willing to bear the material cost of doing so. Recognition and redistribution, on this reading, are not rivals but successive moments of the same institutional task.

Conclusion

Since justice systems are not perfect and cannot be perfect, the article proposes to complement laws and institutions with tools that promote empathy and compassion. It has been argued that institutional invisibility —the failure of recognition that persists even when formal procedures function correctly— can be overcome only through the promotion of the virtue of compassion, which supplies justice with the affective and relational resources needed to build more humane social frameworks, laws and institutions. This virtue incorporates the intuitions of the ethic of care and fosters relationships of interdependence, considering all human beings as worthy of recognition and care.

A further objection deserves attention here. Hannah Arendt warned that compassion, once it enters politics directly, grows impatient with the deliberation and generality the political realm requires, and that its collectivization has historically been associated not with justice but with violence — pity, in her account, can become crueler than cruelty itself once treated as a political first principle (Arendt 1963). If Arendt is right, an argument that makes compassion the engine of just institutions risks producing the very outcome it seeks to avoid. But the distinction our argument requires is exactly the one her critique presupposes: what Arendt indicts is unmediated compassion acting as a substitute for law and deliberation, not compassion that has been institutionalized — disciplined by the rule-governed, general structures of legal and political recognition described above. The thesis developed here states that compassion should be exercised through institutions, not in place of them.

Fostering compassion in society also revalues our inherent vulnerability, making it a common and not a shameful element. Vulnerability should be accepted and considered as a basis for assistance and care, primary social goods to be distributed by justice. The promotion

of the virtue of compassion seeks to recognize and include the most vulnerable groups, complementing traditional justice with approaches from feminist literature, promoting a compassionate justice that grants recognition and dignity to all people.

It is considered, together with Baier, that the contribution of women is relevant, given that they have traditionally overseen the care of the less favoured, humanizing justice proposals traditionally identified with a more masculine perspective.

Criticism of the traditional schemes of justice leads people to desire a social fabric and a citizenship that goes beyond a merely rational vision. Social reality requires a complementary view based on emotions and deeper virtues. Human vulnerability and fragility demand both rational and emotional understanding. Compassion allows individuals not only to understand rationally and be emotionally affected by another person's situation, but also to act in solidarity to alleviate that person's burden.

For institutions of justice to be truly equitable and inclusive, they must be structured in ways that promote both the recognition and overcoming of lived but unperceived injustices. This includes creating policies and practices that foster empathy, care and reciprocity, fundamental elements of a just society according to Nussbaum. She argues that compassion must flow in two directions: from citizens to institutions and from institutions to citizens. It is not enough for individuals alone to be compassionate; laws and institutional structures must also reflect this compassion, creating a virtuous cycle where both strengthen each other.

A realistic look at human life from its development to its end teaches that, although humans are all equal in dignity, they do not have the same capabilities or opportunities. Care and assistance must be present in an Ethics of Care that humanizes laws and social institutions. It recognizes that individuals often enter relationships of interdependence, even if not freely chosen, but crucial to preserving the common good and social cohesion. Although this view can be composed of many emotions and virtues, the paper has analysed the role of one in particular: compassion, as a viable way to achieve not only empathy but also solidarity from a humane, welcoming and inclusive perspective. This bidirectional movement between citizens and institutions is, in Honneth's terms, the very shape that moral progress takes: not a single act of recognition, but its gradual institutionalization into stable structures of mutual respect and esteem (Honneth 1995).[14] Read in this light, the virtue of compassion appears not as a private sentiment external to justice, but as the affective disposition through which citizens and institutions come to recognize one another — and, in recognizing one another, move closer to a more just and human society. In this sense, the institutionalization of compassion we have

outlined is not a peripheral supplement to justice but one of the processes of social transformation through which alternatives to existing systems of injustice become practicable.

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Endnotes

[1] Nussbaum's post-Rawlsian liberalism incorporates Aristotelian and Kantian elements—character, dignity, and moral education—into a proposal of compassionate justice (Pinedo-Cantillo & Yáñez-Canal, 2022).

[2] Held (2006) and Slote (2007) connect the recognition of injustice with care and empathy, particularly where women live under unrecognized oppression. Tessman's *Burdened Virtues* (2005) similarly shows how oppression constrains the development and exercise of virtue in everyday life.

[3] This resonates with Habermas's "systematically distorted communication" (1970), in which power asymmetries deform the conditions of rational discourse. Fricker's testimonial and hermeneutic injustice describe the epistemic register of the same problem.

[4] See chapter 1 in Nussbaum's (2006).

[5] The migration case below shows this denigration taking an institutional form.

[6] By way of example, these two versions of the list of capabilities can be consulted. See Nussbaum (2011, pp. 33-34); and (2006, pp. 76-78).

[7] Whitebrook (2002) objects that particular suffering and compensatory action are insufficient for political virtue, favoring more universal principles of vulnerability. Nussbaum's cognitive analysis can, however, abstract conditions of disadvantage without abandoning the Capabilities Approach's attention to personal differences and a dignified life for each individual.

[8] Vulnerable groups may formally possess rights yet lack their equal protection—for example, in access to healthcare for older persons or persons with disabilities. Rights can remain ineffective without people and institutions moved to uphold them, reinforcing the need for an Ethics of Care at the institutional level.

[9] Noddings (2015, p. 403) defines care *ethics* as *relational*: the carer attends, feels with, deliberates, *and* responds, while *the cared-for* acknowledges *that* care. In cases of severe disability, however, the recipient may be unable to provide this response. Virtue ethics avoids making care depend on reciprocity by grounding it also in the caregiver's moral character.

[10] "Compassion" should not be confused with pity, which may suggest condescension, or with empathy. For Nussbaum, empathy is the imaginative reconstruction of another person's experience, whereas compassion includes an evaluative concern for suffering (2001a, p. 302).

[11] Laws and institutions can cultivate compassion or its opposites; exclusionary public spaces teach that some bodies and minds should be rejected or hidden.

[12] For Nussbaum, the capability for emotions protects attachments, love, grief, longing, gratitude, justified anger, and emotional development from fear and anxiety (2006, pp. 76-77).
[13] Nussbaum's affiliation capability comprises concern for others, social interaction, imaginative perspective-taking, self-respect, nonhumiliation, and nondiscrimination (2006, p. 77).
[14] Two adjacent literatures intersect with this framework. Tronto (1993) reaches the institutionalization of care through a political theory of caring democracy, whereas the paper proceeds through Nussbaum's virtue-based integration of care and justice. Taylor's dialogical and cultural account of recognition (1994) complements Honneth's intersubjective model; it follows Honneth because his three spheres map directly onto our care/rights/solidarity structure.

Competing interests

The authors declare no competing interests.

Data availability

Data sharing is not applicable to this article as no datasets were generated or analyzed during the current study.