



Fashion Justice

Alice Payne and Rowena Maguire (Guest Editors)

Queensland University of Technology, Australia

Amanda Kennedy (Guest Editorial Co-author)

Queensland University of Technology, Australia

In this special issue on fashion justice, the contributors examine multiple perspectives on the numerous injustices experienced in the ways garments are produced, consumed and disposed of within the globalised fashion system. In this introduction, we draw on the theory of environmental justice to frame these experiences along the various stages of the fashion lifecycle, examining how these create a global environmental justice dilemma (Bick, Halsey and Ekenga 2018). The environmental justice movement emerged from grassroots concerns about the racial implications of air, water and land pollution in communities of colour (Schlosberg, 2007). From its inception, the environmental justice movement has focused on the interconnected concerns of social and environmental risks arising from unsustainable patterns of production and consumption. As this collection demonstrates, global apparel chains raise a number of social and ecological concerns, including modern slavery and gender equality, as well as textile waste, pollution and environmental degradation. The theory of environmental justice can be used to explain how these social and environmental concerns within the fashion sector can be conceptualised as ‘injustices’.

At its core, environmental justice is an ‘overarching concept encompassing all justice issues in environmental decision-making’ (Ikeme 2003: 200). It has been defined by the US Environmental Protection Agency (2022) as the ‘fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies’. An environmental justice approach takes a broad approach to the definitions of both ‘environment’ and ‘justice’. The environment is construed widely to refer to where people live, work and play (Novotny 1995; Schlosberg 2007), which means that sites of fashion production and consumption are environmental spaces. ‘Justice’ is also defined in a broad sense, particularly following Schlosberg’s (2007) multivalent theory of environmental justice, which incorporates distributive and procedural justice, and justice as recognition and capabilities. These theories of justice can be used to frame how current practices within apparel supply chains produce various injustices.

'Distributive environmental justice' is concerned with tracing patterns of unequal distribution of environmental burdens among vulnerable groups. As Wenz notes (1988: 6), justice 'usually becomes an issue in a context in which people's wants or needs exceed the means of satisfaction ... In these situations, people are concerned about getting their fair share, and arrangements are made, or institutions are generated, to allocate scarce things among those who want or need them'. Claims about distributive environmental injustice are thus typically focused on 'who, what and how' – *who* constitutes the community of justice (e.g., a population, a community); *what* environmental burdens have been distributed (e.g., pollution); and *how* distribution will take place (what principles govern allocation, e.g., are there 'rights' to environmental benefits) (Bell 2004; Walker 2012). Early environmental justice research was largely focused on the notion of distributive justice, particularly the disproportionate siting of toxic waste facilities near communities of colour (e.g., Bullard 1990). Over time, the categories of disadvantage have been widened, such that environmental injustice has been identified in a variety of settings, including 'within and between communities ... where one community is more vulnerable to environmental deterioration than the other' (Jessup 2013: 77) owing to, for example, political inequality.

The notion of distribution is central to environmental justice. However, over time, it has become apparent that conceiving of justice solely in distributive terms can skew other justice-based concerns. This might include, for example, whether there are appropriate opportunities for public participation in decision-making processes when it comes to determining 'how' environmental harms and benefits should be allocated. As Jessup notes, injustice can occur 'when participants, subjects or features of environmental disputes are ignored, are overlooked, or their interests are downplayed' (Jessup 2015: 5). Accordingly, in more recent years, environmental justice scholarship has extended its definition of justice beyond distribution, looking to other theories of justice to explain cases of injustice more fully. Schlosberg (2007) defines environmental justice as more than simply fair distribution, noting that it also includes procedural justice, justice as recognition, and the capabilities of individuals and communities to function and flourish.

'Procedural environmental justice' focuses on procedural fairness and access to public participation in environmental decision-making. As Hunold and Young posit (1998: 83), it is '*prima facie* unjust to impose a risk on citizens without their having participated in the siting process'. Procedural justice can include such factors as adequate notice of environmental decisions; timely and relevant information about environmental decisions; appropriate, meaningful and multi-directional consultation on environmental decisions; participation in decision-making processes; and legal standing and access to impartial expert administrative or judicial review of environmental decisions (Hunold and Young 1998; Millner 2011; Gross 2014).

However, the existence of such conditions for procedural justice will not necessarily ensure that justice is achieved in practice. This can arise as a result of regulatory interventions aimed at addressing social and environmental issues being process- rather than outcome-driven. As Lake (1996: 171) suggests, the problem of unequal distribution 'does not arise simply because marginalized communities lack the power to influence the location of environmental problems. It derives, instead, from the inability of such communities to influence the structural processes that produces environmental and social problems in need of distribution'. Accordingly, scholars have argued over time that the assessment of procedural justice must be extended to recognise some of the structural barriers that can otherwise constrain public participation and procedural fairness (Young 1990, Fraser 1998). This includes recognition of non-dominant perspectives and the fair and respectful treatment of stakeholders throughout participatory processes. Within apparel global supply chains and transnational initiatives to improve the social and environmental performance of the fashion sector the voices that are often 'othered' are those of the garment workers. To that end, Schlosberg (2007) includes justice as recognition in his definition of environmental justice.

'Justice as recognition' challenges the notion that if 'procedural justice ... is attained, recognition is included and so is to be assumed' (Schlosberg 2007: 26). In simple terms, justice as recognition calls for social and environmental injustice to be seen, recognised and addressed. A focus on justice as recognition provides a platform to interrogate the social, political and institutional contexts in which maldistribution takes place (Young 1990); as Foreman (1998: 58–59) argues, often claims of environmental injustice are 'about accountability and political power' and are 'anchored ... in a desire for transformed power relationships to be achieved'.

Misrecognition arises from interactions between individuals and groups and those with decision-making authority, where the denigration of individual or group identities can impair participation (Gross 2014). Misrecognition may also be defined as a 'status injury' (Fraser 1998), where injustice is 'rooted in patterns of representation, interpretation, and communication' (Fraser 1998: 7). Fraser (1998: 7) elaborates that this can include 'cultural domination (being subjected to patterns of interpretation and communication that are associated with another culture and are alien and/or hostile to one's own); nonrecognition (being rendered invisible via the authoritative representational, communicative, and interpretative practices of one's culture); and disrespect (being routinely maligned or disparaged in stereotypic public cultural representations and/or in everyday life interactions)'. Ultimately, misrecognition occurs where the knowledge, experience and needs of a particular group (e.g., racial, cultural or socio-economic) are overlooked, devalued or ignored (Schlosberg 2007). Hillman's (2006) work provides a key example of such misrecognition. Colonists not only dispossessed and excluded Indigenous people from the land in the Hunter Valley (located in New South Wales, Australia) but also failed to appreciate their long history of adaptive land practices, which 'left a legacy of misunderstanding and environmental degradation that has continued to promote procedural and ecological injustice' (Hillman 2006: 698). Other forms of disrespect and 'malrecognition', such as labelling those opposed to development as 'Not in my Backyard' (NIMBYs) or other pejorative or derogatory terms, or the use of strategic litigation to constrain public participation, can amount to a status injury that constrains participation and procedural justice (Kennedy 2017). Misrecognition within apparel global supply chains involves devaluing the work and skill of garment workers along with failing to recognise the environmental degradation to air, water and lands arising from unsustainable fashion production and consumption.

In setting out his multivalent definition of environmental justice, Schlosberg (2012: 452) argues that justice as recognition, like distributive and procedural justice, 'can only go so far'. For Schlosberg, environmental justice requires not only fair distribution and procedure, and the inclusion and respect of stakeholders, but that these be transformed into a 'locus of control over their destinies as part of a recognition of identity and place' (Adger et al. 2011: 21 as cited in Schlosberg 2012: 452). Accordingly, he includes capabilities within his conceptualisation of environmental justice as a means of considering the numerous interlinked social justice concerns in claims of environmental injustice. A capabilities approach can be used to argue that garment workers should contain a locus of control over their destinies and can be used to consider the capability of consumers of fashion to buy ethical and sustainable products emerging from the opaque and complex global apparel supply chains.

'Capabilities' or the 'capabilities approach' was originally outlined by economist Amartya Sen as a means to understand social inequalities through an assessment of individual wellbeing according to the capabilities they possess and their freedom to function. Capabilities are things that enable 'valuable functionings', that is, the interrelated combinations of valuable 'beings and doings' (such as reading, working and being well nourished, healthy, safe, part of a community and respected) (Sen 1993: 31; Robeyns 2005). All of an individual's capabilities comprise their 'capability set', which indicates their 'real or substantive freedom' to do and be what they want (Robeyns 2003: 544). Ultimately, the capabilities approach is concerned with evaluating a 'person's advantage ... in terms of his or her actual ability to achieve various valuable functionings as a part of living' (Sen 1993: 30).

Robeyns (2005: 96) suggests the capabilities approach is ‘primarily and mainly a framework of thought, a mode of thinking about normative issues; hence a paradigm – loosely defined – that can be used for a wide range of evaluative purposes’. To that end, and specific to environmental justice scholarship, the capabilities approach has been used to evaluate whether particular laws, policies or environmental decisions expand freedoms: ‘What is ultimately important is that people have the freedoms or valuable opportunities (capabilities) to lead the kind of lives they want to lead, to do what they want to do and be the person they want to be’ (Robeyns 2005: 95). For Tschakert (2009: 709), the capabilities framework enriches the definition of environmental justice because it ‘characterizes the plurality and multiple spaces of social and environmental justice’.

Schlosberg’s (2007: 33–34) multivalent definition of environmental justice recognises that distribution, participation and recognition are ‘thoroughly tied’ and are all ‘components of a more broad set of factors necessary for our lives to function’. He notes, ‘the focus is not simply on a conception of distribution, or of recognition ... but more holistically on the importance of individuals functioning within a base of a minimal distribution of goods, social and political recognition, political participation, and other capabilities’ (Schlosberg 2007: 34). A capabilities-based definition of environmental justice enables a focus on ‘what people can actually do and be as a result of environmental decisions’ (Roesler 2011: 73). Accordingly, this multivalent conceptualisation of environmental justice is used in this special issue to provide a normative framework for evaluating the stages of the fashion life cycle.

Fashion Systems as a Global Environmental Justice Concern

This special issue brings together scholars who have identified justice issues throughout the fashion system, encompassing how fashion is produced, consumed and discarded. While fashion systems have long been the focus of deep and varied perspectives on sustainability, from the environmental to social and cultural, we argue that characterising fashion justice as an *environmental* justice issue can usefully account for the multiple and intersecting ways in which fashion systems impact both human and more-than-human capabilities (Bick et al. 2018). Against the backdrop of the Sustainable Development Goals (SDGs) and SDG 12 in particular, which calls for sustainable consumption and production patterns, it is timely and appropriate to consider fashion systems as a broader global environmental justice concern.

Fibre and textile production is at the beginning of fashion supply chains, where the environmental hazards associated with the creation of both natural and synthetic fibres are well documented (Khan and Malik 2014). There are also significant human health hazards, especially for those employed in the global textile supply chain in precarious labour (Bick et al. 2018). The 2013 Rana Plaza factory collapse in Bangladesh, which killed over 1,100 workers engaged in the production of garments destined for Western countries, challenged ‘neoliberal fantasies of growth without human (or, for that matter, planetary) cost’ (Siddiqi 2017: 276). As Bick et al. (2018) detail, the ‘myriad occupational hazards’ include poor ventilation (leading to respiratory risks), musculoskeletal risks from repetitive tasks, and other disease including cancers, damage to endocrine function, injuries and adverse reproductive and foetal outcomes. The global pandemic has, in some parts, exacerbated the asymmetries around worker protection and wellbeing (Brydges and Hanlon 2020), while the cancellation of garment orders in low- and middle-income countries post-pandemic has triggered other externalities, including workers being left without pay and access to formal financial support (especially where they are engaged in precarious labour situations) (Anner 2020). These points clearly demonstrate concerns around distributive justice—identifying the winners (those profiting from and consuming fashion) versus the losers (those dealing with externalities of fashion sector pollution and environmental degradation and those producing garments who are underpaid and undervalued).

After garments make it to market, they are purchased, worn and disposed of by consumers. In the high consuming Global North, between 2000 and 2015, there was a doubling in clothing sales alongside a sharp decline in clothing utilisation (i.e., number of times an item is worn) (Ellen Macarthur Foundation

2017). There are also ongoing environmental justice challenges around textile waste and its disproportionate siting in low- and middle-income countries. Natural fibres buried in landfills are essentially like food waste, producing greenhouse gases as they degrade. But unlike food, they have been treated throughout the production process with bleaches and dyes, which also leach out of the textiles into landfills and potentially into groundwater or the air if they are incinerated (Muthu et al. 2012). Once again, issues of distribution arise, but other more complex questions also come into play, focused especially on the social, political and institutional contexts in which maldistribution takes place within fashion supply chains. Questions of procedural justice arise when assessing compliance with regulatory initiatives such as auditing, reporting and certification, and this provides a framework for ensuring that processes are followed with due diligence. Further, broader capabilities may be under consideration when we examine the wellbeing of garment workers, or when we think about the freedom of individuals to buy ethical and sustainable fashion in increasingly opaque and complex global fashion markets.

This special edition includes papers that analyse distributive justice, procedural justice, justice as recognition and capabilities across the fashion supply chain. The first article in this special edition, by **Justine Nolan**, explores the emergence of mandatory human rights due diligence schemes as the latest 'shiny new' approach to foster corporate action on human rights risks within business supply chains. As the author explains, human rights due diligence differs from conventional corporate due diligence because its focus is not on the risks to corporate business interests but on the risks to people affected by the business's activities. The emergence of human rights due diligence reflects a capabilities approach focused on the embodied experiences of garment workers while also raising justice as recognition and the need for robust participatory mechanisms. Human rights due diligence requires businesses to 1) assess their actual and potential adverse human rights impacts, 2) integrate these findings internally and take appropriate preventative and mitigating action, 3) track the effectiveness of their response and 4) publicly communicate how they are addressing their human rights impacts (Office of the High Commissioner for Human Rights 2011). Nolan's paper explains that while human rights due diligence has significant potential to be an effective tool to mitigate human rights abuses, such potential will only be realised if it includes mechanisms to incorporate the views of rights holders and ensure the centrality of the state in enforcement.

The injustices of the dominant fashion system are vividly highlighted in **Justine Coneybeer** and **Rowena Maguire's** article on living wages for garment workers. Applying Young's framework of structural injustice, the authors examine the lack of consensus on what constitutes a living wage, examine the various methodologies that exist to calculate a living wage and assess to what degree these definitions have materially benefitted garment workers. This analysis, which reflects justice as recognition and the capabilities approach, specifically analyses the extent to which living wage methodologies and initiatives address gendered aspects of a living wage. Their findings reveal a failure to adequately consider gender within the living wage discussions and demonstrate how brands and retailers performatively participate in living wage initiatives that require minimal change from business as usual while allowing them to benefit reputationally from participation within these initiatives.

Both procedural justice and justice as recognition are considered in **Alice Payne** and **Zoe Mellick's** article examining multi-stakeholder initiatives (MSIs). MSIs are non-governmental organisations that set voluntary standards, processes and benchmarks for better environmental and social practices through the supply chain. In the absence of mandatory regulations, across multiple jurisdictions, MSIs are the principal way in which brands and retailers attempt to tame and regulate the environmental and social harms occurring in their supply chains. Focusing specifically on environmental MSIs, the authors compare retailer membership in MSIs over four years, examining how the landscape is shifting. The authors find that while the attempts to recognise and reduce the injustices are laudable, in the face of ever-growing production and consumption, environmental gains are lost. Justice as recognition would see the core problem of overproduction/consumption recognised within the MSI framework.

Harriette Richards's article follows, which reflects justice as recognition and capabilities thinking by questioning the effectiveness of reporting regimes that allow for virtue signalling and moral capital while simultaneously allowing for breaches of human rights. This contribution also focuses on procedural justice by examining reporting practices under the Australian *Modern Slavery Act 2018* (Cth) (MSA). This contribution argues that the existing transparency framework of MSA operates to protect against severe legal and reputational risks to business rather than to ensure enhanced protection of workers' rights. This argument is made by analysing ten modern slavery statements submitted to the open-access online Modern Slavery Register by fashion brands operating in Australia in the 2019–2020 reporting period. This analysis uses three criteria—factory reporting/third party auditing, corporate grievance mechanisms and risks associated with COVID-19—to evaluate the effectiveness of the transparency industry. The analysis finds that the MSA form of disclosure regulation is largely process- as opposed to outcome-driven and is more concerned with providing assurances about labour standards to consumers and stakeholders in the Global North than with the needs or experiences of workers in the Global South.

Elizabeth Gachenga's article examines the distributive justice issues arising from textile waste generated from the second-hand clothing markets, evaluating the aggregation of costs and benefits and burdens of the trade in second-hand clothing. Increased exports of second-hand clothing to the Global South have resulted in a shift of responsibility for textile waste recycling from consuming nations in the Global North to 'recycling' nations in the Global South. This 'recycling fallacy' perpetuates a form of fashion injustice by placing responsibility for action upon countries seeking to respond to increasing levels of second-hand clothing waste rather than proactively addressing the creation of waste and unsustainable production and consumption practices in the Global North. This article focuses on the role of waste management law and principles in Kenya to consider if circular economy regulatory reforms have the potential to breathe life into the polluter pays principle. This paper examines the emergence of extended producer liability schemes and circular economy legislative frameworks and argues that these waste management governance arrangements, which are circular rather than linear, provide an opportunity for more meaningful implementation of the polluter pays principle while noting some of the jurisdictional issues that arise in attempting to make polluters liable who operate beyond Kenya's jurisdiction.

A capabilities approach is also demonstrated in the article by **Evelise Rüttschilling** and **Eloisa Artuso**, who bring perspectives on social and environmental justice in fashion production in Brazil. Their article explores four cases of approaches to fibre, textile and garment production grounded in care for community and environment. The cases include Amazon rubber production, regenerative cotton, weaving and lacework, with each demonstrating how rural Brazilian communities are using traditional knowledge to generate income while maintaining the ecosystem in which they work. Artisanal production and women-led enterprises demonstrate ways of 'being' and 'knowing' (Robeyns 2005) that are contrary to the dominant form of the fashion system.

The next articles offer a plurality of perspectives on the capabilities approach and its implication for fashion justice. **Alyce McGovern** and **Clementine Barne's** article discusses the rise of craftivism, and in a similar vein to the previous article, the notion of alternative structures to dominant fashion systems are posited as means for achieving capabilities. Craft practices such as embroidery, knitting or crocheting have long been used by women and marginalised communities to take a stand or raise issues of importance to them. Craftivism is a form of building capabilities, including to voice concerns about the harms caused by the fashion and textile industry. In their analysis of both the individual and collective examples of craftivism, the authors explore how craftivism can be viewed through the lens of three logics: the personal, the community and the political. In addition to capabilities, McGovern and Barnes also raise justice as recognition and procedural justice.

The ways in which brands and retailers may communicate with their consumers with an aim to bring about broader social change is the focus of **Hilde Heim's** article on social marketing. Linking to 'justice

as recognition', social marketing differs from commercial marketing in that it has a societal goal to both educate and change the behaviour of its target audience for broader social good. One example is the successful 'This Girl Can' campaign from Sport England, which sought to engage more women to take part in sports through addressing common fears held by women that inhibited their participation. Heim's article examines social marketing in fashion and, similar to public health campaigns, how brands are creating campaigns that encourage changed consumption behaviour. Campaigns by brands from the Global North ask consumers to 'buy better, wear longer' or 'don't buy this jacket', encouraging practices such as repair, buying second-hand and increasing the lifetime of their garments. They may be framed as a form of justice as recognition, an acknowledgement by companies of the harms caused by the overconsumption of fashion products. Heim highlights the inherent ambiguity at play: while the impact of individual campaigns in changing behaviour is difficult to measure, ironically, they have often led to increased sales for the brands in question. Although social marketing has had success in government public health campaigns in bringing to light other forms of injustice, when used by fashion companies, it can seem another form of greenwashing or 'purpose-for-good washing'.

Kathleen Horton, Erin O'Brien and Paige Street explore the role of the consumer as an important political subject in fashion justice initiatives. Their paper explores the connection between consumers of global fashion and their capacity or power to exert influence back up the supply chain aligning with a capabilities approach to interrogating environmental justice. The paper explores the complex gendered context of political consumerism and reflects on the question, what do women owe women? Gender intersects with fashion consumption via women playing a leading role in ethical and sustainable fashion consumer movements, female garment workers representing 80% of the world's garment workers, and women in the Global North buying more clothes than men and being more interested in fashion. This sees ethical and sustainable fashion campaigns explicitly or implicitly target female consumers. While acknowledging the gendered nature of fashion consumption and production, the paper argues that gendering of responsibility for sustainable and ethical fashion can be critiqued because it not only fails to address the responsibility of all consumers but also risks underplaying the role of corporate players. This paper explores the role that gender plays in framing consumer responsibility for fashion injustice by exploring the two hashtag campaigns of Fashion Revolution #WhoMadeMyClothes and #LovedClothesLast. The authors find that the Fashion Revolutions hashtag campaigns follow a strict 'moral methodological individualism' that overemphasises the role of individual consumers in addressing harm and conceals the responsibility of corporations, governments and other actors along the supply chain. The paper reflects that asking what women owe other women might well be the wrong question. A better question might be 'how can women (and others) divided by deep racial and economic disparities and spatial distance find the grounds on which to work together in addressing injustice?'

Turning to a generally under-analysed part of the fashion system, **Monika Holgar's** article on wardrobe research highlights the capabilities of fashion consumers. The article explores how the discourse around the 'fashion consumer' has long been unhelpfully narrow and so inhibits the genuine transformation of consumer practices. Holgar argues the discourse needs to widen to consider the diverse practices of every clothing wearer. Wardrobe research is an approach to investigate how people acquire, use and care for their garments over time, and the relationships they form with their clothes. Often, wardrobe researchers such as Holgar employ methods such as garment storytelling, where the participant shares the story of a clothing item. Beyond the 'being' and 'doing' of fashion consumption as merely shopping, Holgar explores how wardrobe research, and particularly garment storytelling, can be a powerful means to help expand the label of a fashion 'consumer'. This brings into sharp focus the capabilities of consumers to connect with fashion and make personal changes to reflect their sustainable and ethical values.

The articles in this collection explore fashion justice initiatives from global level initiatives through to practices within individual wardrobes. This collection shows that a range of actors are involved in seeking to improve fashion injustices, including UN bodies, transnational multi-stakeholder initiatives, governments, unions, activists and consumers. While each of these actors uses different strategies to raise

awareness or tackle fashion injustice, the papers demonstrate some common challenges in curing fashion injustice. With respect to distributive justice, the papers show that wide-reaching collaborative global reform is needed to address the structural injustices that enable poor working conditions and exporting of textile waste to the Global South. The existing procedural justice-type mechanism in place to try and improve social outcomes for garment workers, such as emerging due diligence regimes, factory auditing and modern slavery reporting, are not robust enough yet to radically transform brand and retailer behaviour, suggesting the need for enhanced sanctions within these schemes to encourage a change from business as usual. The papers demonstrate a range of ways in which justice as recognition provides a useful lens for examining how structural reform and individual action or activism need to operate to enact change. The capabilities approach also provides a useful framework for conceiving the rights of a range of individuals within fashion ecosystems, including the gendered garment making workforce and female consumers.

Overall, this collection shows that progress is being made to cure fashion injustice. However, we would argue that progress to date has been slow paced and incremental. We hope that this special issue makes a clear case for both structural level reform, as well as driving further change to individual consumption patterns.

Correspondence: Rowena Maguire, Associate Professor, Law School, Queensland University of Technology, Australia. r.maguire@qut.edu.au

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