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# WHAT IS STRUCTURAL INJUSTICE?

EDITED BY  
JUDE BROWNE &  
MAEVE MCKEOWN

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*Edited by*

Jude Browne  
and  
Maeve McKeown

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# Introduction

*Jude Browne and Maeve McKeown*

Structural injustice is a central feature of twenty-first-century politics, and yet, despite its prevalence in academic arguments as well as in common parlance, its meaning is subject to many different theoretical and empirical interpretations and a great deal of confusion. What is structural injustice? What causes structural injustice? How does structural injustice relate to other forms of injustice such as epistemic injustice or discrimination? Is structural injustice the same as structural harm? What role do power relations play in structural injustices? Is there one kind of structural injustice or multiple kinds? Who is responsible for structural injustice and how could structural injustice be overcome? Drawing together new work with key texts, the authors of this book, from the broad fields of politics, philosophy, and law, set out to answer these questions. In so doing, they break new ground on the theorization of structural injustice, as well as offering up practical tools with which it can be considered and addressed. As you will see, while inevitably common themes emerge throughout, including the relationship between structure and agency, the responsibility for structural change, the function of epistemology, and the role of the state, the authors' different approaches to conceptualizing structural injustice push them to alternative conclusions on what structural injustice is and how to approach it.

We begin with Chapter 1, 'Structural Harm, Structural Injustice, Structural Repair', in which **Jonathan Wolff** explores the nature of structural injustice and how it tends to come into being. For Wolff, structural harm is not an injustice but rather a mere unfortunate outcome of structural processes. In order to refine a definition of structural injustice, Wolff suggests four features: first there must be a social structure; second a mechanism or set of processes for keeping that structure in place; third a significant harm (or risk of harm) to a group; and fourth an identifiable reason for thinking such a harm is an injustice. In order to grasp what the injustice might consist in, Wolff draws on Kwame Ture work on institutional racism, Michael Marmot and Richard Wilkinson's analyses of the social determinants of health, and Paul Farmer's

## 2 Introduction

concept of structural violence as well as the work of Iris Marion Young. Wolff explores the types of actions that can be required in response to structural injustice or structural harm, taking inspiration from the metaphor of finding a structural fault in a building, suggesting that different circumstances will call for different types of action: ‘perhaps we could paper over the cracks or maybe in some instances the only solution is to burn the house down.’ Wolff sets out several different ways in which structural injustice might be ‘repaired’, arguing that some cases will require individual agency and others collective, but what is always needed is an agent of change and a pathway for reform. Wolff concludes with the sobering reminder that the plight of individual victims of structural injustice should not be overlooked when one is faced with the challenges of much needed macro-level change so central to many of the following chapters.

Like other authors in this volume, Wolff tends towards pessimism on the question of influencing the relatively powerful to affect change for those in less privileged structural positions. However, in Chapter 2, ‘Transformative Action as Structural and Publicly Constituted’, **Mara Marin** takes a much more optimistic view on the potential for structural change. Unlike Wolff, who stresses the individual’s intention to promote structural reform, Marin offers a different definition of agency: ‘the agent creates something new in the world’ and they do this because action has inherently unpredictable outcomes. Drawing on William Sewell’s understanding of social structures as constituted by schemas and resources, she argues that actions are made possible and acquire meaning within pre-existing structures, and the ways in which agents’ actions will be received depends on the plurality of publics involved in the processes of interpreting action. To give a famous example, Rosa Parks’s refusal to give up her seat on the bus was interpreted differently by different publics. One public—the white majority in America’s South—determined it as a violation of the schema of ‘separate but equal’, but another public, supportive of the Civil Rights Movement, understood her defiance of the law as an action that transposed the schema of universal equality to racial segregation on buses. Marin argues that Parks’s action was a successful act of resistance only because a public of the latter kind coalesced around the act. Understanding agency as an ability to introduce contingency and unpredictability, and also recognizing the ways in which this is interpreted by different publics, explains the role of less powerful agents in precipitating social change; those with power in particular social structures are unable to control how different publics will respond to particular actions. Therefore, for Marin, there is always the latent possibility to unsettle structural power dynamics.

Continuing with the theme of agency in Chapter 3, ‘Agency under Structural Constraints in Social Systems’, **Sally Haslanger** asks where individuals’ agency is located in complex social systems that produce injustice. This leads her to develop a detailed account of social systems, incorporating the relationship between individuals, culture, and material conditions so that we might better understand how structural injustices manifest. Like Marin, Haslanger draws on William Sewell’s understanding of social structures and also locates the possibility for change in the ability of agents to transpose schemas to different resources or situations. But, unlike Marin, Haslanger stresses the stability of social structures, including unjust structures. She describes the complex set of shared cultural resources for understanding and relating to the world as a ‘cultural technē’, which mediates social practices consisting of patterns of learned behaviour that allow us to coordinate with others. Haslanger argues that an unjust social practice organizes or distributes resources in an unjust way or fails to provide an adequate cultural framework to interpret what is valuable. She explains that agents continue to reproduce these social structures for three reasons: because action that conforms to social practices is intelligible to others; because social practices distribute power and the ability to maintain structures; and because the material conditions can be very difficult to change. Like McKeown, Wolff, and other authors in this volume, Haslanger considers how unjust structures are remarkably stable because agents have strong incentives to cooperate with the existing social structure, even when disadvantageous.

Understanding the power dynamics of structural injustice is the primary focus of **Maeve McKeown**. In Chapter 4, ‘Pure, Avoidable, and Deliberate Structural Injustice’, McKeown argues that current theories of structural injustice are confused because they misunderstand the relationship between structure and agency. The dominant way of thinking about structural injustice, such as that adopted by Haslanger and Marin in this volume, relies on the claim that structure and agency are fully integrated in such a way that when agents act they reproduce social structures—a view that comes from Anthony Giddens’s ‘structuration theory’ and is further developed by William Sewell. McKeown suggests that this approach impedes an analysis of power relations and possibilities for structural change. McKeown argues instead for a definition of structural injustice based on ‘critical realism’—the view that structure and agency are separate whilst both impacting on each other. This reveals existing power relations and can explain the role of agency in precipitating structural change—subordinated agents within structures can challenge power alignments or create alternative or counter-alignments. Following this analysis, McKeown develops a typology of

structural injustice consisting of three distinct forms: ‘pure’—the structural injustice is unintended, unforeseeable and there are no agents with the capacity to remedy it; ‘avoidable’—the unjust outcomes of structural processes are foreseeable and there are powerful agents with the capacity to remedy the injustice, but fail to do so; ‘deliberate’—powerful agents actively perpetuate the injustice because they benefit from it. McKeown concludes by suggesting that such a typology of structural injustice clarifies the role of powerful agents in perpetuating structural injustice, it explains how injustices can be put right, and it helps to pinpoint responsibility for structural change.

Responsibility for structural change is a central theme of **Jude Browne’s** chapter. In Chapter 5, ‘The Untraceability of Structural Injustice’, Browne focuses on a particular element of Iris Marion Young’s seminal account of structural injustice—the *untraceability* of structural injustice. Browne suggests that untraceability is not only a constant theme in Young’s account of structural injustice; it could in fact be seen as a defining feature. For the purposes of exploring the concept of structural injustice, Browne follows the logic of the claim that structural injustice is untraceable, to see where it leads in engaging with Young’s critics. This puts Browne’s interpretation in tension with some other authors in this book who identify readily traceable injustice as structural, such as Jagger and Tobin, Mantouvalou and McKeown, for example. Many intellectual disputes with Young’s work are built on the seemingly logical point that, if responsibility for structural injustice cannot be traced, then how can any particular individual, group, or institution be politically responsible for addressing it? Browne recognizes this question as a key element in understanding structural injustice, and, while defending Young’s account in part, she suggests an alternative way of understanding the dynamic relationship between structural and traceable fault-based injustices. Rather, than dividing structural injustice into different categories, as McKeown and Nuti do in this volume, Browne’s approach is to think about the potential for transition between structural injustice and fault-based injustices (such as direct and indirect discriminatory practices and policies). This is productive, she argues, for moving beyond the limits of liability as a way of approaching structural injustice.

Like Browne, in Chapter 6, ‘Responsibility, Structural Injustice, and Settler Colonialism’, **Catherine Lu** also focuses on what kind of responsibility is generated by structural injustice and how responsibility for structural injustice relates to the responsibility for other sorts of injustices. By way of answering these questions, Lu offers a range of examples, one of which is the heightened vulnerability of Indigenous women to violence in settler-colonial societies such as in Canada and the United States. Here she discusses the

case of an Indigenous woman, Mary Johns, who was murdered in 1982, a case that later became a focal point in Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls in 2017. Lu argues that, while punishing individual perpetrators for wrongful conduct is of course important, it is always insufficient for addressing the structural background conditions that systematically render Indigenous women vulnerable to violence and other forms of oppression. Akin to Browne, rather there needs to be, Lu suggests, acknowledgement that the victims of structural injustice 'constitute larger categories of persons than those who could claim to be individual victims of egregious human rights violations.' Such categories of persons, often characterized by race, class, and gender, are subjected to 'social positions of structural inferiority, marginalization and disadvantage', and, like Mantouvalou and Parekh in this volume, Lu argues, this is particularly perpetrated by systemic features of states and the states system. At the same time, Lu calls on those situated in the wider society to take up responsibility for their contributions to the social, economic, and political structures that produce settler-colonial structures of power that render so many racialized groups vulnerable.

Vulnerability as a problem of structural injustice is the central theme of Chapter 7, 'Structural Injustice and the Two Faces of Vulnerability', by **Jade Schiff**. She begins by identifying two dimensions of vulnerability: 'precarity' (the condition of having relatively weak social, economic, and political supports) and 'fragility' (the condition of struggling to adapt to changes in social, political, and economic environments)—both of which are social. Like Lu, Schiff argues that we ought to transform society 'from one that systematically makes many populations vulnerable into one in which ameliorating vulnerability is among its most important goals.' Schiff describes structural injustice as existing when social, political, and economic arrangements deprive some people of the means to exercise their capacities while enabling others to do so. In line with other authors in this volume, such as Haslanger, McKeown, and Wolff, for example, Schiff is particularly interested in the ways in which structural injustice establishes entrenched relations of privilege and privation between dominating groups who are relatively insulated from vulnerability and oppressed groups who are relatively exposed to it. Schiff argues that, if we understand distribution as the circulation of relations, then we can understand the unequal distribution of vulnerability as a problem of structural injustice. Privilege is also relational and is also circulated. Crises expose the contingency of relations of vulnerability and privilege. In these moments of crisis, the vulnerability of the privileged is exposed, and they seek to displace their humiliation onto subordinated populations. Exposing the ideology of

precarity and fragility is necessary for the vulnerable to push for structural change but, as Schiff warns, will generate reactionary counter-movements by dominant groups intent on securing their threatened privilege.

In ‘Covid-19 and Global Structural Health Inequality’, Chapter 8, **Ryoo Chung** also focuses on the theme of vulnerability but specifically in the context of health and using the global Covid-19 pandemic by way of example. In addition to the well-established literature on the social determinants of health—the higher propensity of certain groups to incur health risks (also discussed by Wolff)—Chung argues that understanding structural health vulnerability requires ‘denaturalizing natural disasters’ (understanding who is most vulnerable to natural disasters through analysing pre-existing structural injustice) and ‘historicizing health inequalities’ (recognizing the persistence of medical colonialism or the relationship between a history of colonization and ongoing health inequalities). Moreover, with some echoes of Jagger and Tobin’s chapter, Chung highlights the ways in which the combination of structural injustice and epistemic injustice increases health vulnerability. To demonstrate this, Chung presents the case of Covid-19 vaccine inequity. She describes how, in December 2020, the governments of India and South Africa submitted a proposal to the World Trade Organization (WTO) to waive patents for essential medicines in health emergencies, including the Covid-19 vaccine. However, the world’s richest countries refused. Chung demonstrates how the failure of international cooperation in the context of vaccine distribution constitutes a structural injustice. Like Lu and others, Chung argues that the international state system reifies global structural health injustice through the narratives of the securitization of health (protecting the nation from health threats) and of health nationalism (protecting the nation’s population first). Furthermore, low- and middle-income countries faced epistemic injustice in their quest to access essential medicines. Chung concludes that the failure to ensure vaccine equity in the face of a global pandemic is a moral failure of richer states to share resources and recognize the epistemic status of poorer states.

Continuing with the focus on epistemologies central to Chung’s chapter, in Chapter 9, ‘Moral Justification and Structural Epistemic Injustice’, **Alison M. Jagger and Theresa W. Tobin** combine recent trends in the political theory of structural injustice together with those of epistemic injustice. They draw a distinction between epistemic injustice as ‘transactional’, when it concerns relations between individual enquirers, and epistemic injustice as ‘structural’, when the background conditions of these encounters are ‘arranged in ways that produce systematically unfair epistemic advantages and disadvantages’ for different groups. Chiming with the concerns of several other authors in

the volume, such as Haslanger, Marin, McKeown, Schiff, and Wolff, Jaggar and Tobin explain that these arrangements tend to insulate the more powerful actors from recognizing this sort of structural injustice. They suggest society's major knowledge-producing and sharing institutions put some groups under systematic threat of epistemic domination. Jaggar and Tobin give the example of colonialism as a structural epistemic injustice, because it suppressed non-Western modes of thought and languages, created prestigious centres of knowledge production in the metropole, together with an epistemic periphery consisting of educational institutions in the colonies, and it sought to impose a singular Euro-American 'system of thought' in place of the multiple knowledge systems of colonized peoples. Jaggar and Tobin argue that this sort of suppression persists in epistemic neocolonialism, both materially, whereby the old colonial system persists with the prestige afforded to the universities in the West, and ideologically, whereby these privileged institutions tend to determine the neocolonial 'intellectual agenda' that is reproduced in academic training of the next generation. Jaggar and Tobin conclude by considering the responsibilities of the academe to undermine current structural epistemic injustice.

In Chapter 10, 'Decolonizing Structural Justice and Political Responsibility', **Lewis Gordon** approaches the topics of responsibility, epistemology, and decolonization in a different way from the preceding chapters. He argues that most discussions around structural injustice initiated by Young are deficient in three ways. First, he argues that the secondary literature fails to recognize the influence of phenomenology on Young's approach, which was the focus of her early career and continued to influence her late work on structural injustice. From a phenomenological perspective, any separation of individual and structure is a misnomer, because both can be understood only in relation to the other. Second, this insight has implications for understanding responsibility for structural injustice. Since we can understand individuals only in relation to structure, individuals have a responsibility not only to challenge structural injustice, but to produce structural justice. However, this leads to a third issue—the emphasis on 'justice'. Gordon argues that, in political philosophy in recent decades, the focus on justice has been a form of disciplinary decadence. Rawls, and Young, never explained why justice is the primary political virtue. Gordon explains that, from an Africana decolonial perspective, drawing on Fanon, the primary virtue could be health rather than justice: 'sick institutions produce sick people'. Like Jaggar and Tobin, Gordon highlights the Eurocentrism of contemporary philosophy, noting that the structural analysis in the structural injustice debate was already present in anti-slavery and anti-colonial thought, such as that of Du Bois and

others, and even back to antiquity in the story of Sekhti-nefer-medu (1850 BCE). Finally, like Wolff, Gordon uses the metaphor of a house to think about structure, referencing Audre Lorde's famous dictum that the master's tools will never dismantle the master's house. Gordon notes that there will never be a perfect house, but that we can build better houses, and to do that we should reflect more critically on the concepts we perceive as obvious.

Like Gordon, Jagger and Tobin, and others in the volume, **Brooke Ackerly** sees epistemology at the heart of structural injustice. In **Chapter 11**, 'Murmurations of Injustice: Dynamics of Structural Injustice and Epistemic Oppression,' Ackerly uses metaphor, like Gordon and Wolff, to demonstrate her perspective. Rather than the structure of a building, Ackerly turns to the 'murmuration,' whereby hundreds of starlings flock together. This breathtaking natural phenomenon looks effortless but conceals complex relational responses within and between smaller groups of birds to respond to threats. Ackerly argues that, like a murmuration, structural injustice can be observed without understanding its full complexity. That is to say, we have no outside vantage point from which to observe the structural injustices in which we live our lives. Ackerly argues that, if we want to address 'injustice itself,' and not merely its outcomes, then we need to try to change our internal relations. The first step, Ackerly suggests, in achieving this is to recognize that different epistemological accounts of injustice could in fact be oppressive. Ackerly argues that one strategy for addressing structural injustice is to resist the murmuration in its entirety, the other is to 'influence, infiltrate, and trans-form' it from within, and both approaches work in relation to each other. Unlike Wolff, then, Ackerly resists the dichotomy of papering over the cracks or burning the house down. Inspired by debates within decolonial, feminist, and Indigenous thought, Ackerly argues that we can take on structural injustice only from within shared epistemologies of structural injustice and thus the challenge of transforming structural injustice is to do so from within, provisionally, incompletely, and in relationship to the efforts of others to do so. Shifting the epistemologies of injustice as we do so, much like a murmuration.

Rather than looking to new information of the future, as do Ackerly and, in a different way, Browne, **Alasia Nuti** looks to the relationship that structural injustice has to the past in **Chapter 12**, 'Towards a Pluralistic Account of Structural Injustice.' Nuti asks in what sense past injustices (slavery, for example) are linked to an unjust present (characterized by racial inequalities, for example). Nuti explains how traditionally historical injustice has been understood as causing or creating a legacy of new injustices. However,

she argues that the language of ‘causality’ and ‘legacy’ offers a poor understanding of what she calls the ‘presence of history’ in contemporary unjust contexts. As an alternative approach, Nuti fuses a structural understanding of history together with a structural conception of injustice. This ‘historical structural injustice’ Nuti describes as unjust social–structural processes that enable asymmetries between differently positioned structural groups—those with common experiences vis-à-vis their structural position. Nuti suggests that thinking in terms of ‘past’ and ‘present’ is both theoretically and normatively problematic. Historical structural injustices should be regarded rather as continually being ‘newly reproduced.’ In many ways, this approach supports the arguments of Chung’s call for the historization of health inequalities. Nuti clarifies her argument by suggesting a typology of three kinds of distinct structural group: ‘Historical Structural Groups’—groups that have historically experienced formal discrimination and exclusion (for example, those systematically denied voting rights); ‘Nonhistorical Structural Groups’—groups that are currently experiencing structural injustice as a result of cumulative social processes (such as the common deprivations of army veterans); and ‘Historical Groups with Structural Dynamics’—groups that have a multifaceted historical character while being characterized by structural dynamics (such as interpretations of particular ‘nations’). Through this approach, Nuti argues, a clearer picture emerges as to how structural injustices are reproduced over time and which contemporary agents have specific responsibilities of redress.

Continuing with the theme of redress, in Chapter 13, ‘Structures of Injustice, the Law, and Exploitative Work,’ **Virginia Mantouvalou** holds states responsible for their responsibilities to combat structural injustice. She examines structures of injustice at work and assesses the role of the state in creating vulnerability to exploitation through concrete legal rules. Like several other authors in this volume, including Browne, McKeown, and Wolff, Mantouvalou critically engages with Iris Marion Young’s famous story of Sandy, a single mother trapped in a low-income job set against unaffordable costs of living. Through this story, Young demonstrates the nature of structural injustice as a moral wrong with no identifiable wrongdoer: Young finds no fault with the state or its policies. In this chapter Mantouvalou contests this perspective and scrutinizes the role of the state in perpetrating structural injustice by presenting the (real) story of Marcell, who, despite his best efforts to work hard, to become independent of welfare provisions, and to gain a university education, is defeated by state bureaucracy, which serves to keep him in poverty. Even though Marcell’s experiences may appear to be very similar to the story of Sandy, Mantouvalou identifies what she calls ‘state-mediated

structures of injustice.’ These, she argues, are concrete and clearly identifiable legal rules that are *prima facie* legitimate but that increase workers’ vulnerability in ways that are systematically exploited by private actors. In a similar vein to Lu and Parekh, Mantouvalou argues that the state is responsible for these laws that create vulnerability and serve as the background conditions to structures of exploitation. Mantouvalou concludes with an analysis of the circumstances in which the state would have legal responsibility to address unjust structures through human-rights law.

In Chapter 14, ‘Gender Inequality, Structural Injustice, and Political Responsibility’, **Serena Parekh** argues that there is a philosophical basis for the claim that states can be held responsible for structural injustices relating to gender discrimination and violence. Like Mantouvalou, Parekh argues that this claim can be detected in international human-rights discourses but that such a claim has ‘not gained much normative force’. Part of the problem is that, as Parekh suggests and Lu’s work shows, women’s rights violations often take place in the private sphere and are committed by non-state actors. Rather than considering the impact of the past, as Nuti does, Parekh’s analysis draws on Iris Marion Young’s notion of a forward-looking ‘political responsibility’, which seeks not to find fault with the state for past wrongs but rather encourages the state to address likely future injustices. Despite Young’s suspicions that the state is inadequately equipped to address structural injustice, Parekh argues that it is able to take up political responsibility ‘in a more systematic way than individuals can’. Indeed, international women’s rights documents have recognized this—for instance, Article 5 of the 1979 Convention on the Elimination of Discrimination Against Women (CEDAW) demands states take responsibility for the root causes of violence and discrimination against women, including beliefs, customs, and attitudes surrounding women’s inferiority. Complementary to Lu’s and Mantouvalou’s approaches in this volume, Parekh concludes by arguing that the state ought to readjust its focus from cataloguing abuses to changing the conditions of society in such a way that human-rights violations are less likely to occur in the first place. In this sense, states can be held accountable for structural injustices that lead to human-rights violations such as gender discrimination and violence.

Whether they offer a narrow or broad, singular or plural, definition of structural injustice; whether their work is grounded in epistemology or ontology, or one account of ontology over another; whether they present a backward- or forward-looking account of responsibility for structural injustice; whether they recommend a responsibility of individuals, groups, states, international orders, or all connected agents, the authors in this volume agree that how structural injustice is understood determines the ways in which it

can and should be addressed politically. Structural injustice is a feature of people's lives the world over, so these questions of what structural injustice is, and how it can be overcome, are of urgent real-world concern. We hope that this volume will prove to be a valuable intervention in the field of structural injustice theory and practice and a touchstone text for those committed to structural change for years to come.

# 1

## Structural Harm, Structural Injustice, Structural Repair

*Jonathan Wolff*

Annette Baier (1986: 49) once suggested that ‘morality is the culturally acquired art of selecting which harms to notice and worry about, where the worry takes the form of bad conscience or resentment.’<sup>1</sup> Iris Marion Young, in effect, argues that moral and political philosophy—and especially the post-Rawlsian liberal egalitarian mainstream—has done a poor job of noticing which harms to worry about. Indeed, in some, although not all, cases, the populace at large shares this selective neglect. By introducing the concept of ‘structural injustice,’ Young (2011) hoped to retrain our powers of perception by bringing about a collective shift of attention.

Young motivates the concept of structural injustice by drawing our attention to two central cases. The first is the fictional, but all too real, case of Sandy, a single mother, who, by a web of the type of everyday circumstances associated with low pay and little support in a market economy, finds herself on the verge of homelessness (Young 2011: 43–4); the second features sweatshop labour where a dispersed matrix of conditions leads to the crushing exploitation of vast numbers of labourers in the developing world (Young 2011: 125–30). The point of these examples is to show how very significant harms can be caused by ‘structural’ factors, but it does not seem

<sup>1</sup> This chapter was originally prepared as a public lecture for the 2018 Conference of the Centre for the Study of Global Ethics *A Post-Liberal World?* at the University of Birmingham. I would like to thank Heather Widdows for the invitation and the participants at the conference for their valuable feedback, as well as Vafa Ghavazi and Katarina Pitasse Fragoso for their written comments. Subsequently the paper was presented to the online workshop on Structural Injustice, University of Cambridge, in 2021. I am very grateful to Jude Browne and Maeve McKeown for the invitation to participate and for many discussions before, during, and after the conference on the themes of this paper. I would also like to thank the other participants—Brooke Ackerly, Ryoa Chung, Monique Deveaux, Agomoni Ganguli-Mitra, Lewis Gordon, Sally Haslanger, Clarissa Hayward, Adam Hosein, Alison Jaggard, Catherine Lu, Virginia Mantouvalou, Mara Marin, Alasia Nuti, Serena Parekh, Jade Schiff, Theresa Tobin, and Timothy Waligore—for many perceptive comments that have substantially improved the chapter. I would also like to thank an anonymous referee for the press.

accurate to assign moral or causal responsibility to any particular individual or group. Structural harms, and with them structural wrongs or injustices, cannot be reduced to a set of individual harms or wrongs or injustices, so it is claimed.

To some degree Young's battle has been won. It is increasingly common for theorists, and perhaps even citizens, to turn to the idea of structural justice, or, at least, to the idea that structural factors, rather than conscious individual decisions, are responsible for particular outcomes. And there is sophisticated work on how to allocate the responsibilities to act in response for structural injustice, going beyond Young's own, promising but limited account (e.g. [McKeown 2017](#); [Zheng 2018](#); [Powers and Faden 2019](#)). Yet, at the same time, the concept of structural injustice can lead us down unfruitful paths. On the one hand, appealing to structural injustice can be a form of intellectual laziness or even condescension, supposing that one is more sophisticated than reductionists, who attempt to collapse complex issues into more familiar, but simple-minded terms. On the other hand, seeing injustice in structural terms can be a counsel of despair. As [Zheng \(2018\)](#) points, out, people can feel overwhelmed by structural injustice, while [Young \(2011: 154–8\)](#) suggests some people fall guilty of reification, perhaps deliberately, treating processes that create injustice as unchangeable.

Yet the idea of structural injustice is not detached from ordinary moral thought, at least when one is thinking about one's own situation. For example, Arlie Hochschild explains the pro-Trump attitudes of working-class white Americans in terms of their feeling that something has gone badly wrong for them. Specifically, she argues that there is a general feeling that others—most notably black and Hispanic Americans, as well as immigrants—are somehow getting preferential access to social resources. In other words, these Trump voters consider that their own diminishing prospects in the United States are not the result of their own bad choices or attitudes, but because of structural factors that unfairly shape their environment ([Hochschild 2016](#)). For people who regard themselves as victims, this structural analysis is rarely extended to encompass the plight of other groups. It is a common thought that my own misfortune is the result of structural factors, but, for people not like me, their own behaviour explains any resulting disadvantage. Structure for me, agency for you.

The purpose of this chapter is to try to understand and assess such claims as those made by the Trump voters (without endorsing their judgement on their own particular case). What is a structural injustice? How is it related to

other, apparently similar concepts such as structural violence or institutional racism? What forms can structural injustice take? And what is the appropriate response when structural injustice is detected?

## I The Idea of Structural Injustice

The idea of structural injustice must start, presumably, with the idea of a social structure. Here Young's own account seems reasonable. A social structure is, in effect, the 'accumulated outcomes of the actions of the masses of individuals, enacting their own projects, often uncoordinated with many others' (Young 2011: 62). It is, therefore, a set of collective unintended consequences, which, to keep the account general, affects the opportunities available to different individuals. It can open opportunities or close them, or attach incentives or costs to the exercise of those options. A structure can be stable (at least within a range) or unstable. Structures typically achieve stability by incentivizing actions that reinforce the structure, and punishing actions that would undermine it, which can explain why some social structures persist even when, by some standard, they are defective.

Not all structures lead to structural injustice, but when they do they create a unique form of harm or wrong. Young (2011: 45) defines structural injustice in contrast to

at least two other forms of harm or wrong, namely that which comes about through individual interaction, and that which is attributable to the specific actions and policies of states or other powerful institutions.

These other forms single out particular actors—individual or corporate—as responsible for creating harm, and therefore, typically, as blameable, or, as Young says, 'liable' for it. And blame to one person, Young notes, is used to absolve others, concentrating responsibility. In contrast, when the injustice is structural, it is diffuse. Many actors will have behaved in ways that contribute to harm, but that is not to say that they are each morally liable. In some cases, each individuals' contribution is so minuscule that it would seem strange even to consider blaming them, particularly if they are acting in alignment with everyone else, or in ways that are, for example, encouraged by government policy. Conversely, the fact that no one in particular appears to be responsible for the harm done does not entail that no injustice has been

done, or that no one has the responsibility to mitigate or repair such harm. This puzzling asymmetry is what gives rise to the philosophical and moral questions about structural injustice.

Now several critics have pointed out that Young's distinction between liability and structural injustice is too stark. It is possible that powerful individuals or corporate actors can deliberately create structures that trap and oppress many others (Powers and Faden 2019). This may even be the case with Young's own example of sweatshop labour (see also McKeown, Chapter 4, this volume). This is surely correct. However, there are also cases that more closely fit Young's model in which structures arise independently of conscious choice, yet harm many of those within the structure, and this will be my primary focus here.

Note, though, that there are at least three separable steps in the identification of structural injustice. First of all, a social structure must exist in the sense briefly outlined above. Second, that social structure, somehow, must have led to harm, normally to a group of individuals, placed within that structure. Third, that harm is, in some way, judged to be an injustice.

The existence of a social structure, I presume, need not be harmful in itself, if it is understood in Young's sense as the unintended accumulated effects of mass behaviour. After all, there is no reason why those accumulated effects could not be collectively beneficial, as for example, defenders of the free market argue. Even if they are wrong, or partially wrong, about the case, there seems no reason to think that they must be wrong in principle. It is more interesting to reflect on whether all harms created within a social structure must be regarded as injustices. We have already seen an example where the claim is, at least, controversial: the claimed harms suffered by Trump supporters. Now, there are two levels of potential scepticism here: first, whether there is a harm at all; and, second, if there is, whether it is any type of injustice. But consider another case where, for example, millions of consumers decide to change their shopping preferences, buying online rather than at the shopping mall. As a result, perhaps hundreds, or thousands, of existing businesses will be harmed, but it will be contested whether this is an injustice, particularly towards those who remain making a decent profit, albeit at a lower rate. A different case of structural harm that is not an injustice could be a simple public goods case, where everyone takes the option that is in their own personal interests but it creates a collective harm. Indeed, Young (1994: 726) recognizes something similar herself, drawing on Sartre's concept of counter-finalities, giving the example of traffic gridlock, where people achieve the exact opposite of what they intend. Of course, that is a short-term

effect rather than a long-term structural problem, but it is no large stretch to extend the example. Harmful pollution caused by burning coal in domestic fireplaces could be another. And, if it is objected that those who produce and market coal are profiting from the harm, we can change the example to one where the pollution is caused by burning fallen wood collected from the forest. Even if cases of structural harm without injustice are rare, there seems to me no good reason to deny they can exist. Still, I do not want to make too much of this point. There is still strong reason for social action to remedy structural harm, even when it does not strictly amount to structural injustice.

Nevertheless, the idea of structural injustice has an urgency and potency that structural harm lacks, and it is certainly worth pursuing the question of when a structural harm is an injustice, rather than a misfortune or an unlucky conjunction of circumstances. Without supposing that this is an exhaustive list, we can consider the following cases as likely candidates. The most obvious is when the effect of a social structure is to cause harm to a group that is already disadvantaged. ‘Clustering’ of disadvantage has been widely discussed (e.g. [Powers and Faden 2006](#); [Wolff and de-Shalit 2007](#)), and reinforcing disadvantage, especially when it cannot be traced to the choices of those disadvantaged individuals, would be ruled unjust by many distinct approaches to justice, especially those within the broad egalitarian tradition ([Wolff 2007](#)).

A second, more controversial, source of injustice, builds on the Rawlsian idea of ‘legitimate expectations’ ([Rawls 1999](#)). As Rawls argues, changes that seem morally neutral, or even beneficial, in their intentions, can often have disproportionate effects on some individuals, thereby disrupting the plans they had formulated in the reasonable expectation that they would be successful. In ordinary life these can merely be a matter of mundane irritation, such as finding that a government office has closed early without notice, but it cost you time, trouble, and money to arrive at the appointed time. They can, however, involve structural effects, such as families moving to an area because it is served by good public transport, but then finding that the bus service is cut at very short notice, so that it is no longer possible to use it for the trip to school or work. Even if these families are not disadvantaged in other ways, still it might be thought that they have been treated unjustly, by disrupting their legitimate expectations. Finally, some effects can be grossly disproportionate, such as small companies being put out of business because they are especially affected by small changes to the tax code, made for otherwise good reasons.

Notice that the three cases just mentioned could be claimed to be unjust to a group, even though no one else was identified as benefiting from the

changes. Rather, some groups were disproportionately affected or had a special claim for concern. Some may argue, however, that whether another benefits from policies that led to these harms is the most important element in whether a harm can be classified as an injustice. On this understanding, injustice includes some notion of unwarranted benefiting. And Young (2011: 52) does seem to suggest something along these lines:

Structural injustice . . . exists when social processes put large groups under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them.

One thing to note, and this seems very welcome, is that what matters is threat of harm, rather than actual harm. Structural injustice can exist, even if all it creates is vulnerability, even though, for whatever reason, the vulnerability does not issue in harm (Wolff and de-Shalit 2007). Notice too, though, that it is unclear whether the account given is intended as a strict definition or as a sufficient condition. I prefer the latter, which makes room for the possibility that structural injustice can still be present, even if it does not give others the possibility to dominate. On the stricter reading, mere loss would not lead to structural injustice unless it was related to the threat of dominance or deprivation of capacities. Therefore, those who nevertheless remain powerful or wealthy could not suffer structural injustice. This may seem reasonable, as long as we accept that even the wealthy and powerful can suffer from some other forms of injustice. Whatever we decide about the definition, it is these cases of domination that seem especially important.

Clearly there is a strong notion of symmetry in Young's account. The risk of domination or deprivation must be accompanied with the counterpart for an advantaged group. In the case of domination, I can see that the logic of domination may make this true: it may not be possible, at least in the standard case, to be dominated unless there is a dominator. But, in the case of deprivation, it seems to me less obviously true, and, on the surface, seems somewhat to spoil the contrast between structural injustice and other forms of injustice. For, first of all, it appears to depict structural injustice as zero sum, where for every loss there is a gain, which ignores the possibility of positive or negative collective consequences. Secondly, if there is someone who benefits from another's deprivation, it would seem that they have an obvious duty to make recompense, which removes the puzzle that motivated the concept of structural injustice in cases like that of Sandy, who became homeless. Hence,

I would suggest that the key issue for Young should be that harm is caused that creates severe vulnerability, rather than that others gain from that harm in all cases, even if they do in many. And there is no reason why the gains and losses should match. Structural injustice can have disastrous effects for significant numbers of people, and only small gains for those who benefit from it. This is familiar. If someone steals a valuable item of immense sentimental value from me, and then sells it on cheaply, their gain in no sense matches my loss.

How can we go further to understand the notion of structural injustice? One thing to bear in mind is that 'structure' is an engineering or architectural term, and pursuing the analogy with a structural fault in a building can be illuminating. Consider, for example, this passage from an early twentieth-century study of the working poor in inner-city London, concerning the problem of bug-infested homes:

On suggesting distemper rather than a new paper in a stuffy little room, the visitor was met with the instant protest: 'But it wouldn't keep the bugs out a minute.' It would seem as though the burning down of such properties were the only cure. (Pember Reeves 1914: 37)

Painting the walls of the property, rather than putting up wallpaper, would do even less to keep out the bugs than is achieved at the moment, and Pember Reeves suggests that the only cure would be to burn down and rebuild.

In some respects this is a very helpful image. When faced, for example, with a serious crack in the wall of a house, it is tempting at first to 'paper over the cracks', so that the most immediate problem of aesthetic appearance is dealt with. Yet any such remedy will surely be temporary, unless the underlying structural problem is dealt with. In a similar spirit, Simone Weil (1952: 58) remarks: 'If a man is thirsty because of a wound in his stomach, drink is not what he requires, but to have his wound cured.'

In some tragic cases, metaphor and the reality come together, and oppressive social structures can yield defective physical structures, as in the Rana Plaza tragedy in Bangladesh:

Five years ago, Asma Khatun pushed through the crowds that had formed around the Rana Plaza building, determined to see the destruction with her own eyes. Deep cracks had appeared in the eight-storey building outside Dhaka the day before. That morning, workers who had been producing clothes sourced by major international brands had begged not to be sent inside. Managers would not relent. More than 2,000 people filed in. Some time before 9am, floors began to vanish and

workers started falling. Rana Plaza took less than 90 seconds to collapse, killing 1,134 people. Unions called it a ‘mass industrial homicide’. (*Guardian* 2018)

Although in this case there was no attempt to ‘paper over the cracks’, we might well wonder whether the contrast between cosmetic improvement and ‘burning down the house’ is drawn far too starkly. There could be cases where structural change of a less dramatic form is all that is needed, such as removing some brickwork and rebuilding. There are no doubt cases where a series of small steps can lead to structural change by evolution (*Zheng* 2018). I will return to this later when I consider the type of action that is likely to be appropriate in the face of structural injustice.

At the same time, however, we should note the limits to this analogy. Young refers to social structure as ‘processes’ that ‘channel’ action. They are dynamic, whereas the house analogy encourages static analysis. And the dynamic image has the advantage that it is easier to see how a series of small changes can put larger changes in motion. Hence there is very good reason to explore alternative metaphors, such as Brooke Ackerley’s fascinating suggestion of ‘murmurations of injustice’ (Chapter 11, this volume). I will return to the building metaphor below. But to summarize, I understand structural injustice as involving four elements: first, a social structure; second, a mechanism or set of processes for keeping that structure in place; third, significant harm (or risk of harm) to a group; and, fourth, a reason for regarding such harm as an injustice.

## II Structural Violence, Institutional Racism, Alienation

Although the term ‘structural injustice’ appears to be relatively novel, other theorists have been trying to capture related phenomena in their own vocabulary perhaps even for centuries. We can, for example, construe Mary Astell’s question, asked in 1700, ‘If man is born free why are all women slaves?’ (*Astell* 1996) as an early recognition of the general idea that structures that are taken for granted (in this case the family) can contain serious injustices, although it can hardly have gone unnoticed before, and Astell’s own use of the term ‘slaves’ may make us wonder whether she failed to notice the deep racial injustice of contemporary North American society. But my general point is that phenomena either identical with, or closely related to, structural injustices have been apparent for generations. In particular, twentieth-century political and social writing contains numerous attempts to comprehend, label, and analyse such structures. Consider, for example, this passage from Kwame

Ture (writing under the name Stokely Carmichael) and Michael Hamilton's *Black Power*:

Racism is both overt and covert. It takes two, closely related forms: individual whites acting against individual blacks, and acts by the total white community against the black community. We call these individual racism and institutional racism ... When white terrorists bomb a black church and kill five black children, that is an act of individual racism, widely deplored by most segments of the society. But when in that same city—Birmingham, Alabama—five hundred black babies die each year because of the lack of proper food, shelter and medical facilities, and thousands more are destroyed and maimed physically, emotionally and intellectually because of conditions of poverty and discrimination in the black community, that is a function of institutional racism. When a black family moves into a home in a white neighborhood and is stoned, burned or routed out, they are victims of an overt act of individual racism which many people will condemn—at least in words. But it is institutional racism that keeps black people locked in dilapidated slum tenements, subject to the daily prey of exploitative slumlords, merchants, loan sharks and discriminatory real estate agents. The society either pretends it does not know of this latter situation, or is in fact incapable of doing anything meaningful about it. (Ture and Hamilton 1967: 4–5)

Clearly there are strong affinities here with the idea of structural injustice, although the scope is narrower. The authors are concerned particularly with the ways in which social structures disadvantage black Americans, and in subsequent pages highlight one particular mechanism by which the social structure, and the injustice it leads to, is reinforced, which is White Americans' racist sense of superior group position. And, of course, these concerns are still with us, in the work of writers such as Patricia Hill Collins (2000) and Charles Mills (2017), to mention just two of many who have written on questions of institutional racism or white supremacy.

On the surface very different is the theory of the social determinants of health, devised by epidemiologists, and especially Michael Marmot and Richard Wilkinson (2003). Although their work has diverged in various ways now, at heart they start from the same empirical facts. There is a social gradient in health in the sense that the wealthier, or more socially advantaged, you are, the longer, on average, people like you will live, and in better health. This was observed in the 1930s by social theorists such as R. H. Tawney (1931), but it continues even in societies that have achieved universal healthcare, and have overcome the most extreme forms of poverty. It is observed internationally, of course, but also within a single society. Theorists use examples

very similar to those just mentioned in connection with infant mortality. For example, Michael Marmot (2004: 64) points out that in 1999 infant mortality for black American babies was more than twice as high as the figure for whites. The report *Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health* (World Health Organisation 2008) points out that gross health disparities within and between countries are the result of social, not biological, factors and that 'social injustice is killing people on a grand scale' (World Health Organisation 2008: 40).

This, too, is an instance of structural injustice, but it differs in an interesting way from the example of institutional racism, even though some of the same examples can be drawn. While Ture and Hamilton were especially interested in the harms done to a particular group—black Americans—Marmot's key focus as an epidemiologist is in the nature of the harms to all different groups within society. At the same time, he gives his attention specifically to death and illness, although other harms are also relevant insofar as they lead to death and illness. Structural injustice is, hence, a wider phenomenon than both institutional racism and the social determinants of health, encompassing any significant harms or threats, and to any group.

Another related concept is that of 'structural violence', which has been used by Paul Farmer, again specifically in relation to health. (This connection has been noted by Chung and Hunt 2012.) Farmer worked for many years in Haiti, even prior to the earthquake of 2010. Some decades ago, people living near the Artibonite River were forcibly removed from their fertile lands, which were flooded as part of a scheme to provide drinking water to the capital. Not really believing that they would be dispossessed, despite warnings, they did not make adequate preparations to leave, thereby losing livestock and other property, and ultimately moving to far less fertile lands, which could not adequately supply their needs. Consequently, they suffered from many poverty-related health conditions, which is what brought Farmer into contact with them. This treatment, Farmer (2005: 33–41) argues, is a form of structural violence. A second example concerns drug-resistant TB, which developed in Russian prisons. Many people suffered from avoidable harm, and death, because the disease was allowed to take hold. This again, is said to be structural violence (Farmer 2005: 115–34). Farmer chronicles many more examples of illness caused by neglect or as the unintended consequences of practices that work against the interests of the poor. For example, he argues that, although HIV in the US began among affluent white metropolitan men, it was not long before the main victims were poor black women, who often also suffered from other social problems such as drug addiction or prostitution (Farmer 2005: 44).

It is not easy, at first sight, to see why the term ‘structural violence’ is used here, other than for rhetorical effect. Farmer takes the term, ultimately, from Johan Galtung (1969: 168), who provides an unusual definition of violence: ‘As a point of departure, let us say that violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations.’

[C]an we talk about violence when nobody is committing direct violence, is acting? This would also be a case of what is referred to above as truncated violence, but again highly meaningful. We shall refer to the type of violence where there is an actor that commits the violence as *personal* or *direct*, and to violence where there is no such actor as *structural* or *indirect*. (Galtung 1969: 170)

He remarks: ‘The violence is built into the structure and shows up as unequal power and consequently as unequal life chances’ (Galtung 1969: 171) Structural violence, therefore, appears to be virtually identical to the idea of structural injustice, and, yet again, differential life expectancy is used to illustrate the case. No doubt there have been other attempts to conceptualize the general phenomenon that Young has identified as structural injustice. This might include the idea of symbolic violence (Bourdieu 2001), or particular instances, such as environmental racism, or patriarchy. And, of course, Marx’s work, early and late, is full of examples, such as aspects of alienation, in which workers become ‘playthings of alien forces’. It is a theme of Marx’s work that both the workers and the bourgeoisie are trapped into structures that mandate certain behaviours as rationally required, even if those so trapped would much rather avoid them. To rebel will do you more harm than obeying. For example, a producer in a competitive market who pays workers above the current market rate will, most likely, go out of business (Wolff 1992).

### III Forms of Structural Injustice

How is it that unjust social structures come into being and persist? There is no single answer, of course, and subtle social scientific investigations will be needed in particular cases. Yet it is important to consider the range of possibilities, as different situations will call for different forms of social response.

The crudest form of structural injustice stems from a deliberate policy to put and keep a group ‘in its place’. Racism, sexism, and other types of discrimination can take this form, often backed with religious authority and

policed by a range of methods, from laws punishing or prohibiting particular behaviours, such as violence by agents of the state, or by ordinary people taking on an enforcement role. There can be overt statements from the pulpit, or whispering, and gossiping campaigns. There can be internal self-policing through the internalization of discriminatory norms, and several other mechanisms, and a type of motivated failure to notice harm or injustice: what Ursula Le Guin (1999 [1974]: 222) called ‘the averted eye’. Much of this is well known, though it bears repeating, for its significance is deep. In discussing misogyny Kate Manne remarks that the ‘rituals and expectations of privilege’ (Manne 2018: p. xiv) lead us to ‘channel and enact social forces far beyond our threshold of conscious awareness or even ability to recover—and sometimes markedly contrary to our explicit moral beliefs and political commitments’ (Manne 2018: p. xxi).

Here I want just to mention a couple of further possible mechanisms that merit further attention. One is a type of reversed extension of a point made by George Orwell in his novel *1984* (1949). Orwell considers the creation of a new language, ‘Newspeak’, deliberately created with a limited vocabulary, which makes it difficult to express protest. Feminists have pointed out, in effect, that we do not need a new language for this purpose, as the one we have will serve very well. In a superb statement of the problem, Alison Jaggar (2008: 238) remarks:

As a young woman ... I was unable to articulate many vague and confused feelings and perceptions because the language necessary to do so had not yet been invented. The vocabulary I needed included such terms as ‘gender’ ... ‘sex role’, ‘sexism’, ‘sexual harassment’, ‘the double day’, ‘sexual objectification’, ‘heterosexism’, ‘the male gaze’, ‘marital, acquaintance, and date rape’, ‘emotional work’, ‘stalking’, ‘hostile environment’, ‘displaced homemaker’ and ‘double standard of ageing’.

Miranda Fricker (2007) and Jason Stanley (2015) have described different ways in which the availability and use of language can reinforce oppression by cutting off options. For this reason, the creative and documentary arts can have a liberating effect in opening not only our eyes to injustice but also our mouths to give us the means to protest.

There is, however, a reason to think that, left to itself, structural injustice has a type of natural tendency to get worse and therefore needs constant challenge. As Young pointed out, structural injustice is often the unintended consequence of the accumulated effects of people each acting with what seemed like good reason. Unintended consequences can be bad, but they are

also sometimes good, most likely for different groups. We can be reasonably sure that, if a particular set of unintended consequences were bad for those with the power to make changes, changes will be made. But what about a case where they favour those in power but are detrimental to others? There is every chance that they will not even be noticed. And, if they are pointed out, a shrug of the shoulders and a sardonic, ‘that’s sad, but it’s just the way the world works’ is the likely response.

Those in power often are able to make changes, at least if they coordinate their actions with others. When we are talking of groups the size likely to be involved in structural injustices, such as wealthy householders, of course the vast majority will lack direct power. But they do not lack power, at least collectively. If they want to, they can put on pressure to bring about changes. But they may well lack the will and incentive, because the system as it is suits them rather well (see McKeown, Chapter 4; Schiff, Chapter 7, this volume). If certain types of jobs remain restricted only to people like me, this will improve my chances of success and promotion, or a job elsewhere if I want to move on. If only people like me can have access to the best schools and universities, that will be good for my children and the children of my friends, and therefore give me every personal incentive to resist change, even if I perceive and acknowledge the injustice. Structural injustice can come into being and reproduce itself through a type of evolutionary process. Practices, as we saw, often have unintended consequences. When those consequences are detrimental to those with power or influence, changes will be made. When they are to the advantage of those in power, but to the disadvantage of others, then they will be left as they are. Hence, over time, practices adopted for other purposes will be selected in part on the basis of how much they reinforce privilege. No one intends this, or needs even to realize it is going on, but it is a type of natural evolutionary drift. If we really want to overcome structural injustice, then we need a thoroughgoing audit of the ways in which what we do preserves, even consolidates, an unjust status quo. Yet, at the same time, structural injustice preserves itself by punishing individuals who try to challenge it, who can be treated as a traitor by those who benefit from injustice.

## **IV Change and Its Agents**

Much discussion of Young on structural injustice has focused on the question of who has the responsibility to act. As mentioned above, the topic of structural injustice starts by way of contrast with the ‘liability’ model, in which particular individuals, who have unjustly harmed others, can be identified

and held to account. Yet, in the cases of structural injustice I am considering, it will generally be the case that no one deserves to be singled out in such a manner. As noted above, this can lead to a type of evaporation of responsibility, in which injustices are treated as misfortunes. To overcome this problem, Young (2011: 105) introduced the ‘social connection’ model, which starts from the assumption that everyone who participates within a social structure that causes unjust outcomes has some causal responsibility for those outcomes, which in turn gives rise to some level of moral responsibility to remedy those injustices. We could, indeed, extend this claim to say that all have some political responsibility to remedy structural harms, even when they are not injustices. The level of responsibility, however, will vary according to what Young calls ‘parameters of reasoning’. She mentions four, without indicating whether she regards them as an exhaustive list. They are power, or capability to motivate change; the privilege of being beneficiaries; interest, in the sense that change will be in your interest as a victim of injustice; and, finally, collective ability, by which Young means the ability to draw on some formal or informal mechanism to coordinate and focus action. Her plausible argument is that these parameters affect the level of responsibility that different agents connected to the structure can have, and what they have the responsibility to do (Young 2011: 144–7).

Alternative accounts, such as Robin Zheng’s ‘role ideal model’ (2018), which uses the idea that each of us has a social role with responsibilities attached, have also been proposed. As that debate is already in process, I will address a different question, which is what actions are called on? Young (2011: 111) suggests that our responsibilities ‘can be discharged only by joining with others in collective action’. This is a surprisingly assertive statement. Of course, collective action will often be called for, but is it overly restrictive to say that this is the only form redress can take? As Vafa Ghazavi (2021) argues, people can do many different types of things in response to structural injustice, from joining a collective protest to running a social-media campaign single handed, or publishing satirical cartoons in the national press. James C. Scott (1985) notoriously pointed out ‘the weapons of the weak’: ‘foot-dragging, evasion, false compliance, pilfering, feigned ignorance, slander and sabotage’. These tools may also sometimes be the best recourse for the strong, as well. Robin Zheng 2018 urges that, in trying to undo structural injustice, people should ‘push the boundaries of their social roles’, by, for example, reimagining what it is to be a teacher, if that is your job, and try to undercut prejudice as you encounter it. Perhaps Young has in mind a sufficiently capacious conception of collective action that these contributions fall under its head. But this, then, sets us the question, what types of things are required?

Recall the distinction I made earlier, in the context of Maud Pember Reeve's discussion of the bug-infested homes of the early twentieth-century London poor, between 'papering over the cracks' and 'burning down the house'. The idea is that, when there is a structural injustice, small cosmetic, direct actions can, at best, provide temporary relief. The injustice needs to be rooted out, to use another metaphor, rather than treated superficially. The point, naturally, enough, has been made with respect to institutional racism in such organizations as a police force. Firing a couple of racist cops may have news value, but, if the structure of the organization encourages and rewards racism, and punishes those who act against it, then the problem will reoccur. Similarly, Karl Marx (1865: 149) wrote that, to pursue their interests, the working class, should, instead of promoting 'the *conservative* motto, "A fair day's wage for a fair day's work!" ought to inscribe on their banner the *revolutionary* watchword, "Abolition of the wages system!"

The emphasis on structural injustice and collective action is consistent in spirit with this Marxist thought: capitalism is like the bug-infested house. It cannot be repaired piecemeal but needs to be burnt to the ground. And this requires intensive, collective action. But, although this may be true of some unjust structures, it seems to provide an overly restrictive picture of the type of social action that structural injustice calls for. To return to the analogy, sometimes papering over the cracks is the right thing to do, at least in the short term. Even if increased wages will not bring about ultimate justice, a higher wage is almost always better than a lower one. And strengthening union power is a potential structural change well short of complete revolution.

In response, it will be said that in some cases taking cosmetic or ameliorative action is actually harmful, as it may indefinitely postpone the structural reform that justice calls for. And this has been a dilemma in the extreme left workers' movement: if workers get better pay, they are likely to lose interest in revolution. Hence there is a temptation for union leaders to decline to agitate for higher pay, so as not to blunt the sharp edge of class struggle. Similarly, if you keep papering over the cracks, you may never make the necessary repair, tolerating an ever-deteriorating situation.

But this example provides a reason to think that in some cases structures can be repaired without being destroyed. A house can have a structural problem that needs substantial work to repair, but leaving most of the rest of the structure in place. Sometimes complete demolition is the only option, but that would be a last resort, at least if there are parts worth saving. Similar comments can be made about some state institutions. Sometimes racism or corruption can be addressed within a police force, but there have been

occasions on which there has been a call to abolish the existing structures and start again. And, to bring the discussion back to Young, she appears to regard movements like Fair Trade, or action by universities against sweatshop manufacturers, as making progress in the right direction, even though they are very far from having created entirely just structures. As [Zheng \(2018: 877\)](#) puts it, action can ‘produce either slow, incremental evolution toward a new equilibrium or else ... prepare the way for more ruptural changes.’

Hence, in considering what type of change is appropriate, the options include:

- (i) replacing the existing unjust structure with another;
- (ii) making substantial structural change, but within the existing structure;
- (iii) making immediate small-scale changes that could be part of a pattern of changes that could lead to (i) or (ii);
- (iv) making immediate small-scale changes that are neutral as respect to (i) and (ii);
- (v) making immediate changes that could be part of a pattern of changes that lead away from (i) and (ii).

And, of course, different forms of agency will be appropriate in different circumstances (see also Marin, Chapter 2; Haslanger, Chapter 3; McKeown, Chapter 4, Browne, Chapter 5; this volume). In some cases, only collective agency can bring about change, but in others individual agency can make inroads. But even when collective agency is needed, individuals must step up to lead or to be first. Cases, obviously, will differ, and what actions are called for in any particular case is a level of detail to be discussed on another occasion. But, to conclude, let us reconsider the case of Sandy, who is made homeless as a result of a very large number of people pursuing their own interests in ways that are encouraged, or at least permitted, by ordinary social rules. It seems clear that Sandy herself is just one person who has suffered in this way, and many others are affected at least in the sense that they are very vulnerable to facing similar problems, and only a small change in their life circumstances could have catastrophic effects. This requires significant structural change. Some will call for an end to the private housing market, but most will want at least to consider smaller structural changes before advocating for something that runs against the interests and ideology of so many powerful actors. Perhaps some form of rent control, or subsidized housing, or a significant increase in social housing could address the problem in future. Changes to the nature of the workplace, wage reform, and child support

reform could also be beneficial. There is much to debate here, looking for models of practice elsewhere. Any significant change is likely to require concerted, collective action over a long period, putting pressure on the right people at the right time, to make changes to laws and regulations. At the same time, some evolutionary change to norms may also be possible, through various forms of advocacy. In general, to overcome structural injustice it is necessary to propose structural reforms with an agent of change and pathway, always taking into account unintended consequences that can create the next structural injustice.

And, yet, this will all be too late for Sandy. She needs somewhere to live now if she is not to be separated from her children. We are not told by Young how Sandy's story ends, and, as an imagined example, it has no ending. But we can speculate on how the story could continue. Perhaps she moves in with a friend or family member, perhaps in another town. Perhaps she is granted some sort of poor-quality emergency housing by the city. Perhaps she sleeps in her car with her children for a few nights, and then her children are taken into care after their school reports apparent signs of neglect. None of these is a desired outcome, although some are much better than others. My only point is that, although there is an urgency in trying to address structural injustice, there can be even greater urgency in trying to relieve the particular difficulties faced by the victims of structural injustice. We cannot afford to ignore either issue.

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## 2

# Transformative Action as Structural and Publicly Constituted\*

*Mara Marin*

If injustice is structural, what actions can dismantle it? If social injustice is a feature of social structures that cannot be reduced to features of the actions of agents, how should we understand the actions that can transform it?

In this chapter, I argue that we should understand such actions as structural and publicly constituted in a plurality of publics. Action transformative of unjust structures is itself structural in the sense that it is made possible by structures. Without structures there is no action, including action that can transform unjust structures. One aspect<sup>1</sup> of this constitutive relation between actions and structures is that actions depend on already present structures for their meaning; they acquire their meaning against the background of structures. This aspect of the relation between actions and structures explains why action, including action directed against unjust structures, is publicly constituted. An action acquires its meaning, not from the intention of its agent, but in a public process of interpretation that takes place against the background of the structure. As a result, the meaning of an action, as well as its effects, are not under the control of its agent, who can never be sure how their public will interpret their action.

This view of action as structural and publicly constituted avoids the problems with the view, not uncommon among theorists of structural injustice, that we should understand transformative action in terms of the intention of the agent. I begin the chapter with a discussion of these problems, through a discussion of Ann Cudd's view of resistance in Section I.

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<sup>1</sup> I am grateful to Sally Haslanger and Clarissa Hayward for encouraging me to consider another aspect of this relation, that between actions and the material resources that constitute the structure.

In Section II, I develop the idea that action is structural by drawing on William Sewell's view of structure as the duality of schemas and resources, duality that explains the possibility of change from inside structures (see also Haslanger, Chapter 3, this volume). In Sewell's view, structures—and the power relations that characterize them—can be disrupted or transformed in the course of the structure's normal functioning. Action, then, including transformative action, is made possible by the structure and its normal functioning. Action is structural.

In Section III, I argue that action is publicly constituted by drawing two implications of Sewell's view in directions that modify it. I emphasize the interpretative aspect of the process of structural maintenance that can become one of structural transformation. Social change is made possible by the acts of interpretation—of both schemas and resources—that are part of the normal functioning of structures, as these acts of interpretation can introduce new and unpredictable organizations of power. But these acts of interpretation take place and depend on the publics of one's action, which become central to the meaning of one's actions. The agent's publics, not the agent's intentions, determine whether one's action is an enactment of a pre-existing cultural meaning that preserves the structure or whether it is an action that transforms the structure. Consequently, agency should not be understood as a type of control. The meaning of one's action is not under the control of the agent. It is created, not in isolation, but in collaboration with others, the members of a public. Hence, agency should be understood as a function of the contingency and unpredictability that action can introduce into the social reality.

## I Resistance as Action under the Control of an Agent

According to Cudd (2006), one of the main tasks of a theory of resistance<sup>2</sup> is to give an account of what makes an action an act of resistance. This account would enable us to distinguish legitimate resistance—actions such as Gandhi's hunger strike—from actions that may look like and be claimed to be resistance, but are in fact mere acts of non-compliance, self-interested, vengeful, anti-social behaviour or acts of collaboration, such as the actions of Theodore Kaczynski, the so-called Unabomber, who claimed to resist the spread of technology (Cudd 2006: 188–189). Cudd

<sup>2</sup> The other task is to give an account of the morality of resistance (Cudd 2006: 188).

(2006: 189) argues that, to count as resistance, an act has to fulfil three conditions: to *issue from* an *actual case* of oppression, *in the right way*.

The first condition—that an act of resistance issues from an *actual case of oppression*—is straightforward: the oppression that the act issues from has actually to exist. This is what distinguishes Theodore Kaczynski's actions from Gandhi's hunger strike. The second condition—that an act of resistance *issues from* an actual case of oppression—is that the action has to be *caused*<sup>3</sup> by an actual case of oppression. With this condition, Cudd means to exclude actions that are only accidentally related to one's experience of oppression.<sup>4</sup> For example, a bank robbery by a member of a discriminated-against minority is not 'a candidate for resistance if the robber's experience of oppression were *not a necessary factor* in the set of factors that cause him to rob the bank' (Cudd 2006: 190, emphasis added). Only actions that are 'caused by one's experience (as a witness or as a victim) of oppression' (Cudd 2006: 189–90) and are not only accidentally linked to it are candidates for resistance. However, not all actions that are caused by one's experience of oppression qualify as resistance. Some people may react to their experience of oppression by complying to oppression, collaborating, engaging in anti-social behaviour, or taking self-interested actions. Such actions are caused by one's experience of oppression but are not acts of resistance, because they are not caused by oppression 'in the right way', the third condition of resistance.

To be caused 'in the right way', an action has to have an intention with the right content—an intention whose content refers to oppression—for example, the intention to lessen or end the oppression, to send a message of revolt, kill the oppressor or improve the situation of the oppressed—and that intention has to be part of the cause of the action (Cudd 2006: 190, 191, 193).<sup>5</sup> For example, if the bank robbery by a member of an oppressed group is an act of vengeance, it does not qualify as resistance, even though it is caused by oppression. In contrast, if the bank robbery were 'part of a strategy to oppose the oppression' (Cudd 2006: 190), it would be genuine resistance to oppression, because it would be caused 'in the right way'—that is, by an intention with the right content, an intention to end or lessen oppression or to send a message of revolt, not by frustration or other problematic desires.<sup>6</sup> More than

<sup>3</sup> Cudd adopts Mackie's account (1965) of causes as INUS conditions. See Cudd (2006: 190).

<sup>4</sup> Both the oppressed and the privileged can have experiences of oppression, and therefore can have their actions caused in this sense by their experience of oppression, and therefore be resisters.

<sup>5</sup> Cudd (2006: 190) relies on Davidson's account (1980) of reasons as causes for her notion of an action that is caused intentionally.

<sup>6</sup> Cudd (2006: 190–1) gives the example of a person who kills out of a 'neurotically exaggerated desire for the other's death', which is produced by her experience of oppression, as an example of an action that is caused by oppression but not in the right way, and therefore does not qualify as resistance.

that, it is not enough for the resisting agent *to think* that she lessens oppression, for some acts of self-deceptive collaboration might fit this condition. For example, the *Juderat*, the Jewish leaders who organized the ghettos during Nazi rule and enabled the orderly transport of Jews to the concentration camps, justified their actions by saying that without them the Nazi would have ended up killing more Jews. To be able to distinguish resistance from such self-deceptive collaboration, the act of resistance has to be able to effect the lessening of oppression or to send a message of revolt to the oppressions (Cudd 2006: 192), and, in addition, the person acting should know this—that is, should think (correctly) that her action is capable of doing so (Cudd 2006: 193). The action has to fulfil the ‘some hope of success’ criterion.

Gandhi’s hunger strike is a genuine case of resistance, because it satisfies these criteria. There is an actual case of oppression, that of the British rule in India. The agent (Gandhi) carries his actions with the intention to end British rule in India, which would be ‘the end of oppression for an entire group’ (Cudd 2006: 189). And, finally, the agent ‘could be reasonably expected to succeed with their chosen course’ (Cudd 2006: 194). But is not the ‘some hope of success’ criterion too stringent? Does it not ask too much of the agents of resistance? Would it not discourage some otherwise genuine acts of resistance if adopted by the agents themselves? And does it not exclude some genuine cases of resistance? To take just one example, does it not exclude the February 2021 Russian protests in support of Alexei Navalny and against Putin’s regime? Even at the time of the protests there was virtually no reasonable hope that these protests would succeed in their demands. Yet it would be hard to see why they should not be thought of as protests. Even in Gandhi’s case, it is doubtful that Gandhi himself, as well as those around him, at the time of his actions, thought that his actions would be successful in ending British rule in India.

In reply to these doubts, Cudd (2006: 254 n. 1) writes: ‘Although in advance it would have been surprising and doubtful to imagine that one individual could have had such an effect, in fact it happened, and thus there must have been some reasonable hope of success.’ By taking this line, in effect she says that, if something happened, then before it happened it was reasonable to hope that it would happen. But this comes to saying that from the fact that something happened we can infer that it was reasonable to expect that it would happen and could be pursued deliberately by an agent through their actions. But this is so only if we make two assumptions. The first is the assumption that the social world is predictable, that agents in the world can reasonably and accurately predict social changes. If something happens, then a reasonable person could have predicted it, and have a reasonable hope

that it would happen. This means that social change is relatively transparent to human reason and predictable to agents endowed with it. The second is the assumption that agents have relative control over their social world. As the world in which we act politically is relatively predictable, agents can form (good) intentions and bring them about. Agents have control over their world: they can know it and can bring about their (reasonable) intentions.

The first assumption excludes the possibility of entirely unpredictable events. The second assumption excludes the possibility that social action is unpredictable and contingent, that it cannot be controlled or predicted by any particular agent, including because social action depends on a multitude of agents that do not share an intention.

These exclusions are problematic not only, because the excluded possibilities are central to our social world, but also because they are central to the ability of action to effect social change. To ignore these possibilities is to ignore precisely the aspect of action that makes transformative social change possible. A theory that excludes these possibilities is not only inaccurate; it is politically disabling, because it blinds us to precisely the aspect of action that enables our action to have transformative effects. Our theories of action should not only not exclude, but make visible and theorize these possibilities as central to our theories of action and social change.

In the next two sections I attempt to do just that. I offer a conception of political action that reveals these possibilities and their source in the relation between structure and action. I argue that we should understand action as socially structured and publicly constituted. This conception of action makes sense of the possibilities of social change by linking them to the ability of action to introduce contingency in social structures, not to the ability of agents to control their social reality or even the full meaning of their action.

## **II Action Is Structural**

Action is structural in the sense that it is made possible by structures. In this section I spell out this idea by drawing on William Sewell's idea of the social structure as a duality of schemes and resources that enables action.

### **Structures as Dual**

Sewell contrasts his own view of structure to the French structuralist notion—the notion that structures are rules of thought located at the deep level—by advancing two ideas. First, drawing on what cultural anthropologists call

‘culture’, he argues that we should understand the rules of meaning to include not only rules ‘at the deep structural level’, as structuralists do, but at every level. Some of these rules will be more ‘superficial’ by definition, but that does not make them less important. They will include all ‘rules of social life’ that anthropologists uncovered in their research: various conventions, rules of etiquette, principles of action, habits of speech and gesture. To account for this change at the terminological level, Sewell (1992: 7–8) replaces ‘rules’, a term that suggests formally stated prescriptions, with ‘schemas’, a term better able to capture the variety of informal, often unconscious ‘schemas, metaphors, or assumptions’ that are at issue here. Secondly, Sewell adopts Giddens’s idea (1979) that structures are dual. They are constituted not only by schemas, but also by resources. Resources are anything that can be a means of power in social interactions.<sup>7</sup> They are actual—that is, they exist in time and space and include material objects. In contrast, schemas are virtual, because they are ‘transposable’—they can be used not only in the situation in which they were originally learned or in the context in which they are most conventionally applied, but also in new situations. Therefore, they cannot be reduced to their existence in any particular practice; they exist only as cultural (mental) procedures. Structures, then, have a *dual character*: they are constituted by schemas, which are virtual, and resources, which are actual.

Moreover, resources and schemas imply and sustain each other over time. Distributions of resources are effects of schemas, and schemas are effects of distributions of resources (Sewell 1992: 13).<sup>8</sup> The idea that distributions of resources are effects of schemas is familiar. Take one simple example: the sheer number of soldiers in an army does not determine the amount of military power generated by the army. This amount varies, depending on the conventions of warfare, notions of strategy and tactics available to generals, as well as regimes of training that troops undergo (Sewell 1992: 11). This has to do with the fact that what makes even material objects resources endowed with the ability to produce and reproduce inequalities of social power is not intrinsic to their material form. Rather, it is a consequence of the cultural schemas at work in the practices in which they are used. The Hudson Bay blankets are not simply a means to keep many people warm. Given in the Kwakiutl potlatch, they are ‘means of demonstrating the power of the chief and, consequently, of acquiring prestige, marriage alliances, military

<sup>7</sup> There are two types of resources: human and nonhuman. Nonhuman resources are material objects. Human resources are things like physical strength, abilities, knowledge, or emotional commitments that can be used as means for power (Sewell 1992: 10).

<sup>8</sup> See also Haslanger, Chapter 3, this volume: 56.

power, and labor services' (Boas 1966, Sahlins 1989, cited in Sewell 1992: 12). They are the kinds of resources they are in virtue of the schemas of the potlatch. Even though nonhuman resources have a material existence that cannot be reduced to cultural schemas, the 'activation of material things as resources, the determination of their value and social power, is dependent on the cultural schemas that inform their social use' (Sewell 1992: 12).

The second idea—that schemas are effects of distributions of resources—is less familiar. Sewell argues that schemas, in order to have the powerful role assigned to them when we talk of them as structural, have to be sustained and reproduced over time in the space of resources. Schemas are always at risk of losing their power. Their power is validated and maintained by the accumulation of resources that their enactment is supposed to generate and by being read off, learnt, or inferred from the body of the resources. Without this validation in the space of resources, schemas would disappear. Without this regeneration of resources on whose 'body' schemas can be read as the meaning of a text, schemas would be abandoned and forgotten. A factory is not simply a set of bricks, wood, and metal, but an actualization of particular schemas. Its material features—the factory gate, the punching-in station—are actualizations of the rules of the capitalist labour contract. Schemas can thus be inferred from resources. Resources teach and validate the schemas. The factory is an enactment of the rules of the capitalist labour, but it also teaches and validates these rules. These rules can be inferred from, are learnt and sustained by, the particular features of the factory. Without the factory with these particular features, the rules of the capitalist labour lose their power (Sewell 1992: 13).

Without resources, whose actual features sustain the schemas, schemas would lose their power and would be abandoned. Structures—sets of schemas and resources—survive over time only because schemas and resources mutually imply and sustain each other (Sewell 1992: 13). Structures, then, are 'dual' in the sense that they cannot be reduced either to the mental structures (as French structuralism would have it) or to material objects (as material determinism would have it).

## The Possibility of Change and Action

The duality of structures explains how agency and transformative action are possible from within structures. Not only can a change in schemas have an effect on resources. A change in resources can also have an effect on schemas.

To be sure, the duality, characterized by the mutually reinforcing relationship between schemas and resources, explains the strong tendency of the structures to reproduce themselves. But it also explains how structures are put at risk in precisely the process through which they are reproduced, and thus explains the possibility of structural transformation. Structures are put at risk in this process because, unlike the ‘deep’ and unitary mental structures of French structuralism, they are ‘multiple, contingent, and fractured’ (Sewell 1992: 16), and the process through which they are reproduced always contains the risk of undermining their particular organization of power at any given point in time. Sewell (1992: 16) captures these features through ‘five axioms’ about structures—‘the multiplicity of structures, the transposability of schemas, the unpredictability of resources accumulation, the polysemy of resources, and the intersection of structures’—that together explain how transformative action is possible in the course of the structure’s normal functioning.

The *multiplicity of structures* refers to the fact that practices that constitute societies derive ‘from many distinct structures’, located at different levels of depth, and operating through a wide variety of resources (Sewell 1992: 16). Sometimes these different structures operate in harmony, but often they create conflicting claims and empowerments. Social actors inhabiting structures have knowledge of a wide range of different and sometimes incompatible schemas, and they have access to different types of resources. They can draw on this knowledge to deepen this conflict between schemas, or to interpret resources in ways that weaken some and strengthen other schemas, and result in a reorganization of the relations of power in the overall structure.

The *transposability of schemas* refers to the fact that schemas ‘can be applied to a wide and not fully predictable range of cases outside the context in which they are initially learnt’, which means creatively (Sewell 1992: 17). Therefore, agency—the capacity to extend schemas to new contexts—is intrinsic to knowledge of cultural schemas, a knowledge that all minimally competent members of a society have.

The *unpredictability of resource accumulation* follows from the transposability of schemas. As schemas can be enacted in new contexts in unpredictable ways, the effect of each of these new enactments on the resources of the actors is unpredictable (Sewell 1992: 18). This makes change possible in the normal functioning of structures. As the reproduction of the schemas depends on their continuous validation by resources, this unpredictable effect of the enactment of schemas on resources means that, when

enacted into practice, schemas will be differentially validated by resources and can be subject to modification (Sewell 1992: 18).

The *polysemy of resources* follows from the fact that resources embody cultural schemas that are then read on the body of the resources. As with any other cultural meaning, the cultural meaning of a resource is never unambiguous. The factory embodies—and thus teaches—the rules of the capitalist order. But, as Marx argued, it can also teach the social and collective character of production, and in this case it can undermine the capitalist order (Sewell 1992: 19). This feature too captures the way in which agency is already part of the functioning of structures. Any set of resources can be interpreted in a variety of ways, thus teaching different cultural meanings and empowering different actors. This makes space for agency—understood as ‘the actor’s capacity to reinterpret and mobilize an array of resources in terms of cultural schemas other than those that initially constituted the array’ (Sewell 1992: 19).

The *intersection of structures* refers to the fact that structures intersect and overlap, at the level of both schemas and resources. This makes it possible for a given set of resources to be claimed and interpreted by different actors embedded in different structural complexes. It also makes it possible for schemas to be borrowed from one structure and applied to another, which opens space for social change (Sewell 1992: 19).

Taken together, these five axioms explain why structures are not automatically reproduced by the actions they empower. Structures are at risk of being modified in all the social encounters they shape, and through which they are reproduced. The everyday processes that maintain the structure are fundamentally unpredictable and take place at multiple levels. This unpredictability and multiplicity, central to the processes of structural maintenance, put structures at risk and thus make change from inside the structures a constant possibility (Sewell 1992: 19).

On this account, agency is not only compatible with, but also enabled by and constituted by structures. For Sewell, agency is the ability to exert some control over one’s social relations, including ‘the ability to transform those social relations to some degree.’ This ability is implicit in the agents’ knowledge of schemas and in their control over resources, both of which empower agents to act. Knowledge of schemas involves the ability to apply schemas to new contexts, in unpredictable ways. By exercising this ability, agents can transform a practice they are involved in or can acquire new resources. On the side of resources, control of resources includes the ability to reinterpret that set of resources in terms of schemas different from the ones that

constituted the set to begin with, and thus to acquire different powers from those the resources originally put in their hands. Agency 'is implied by the existence of structures' (Sewell 1992: 20)

Sewell's notion of structure as dual explains why action internal to structures can be transformative. It explains why the relation between structures and actions is not well described as a relation of unidirectional constraint. There is a sense in which structures do indeed constrain action, but the meanings of both schemas and resources, and thus the shape of the constraint, depend on action.

Moreover, structures also enable action. Structures empower agents by endowing them with knowledge of schemas. This cultural knowledge enables agents to navigate their world, to acquire resources and the powers that come with them. To step outside structures is not empowering, for it deprives one of the knowledge of cultural schemas that constitute the structure. Without this knowledge, which includes knowledge of the schemas at work in the structural processes that relegate one to a subordinate role, one cannot mobilize existing schemas and resources in ways that reconstitute the distribution of resources and reorganize the positions of power, mobilization that is necessary for structural transformation. Agency, including transformative agency—the ability to act in ways that transforms structures—has its source in structures. Agency is structural.

But not only agency—the ability to act—is structural, as Sewell argues. Actions themselves, I argue now, are structural in another sense. They are structural in the sense that their meaning depends on the structure and on the processes of structural maintenance; actions acquire their meanings in the everyday processes that maintain the structure. Every time an action is shaped by the structure, the meaning of the action is conferred by reference to a set of meanings that constitute the structure. To say that these cultural meanings—schemas—are transposable is to say that they can be applied to new cases, or in ways in which they were not conventionally applied. But it is also to say that an action that would previously have been 'read' under one set of meanings is now read under a new set of meanings. Its meaning has changed in the process of the structure functioning. This view helps explain why we should abandon Cudd's view of resistance. Intentions whose content refer to the oppressive effect of the structure need not be present in a process of reinterpretation of schemas or resources that results in the transformation of the structure. Agents may be motivated by their desire to improve their structural position, but whether or not they are motivated by the intention to change the structure is irrelevant to the ability of their action to effect that transformation.

Cudd's insistence that intentions with the right content have to be causes of actions of resistance might be related to her view about the possibilities of transformation. On this view, transformation of the structure can come only from outside the structure. We have to be able to separate ourselves from our structurally imposed group identity, to 'think *outside* our collective boxes' (Cudd 2006: 188, emphasis added), in order to be able to change oppressive structures, because, the implication seems to be, any actions taken within the constraints of the structure can only reproduce, not transform the structure (Cudd 2006: 187–8).<sup>9</sup> Acts motivated by intentions with the right content can be transformative, because they guarantee this separation from structurally imposed conditions and identities. However, if, following Sewell, we abandon the view that structural transformation can come only from outside the structure, we can also abandon the view that intentions with the right content are necessary for an act to qualify as an act of resistance. Rather than understanding resistance as thinking ourselves outside our boxes, we should think of resistance as reshaping the box, changing the relation between its different sides, such that it holds a different reality, and it shapes different relationships of power. Sewell's view of structure enables us to think of resistance as reinterpreting the constraints of the box in ways that result in new constitutions of power.

However, to do this, we need to go beyond Sewell's account of agency. I argue that we need to make two further modifications to Sewell's view of agency. First, we need to see agency as dependent on the plurality of publics involved in the processes of interpretation of schemas and resources that constitute agency. Agency then is dependent on the existence of a public, not only on the knowledge of the individual. This suggests, secondly, that we need to understand agency, not as a form of control, but as a vehicle that brings contingency and unpredictability into the workings of the structural processes that maintain structures.

Two further considerations give further support to this idea. One is that the ability to introduce contingency and unpredictability rather than control better captures Sewell's notions of the transposability of the schemas and the polysemy of resources. The other is that understanding agency as a vehicle for contingency avoids a problem that Sewell's notion of structure otherwise runs into: the problem of stasis.

<sup>9</sup> Closely related to this is the assumption that the only relation between the structure and actions taken within a structure is one of constraint. This is what Young (2011: 53–6) calls 'objective constraint', which for Young is one of the four aspects of social–structural processes.

### **III Structural Action as Publicly Constituted and as a Vehicle for Contingency**

#### **Structural Action Is Publicly Constituted in a Plurality of Publics**

Interpretation stands at the centre of Sewell's notions of the transposability of schemas and the polysemy of resources. Schemas are transposable in the sense that they can be applied to contexts other than those in which the schemas were initially learnt, which means that they can be interpreted as relevant to new cases. In knowing schemas, agents know how to use them in creative ways, to interpret them in ways not predictable by previous uses.

But not every attempt to transpose a schema or to reinterpret a resource is successful. Not all such attempts are creative expressions of agency. Some are cultural mistakes or violations of a schema that are punished or in other ways marked as violations. The difference is made by the response of a public. One's public can take the new action as a new, creative application of a schema or it can interpret it as a violation of a schema.<sup>10</sup> Thus, the processes of interpretation involved in transposing schemas and relying on the polysemy of a resource point to the public of an action.

More than that, they point to the plurality of these publics. One public can interpret an action as conforming to a schema, another as a violation of a schema, and yet another as a creative transposition of a schema to a new context that challenges the overall organization of power. Agents can be successful in their transposition of schemas only if there is a public of the latter sort. Rosa Parks's refusal to go to the back of the bus would successfully be an act of resistance only in the presence of a public that would see her action as a transposition of the schema of universal equality. One public—the white majority in the South—refused to give it this interpretation and marked it as a violation of the schemas organizing and justifying segregation. To come into the world as a successful act of resistance, Rosa Parks's action needed the public that interpreted it as an enactment of the schema of equality. For Rosa Parks to be able to take an action with that meaning, an action that instantiates the schema of equality, Rosa Parks depended on the formation of the public that would interpret her action as demanded by equality. She would not have been able to perform an act of resistance in the absence of this public. Her intention alone was neither necessary nor sufficient to spark resistance to the schemas justifying segregation.

<sup>10</sup> Here I draw on the analysis of publics and counter-publics in [Warner \(2002\)](#).

In sum, a process of interpretation is implicit in Sewell's notion of the transposability of schemas, and therefore the existence of a public is implicit in Sewell's account of a successful transposition of a schema. This is a public that gives a particular interpretation to an action, interprets it as a creative application of a cultural schema. This in turn brings in a plurality of publics, as different publics may give different interpretations to an action, interpret it as falling under different schemas. Agency then is not only structural, but publicly constituted in a plurality of publics; it is plurally public.

Similarly, Sewell's account of the polysemy of resources and its role in agency relies implicitly on the notion of a public. One form of agency is the ability to interpret one's resources in new ways, in terms of cultural schemas other than those that constituted the resources initially, thus empowering new actors and teaching different cultural messages. This ability, however, depends on the actions of a public. For whether a new interpretation 'sticks'—that is, becomes the new cultural meaning—depends on its being accepted, taken up, and acted on by a public. This acceptance is more than just theoretical. It is reflected in actions in which others—the members of a public—go along with the new cultural meaning embedded in the new constellation of resources.

Different publics may take different attitudes towards this change in the meaning of resources, and to the power relations this change in cultural meaning brings about. Some publics may accept it while others may reject it. We need at least one public to enact this understanding of reinterpreted resources for the new interpretation of resources to have the power warranted by talking about resources as elements of the structure.

## **Agency as a Vehicle of Contingency rather than Control**

This has implications for Sewell's view that agency is a type of control. Sewell understands agency as a sort of control over one's social relations. Following Giddens, he thinks that one's agency is a matter of one's strategic use of one's resources and knowledge of schemas to pursue one's goals. This picture of agency as strategic pursuit of one's goals retains an element of control in that one still exercises enough control over a process in which, through one's use of one's resources and knowledge of schemas, one can achieve one's goals.

There are three reasons to abandon this picture of agency.

- (a) The first reason is that action's plural publicity removes the control of its agent

If the response of a public to the actions of an agent is essential for making sense of the process that enables structural agency, then agency cannot be thought of as control of an agent over their actions. Agents do not have control over the publics of their actions, and therefore their actions are not within their control. Nevertheless, agents create something new in the world, and this is the sense in which we speak of agency.<sup>11</sup>

- (b) The second reason is that lack of control is implicit in the transposability of schemas and the polysemy of resources

Another reason to think that the notion of control does not fit well with Sewell's notion of agency is that agency is related to the ability to use schemas in new and unpredictable ways (the transposability of schemas), and to draw on the multiple meanings of resources, not to effect control. Agency involves the ability to begin something new—a new meaning for a practice previously read through a different schema, a new meaning for a resource, and thus a new distribution of resources—but it does not involve the ability to control the effects of one's action in the world. Agency is a matter of using schemas and interpreting resources in new ways, ways that could not be predicted in advance, from previous enactments of the schemas. This is an agency not as an ability to control this process well enough to achieve one's goals, but as an ability to introduce new, unpredictable interpretations that successfully interrupt the processes of structural maintenance. It is agency as a vehicle for introducing contingency into the social world, not agency as the ability of agents to control their social world to bring it in line to their goals.

- (c) The final reason is that agency understood is vehicle for contingency is a solution to the problem of social stasis

Understanding agency in this way, as the ability to introduce contingency, would also solve a problem that Sewell's account otherwise encounters. This problem arises because Sewell's notion of structure has to explain not only agency, but also power. These are closely related notions, as agency is the capacity to act and power refers at least partly to what one can do. But power also refers to inequalities—of privilege, status, position, and so on—in virtue of which one has options for action closed to others. A notion of structure has to be able to explain both agency and differences of power. It has to explain how agency is enabled by structures and how it coexists with differences of power.

<sup>11</sup> See Arendt's notion of natality and its significance for understanding action (Arendt 1958: 9, 178).

Sewell (1992: 20) explains differences in power as differential levels of agency. Even though no society member is entirely devoid of agency, he says, agency varies ‘in both kind and extent’. It varies in kind because the kinds of desires people have, the intentions they can form, and the sorts of new transpositions of schemas they can carry out depend on the social world they inhabit and on the particular structures enacted in those social worlds. Only in a society with a notion of heaven and hell, for example, can one strive to be admitted into paradise (Sewell 1992: 20–1).

Agency also varies in extent. Different people have different levels of agency. This is how Sewell explains differences of power. Within the same society, these are differences among occupants of different social positions, such as those defined by gender, wealth, class, ethnicity, occupation, sexual preference, or education. Occupants of different positions have knowledge of different schemas and access to different kinds and amounts of resources. Hence, they have access to different possibilities of transformative action (Sewell 1992: 21). While all agents have some level of power and agency, it is also the case that there are more or less powerful agents, and that the more powerful have a larger extent of agency. But, if agency is a sort of control, it means that the powerful have more control over the structure than the powerless, which in turn suggests that the possibility of social change is minuscule at best. If, following Giddens, agency is nothing but the agents’ ability to use their knowledge of schemas and their resources to advance their goals, then, the more powerful one is, the wider the extent of their agency, hence the more successful at achieving their goals. The powerful are then more successful at achieving their goals than the powerless. But one of the goals of the powerful is presumably to maintain their power, and thus the social structure in its current form. If agency is control over the process that brings about one’s goals, then the social structure is more likely to be maintained than changed. And then we run into precisely the problem that motivated Sewell’s account in the first place: how to explain social change. The most attractive feature of Sewell’s notion of structure—its ability to explain the possibility of structural change—would have to be abandoned (see also Wolff, Chapter 1; Haslanger, Chapter 3; McKeown, Chapter 4; this volume).

I think that we could maintain the ability of Sewell’s notion of structure to explain the possibility of structural change by abandoning the metaphor of control in understanding agency and replacing, or at least supplementing, it with a notion of agency as the ability to introduce unpredictability into

the workings of the structure.<sup>12</sup> Relating this ability to unpredictability can explain how even the powerful can have their power unsettled by the enactment of agency, as this unsettling of their power is an effect that escapes their control. For the powerful cannot control the effects of new enactments of schemas or new interpretations of resources on the structure that can unsettle their power.

Going back to the plural publicity of structural action, one reason for this is that the powerful cannot control which new enactments and interpretations will 'stick' publicly. The power of the powerful can be unsettled only by new enactments and interpretations that 'stick' publicly, that a public takes up. The powerful have no perfect control over the formation of these publics, so their power is as much at risk as it can be consolidated by the formation of these publics.

On this view, agency is the ability to bring about something new in the world, new in the sense that it was not determined by anything that came before, and thus could not have been predicted. However, the new that structural action brings into the world is not something deliberately designed by the agent in advance of action. It is also not a clean break from the previous world; it is not entirely unrelated to the previous world's cultural and material elements. Rather, it is new as it represents a new, creative, surprising, or revolutionary reinterpretation and reorganization of those elements.

On this view of action as plurally public and socially structured, agency is the ability to act in a social world that can be transformed by our actions, but over which we cannot exert control. This ability is a function of the uncertainty, unpredictability, and indeterminacy that human action can introduce into the world, and, connected to this, of the action's capacity to make further action possible, to open new opportunities for action.

## Conclusion

Theorists of structural injustice have a tendency to overemphasize the constraining effects of structures on action and to gloss over the enabling possibilities for action inherent in the complex interplay between social meaning, resources (including material resources), and human action. As a

<sup>12</sup> McKeown (Chapter 4, this volume: 77) discusses the ability that the dominated have to challenge the complicity of 'aligned social agents' in their domination, as well as to create a 'countering alignment' to their domination. These are two examples of possible actions that introduce contingency in the process of structure maintenance.

result, they assume that transformative action has to come from outside structures. Against this tendency, I have argued that actions are socially structured and plurally public. Structures are not deterministically reproduced. Rather, they can be disrupted or transformed in the course of the structure's normal functioning. Transformative actions do not originate outside structures, but are part and parcel of structures; their meaning depends on the social meaning inherent in structures. Their meaning is conferred in a process of interpretation, one that takes place in a public. The public character of this process of interpretation could be thought of as a process of collaboration among different agents—some agents, some members of the public, perhaps the same agents taking turns in these different roles. This process of collaboration is characterized by contingency and unpredictability. This ability of action to introduce contingency into the social world is essential to its ability to transform structures.

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# 3

## Agency under Structural Constraints in Social Systems

*Sally Haslanger*

Societies (and many of their parts) behave in distinctive ways.<sup>1</sup> Their changes are hard to predict. They are self-organizing and adaptive. They tolerate considerable change and maintain themselves without central control, but even small changes can make a big difference. These are features found in complex systems (Ladyman et al. 2013). Examples of complex systems include ecosystems, weather, anthills, the human brain. If a society is a complex system—if it is nothing more than an anthill with humans in the place of ants—then it might seem that there is little room for human agency (see Wolff, Chapter 1; Marin, Chapter 2; McKeown, Chapter 4; this volume). We can allow that the workings of the system are non-linear, but that is little solace to agents if our choices do not matter. From the point of view of agents, we are capable of acting for reasons that are relatively transparent to us; we deliberate. Our choices are not controlled by a system in which we are mere cogs. Where can we locate agency within social systems?<sup>2</sup>

In order to answer this question, we need an account of social systems. There is a huge interdisciplinary literature on complex dynamic systems that is relevant to this effort. However, much of the complex system literature fails to situate individuals as participants in social systems. The mainstream philosophical literature is of limited help, for it is mostly committed to an outmoded methodological individualism that insists on a kind of reductionism of social phenomena to the (sometimes joint-) intentional action of persons. One important lesson of complex systems theory is that such reductionism is fruitless in both natural and social science. In this chapter

<sup>1</sup> Thanks to Aaron Berman, Jude Browne, Shalom Chalson, Sahar Heydari Fard, Max Fedoseev, Maeve McKeown, Cailin O'Connor, Ny Vasilyeva, Taraneh Wilkenson, Stephen Yablo, and Tad Zawidzki.

<sup>2</sup> As I understand this question, it is *not* about free will. I will assume a kind of compatibilism about free will, according to which we have agency just in case we have genuine choices, and our actions are 'up to us'. In saying they are 'up to us', I do not assume a Kantian view of agency as rational self-governance. I can act irrationally, or arationally, and still be an agent; cf. Schapiro 2021.

I will sketch an account of social practices and social structures according to which they depend on interactions between individuals, culture, and material conditions; and I will begin the project of showing how our participation in practices reproduces complex social systems, while, at the same time, our agency matters.<sup>3</sup>

## I Systems and Structures

Let us begin by considering the relationship between systems, structures, and practices, understood in general terms. Stuart Shapiro (1997: 73) suggests:

I define a system to be a collection of objects with certain relations. An extended family is a system of people with blood and marital relationships, a chess configuration is a system of pieces under spatial and ‘possible move’ relationships ... A structure is the abstract form of a system, highlighting the interrelationships among the objects, and ignoring any features of them that do not affect how they relate to other objects in the system.

I take Shapiro to be suggesting, for example, that *my family* is a system that includes particular individuals (Steve, Isaac, Zina, Sparky, me) who stand in relations such as ‘parent of’, ‘child of’, ‘spouse of’, ‘sibling of’, ‘dog of’, and so on. But we can abstract from this particular Yablanger system to see it as instantiating a more general structure shared by other families. We can then distinguish the individual in a system (me), from the position within the structure (parent, spouse). That is, considering the relationships that form the structure, we can distinguish occupiers of positions from the positions. Another example: the Boston transportation system—including, say, buses, commuter rail, and subway—consists of the actually functioning vehicles, tracks, signal lights, shelters; the structure of that system abstracts from the particular vehicles and stations. The structure might be represented on a map as a set of lines and dots.

Considering places—or what I will sometimes call *positions* or *nodes*—as objects, we ignore the particular individuals that occupy the places, and focus on the relationships that hold between places themselves. For example, when we talk about possible moves for a rook, we might mean how we might move a token tower-shaped piece of wood or plastic in an actual chess game, or we

<sup>3</sup> Parts of this chapter draw substantially on work that I have published elsewhere. See, e.g., Haslanger (2016, 2017a, 2017b, 2018, 2019a, 2019b).

might mean what the rules of chess allow for anything that counts as a rook; we move from considering the token rook to the rook type. In the case of families, parents have certain rights and responsibilities with respect to their minor children—this comes with the position in the structure. In the system of my family, Steve and I have those rights and responsibilities with respect to our children. Evolving practices can change structures: the practices of same-sex relationships and their increasing visibility has changed the structure of marriage and kinship more broadly.

To claim, as Shapiro does, that a structure ‘is the abstract form of’ a system may suggest that structures are abstractions we create, like models or maps, and so are virtual, ideational.<sup>4</sup> As I understand it, however, systems are *tokens* of structure *types*; systems are particular instantiations of structures. Types are not representations. My family is an instance of the type: two parents of different sex/genders with two children and a dog. It is also an instance of a more specific type: two parents of different sex/genders with two adopted children and a dog. And an even more specific type: two parents of different sex/genders with two adopted children of different sex/genders and a dog. Just as there are types at different levels of specificity, the same is true of structures. Moreover, the instantiation of the structure includes not only the particular individuals, but particular relations, such as Isaac’s particular relation to Sally as his parent. In other words, the system is not just a set of individuals, atoms in the void, but individuals-in-relations.

There are two moves in identifying a structure. The first is to attend to the relations between individuals. The second is to recognize that the same (type of) relation can be instantiated by different individuals—this gives us the places or nodes. Consider first the move to relations. The relations that hold between individuals in a system exist in space and time and are causally efficacious (or are essential parts of states of affairs that are).<sup>5</sup> For example, in order for a house to stand, the roof rests on load-bearing walls that transfer the weight of the roof to the foundation. That *x rests on y* is causally responsible for the house remaining upright when *x* is the roof of the house

<sup>4</sup> Giddens (1986: 17), among many others, falls for this temptation; Sewell (1992: 6) challenges it.

<sup>5</sup> The ontological distinction between abstract and concrete objects does not presuppose that abstract objects are the product of (cognitive) abstraction; in fact, there is a long-standing debate in philosophy about the nature of abstract objects. The argument I am making here is addressed to those who assume that ‘abstract objects’ are either a product of cognition or reside in a sort of Platonic heaven. If one already grants that ‘abstract objects’ can be causally efficacious parts of the material world, then the point I am making here is not news. But I will avoid using the term ‘abstract’, because of its tendency to evoke anti-realist understandings of structure.

and  $y$  is a load-bearing wall.<sup>6</sup> If there is a hurricane, an insurance company may be interested exactly where and when the roof stopped resting on the wall. Moreover, the fact that the roof of a house rests on certain walls allows for—enables—other walls, windows, and doors to be constructed without risking a roof collapse. Because such a physical relation plays an important role in house construction, materials are manufactured in order to facilitate and sustain particular tokens of that relation: beam brackets, joist hangers, straps and ties, nail plates, fasteners, and such. Although I have chosen an artefact to make the point, the physical world is constituted by material relations and structures that are the subject matter of natural science (Garfinkel 1981).

Likewise, social relations are causally efficacious. My family is a particular system that instantiates parent, spouse, pet, and sibling relations. The parent–child relation is part of its structure, and it, or a token of it, is part of the system. My relation to my children has material causes and effects. Like a load-bearing wall, it helps to hold up a family and related institutions. Being in a parent–child relation constrains and enables action. The parent relation occurs in a system of law and policy: parental rights that define my relationship with my children gave me certain legal powers over them when they were minors. For example, my signing a permission slip for Isaac (when he was a child) is not the same kind of act as his friend Aidan signing a permission slip. Aidan does not have the authority to give permission for Isaac to go on a field trip. His signing is not an act of giving permission; it is only a pretence. Less formal local parenting norms have also shaped how we relate to each other.

Although humans play a role in designing social systems, they also surpass us; as a result, some of the social relations are not designed or intentional and may not even be recognized. For example, Zina and Isaac are in open adoptions. Zina has a birth sister, Mahogonie. Mahogonie is the (full, biological) sister of my daughter; is she also my daughter? She is not my birth-daughter, or step-daughter, or daughter-in-law. I am close to her, and she is ‘like’ a daughter to me. But, because American adoption practices were for so long focused on hiding (White families’) adoptions and the birth families (Solinger 1992), this relationship— $x$  is the adoptive mother of  $y$ ’s birth sister—is rarely recognized, has few (if any) norms associated with it, and there is no generally accepted word for it. And, if our adoption were closed

<sup>6</sup> I intend to remain neutral here about whether the relation between the roof of a particular house and the load-bearing walls of that house is a universal that is wholly present in different houses, or is an abstract particular, also known as a trope. See Maurin (2018).

and I did not even know Mahogonie existed, I would still bear this relation to her. When required, our family makes up language as we go along and has a variety of answers we can give to strangers' questions—for example, at passport control.

What, then, is the relationship between practices, systems, and structures? Following Shapiro, I take practices to be particular patterns of behaviour (I say more about this below) that occur as parts of systems; the practices establish roles and relations. Structures are networks of interdependent relations instantiated in different systems. Structures are, in a sense, the skeleton that connects different practices and the social relations they instantiate in a social body.

## II Practices

In the previous section, I described social systems and structures in terms of networks of relations. Can we say more about social relations? On my view, social relations emerge in practices. For example, some families have two parents but only one primary parent or what is sometimes called a 'care-giving parent'. The primary parent is the one responsible for meeting the basic needs of the child on a day-to-day basis—for example, providing food, clothing, transportation, security, and loving attention. The other parent, traditionally the breadwinner, provides the financial support of the primary parent and children, and provides only minimal day-to-day care. The relation  $x$  is a primary parent of  $y$  obtains of  $x$  and  $y$  by virtue of the practices they engage in—for example,  $x$  feeds, clothes, protects, and generally cares for  $y$ . (In families that divide this labour relatively equally, there can be two primary or care-giving parents.) This is an informal relation. But even the legal relation *being a parent of* holds between parent and child by virtue of practices—namely, the practices defined by law to establish parental rights.

It remains unclear, however, what practices are. Rawls (1955) offers important insight in his 'Two Concepts of Rules'. There, Rawls argues that there is an important difference between 'summary rules', and 'practice rules'. Summary rules are 'summaries of past decisions' (Rawls 1955: 19) and rely on a 'statistical notion of generality' (Rawls 1955: 21, n 22). Practice rules, in contrast, are *prior to* the behaviour and states of mind of the participants and define 'offices, moves and offenses' (Rawls 1955: 25); moreover, 'to explain or to defend one's own action, as a particular action, one fits it into the practice which defines it' (Rawls 1955: 27).

What does it mean to say that the practice is ‘logically prior’ to the behaviour and states of mind of the participants? Rawls (1955: 25) suggests:

In the case of actions specified by practices it is logically impossible to perform them outside the stage-setting provided by those practices, for unless there is the practice, and unless the requisite proprieties are fulfilled, whatever one does, whatever movements one makes, will fail to count as a form of action which the practice specifies.

We need practices, he argues, because ‘in many areas of conduct each person’s deciding what to do on utilitarian grounds case by case leads to confusion, and that the attempt to coordinate behavior by trying to foresee how others will act is bound to fail’ (Rawls 1955: 24). Practices provide a public understanding of what is to be done and carry social normativity: ‘[when there is a challenge] to the particular action defined by the practice, there is nothing one can do but refer to the rules’ (Rawls 1955: 27).

Rawls’s insights are crucial for understanding the social conditions for much of our agency. But, for our purposes, Rawls’s sharp distinction between summary rules and practice rules should be loosened. At least two adjustments to his view are necessary. First, the model of ‘rules’ he seems to have in mind assumes that practices are, like games, governed by an explicit set of principles that define offices and their requirements and permissions. But what about informal practices? Most social practices are much more tacit and improvisational (Bigelow and Schroeter 2009; Bertinetto and Bertram 2020). Second, he says little about how to determine the conditions under which a rule applies. More specifically, rules perform their function only if they are general and at least potentially apply to more than one case. As a result, any application of a rule requires interpretation of the conditions as ones that call for the rule. Even in games, a challenge to an action, say, a decision by an umpire, may not concern the rule, but the proper application of the rule to the case at hand. And, as conditions change, allowable interpretations of the rule expand or contract, and sometimes the rule is changed to catch up with the practice (MLB.com n.d.; Rymer 2014). This suggests that Rawls’s claim that practices (or practice rules) are ‘logically prior’ to action is misleadingly rigid. Practices evolve. Although some actions cannot be performed unless they accord with an explicit rule (as interpreted in that context), practices and the actions that instantiate them are dynamically interdependent. So we should not assume that practices or the actions that instantiate them are ‘rule governed’, but consider, as Rawls says, how practices provide a ‘stage setting’ for action.

To address these issues, it is helpful to turn to William Sewell's influential account (1992) of social structure (see Marin, Chapter 2, this volume). Although Sewell provides a theory of structure, his account embeds a conception of practice. Following Giddens (1979), he claims that 'structures shape people's practices, but it is also people's practices that constitute (and reproduce) structures' (Sewell 1992: 4). Sewell (1992: 19) argues—in terms that will require explication—that 'structures ... are sets of mutually sustaining schemas and resources that empower and constrain social action and that tend to be reproduced by that social action.' As I develop his view, the various 'mutually sustaining schemas and resources' are the practices that constitute the structures when they are stably reproduced. So what does he mean by 'mutually sustaining schemas and resources' and how is that an account of practices? I have discussed this in detail elsewhere (Haslanger 2018), so I will only summarize the main points here.

Very roughly, Sewell uses the term *schemas* for the tools that a culture provides to human and some non-human agents for perceiving, thinking, feeling, and acting in ways that facilitate coordination (see also Lessig 1995; Balkin 1998: ch. 1). They are public, and so, like the meanings of words, are not best thought of as mental states.<sup>7</sup> Publicity is necessary in order for us to rely on them to coordinate. Sewell (1992: 7–8) proposes that schemas consist of 'the array of binary oppositions that make up a given society's fundamental tools of thought, but also the various conventions, recipes, scenarios, principles of action, and habits of speech and gesture built up with these fundamental tools.' Drawing on Sewell, Balkin (1998: 3), and others, I think we should include:

- (i) *simple meanings* (pink means girl, red means stop) and other forms of signalling (greeting rituals, clothing choices, logos);
- (ii) *narrative tropes* ('First comes love, then comes marriage, then comes baby in the baby carriage') and material signals and prompts for one's place in them (wedding rings, 'gender reveal' events, and associated paraphernalia);
- (iii) *default assumptions* ('Marriage is between one man and one woman'; 'The US Constitution protects liberty and justice for all');

<sup>7</sup> There is a literature on psychological schemas that is relevant, for it provides insight into how public schemas are internalized. This is also relevant to the literature on implicit bias. However, schemas in the sense intended by Sewell and others are cultural, not psychological. I have switched to using the term 'social meanings' in order to avoid the confusion with psychological schemas. (Admittedly, my previous work has not always been clear about this!)

- concepts (bachelor, marriage, sex, gender, race, water, justice) and alleged analytic truths about them;
- (iv) *elements of architectural design* (brick and ivy, toilets designated for men and women only, spaces accessible only by stairs, façade columns (Chwe 2001; Bell and Zacka 2020));
  - (v) *Heuristics* (imitate-the-majority, or imitate-the-successful (Gigerenzer et al. 1999; Hertwig et al. 2013: 7));
  - (vi) *Familiar patterns of metaphor and metonymy* ('God is love,' 'The pen is mightier than the sword' (Camp 2006));
  - (vii) *Entrenched conceptual homologies* (reason: passion: man: woman (Balkin 1990; 1998, ch. 10));
  - (viii) *Explicit public declarations* ('Black Lives Matter,' 'Blue Lives Matter').

A particular practice relies on a set of social meanings. I call the various (sometimes contradictory) social meanings that interweave in a social structure a *cultural technē*.

On Giddens's account, *resources* are 'anything that can serve as a source of power in social interactions' (Sewell 1992: 9; interpreting Giddens 1979: 100). This can include such things as knowledge, money, status, but also material stuff such as factories, weapons, and land. Giddens and Sewell take resources to be at least regarded as positively valuable, a source of power, but I have argued that, because we also coordinate around the need to eliminate or avoid what is harmful, toxic, and disgusting, we should allow a broader range of things as resources (or what I sometimes call '*sources*' to avoid the positive connotation of '*resources*'). Resources, in this sense, include anything recognized (drawing on the available schemas) as having some kind of (positive or negative) value.<sup>8</sup>

On the account I endorse, social practices are patterns of behaviour, but need not be guided by rules or performed intentionally. However, they are not mere regularities in behaviour, either, for they are the product of social learning and evolve through responsiveness to both each other's performances and the parts of the world we have an interest in collectively managing.<sup>9</sup> This responsiveness is mediated by social meanings—carried in

<sup>8</sup> Note that I am a pluralist about value and do not assume that all values are commensurable. So to say that something has positive or negative value, I do not mean that it falls at a particular place on a monistic scale of value.

<sup>9</sup> Because of the huge cognitive demands of coordination across highly varying and variable circumstances, humans cannot rely on 'preinstalled, competence-specific information' (Sterelny 2012: p. xi). To be effective social foragers in a variety of ecological contexts, humans evolved capacities for social learning, reliable cross-generational transmission, and the material and technological resources for building

the cultural technē—that enable us to communicate, coordinate, and manage the things taken to have value. (Note that the social meanings can include rules.) I suggest that we might capture this as follows (Haslanger 2018: 245):

*Social practices are patterns of learned behavior that enable us (in the primary instances) to coordinate as members of a group in creating, distributing, managing, maintaining, and eliminating a resource (or multiple resources), due to mutual responsiveness to each other's behavior and the resource(s) in question, as interpreted through shared meanings/cultural schemas.*

It is important to note that social meanings and resources form a causal loop (as Sewell says, they are ‘mutually sustaining’); this is relevant to their stability and change. Culture provides tools to interpret some part of the world as valuable (or not)—as a source of value/disvalue—and offers guidance for how properly to interact with it. Our interaction with a resource affects it: we grow it, shape it, manage it, distribute it, destroy it, and so on. How it responds to our actions affects our ongoing interactions with it. In cases where the practice takes hold, we shape the resource in order to facilitate the further application of the schema. A paradigm example of this is food production. We interpret some, but not all, edible things as food. Edible things come to have different social meanings (around here we do not consider grasshoppers to be food, but elsewhere they are a special treat). Agricultural practices produce, distribute, and dispose of what our culture recognizes as food. These items are easy to get in the market, we know how to cook them, and our palates adjust to them. This reinforces how cultures divide edible things into food and non-food and, in turn, the material reality of agriculture. An unjust social practice, or structure, might fail to provide us with the semiotic tools to interpret and value things aptly, or it might organize us around and distribute what is valuable in unjust ways. But, because social practices do not just represent reality, but also act on it and shape it to conform to our practices, it is easy to think that nothing is wrong: the fit between practice and world is natural, good, and ‘true.’ This, of course, is a mistake.<sup>10</sup>

To return briefly to the two concerns I raised about Rawls’s conception of practices in terms of rules, in my account, some but not all practices have ‘rules’ for correct performance, but most are shaped by our tutored,

on what came before (Sterelny 2012: esp. chs. 2–3). These capacities are the hallmark of social animals. (See Haslanger 2019a.)

<sup>10</sup> Much of my work over the past thirty years has been devoted to understanding this ‘looping effect’ of social meanings and the material world. I am indebted to Catharine MacKinnon’s work for illuminating this phenomenon and centring it in her analysis of sex oppression and social epistemology.

but also improvisational, responsiveness to social meanings and our material environment. As Sewell suggests, by attending to how practices organize us around things taken to have value, we are in a better position to understand how power circulates through practices and how we maintain unjust structures.

### III Agency and Choice Architectures

The initial question motivating our discussion is the place of agency in social systems. Individuals (persons and other social animals) are parts of social systems by virtue of participating in practices that establish relations not only between individuals, but between individuals and other parts of the material world. These relations form a network. The network has a structure. In a complex system, however, the structure is not rigid. The system tolerates perturbations and maintains itself by evolving and adapting. We still need to consider, however, in what sense are individuals *agents* in the system?

Coordination is the key to our evolutionary success; practices are crucial, because they enable us to coordinate fluently. Social animals *learn* to coordinate. They do not rely entirely on ‘preinstalled, competence-specific information’ (Sterelny 2012: p. xi). By relying on practices that are shaped by social learning, social animals are more flexible in responding to changing conditions. Practices, however, do not determine our action; rather, they provide a choice architecture.

For example, suppose you and your partner decide to get married and so will participate in the practice of being wed. You are then faced with a million choice-points. Each choice-point introduces new constraints and possibilities. You may first need to decide whether you will have a legal wedding, a religious wedding, a traditional wedding, or not. Each of these choices constrains what further choices are available, depending on the laws, the religion, and the tradition. But, even if you are keen to have a radically avant-garde wedding, there are some choices that are ruled out—for example, you cannot just follow (non-satirically) the wedding plan suggested in the most recent issue of *Martha Stewart Weddings*.

The structure of a choice architecture is constrained by many factors, depending on which kind of choice is at issue. The choices involved in wedding planning are constrained, as mentioned above, by law, religion, ethnic traditions, family obligations, financial considerations, individual preferences, and also by geography, climate, and public health. These factors interact to create patterns. During the Covid-19 pandemic, wedding planning

changed dramatically to avoid transmission of the virus. Small outdoor weddings became more common. But couples were, nevertheless, agents in deciding when, where, and how to wed within the constraints.

I have suggested that practices depend on a cultural *technē*—a publicly available semiotic toolbox—that provides resources for coordinated action; it gives us tools for interpreting the world and responding to it in ways that are intelligible to others. We are both the users of and the creators of the *technē*. William Sewell Jr's account (1992: 49) of culture is illuminating. He says,

users of culture will form a semiotic community—in the sense that they will recognize the same set of oppositions [in my terms: social meanings] and therefore be capable of engaging in mutually meaningful symbolic action. To use the ubiquitous linguistic analogy, they will be capable of using the 'grammar' of the semiotic system to make understandable 'utterances'.

Of course, continuing with the linguistic analogy, we engage in linguistic practices as agents, without the language determining exactly what we say, what utterances we produce. Sewell (1992: 49–50) elaborates:

The fact that members of a semiotic community recognize a given set of symbolic oppositions does not determine what sort of statements or actions they will construct on the basis of their semiotic competence. Nor does it mean that they form a community in any fuller sense. They need not agree in their moral or emotional evaluations of given symbols. The semiotic field they share may be recognized and used by groups and individuals locked in fierce enmity rather than bound by solidarity, or by people who feel relative indifference toward each other. The posited existence of cultural coherence says nothing about whether semiotic fields are big or small, shallow or deep, encompassing or specialized.

Social practices are, by their nature, mutable, because the social meanings guiding us in performing them are not fixed by the network of economic, political, geographical, social, or demographic relations that make up what we usually call a 'society' (Sewell 1992: 49). In other words, social meanings can be used to interpret phenomena—such as the political or economic conditions—in new ways, creating conceptual and practical connections that generate new options (and new constraints) for agency.<sup>11</sup>

<sup>11</sup> Sewell (1992: 49) argues: 'A given symbol—mother, red, polyester, liberty, wage labor, or dirt—is likely to show up not only in many different locations in a particular institutional domain (motherhood in millions of families) but in a variety of different institutional domains as well (welfare mothers as a potent political symbol, the mother tongue in linguistic quarrels, the Mother of God in the Catholic

[T]he conception of culture as semiotic implies a particular notion of cultural practice. To engage in cultural practice is to make use of a semiotic code to do something in the world. People who are members of a semiotic community are capable not only of recognizing statements made in a semiotic code ... but of using the code as well, of putting it into practice ... I would also argue that to be able to use a code means more than being able to apply it mechanically in stereotyped situations—it also means having the ability to elaborate it, to modify or adapt its rules to novel circumstances. (Sewell 1992: 51)

Social meanings shape our agency, but our agency also shapes social meanings, and, in doing so, shapes intelligibility within practices, and what practices we use for coordination.

## IV Structural Stability

Social systems are self-organizing and self-sustaining, but they also allow for agency in how individuals interpret the world and act on it. We are agents of constrained choice, navigating multiple factors: our biology, the local geography and climate, the background legal and religious strictures, economic limitations, cultural norms, and the interpretative and communicative resources available (and more). Our choice architecture is not always great. We cannot always get what we want, and all too often, not even what we need. And our efforts to manage can easily reproduce injustice and harm that are already built into the structures. Racism, sexism, and other forms of structural oppression reproduce themselves in the systems we embody. But why? How should we account for the durability of morally problematic systems? I do not think we need to postulate deep psychological dispositions to create ingroups/outgroups, or hoard resources, or act selfishly. Injustice emerges very easily once we create a division of labour: such divisions tend to spread and create differential bargaining power between groups. And, once a system is unjust, it is hard to change.<sup>12</sup> I will mention three relevant factors.

Church). Culture may be thought of as a network of semiotic relations cast across society, a network with a different shape and different spatiality than institutional, or economic, or political networks. The meaning of a symbol in a given context may therefore be subject to redefinition by dynamics entirely foreign to that institutional domain or spatial location ... This fact is what makes it possible—indeed virtually guarantees—that the cultural dimension of practice will have a certain autonomy from its other dimensions.’

<sup>12</sup> For other accounts of structural change, see, e.g., Wolff, Chapter 1; Marin, Chapter 2; McKeown, Chapter 4; Browne, Chapter 5; this volume.

First, action that conforms to a social practice is intelligible to others; if one strays too far, one is either misinterpreted or viewed as only a questionable member of the community. Both options are undesirable, for we need each other: we need to be interpretable, recognizable, included. Moreover, we need tools to make sense of ourselves. Bernard Williams (2002: 200) articulates this as a double challenge: we seek those ‘various structures [that] serve to build a self that will at once make sense of episodic feelings and thoughts—render the subject, as I have put it, steadier—and also relate the person to others in ways that will serve the purposes of co-operation and trust’. Of course, these challenges lie behind the phenomenon of socialization: cooperation demands of us that we occupy a role and the social meanings offer a narrative, an identity, a ‘steady’ way to go on. We take up the offer, often without much choice. (See also Haslanger 2014 for a discussion of the challenges Williams describes.)

Second, practices distribute what is taken to be valuable, and, in doing so, they also distribute power—for example, who has access to the valued stuff, who can produce it, own it, withhold it. Power, on this account, is distributed throughout a social field and is crystalized in social relations (Foucault 1979 [1975]; Hayward 2004). Consider again the example of the relation between parent and minor child. However one enters into or lives that relation, that is, regardless of the attitudes of the individual parent and child, a parent has power, by law, to make certain decisions for the child. To capture this, we should distinguish power that is intrinsic to a particular system and power whose source is extrinsic. For example, I may have more power than my spouse to make decisions for the family in our family system. But, in addition to the particular power I wield by virtue of my personality, knowledge, or actions, there is an extrinsic source of power in law that gives the right to make decisions regarding our family to the two of us. This latter is structural power. Although law is an important vehicle for the distribution of structural power, less formal social norms and scripts distribute power as well. For example, knowledge is valuable and is distributed (sometimes fairly and sometimes not) through norms about who gets to speak when, and for how long, and on what topics (Dotson 2011, 2014).

The distribution of power in practices is an important factor in their durability and the durability of the broader structure. Consider, for example, practices concerning the use of violence. When police or vigilantes, lynch mobs or male partners, are permitted to use violence to manage behaviour that does not conform to certain scripts, there is, understandably, greater conformity to the scripts, so the practices and structures persist. But, of course, permission to use violence is not the only source of power. Occupying

a position that provides one with a disproportionate share of money, status/influence, health, knowledge, security, and such, allows one to have an asymmetric impact on others that helps maintain the structure and one's position in it.

Third, the material conditions of practice may make it difficult to change. If we consider academic life, many classrooms have student desks bolted to the floor in rows and columns facing the teacher's desk and blackboard. However, discussions that take place in a circle promote common knowledge among the participants, because each can see (and in small groups make eye contact with) all of the others; this facilitates coordination. Moreover, circular seating arrangements come to symbolize equality, inclusiveness, and reciprocity, because there is equal access to the responses of others, the boundaries of the group can 'grow organically' with additional rings of participants, and the circle seems to 'bind' people together (Chwe 2001: esp. 30–6). Thus, it is not surprising that a seating arrangement in a classroom affects the dynamics of discussion and the kind of learning possible.<sup>13</sup> Such architectural decisions manage public space more broadly.

In the cases just mentioned, I have described physical limitations, for example, chairs bolted to floors, that stabilize practices (the interplay between schemas and resources). This highlights that it is important to consider the technology or apparatus that provides material support for a practice. The practice of playing a musical instrument requires the instrument, possibly a score; riding a bicycle requires a bicycle, maybe a path. The technology we rely on to go about our everyday lives is extensive: utensils, pots and pans, packaging, signs, badges, vehicles, algorithms. The apparatus can change over time in ways that alter the practice. The apparatus for a practice constrains and enables agency and can shape what is feasible at a particular point in time. But, just as a chair can be unbolted, a curb can be cut, a technology can be redesigned, for better or worse.

## Conclusion

I have argued that we can understand how structures are reproduced with an account of practices that highlights the interdependence of social meanings and resources. Very roughly, a local cultural technē provides a set of

<sup>13</sup> Whether a circular/U-shaped or a traditional rows and columns seating arrangement is preferable seems to depend on the anxiety level of the students and whether the class is required or an elective. A literature survey covering fifty-one years (1958–2009) suggests that a circular or U-shaped arrangement of students in a classroom facilitates discussion, especially in smaller elective classes (Rocca 2010).

publicly recognized tools for managing coordination around what is taken to have value. Regular participation in practices shaped by the *technē* has an impact on the interpreted materials (resources) in ways that reinforce the meanings assigned to them. As a result, the practices seem to be empirically warranted and rational. The process of social reproduction perpetuates structures, because individuals are interpellated into practices that provide convenient (and sometimes the only) opportunities for coordination and because participation is backed by coercion, so compliance is maintained even by those who fail to become ‘good subjects’.

Processes of social reproduction need not be unjust or wrong. Problems arise, however, if the cultural *technē* that guides practices occludes or distorts what is true or valuable, or if it results in practices that organize us in unjust or harmful ways. Social reproduction, then, creates subjects who enact unjust structures, often unknowingly and unwillingly. Structures remain stable, because fluency makes the background social meanings mostly unavailable for critical reflection; because we shape our world to affirm and reward the socially ‘correct’ responses; and because we have strong incentives to cooperate, even on unfavourable terms.

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# 4

## Pure, Avoidable, and Deliberate Structural Injustice

*Maeve McKeown*

The problem of structural injustice was highlighted by Iris Marion Young in her late work in the early 2000s. Young drew attention to injustice that results from structural processes, as opposed to the preceding Global Justice literature's emphasis on the scope of distributive justice. Since Young's statement of the problem, political theorists have tended to take her definition of structural injustice for granted. But, in this chapter, I argue that Young's conception of structural injustice is ontologically confused, and I offer an alternative conception based on Margaret Archer's critical-realist ontology. This new conception creates space for an integration of power and structural change, which I discuss through Thomas Wartenberg's situated conception of power. It also leads me to argue that there are three *types* of structural injustice: pure, avoidable, and deliberate. Once we have this typology, we have a better sense of *why* structural injustice is perpetuated over time, *who* is responsible for it, and *what* can be done to change it.<sup>1</sup>

### I Structure and Agency

Since sociological ideas were first systematically articulated in the nineteenth century, there has been a debate between two opposing camps. On the one hand are collectivists. They argue that 'society' is something separate from the individuals that inhabit it. Society must be studied independently and cannot be reduced to the actions of individuals. On the other hand are individualists. Methodological individualists argue that society can be studied *only* by looking at the actions of individuals. Only individual actions

<sup>1</sup> This chapter is an edited extract from my monograph (McKeown 2024) and is reproduced with the permission of Bloomsbury Academic.

are observable and, therefore, measurable—‘society’ is unobservable, and, therefore, theories about society cannot be empirically verified and are mere conjecture.

Both positions are unsatisfactory. Margaret Archer accuses them of conflationism. Collectivism is guilty of ‘Downwards Conflation’: the social whole is understood to ‘have complete monopoly over causation’, ruling out the role of agents in changing or shaping society (Archer 1995: 2). But individualism is guilty of the opposite vice—‘Upwards Conflation’. Individualists argue that individuals have a monopoly on causal power (Archer 1995: 4). Both positions claim that one factor explains causation, which is an inadequate way of understanding social reality.

This intractable debate persisted in twentieth-century social theory, albeit in different guises, but two theories from the latter part of the century provided alternatives. One is Anthony Giddens’s structuration theory. For Giddens, structures are made up of rules and resources. To use the analogy of language, rules are like grammar and syntax (the abstract rules that make the production of sentences possible) (Sewell 1992: 6).<sup>2</sup> Rules exist virtually in agents’ minds. Resources are anything—material or immaterial—that can help a person achieve their goals in social interactions. When people use resources acting on the basis of rules, they are reproducing structures. Giddens (1990 [1979]: 77) describes this as the ‘duality of structure’ and uses a language analogy to explain it: ‘when I utter a grammatical English sentence in a casual conversation, I contribute to the reproduction of the English language as a whole. This is an unintended consequence of my speaking the sentence, but one that is bound in directly to the recursiveness of the duality of structure.’

Giddens gives the term ‘structure’ a different meaning from that given by other social theorists. Instead of employing ‘structure’ to refer to the material conditions of a society with a mechanical connotation, like the girders of a building (see Wolff, Chapter 1, this volume) or a skeleton holding up the body, Giddens uses it to refer to the combination of rules and resources (Thompson 1989: 60). Giddens’s structure is momentary and virtual, not long-lasting and material. For Giddens (1990 [1979]: 54), the term structure should be reserved for the moment of structuration: structure ‘is present only in its instantiation’. In Giddens’s framework (1990 [1979]: 66), ‘systems’ are a higher form than structures, they are ‘[r]eproduced relations between actors or collectivities, organized as regular social practices.’

<sup>2</sup> For the use of William Sewell’s account of social structure in relation to structural injustice, see Marin, Chapter 2; Haslanger, Chapter 3; this volume.

Despite being an improvement on earlier social theory because he recognizes the causal powers of both structure and agency, Archer argues that Giddens is still guilty of conflation. By insisting that structure and agency are co-constitutive, Giddens employs ‘Central Conflation’—conflating structure and agency. Giddens, therefore, cannot explain the interplay between structure and agency, how they impact upon each other, and how they contribute to stability or change (Archer 1995: 13–14).

The other alternative is critical realism.<sup>3</sup> This school of thought directly conflicts with structurationism, because it insists that there are different strata of social reality (structure and agency), and it seeks to understand how properties and powers emerge out of the interplay of the two. Critical realism relies on ‘analytical dualism’, whereas structurationism is concerned with ‘interpenetration’, which involves ‘compacting strata rather than disentangling them’ (Archer 1995: 15). Critical realism does not suffer from any of the forms of conflation of the previous three schools of thought.

Crucially, critical realists insist that structure has *emergent properties*. ‘Emergence’ here does not refer to the temporal sense of emergence: something appearing for the first time or developing over time. Instead, the concept of emergence explains ‘how an entity can have a causal impact on the world in its own right: a causal impact that is not just the sum of the impacts of its parts would have if they were not organized into this kind of whole’ (Elder-Vass 2010: 5). An example is water. The properties of water are different from the properties of hydrogen and oxygen. Try putting out a fire with hydrogen and oxygen, and it becomes apparent that water has properties that are more than the sum of its parts (Elder-Vass 2010: 5). Applied to social structure, individualists deny that society has emergent properties; they insist that society is reducible to individuals’ actions. Collectivists do think that society has emergent properties, but that agents do not. Structurationists deny that society has emergent properties, because structure consists of rules in individuals’ minds combined with individuals’ perception and use of available resources (Elder-Vass 2010: 85). But realists claim that it is not possible to study the interplay of structure and agency without acknowledging that structures condition the actions of individuals and that agents, in turn, modify structures. Critical realists argue that it is through the interaction of structure and agency over time that structures evolve.<sup>4</sup>

<sup>3</sup> Archer (1995) at various points uses the terms ‘morphogenesis’, ‘realism’, and ‘critical realism’. Critical realism has become the established term in the literature.

<sup>4</sup> For alternative accounts of the relationship of agency to structural change, see Wolff, Chapter 1; Marin, Chapter 2; Haslanger, Chapter 3; this volume.

## Young on Social–Structural Processes

Iris Marion Young explains how social structural processes work and how they result in structural injustice by way of an example—Sandy. A single mother of two, Sandy works in a mall and finds herself on the brink of homelessness, through no fault of her own or of anyone else (Young 2011: 43–4). How is it that Sandy comes to be positioned in an affluent society so that she is vulnerable to homelessness? Young (2011: 52–3) quotes William Sewell (1992: 125), who argues that the term ‘structure’ can only ever be a metaphor, and, given the difficulty of defining structure, she offers a hybrid definition drawing on a range of theorists. Young argues that social–structural processes have four features:

1. objective constraint—social structures are objective facts that constrain or enable agents’ options for action;
2. social positions—individuals are placed in social positions that exist in relation to other social positions, shaping social relations;
3. structures produced only in action—social structures exist only through the actions of individuals;
4. unintended outcomes—the outcomes of agents participating in social structures are unintended and can contradict the intentions of the participants.

Here Young combines insights from critical realism (that structure and agency are distinct, and that structures have emergent properties—1, 2, and 4) and structurationism (3). But critical realism and structurationism are conflicting social ontologies. They conflict in two ways. First, the former insists on the separability of structure and agency, the latter on their elision. As Archer (1995: 63) puts it, ‘the separability/inseparability issue represents the ontological parting of the ways.’ The second difference surrounds emergence. Critical realists believe that social structures have emergent properties, while structurationists deny this. Young’s account of social–structural processes was a sketch. But, even if it was not intended to be an in-depth account, there is still an issue in that Young was trying to combine insights from different social–theoretical frameworks that conflict in important ways.<sup>5</sup> Therefore, there is a flaw at the core of Young’s interpretation of structural injustice. Most of the literature that has followed in Young’s wake has taken her interpretation for granted, but, given that the approach has problems,

<sup>5</sup> There are attempts in the literature to combine the two approaches; see, e.g., Stones (2005). But this is a minority position, and Archer insists it is incoherent.

I am going to propose an alternative. In what follows, I argue that critical realism is a better foundation for conceptualizing structural injustice than structurationism and that we should dispense with structurationism as part of the analysis of structural injustice.

## II Ontological Perspectives on Sandy

In this section, I show why structurationism provides a poor interpretation of Sandy's situation and then I apply Archer's critical-realist approach to structure to highlight how this approach provides new insight into structural injustice.<sup>6</sup>

### Sandy through the Lens of Structurationism

Young (2011: 60) employs structurationism to make the point that structures are reproduced through action and exist 'only' in action. Structuration theory makes the important point that structures are reproduced through action, and that is not contested, neither here nor by critical realism more generally. Indeed, critical realism also insists that human agency either reproduces or transforms social structures (Archer 1995: 217). However, the claim that structures exist *only* through action is contested. This latter point elides structure and agency, and denies the emergent properties of social structures. This can be illuminated by assessing Sandy's predicament through the lens of structuration theory.

First, we have seen that structuration theory posits that social structure exists only in its moment of instantiation. Giddens has a further level of analysis above structure—systems (Stones 2005: 54)—but these are still patterns of routinized practices that become sedimented over time. Thus, systems do not have emergent properties; rather they are routinized practices generated by agents reproducing structures in social practices (Archer 1995: 96). As Douglas Porpora (1989: 205) puts it, Giddens 'denies that the relationships of a social system have any causal properties independent of the rule-following activity of human actors'. But the causal properties of social relationships

<sup>6</sup> There are other writers in the realist/critical-realist tradition, but Margaret Archer is 'the dean of the critical realist movement' (Vandenbergh 2005: 227) and so is a good place to start. Archer drew on David Lockwood's Marxist functionalism and Roy Bhaskar's critical realism to develop her morphogenetic approach across multiple books. Hers is a standalone approach but also a systematic rebuttal of Giddens's structurationism. Here I draw on her 1995 book, *Realist Social Theory*, which is focused on the ontological relationship between structure and agency. Her other books in the morphogenesis series focus on culture and agency, and her later work focuses on reflexivity.

are self-evident. Consider the boss–employee relationship (Porpora 1989: 207–8). For Giddens, these social positions are an abstraction that arise from the rule-following behaviour of the agents who occupy them. However, this obscures the fact that the boss–subordinate relationship has been established by an organization and is constituted by formal rules. This hierarchical institutional framework places the boss in a position of power over the employee; the boss has the power to fire or hire the subordinate, and to affect their well-being in various ways. Their social positions, and associated powers, are analytically prior to the rule-like, routinized relationship the agents go on to establish. Furthermore, this rule-like behaviour is conditioned by the causal powers of the boss; the employee acts in such a way as to anticipate the boss's powers. It is not the employee's and boss's rule-following that constitute their social positions; the social positions are already given and condition the behaviour.

To return to the example of Sandy, the landlord and Sandy reproduce social structures in their interaction when the landlord decides to sell the building and Sandy must find somewhere else to live. But there is something more fundamental underlying this process. The landlord is in a social position whereby he owns property, a power that is backed up by the state through an intricate legal framework. He is in a position of power over Sandy, which can be exercised by selling the building, rendering Sandy vulnerable to homelessness. The landlord–tenant relationship is analytically prior to any rule-following behaviour that Sandy and the landlord might engage in, either in a direct or an indirect encounter.

Second, structurationism cannot explain *why* Sandy and the landlord act in the ways that they do. Part of the answer must be to do with interests—interests that are built into social positions. As Porpora (1989: 208) puts it: 'Among the causal powers that are deposited in social positions are interests. Interests are built into a social position by the relationship of that position to other positions in the system.' For example, capitalists have an interest in maximizing profits (Porpora 1989: 208). This interest is built into the social position of capitalist by virtue of its relationship to other social positions (other capitalists, workers), and it is experienced as an external force—a law that the capitalist must obey. These interests explain the capitalists' motives, which are translated into action. In our case, the landlord has an interest in making money from his property. Sandy's position is more complicated. As a subordinate in the power relationship, she has an objective interest in overcoming this power structure—for instance, by agitating for changes to the private property regime, or at least better terms for tenants. However, Sandy has a 'real interest' at this moment in time in being an attractive tenant, a

need that disincentivizes acting on her objective interests.<sup>7</sup> (Also, Sandy likely doesn't have time for activism, right now she just needs somewhere to live). But structurationism does not explain these interests, nor does it explain the expressed preferences or desires of agents, and therefore does not explain the behaviour of agents.

Third, structurationism 'sinks' structure into agency rendering it incapable of explaining stability or change over time. Indeed, the whole point of structuration theory is to overcome the structure/agency dichotomy and to conceive of structure as 'dual'. But analytical and temporal separation of structure and agency is necessary to explain structural change.<sup>8</sup> On the one hand, the idea of the recursiveness of structure (that it is only and constantly reproduced through individuals' actions) implies 'a spurious methodological permanence', when in fact structures can and do (and always) change; even if structures are long-lasting, like feudalism, they do eventually change, and some structures are inherently short-lived, like interest rates (Archer 1995: 87). The second implication is that structural change is possible at any moment in the ways that individual agents mobilize rules and resources. But this contradicts the idea of the recursiveness of structure, that structure is chronic. Therefore, Giddens 'has produced a pendular swing between contradictory images—of chronic recursiveness and total transformation' (Archer 1995: 88). Giddens 'has to stress the quintessential polyvalence of each "moment", both replicatory and transformatory (reproduction always carries its two connotations)' (Archer 1995: 89).

On either side of this coin, the analysis is wanting. On the one hand, the housing market is not immutable. It is constantly evolving due to changes in multiple structures, including legal rules and regulations, financial markets, and social norms about desirable housing (witness, for example, the preference for country housing rather than city housing during the Covid-19 pandemic). Housing markets are also liable to sudden change, such as financial crashes or state intervention. On the other hand, any one action by an individual agent in the housing market will make no difference to the structure at any given time. Structures can outlast changes in individuals' behaviour.

In sum, structurationism denies the emergent properties of structures, cannot account for vested interests, nor structural change. All of this suggests that structurationism is not a viable way of analysing a social structure like

<sup>7</sup> See Isaac (1992: 50) for the difference between objective and real interests: 'interests are real because they are causally effective in practice in a sense in which objective interests are not.'

<sup>8</sup> For alternative accounts of structural change, see Wolff, Chapter 1; Marin, Chapter 2; Haslanger, Chapter 3; Browne, Chapter 5; this volume.

the housing market. To return to Young briefly, Young identified four elements of social–structural processes, the other three being that structures are objectively constraining, they generate social positions, and they produce unintended outcomes, so she did not insist that structurationism had all the answers when considering social–structural processes. However, she does insist that structures ‘exist only in action.’ This is the point I am rejecting and that I want to dispense with when conceptualizing structural injustice, because, by inserting this structurationist ontology into the definition of structural injustice and by focusing on the ways that individuals reproduce structures, (a) it does not provide a useful diagnosis for understanding the role of social positions and vested interests in causing and maintaining structural injustice, and (b) it does not explain how to change it.

## Sandy through the Lens of Critical Realism

Critical realism solves both problems. Briefly, Archer’s morphogenetic approach (1995: 90) is based on ‘two simple propositions: that structure necessarily predates the actions which transform it; and that structural elaboration necessarily post-dates those actions.’ The morphogenetic cycle consists of three stages. At  $T^1$  there is the structure that conditions agents’ actions, between  $T^2$  and  $T^3$  there is interaction between the structure and agency, and at  $T^4$  there is structural elaboration, triggering a new morphogenetic cycle. The emphasis on how structure and agency impact on one another over time represents the uniqueness of the morphogenetic approach.

*Structural conditioning* means that agents exist in a world not of their own making. The actions of previous generations casually affect agents in the present by having created the structural conditions in which they can act at  $T^1$ :

they do so by shaping the situations in which later ‘generations’ of actors find themselves and by endowing various agents with different vested interests according to the positions they occupy in the structures they ‘inherit’ (in the class structure, in the social distribution of resources, or in the educational system, for example). (Archer 1995: 90)

These social positions and objective vested interests produce regular behaviour and patterns of interaction over time: ‘groups experiencing exigencies seek to eradicate them (thus pursuing structural change) and those experiencing rewards try to retain them (thus defending structural stability)’

(Archer 1995: 90). For example, it is in the interest of landlords to maintain the structure of the housing market because they derive benefits from it, but it is in the interest of tenants to change the structure so they always have access to affordable, decent housing. Given the objective interests of agents in different social positions, some will work to change the structures and others will work to maintain them.

At time  $T^2$ , there is interaction between the structure and agents. The structure is already in place: knowledge of structure, attitudes towards it, and vested interests in changing or maintaining it are already distributed at  $T^1$ . It is essential to know what these are because ‘without analysing these we cannot account for *when the “longue durée” is broken, who is primarily responsible for changing it, or how it is accomplished (by collective policy, social conflict, incremental change etc.)*’ (Archer 1995: 78). The influence of structures will persist throughout  $T^2$ ; ‘it is essential to know whether this is because they (temporally and temporarily) resist collective pressures to change, remain because they represent the vested interests of the powerful, or are in fact “psychologically supported” by the population’ (Archer 1995: 78).<sup>9</sup>

The interaction between structures and collective agents between  $T^2$  and  $T^3$  results in structural elaboration at  $T^4$ , which is not merely the elimination of the prior structure but also ‘the structural elaboration of a host of new possibilities’ (Archer 1995: 79). A new structure is in place, marking a return to  $T^1$ , but this time with a new structural framework and a new set of possibilities. This new structure is unlikely to resemble the intended outcome of any particular group:

The *structural elaboration* which then ensues is interpreted as being a largely unintended consequence. The modification of previous structural properties and the introduction of new ones is the combined product of the different outcomes pursued simultaneously by various social groups. The unintended element largely results from group conflict and concession which together mean that the consequential elaboration is often what no-one [sic] sought or wanted. (Archer 1995: 91)

Applied to Sandy’s case, Sandy and her landlord have inherited a structure of the housing market at  $T^1$ . They interact with that structure in different ways between  $T^2$  and  $T^3$ , and their actions combine with the actions of other agents, resulting in an unintended structural elaboration at  $T^4$ . Importantly,

<sup>9</sup> Wolff (Chapter 1, this volume) also points out there are disincentives for the powerful to change existing structures.

structural conditioning is not deterministic. Structures do not *force* individuals or groups to act in such a way as to further their objective interests; rather they incentivize this behaviour by creating different opportunity costs. For example, if landlords do not act to maintain their position in the housing market, they will suffer material costs. However, conversely for agents in subordinate positions, acting to advance their vested interests can be detrimental. For instance, if Sandy acts to try to change the structures advancing her interests, she could acquire a reputation as a difficult tenant and receive poor references from previous landlords. Agents can, therefore, act against their self-interest. For subordinate agents, this could be because the costs of promoting their interests are too high, maybe they are unaware of their objective interests due to the dominant ideology, a lack of critical reflection, or simple human fallibility. For privileged agents, this could be because they feel morally or politically motivated to pursue change. Archer's approach (1995: 91) 'accommodates the possibility of reflective self-sacrifice of inherited vested interests on the part of individuals or groups'. So it is possible that Sandy will act in ways that do not challenge the housing market and equally the landlord could try to challenge it, say by working with tenants' associations or within landlords' associations to promote tenants' interests. Thus, Sandy and the landlord's actions are not determined by the structure, but do come with opportunity costs. They may act in ways that seek to change the housing market for the better, but ultimately the impact of other agents' actions will also factor in and might undo or modify the effects of their actions. And, as Marin (Chapter 2, this volume) points out, how their actions will be received publicly is out of their control.

Critical realism is a better foundation for understanding structural injustice than structurationism. Critical-realist social ontology allows us to disentangle various social strata, to understand how they impact upon each other, and to explain how new powers or properties emerge from these interactions. Insisting on the separation of structure and agency for analytical purposes provides a more refined assessment of what structural injustice is, how it can be changed, and who bears responsibility for it.

### III Situating Power

Now that we have a more developed and consistent theory of how social structures work, we can better understand how structural injustice is reproduced or changed over time. We have seen that, even though agents' actions

are conditioned by structures, they are not determined by structures; in the process of *structural interaction*, agents have agency to decide how they will act within structures and contest them. It is my contention that powerful agents are in a different position here from ordinary individuals. Powerful agents have more ‘elbow room’ to decide how to act, because they have greater resources at their disposal.<sup>10</sup> Furthermore, powerful agents have greater capacity to act in ways that will change the structures in the direction either of promoting justice or of entrenching injustice. Therefore, this is where the action is, both in terms of understanding structural stability or change, and in attributing responsibility for structural injustice. In this section, I explain how power operates within structures and what this means for conceptualizing structural injustice.

Archer’s critical-realist social ontology, I have argued, has provided insight into the relationship between structure and agency, but Archer does not incorporate an analysis of power. So to that end I am going to supplement Archer’s ontology with Thomas Wartenberg’s situated conception of power, which can explain how social structures generate power relationships, how those power relationships condition action, and how they can be changed.

A ‘situated’ conception of power helps explain how power operates within structures. The social positions agents occupy within structures generate power relationships. Wartenberg gives the simple example of the teacher–student relationship and the act of grading. Students’ behaviour in the classroom is partly conditioned by the fact that the teacher will grade them. The teacher does not need to do anything special to get the students to behave in a certain way; the students do this in the knowledge that the teacher’s grade will affect them. The power that the teacher has over the student is not interventionist; it is structural. The power relationship is not reached by agreement, where both parties have a more-or-less equal ability to affect each other; the student has no choice but to be in this situated power relationship with the teacher: ‘The subordinate agent faces a situated power relationship as a given over which he can have little effect but which will have a significant effect upon him’ (Wartenberg 1990: 147).

A bad grade can lead to parents punishing the student, or to the student not getting into college or not getting an internship or job. This reveals that the teacher’s power over the student depends not only on the relational positions of teacher and student, but also on peripheral social agents. If

<sup>10</sup> The term ‘elbow room’ is borrowed from Daniel Dennett (1984).

the parents, universities, and employers did not cooperate with the grading system, then the teacher would cease to have power over the student. The coordinated practices of a range of other social agents constitutes the 'social alignment' that backs up and justifies the power of the teacher over the student (Wartenberg 1990: 150).

But the teacher is also acting within situated power relationships. The teacher 'is constrained by the alignment, just as she is empowered by it' (Wartenberg 1990: 178). Parents paying for education demand that their children are properly prepared for careers and receive good grades. Universities must agree that the grading system is a reliable way to assess students' capabilities, so the grades must have social meaning. The school scrutinizes teachers' grading practices to ensure that they live up to parents' expectations and the demands of universities and employers. Therefore, to say that an agent is powerful and another agent powerless in a particular social context is not to argue that these agents are powerful and powerless in all contexts. Some agents have certain forms of power in certain situations and in relation to others, but not in other situations and relation to different others. The powerless/powerful distinction is not absolute; it is contextual and relational.

The landlord's power to evict the tenant is similar to that of the teacher's power to grade the student. If the landlord finds the tenant undesirable, it renders the tenant vulnerable to a range of costly outcomes. The landlord's power over the tenant is backed up by a system of property rights and the judicial system, which form a comprehensive social alignment. The tenant does not enter the relationship with the landlord on equal terms. The tenant needs somewhere to live and in conditions of housing scarcity is dependent on the landlord's letting them continue to rent the property.

Scaling this up to the level of social groups, rather than power alignments between particular situated individuals, Wartenberg shows how domination operates. Domination refers to a relationship between social groups in which 'power is exercised by the dominating social agent over the dominated social agent repeatedly, systematically, and to the detriment of the dominated agent' (Wartenberg 1990: 117). The subordinated agent is harmed. The dominant agent does not need to issue a threat to coerce the subordinate; rather the dominant agent's ability to harm the subordinate is a structural feature of their relationship (Wartenberg 1990: 124). The rationale for the persistence of relations of domination is that the dominator receives ongoing benefits from the subordinated agent (Wartenberg 1990: 125). The relationship of dominators to subordinates is backed up by a social alignment.

In the landlord–tenant case, landlords accrue benefits from tenants in the form of rent. Under normal circumstances, landlords do not need to issue threats to tenants to comply with the demand for rent; tenants comply in the knowledge that they could be evicted. If tenants fail to pay rent or treat the property in a way deemed inappropriate by landlords, landlords can use coercion in the form of legal threats towards the tenant. The domination of tenants by landlords is backed up by the state.

This situated conception of power explains why social positions matter and why they precede the reproduction of social structures. Social positions come with various abilities to affect others' actions and well-being, and the power of these social positions is reinforced by social alignments. The situated conception of power explains how power operates in both individual encounters and at the structural level. It also explains why agents in positions of power over others have an interest in acting in the way that they do; one reason is that they are constrained by the social alignment, but they are also enabled to maintain their position of power. At the structural level, dominating social groups derive benefits from the actions of subordinate social groups.<sup>11</sup>

However, Wartenberg also provides insight into how power structures can be changed. The power relations are given by social structures, but they are reproduced through the actions of agents.<sup>12</sup> They are reproduced not only through the actions of the dominant and subordinated agents, however, but also of the aligned social agents (Wartenberg 1990: 172). Therefore, if the subordinate agents want to change the situation, they should look at the social alignment that maintains the power relation: 'the subordinate agent is always in the position of being able to challenge the aligned agents' complicity in her disempowerment. The dynamic nature of power means that the dominated are always able to seek ways of challenging their domination' (Wartenberg 1990: 173).

As well as approaching the social alignment that props up the dominant individual or group's power, subordinate agents also have the option of creating a 'countering alignment' (Wartenberg 1990: 174). For example, a trade union is a countering alignment: if an employer treats an employee badly, the union can threaten to go on strike. An 'alternative alignment' exists if the subordinates can access the same things they get from the original

<sup>11</sup> Young (1990: 31) endorsed this view of power, and she used it to develop her definition of structural domination, which is the systematic inhibition of the self-determination of social groups. She uses Wartenberg's example of the judge's power over the defendant, which is backed up by the prison wardens, recordkeepers, parole officers, lawyers, and so on. I do not know why Young did not integrate her earlier thoughts on power into her later work on structural injustice. I think she missed a trick by not doing this.

<sup>12</sup> This is different from the structuration view in the sense that structures exist *only* through agents' actions for Giddens.

alignment (Wartenberg 1990:175). For example, a tenant may own property elsewhere, so is not threatened with homelessness by the landlord's threat of eviction. Or, if the state provided adequate social housing for citizens, this would act as an alternative alignment for tenants. Thus, through challenging the aligned agents' complicity, and through creating countering or alternative alignments, subordinate agents in power structures of domination have opportunities to contest their domination.<sup>13</sup>

What can be derived from Wartenberg's situated conception of power is that powerful agents act to maintain the power structures because subordinate agents in power structures produce benefits for dominating agents. These structural power relationships are backed up by social alignments that support and enable the power of dominators. But, even though these power relationships are pre-given, preceding the rule-following behaviour of individuals, this does not mean they are unchangeable. Subordinate agents can challenge their position in these structural power relationships by encouraging the aligned social agents to withdraw their support, or by creating countering or alternative alignments.

#### **IV Pure, Avoidable, and Deliberate Structural Injustice**

Given the preceding analysis, I suggest moving beyond Young's theory of structural injustice. While Young's work has been incredibly productive, her confused social ontology and lack of analysis of power have generated an inadequate understanding of what structural injustice is. I have suggested that a critical-realist social ontology provides new insight into conceptualizing structural injustice and that a situated conception of power explains how power relations are given within social structures, and also how they can be changed. Incorporating power into a definition of structural injustice raises a further issue—whether structural injustice really is the unintended outcome of 'benign social processes' (Powers and Faden 2009: 3). While the realist social ontology showed that structural elaboration rarely resembles the desired outcome of any particular agent, considering the interaction between structure and agency, as well as the role of powerful agents in this process, creates space for an analysis of the behaviour of powerful actors in the maintenance of structural injustice. This provides insight into different *types* of structural injustice and corresponding attributions of responsibility.

<sup>13</sup> For more on resistance, see Wolff, Chapter 1; Marin, Chapter 2; Ackerly, Chapter 11; Nuti, Chapter 12; this volume.

## Pure versus Avoidable Structural Injustice

Young describes the structural injustice of housing deprivation as follows:

the all-too-common social position of being housing-deprived arises from the combination of actions and interactions of a large number of public and private individual and institutional actors, with different amounts of control over their circumstances and with varying ranges of options available to them. Most of these actors have their own perceived interests in view. While some do things that are individually wrong, such as break the law or deceive, or behave in ruthless ways towards others, many others try to be law-abiding and decent even as they try to pursue their own interests. The process nevertheless should be described as producing structural injustice, because in it some people's options are unfairly constrained and they are threatened with deprivation, while others derive significant benefits. (Young 2011: 52)

What Young describes here I will call 'pure structural injustice'. In cases of pure structural injustice, all of the actors are constrained to the point where it is very difficult for them not to participate in reproducing the injustice, and the consequences of their actions are unintended. However, I question whether housing deprivation meets these criteria.

I argued above that agents in different social positions have different amounts of power in relation to each other and to the structural injustice in question. As suggested above, landlords want to maintain their structural position of dominance because they receive benefits from tenants by way of rent. Landlords do not benefit from homelessness, but they benefit from high rents, which price poor people out of the rental market. It is in the interest of landlords for rents to remain high. Even if a charitable view is taken on the actions of landlords charging high rents as a systemic problem and these actions interact with other factors beyond landlords' control (such as social norms determining which locales are desirable), therefore rendering the outcomes of the housing market unintended, it is nevertheless also true that the outcomes are foreseeable. And, crucially, they are avoidable with state intervention.

In his Pulitzer Prize-winning study of eviction in Milwaukee, Matthew Desmond offers a range of solutions to the housing crisis from small policy proposals to larger structural change. A small-scale solution is to increase legal aid. In housing courts in the US, 90 per cent of landlords are represented by attorneys and 90 per cent of tenants are not. Legal aid would decrease evictions, prevent homelessness, and give poor people a chance to retain a home.

Such a programme ran in the South Bronx between 2005 and 2008, providing legal aid to families, and it prevented eviction in 86 per cent of the cases (Desmond 2016: 303–4). Desmond's larger-scale suggestion is for the government to provide housing vouchers to all low-income families to cover 70 per cent of their rent (Desmond 2016: 308). Fundamentally, the role of the state in perpetuating this crisis must be addressed.

It is the government that legitimizes and defends landlords' right to charge as much as they want; that subsidizes the construction of high-end apartments, bidding up rents and leaving the poor with even fewer options; that pays landlords when a family cannot, through onetime or ongoing housing assistance; that forcibly removes a family at landlords' request by dispatching armed law enforcement officers; and that records and publicizes evictions, as a service to landlords and debt collection agencies. (Desmond 2016: 307)

Desmond's work highlights that powerful agents could do something to change the structural injustice of housing deprivation. Landlords do not need to rinse every available penny out of their tenants; they could ask for less rent. They could also stop evicting tenants at such a high rate. As Archer argued, structures do not determine behaviour, they *incentivize* behaviour. It is possible for agents to act in ways that further their interests while minimizing harm to others, or even to act against their own interests. Furthermore, the power of landlords is backed up by a social alignment, including the government, the courts, and police. Changes in housing policy or property law could significantly improve the relational position of tenants in this power structure.

Therefore, I understand housing deprivation, not as a 'pure' structural injustice, but as an 'avoidable structural injustice'. The category of 'avoidable structural injustice' challenges the idea that all agents are constrained by structural injustice so as to be unable to change it. It posits that not all agents are objectively constrained by the structures to the extent that they cannot change them. There are agents in positions of power that could act to change unjust structures and fail to do so. In the case of housing deprivation, these agents are landlords and the government. The category of 'avoidable structural injustice' also calls into question the idea that structural injustice is an unintended consequence of social–structural processes. In cases of avoidable structural injustice, the outcomes may be unintended, but they are foreseeable and avoidable. The case of housing deprivation is well documented and thoroughly researched, and there are available solutions; what is lacking is political will.

## Deliberate Structural Injustice

There is a further category of structural injustice—‘deliberate structural injustice.’ Powerful agents recognize that there are groups that are disadvantaged by social structures, take advantage of that situation, deliberately reproduce the injustice, and reap benefits by exploiting the disadvantaged. In cases of deliberate structural injustice, all agents are constrained, but powerful agents have enough room to manoeuvre to be able to change the situation. What distinguishes avoidable from deliberate structural injustice, however, is that not only do powerful agents have the capacity to change the situation; they actively maintain it. So the consequences are not unintentional; they are intentional. Powerful agents want to maintain the vulnerability of the disadvantaged in order to continue to exploit them.<sup>14</sup>

Consider Young’s example of global structural injustice—sweatshop labour. Multinational corporations (MNCs) in the global garment industry want to keep the costs of labour as low as possible, because this is how they maintain their social position and increase profits year on year. They deliberately perpetuate sweatshop labour by exercising power within structures through lobbying, through setting industry standards themselves, through lax codes of corporate social responsibility, and through manipulation of consumers (McKeown 2024: ch. 3). The power of garment MNCs is backed up by a social alignment including states (both the states where MNCs’ headquarters are based, and the states where sweatshops proliferate, including their legal systems and police forces), international organizations, international business lobbies, a network of global financial institutions, and consumers. All of these agents form a social alignment that maintains the power of MNCs over sweatshop workers. There are measures that any one of these groups could take to improve workers’ rights, but, for the most part, they don’t.

Of course, on the critical-realist ontology, agents may act to maintain structures as they are, or to change them to increase their benefits, but they do not always get what they want because their actions interact with the outcomes of the actions of other agents. Therefore, it could be objected that the maintenance of structural injustice is not intentional, it is accidental, and the idea that structural injustice is ‘deliberate’ is a misnomer. However, this conclusion is too quick. The fact that agents are acting to deliberately maintain structural injustice is worthy of attention. Sometimes their actions will be

<sup>14</sup> See Lu (Chapter 6) and Schiff (Chapter 7) (both this volume) on the relationship between structural injustice and vulnerability.

successful. Sometimes their actions will misfire or will be cancelled out or modified by other agents' actions. But, even in the latter cases, such behaviour aimed at perpetuating injustice is still potentially blameworthy.

In most cases of structural injustice, there will be either (a) agents who could change the situation but fail to do so (avoidable structural injustice), or (b) agents who could change the situation but fail to do so and deliberately perpetuate the situation because they benefit from it (deliberate structural injustice). It is questionable whether there are, in fact, any cases of pure structural injustice. Climate change is a contender. There is clearly a lot more that powerful agents (MNCs and states) can do to mitigate climate change and, insofar as they fail to do that, or have deliberately perpetuated fossil-fuel extraction and consumption for their own gain, they might be blameworthy. But, arguably, tackling climate change means abolishing capitalism, which depends upon perpetual economic growth. The growth model is incompatible with environmental preservation, as 'degrowth' theorists argue today (Hickel 2020). Systemic change will require everyone working together to create a new system; one that is premised on a different economic model and different social structures, and on creating different institutional actors from the ones we have now.

Young's definition of structural injustice remains vital. But I contend that it requires significant amendment. I offer the following definition:

Within social structures agents are situated in different social positions with varying degrees of power and access to resources. The social structures are unjust when they result in the oppression or domination of certain social groups. Structural injustice is 'pure' when the injustice is unintended, unforeseeable, and there are no agents with the capacity to remedy the injustice; it requires wholesale social-structural change. Structural injustice is 'avoidable' when the unjust outcomes of structural processes are foreseeable and there are agents with the capacity to remedy the injustice but they fail to do so. Structural injustice is 'deliberate' when the unjust outcomes are intended because powerful agents benefit from it so they deliberately perpetuate it, and these agents have the capacity to remedy it but they fail to do so.

## Conclusion

This chapter has aimed to refine the concept of structural injustice by basing it on critical-realist social ontology, incorporating a situated conception of power, and then identifying three different types of structural injustice. This

typology is useful for three reasons.<sup>15</sup> First, it clarifies the role of powerful agents in perpetuating structural injustice. Second, understanding the role of powerful agents helps us understand how structural change can occur. Third, Young argued that all agents connected to structural injustice share a non-blameworthy political responsibility for it. On my account, agents that deliberately perpetuate structural injustice, or that have the capacity to alleviate it and fail to do so, bear moral responsibility. Understanding how powerful agents act to perpetuate structural injustice or fail to alleviate it, how structural change can occur, and how different kinds of responsibility can be attributed, represents a step forward on the previous definition of structural injustice.

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<sup>15</sup> For an alternative typology, see Nuti, Chapter 12, this volume.

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# The Untraceability of Structural Injustice\*

Jude Browne

In this chapter, I explore the concept of structural injustice by way of focusing on an often overlooked feature in Iris Marion Young's seminal account of structural injustice<sup>1</sup>—*untraceability*. I suggest that this is not only a constant theme in Young's account of structural injustice but that it could, in fact, be seen as a defining characteristic. The consequences of adopting such a definition imply that political approaches to addressing structural injustice ought not to rely on tracing agents of fault—an approach Young called the 'liability model'.

In order to set up my argument, I selectively focus on elements of Young's unfinished work that speak directly to the untraceability of structural injustice and I freely admit that my version is therefore a stricter account than any to be found in Young's own work. My aim here is to follow the logic of the claim that structural injustice is untraceable to see where it takes us in conversation with Young's critics. As I shall explain, many intellectual disputes with Young's work are built on the seemingly logical point that if we can't conceivably trace responsibility for structural injustice, then how can we claim that any particular individual, group or institution is politically responsible for addressing structural injustice? This is certainly an important question and in the course of this chapter, I shall try to explain

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<sup>1</sup> Iris Marion Young (1949–2006) was one of the most important political theorists of her generation. Her last book, *Responsibility for Justice*, published posthumously in 2011, has become the central text on structural injustice and has generated a great many valuable discussions and debates. See, e.g., Gordon (2007), Nussbaum (2011), Parekh (2011), Schiff (2014), Barry and MacDonald (2016), Goodhart (2017), Aragon and Jaggar (2018), Brooke (2018), Lu (2018), McKeown (2018), Sangiovanni (2018), Zheng (2018), Atenasio (2019), Jugov and Ypi (2019), Nuti (2019), Powers and Faden (2019), Beck (2020), and Chung (2021).

why I think Young's account is not only defensible with some clarification and development but also vital for a progressive politics. That said, I also find Young's account of political responsibility for structural injustice wanting and towards the end of the chapter, I suggest some elements of an alternative account. In particular, I propose a way of understanding what I see as a dynamic transition from structural to fault-based injustices which I argue Young's more 'static' account fails to accommodate. This is important, I suggest, for thinking about the different approaches we might adopt for addressing structural and other injustices politically.<sup>2</sup>

## I The Untraceability of Structural Injustice

Because the particular causal relationship of the actions of specific individuals or organizations to structural outcomes is not possible to trace, there is no point in trying to seek redress from only and all those who have contributed to the outcome, and in proportion to their contribution. (Young 2011: 109)

The conventional view of injustice is that it is grounded in liability and leads us inevitably to focus on locating the blameworthy when attempting to establish effective redress. Certainly, it is vitally important to seek out culpability for wrongdoing, but, as Young (2011) argues, the problem with limiting accounts of injustice to liability is that it leaves out of its remit a large array of harmful structural dynamics not readily attributable to anyone. These are the unintended and untraceable social processes that have deleterious material consequences for many people but do not emanate from the actions of wrongdoers.<sup>3</sup> Rather, they derive from the complex, multitudinous, and cumulative actions of institutions, groups, and individuals pursuing legally and morally accepted everyday objectives.

It is the nature of the structural causation that one cannot for the most part trace a direct lineal causal relationship between particular actions or policies and the

<sup>2</sup> For alternative approaches to responsibility, see Lu, Chapter 6; Mantouvalou, Chapter 13; and Parekh, Chapter 14; this volume.

<sup>3</sup> Causality is difficult to claim, even in what seems to be the simplest of cases—perhaps there is merely a correlation between factors rather than causation or an undetected confounding variable that is the real cause behind a correlation between two occurrences (Beebe et al. 2012). Nevertheless, conventions around evidence have emerged, whether through our faith in scientific method or our willingness to accept consistent correlations as 'good enough' proof of causation. Certainly, these are the tools of tort, and by and large they provide a vital function of society, which operates on varying belief systems expressed through shifting moral and legal rules. However, as Young argued, some connections are too convoluted to be traced in the sense of liability.

relatively disadvantaged circumstances of particular individuals or groups. (Young 2011: 185)

Because there is no observable or traceable agent from the structural perspective, consequent injustices emanating from structural dynamics fall *outside* the ‘liability model’, which captures legal and moral actions considered as wrongdoings. This is an idea influenced in part by Hannah Arendt’s work on guilt. For Arendt, the discovery and consequent assertion of guilt is an exercise in singling out from others an individual, group, or institution for its morally or legally wrongful actions (these include being liable in virtue of holding particular office and, for Young, a strict notion of liability including unintended and indirect liability).<sup>4</sup> For both legal and moral aspects of the liability model, discerning *traceable action* is key, and such an exercise is necessary for devising suitable sanctions and other responses. Structural injustice is, of course, also a moral issue, but not in the sense meant here by Young as ‘moral injustice’ determined by the prescriptions of ‘moral codes of the day’ that create expectations of each individual within a given context and that, if transgressed or neglected, bring about the charge of guilt or fault, even if not legally. In this sense, structural injustice is distinct from legal injustice (the breaking of laws) and moral injustice (transgression of expected behaviour in a given context). The implication of such an interpretation of structural injustice is that it cannot be captured by the liability model and therefore all too often is assumed to fail to meet the requirements of conventional liability-based political responses. The importance of this account lies in the fact that it requires structural injustice to be collectively addressed, despite falling outside models of liability-based responsibility.

This, I suggest, is a profoundly political argument. Young’s aim, as I see it, was to distinguish the two forms of injustice (liability and structural) precisely to make the argument that structural injustice should be properly identified as *injustice* and brought firmly into the political realm rather than be dismissed as simply the outcome of misfortunes experienced by certain individuals, groups or institutions.<sup>5</sup> Young (2011: 98) argues:

A concept of responsibility as guilt, blame or liability is indispensable for a legal system and for a sense of moral right that respects agents as individuals and expects them to behave in respectful ways towards others. When applying this model of

<sup>4</sup> As Arendt (2005 [1964]: 22) explains: ‘Legal and moral issues are by no means the same, but they have a certain affinity with each other because they both presuppose the power of judgement.’

<sup>5</sup> As I shall discuss below, this is Reiman’s) argument (2012, for example).

responsibility, there should be clear rules of evidence, not only for demonstrating the causal connection between this agent and a harm, but also for evaluating the intentions, motives, and consequences of the actions. But the liability model of responsibility, I suggest, is inappropriate for assigning responsibility in relation to structural injustice.

Young is not suggesting here that liability-based injustice is less important than structural injustice. Rather, hers is an argument for recognizing a greater range of injustices than only those captured by the liability model.

### The Story of Sandy

As anyone who knows Young's work will recall that, in order to demonstrate how structural injustice operates, Young constructed the story of Sandy as an analytical device designed to isolate the particular ways in which structural injustices emerge from liability-based injustices. Sandy is a single mother who sets out to find a rental flat within a reasonable commuting distance from her city-central place of work and her children's school. While the extent of Sandy's story is not recounted in full here, suffice it to say that, owing to a commonplace set of issues surrounding access to decent affordable housing (involving the preferences of other house consumers as well as those of property developers, the high costs of commuting, expensive childcare services, rising rents, stagnation of wages, and declining employment opportunities, to name but a few important factors), Sandy and her children find themselves in dire circumstances despite their best efforts and through no fault of their own or any other particular agent. Young (2011: 44) argued that 'Sandy's story illustrates a specific kind of ... wrong, structural injustice, which is distinct from wrongs traceable to specific individual actions or policies.' Sandy stands in relation to hundreds of thousands of other people who are apartment-renters, house-buyers, landlords, employers, commuters, and so on, all in pursuit of their private interests—some of which may be blameworthy but some of which will not be:

The problem with structural injustice is that we cannot trace this kind of connection. It is not difficult to identify persons who contribute to structural processes. On the whole, however, it is not possible to identify how the actions of one particular individual, or even one particular collective agent, such as a firm, has directly produced harm to other specific individuals. (Young 2011: 96)

Young thought that to ask who is specifically to blame for Sandy's plight is the wrong question. While there may be acts of some wrongdoing embedded in Sandy's story, perhaps inadequate governmental policy or a nasty landlord, these sorts of culpability do not explain the whole story. Because structural processes are produced by the actions of large numbers of people and institutions in the pursuit of their private interests, 'it's not possible to trace which specific actions of which specific agents cause which specific parts of the structural processes of their outcomes' (Young 2003: 7). Accordingly, to turn politics towards liability in order to guide political action in such a case is wrong-headed (Young 2011: 109). This, as I see it, is the most important implication of Young's work—politics is all too often limited to liability-based concerns.

## II Political Responsibility for Structural Injustice

At the centre of Young's account, which she calls the Social Connection Model, is political responsibility for addressing structural injustice:

the imperative of political responsibility consists in watching ... institutions, monitoring their effects to make sure that they are not grossly harmful, and maintaining organized public spaces where such watching and monitoring can occur and citizens can speak publicly to support one another in their efforts to prevent suffering. (Young 2011: 88)

Young's account of political responsibility requires coordinated, collective public engagement in reform. For Young it is something to be taken up with others—it is the responsibility *to be political*.

We might assume that membership of a particular political community would render us responsible for any sort of injustice that operates within that community. However, Young argues that what motivates political responsibility (as with guilt-based responsibility) is *action*; 'it is a mystification to say that people bear responsibility simply because they are members of a political community, and not because of anything at all that they have done or not done' (Young 2011: 80). On Young's view, everyone who is connected in virtue of their *contributions* to the background conditions to structural injustice is responsible, not by having personally caused or intended injustice, but because they have acted in ways that have enhanced those structural processes that enable structural injustice through their participation in the

seemingly neutral activities of everyday life. For Young, political responsibility is the appropriate response to structural injustice, whereas legal responsibility or moral responsibility are the appropriate responses to liability-based injustices. This is an important distinction for Young, which I refute in Section IV.

## Taking up a Structural Perspective

In order to orientate political responsibility to structural injustice, and therefore address it, [Young \(2011: 70\)](#) argued that we need to take up a ‘structural point of view’ on social relations:

to look at social relations from the point of view of structures means not only understanding the social constraints and opportunities people confront as objective facts. It also means taking a broad macro point of view on the society that identifies its major social positions—general categories that define these constraints and opportunities—and how these positions relate to one another systematically. ([Young 2011: 56](#))

Such structural processes are generated by relations of social position that shape the opportunities and life prospects including both material and social resources, of everyone in those positions.<sup>6</sup> In this sense, individuals and institutions are connected to these social processes in what we might think of as a structural ‘matrix.’<sup>7</sup> This social–structural sort of positioning, [Young \(2003: 6\)](#) argues, is engendered by ‘[t]he unintended consequences of the confluence of many actions [which] often produce and reinforce opportunities and constraints, and ... often make their mark on the physical conditions of future actions, as well as on the habits and expectations of actors.’

These structural processes can be experienced as both constraint and facilitation, but, when certain individuals, groups, or institutions find themselves at the sharp end of such processes, Young argues that this is a sort of wrong without wrongdoing—a structural injustice—that is collectively generated by many individuals, groups, and institutions operating ‘within given institutional rules and accepted norms’ ([Young 2011: 53](#)). Accordingly, structural injustice is an inherently intersectional phenomenon ([Zheng 2018](#)). The various strands of structural processes that affect particular gendered or

<sup>6</sup> Here Young acknowledges the work of many others such as [Bourdieu \(1984\)](#), [Kutz \(2000\)](#), [Sartre \(1976\)](#), and [Sewell \(2005\)](#). See also [Marin](#), Chapter 2; [Haslanger](#), Chapter 3; this volume.

<sup>7</sup> As [Hill Collins \(2017: 24\)](#) describes, a matrix is a ‘structuring structure—it is not a benign container in which something happens, but rather shapes and gives structure to dynamic phenomena.’

racialized groups and individuals, for example, are co-constituted and serve mutually to reinforce each other.<sup>8</sup>

I suggest it is helpful to understand structural injustice as the consequence of ‘structural actions.’ These are the habits, expressed beliefs, and actions that we might speculate are connected in a convoluted manner to structural injustice. Because it is challenging to describe a causal relationship to a structural injustice that is not meaningfully traceable to any particular individual, group, or institution, it is helpful to think of structural actions as operating *beyond* or *outside* the realm of actions that can be meaningfully traced, directly or indirectly, to certain injustices in a given time and place.<sup>9</sup> Accordingly, we can conceive of structural acts as among ‘legitimate’ pursuits of private interest in contrast to legal and moral wrongs that are traceable to fault-based injustice.<sup>10</sup> This distinction is a much stricter interpretation of Young’s account than that of previous thinkers on structural injustice, and in what follows I explore why it is useful to defend Young against her critics who argue that structural injustice must be captured by liability.

### III Can Structural Injustice Be Captured by Liability?

With a particular emphasis on the central place that untraceability inhabits in Young’s account of structural injustice that I set out in Section I, I now turn

<sup>8</sup> One approach to developing a necessarily intersectional structural perspective is to build a more detailed picture of intersecting structural harms through storytelling as an exercise in consciousness-raising and the development of self-awareness (see [Jugov and Ypi 2019](#)). Such an approach vitally includes the stories of victims of structural injustice who may lack resources, access to more powerful social positions, and opportunities for education, and, while they might be imbricated in the production and reproduction of their conditions, they may not be aware of their position to others within the structural matrix ([Young 1997](#); [Schiff 2014](#)).

<sup>9</sup> This account inevitably relies on some degree of relativity across different societies. Individuals will judge liability and structural injustices differently according to their legal and moral norms.

<sup>10</sup> This idea is in some sense the reverse of Adam Smith’s ‘invisible hand’ interpretation of market forces whereby the decentralized individual actions of private vice (greed or selfishness) unintentionally generate what Smith thought of as a *public virtue* in the form of an efficient market (Smith 1759: 161), whereas here the decentralized individual actions of private virtue (legitimate pursuits of private interests) unintentionally generate a *public vice* in the form of structural injustice. Indeed, on this particular point, Young’s perspective was closer to that of Max Weber, who lacked faith in ‘private vices’ spontaneously to morph into ‘public virtues’ and social order, often because of the negative unintended consequences that they tended to produce. (See, e.g., [Turner 2019](#): 385.) For Weber, social order required the state and law, and his consciously imperfect solution was the ‘berufspolitiker’, the professional politician of the modern state, who, if endowed with the right vocation, would be able to counter an ethic of conviction (moral passion) with that of an ethic of responsibility (a sensibility to consequences) so as to choreograph social order. As we shall see, Young, and indeed Arendt, thought the answer lay, not with politicians, but with civil society. While acknowledging the importance of these approaches, this book takes a somewhat different track.

to a range of Young's most prominent critics. In different ways, all claim, contra Young, that structural injustice can and should be captured by a liability approach.

## Too Neat and Too Narrow?

[Powers and Faden \(2019: 114\)](#) explicitly 'part company' with Young on the 'neatness' of liability-based injustice:

We do not share her assumption that we can isolate those cases in which the origins of structural injustice are relatively benign from morally more tainted cases ... [and which] do not come ready-made in neat analytic categories with exploitation, subordination and exclusion appearing in one scenario and largely benign causal origins of structural injustices in another.

Accordingly, [Powers and Faden \(2019: 1\)](#) include human trafficking, police misconduct, and voter suppression tactics as 'all too familiar examples' of structural injustice. It is certainly right that these sorts of injustices will inevitably be imbricated with structural processes and forms of structural injustices. In the case of human trafficking, for example, there are a multitude of ways in which economic precarity drives individuals into exploitative and desperate situations, and it may well be difficult to disentangle the multiple aspects of injustices. Nevertheless, and in line with what I shall call the 'untraceability account' of structural injustice, I argue that acts of trafficking, misconduct, and the like are acts of traceable wrongdoing that ought to fall squarely under the liability model of responsibility. They are not, in themselves, untraceable structural acts within legitimate pursuits of private interest.

Similarly, [Barry and Macdonald \(2016: 98\)](#) propose that Young's account of the liability model is 'unduly narrow' and that her interpretation of 'causal connection' is 'too restrictive'. They demonstrate their point with an illustrative example:

The fact that some agent's contribution to some harm is not necessary to its occurrence—as when 10 people push a rock down a hill where it crushes a car when any 5 of them would have succeeded in generating enough force to do so—does not mean that they are not liable to bear the cost required to address it. When many people make non-necessary but jointly sufficient contributions to

harm, they can be held jointly and severally liable for it. (Barry and Macdonald 2016: 98)

This is, of course, correct, but Young is clear that her definition of liability is a ‘strict’ interpretation of liability that would include all ten rock-pushers and is in fact a more comprehensive account of liability than Barry and Macdonald’s example: ‘Under strict liability, the law holds an agent liable for a harm even if the agent was not the cause of the harm and did not intend or was unable to control the outcome, such as when one person’s property causes damage to another person’s property’ (Young 2011: 98).<sup>11</sup>

My argument here is that to traffic another human being or to push a rock with the intention of crushing a car is not a ‘structural action’ but rather a wrongful act captured by the liability model. Moreover, I want to emphasize that holding a distinction between structural and liability-based injustice enables a productive exercise in speculating on the aspects of injustice that are structural rather than fault-based. This is important because it enables us to think about how we might politically address these forms of injustice in different ways. I shall return to this point further on.

## A Case of Indirect Discrimination?

Sangiovanni (2017, 2018) suggests that Young’s account of structural injustice and, more specifically, what I am calling ‘structural actions’, could in fact be interpreted as unintentional acts of indirect discrimination, which would bring them inside the liability model. Sangiovanni argues that, if individuals are causally linked to injustice, no matter how diffuse or unaware, then they must be liable for that injustice.<sup>12</sup> On this view, structural injustice is simply a form of indirect discrimination and therefore captured by the liability model of responsibility for injustice (Sangiovanni 2017: 168). By way of example, Sangiovanni presents an amended version of Parfit’s famous ‘harmless torturer’ (1984) to make his point:

<sup>11</sup> Here Young argues that all forms of tort law require traceability to a particular agent. This would include, for example, material increase, balance of probability, multiple tortfeasors, vicarious liability, and the ‘but for’ test—all common forms of tort law.

<sup>12</sup> Andrea Sangiovanni and I have had several fascinating conversations about this point (see Sangiovanni 2017: 168). His excellent book *Humanity without Dignity* has presented me with the most difficult challenge on Young’s structural injustice argument. For more on the epistemology of structural injustice, see Chung, Chapter 8; Jaggar and Tobin, Chapter 9; Ackerly, Chapter 11; this volume.

Suppose that someone is wired to a torture machine connected to fifty million switches. If none of the switches is flipped, then no current runs through the machine. If fifty million switches are flipped, the person will be in severe pain. But no one switch makes a discernible difference to the pain experienced by the man connected to the machine, no matter how many switches have been flipped previously. It is only the combined effect of the switches that makes a difference. Imagine that each switch is operated by a single individual, and that each person knows that, by flipping the switch, they contribute (infinitesimally) to the torture. And also assume that the switches are also connected to each person's house lights, so there is no way for them to turn on their house lights without sending the charge through to the tortured man, and no way to avoid doing so without collectively organizing to rewire the electricity network. (Sangiovanni 2017: 165; 2018: 469)

Sangiovanni sees the dynamics of this example as reflecting those of Young's Social Connection Model of political responsibility, in that the perpetrators of injustice do not see themselves as significant contributors and so do not deem it imperative to change their particular behaviour (Sangiovanni 2018: 166). Sangiovanni's claim (2017: 168) is that,

[e]ven if people do not know exactly how their small-scale actions, decisions, and patterns have such effects—which more often than not will be institutionally mediated—and that there are reasonable alternatives, their indifference becomes (at least *pro tanto*) objectionable. Disregard for these downstream inferiorizing effects therefore counts ... as a way of objectionably treating another as an inferior, and hence as demeaning.

Assuming that there are 'reasonable alternatives' for people to act differently, on this view then, Young failed to escape the fault-orientated liability model. Barry and Macdonald (2016) make a similar argument on this point.<sup>13</sup>

However, I think Sangiovanni misconstrues two important elements here, and, if I am right, we can hold that structural injustice exists outside the liability model. As I shall try to demonstrate later, such a distinction is key to addressing structural injustice.

<sup>13</sup> Barry and Macdonald (2016: 99) make a similarly powerful argument against Young, in that 'what matters is not that the harm has been intended, but merely that it could reasonably have been foreseen, and that the agent could have avoided acting in the harmful way without incurring great cost'.

First, the harmless torturer example does not capture the processes that cause structural injustice on Young's account. Collectively sending high-voltage charges through an incarcerated man strapped to a torture machine is far from the ordinary conditions of structural injustice that Young was trying to describe. As she says, the Social Connection Model of political responsibility 'does not evaluate harm that deviates from the normal and the acceptable; rather it often brings into question precisely the background conditions that ascriptions of blame or fault assume as normal' (Young 2006: 120; see also Young 2011: 107).

Secondly, and more importantly, the connection between the tortured man and the switch-pusher agents is too linear to be a structural process in the way I think Young intended. In Sangiovanni's example, the connection of action to injustice is clearly traceable and therefore captured by the liability model under Young's account of strict liability. Those individuals who flicked the switch are directly connected to the act of torture, albeit initially ignorant. Even though each individual may not have caused enough charge on their own to inflict torture, the premise of this example is that we already know that collectively this particular group of people is directly traceable. These connections imply not only straightforward liability on the part of whoever had wired the victim up to the switch-pushers but also that the prevention of further harm can be accomplished by all concerned with some fairly common-sense alterations to their lighting arrangements. The amorphous nature of the structural processes that enable structural injustice is not captured by the harmless torturer example. Here the key point is that we should understand our connections to structural injustices as being imbricated in the mere participation in daily life. As McKeown (2018: 500) explains, '[a]n individual may not contribute in any significant way to the background structure, but simply by acting within it the individual is reproducing those structures'. In this sense, Sangiovanni's 'reasonable alternative' condition, whereby individuals could simply choose a different action, is not met. Individuals alone cannot create alternatives to the ordinary and legitimate practices of everyday life. Change to structural injustice must come at the macro-level. In a similar way that the 'liability scale problem' generated by Nussbaum's account would render politics impossible, the lack of 'reasonable alternatives' in Sangiovanni's account takes us to the same conclusion.

While at first, then, Sangiovanni's claim seems intuitively right that, once a particular social group (for example, a racialized or gendered group) is

disadvantaged by the actions of others (no matter how diffuse or unintentional), this should be understood as *indirect* discrimination, whereby seemingly legitimate behaviour has adverse effects on a particular social group.<sup>14</sup> However, because some forms of connection to a social process serving structural injustice are untraceable to particular individuals, groups, or institutions, they remain distinctly structural rather than identifiable acts of discrimination (albeit unintentional). Whether direct or indirect, discrimination 'is primarily an agent-oriented, fault-oriented concept' (Young 1990: 196). As Young (1990: 196–7) explains:

it tends to focus attention on the perpetrator and a particular action or policy, rather than on the victims and their situation ... In its focus on individual agents, the concept of discrimination obscures and even tends to deny structural and institutional frameworks of oppression.

## Retrospective Liability

A different sort of critique is offered by Nussbaum (2009, 2011). Her interpretation of Young's concept of responsibility is grounded in the following assumptions: 'An agent is responsible ... only if a) the agent is causally embedded in processes that produce a problematic result and b) the agent is in a position to assume ongoing forward-looking responsibility (in cooperation with others) for ameliorating those conditions' (Nussbaum 2011: p. xx). I argue that, first, while (a) is true in the sense that those who contribute to the background conditions of structural injustice are responsible, here the term 'causally embedded' is understood by Nussbaum, not as Young intended, but rather as a linear link to injustice (much as by Sangiovanni). Secondly, Young does not require (b) to establish responsibility for structural injustice.<sup>15</sup> I suggest that these two features of Nussbaum's critique lead her (and those who echo her perspective, such as Goodhart (2017)), mistakenly to claim that Young's account cannot escape retrospective liability for structural injustice:

It seems to me that what we ought to say is that if person A has a responsibility ... [for structural injustice], and she fails to take it up, then, when the relevant time

<sup>14</sup> Social groups are often represented in law as those with 'protected characteristics' (see, e.g., the UK Equality Act 2010).

<sup>15</sup> Indeed, Young (2011: 124) explains: 'I [have] resisted the suggestion that different people bear different degrees and kinds of responsibility as contributors to structural injustice. To say that responsibility is shared means that we all bear it personally in a form that we should not try to divide and measure.'

passes, she is guilty of not having shouldered her responsibility. I think that this follows quite simply from the logic of ought. Young says that A ought to shoulder the burden; well, that appears to imply that if A doesn't shoulder the burden A has done something wrong. (Nussbaum 2011: p. xxi)

I think this is to misunderstand the political dimension of Young's argument. Casting back to Young's story of Sandy, consider the housing market in an affluent city where competition for scarce housing drives prices up, and many individuals and families are priced out. Consider the story of Rosa, who, when first renting a house in which to live with her partner and children in the suburbs of London, did not intend to contribute to the city's inequality but was constrained by the fact that she needed to live in commuting distance of her central-city work. Has Rosa done something wrong in renting a house in a city where some people are poor and in the worst cases homeless? What ought she to do? She could campaign for affordable housing and rent-setting. She might persuade others to join her in her political responsibility to effect change. This sort of collective civil action could have a powerful impact and is certainly worth doing. But is Rosa *at fault* if she does not do these things or perform acts like them beyond voting in elections for councillors and other professional political actors who pledge to address homelessness on her behalf, and with greater resources and coordinating power than Rosa has at her disposal as an ordinary individual? Tracing a causal argument between Rosa's decision to rent a house in London and homelessness would prove impossible on the individual level: it is not at all clear how her city residency contributes to the complex circumstances of particular cases of homelessness (familial poverty, failures of educational institutions, an unstable or exploitative economy, abusive personal relationships, mental health issues, and so on). Even if you did think Rosa was at fault, in the sense that her rent-paying is part of a macro-level set of unequal social relations, what about all the other forms of structural injustice beyond homelessness in London that Rosa might consider herself related to in some macro-level sense? How many of these is it reasonable to ask Rosa actively to take up? 2,000, 5,000, 10,000, 20,000? On Nussbaum's account, the answer to this question would have to be—*all* of them. To demand this scale of traceability and corresponding individual liability would be to render the exercise of politics impossible. This impracticable requirement inherent in the liability perspective in the context of structural injustice (the liability scale problem) goes to the heart of Young's political objective in defining structural injustice as distinct from the sort of blameworthy injustices captured by the liability model. To the extent that Rosa has contributed to the

production and reproduction of the background conditions of a particular structural injustice, she is responsible but she is not at fault; she is not liable.

Implicit in these critiques of Young's account of structural injustice is the duty on the part of individuals to address each case of structural injustice that they have contributed to. In spite of the political challenges of the liability scale problem, is Rosa's example one of failed duty?

## Failed Duty?

Nussbaum, and in fact most of Young's critics, argue that, in some way or other, structural injustice is the consequence of a failed duty. In Young's account of structural injustice there are contradictory references to the notion of duty,<sup>16</sup> but I think that the following explanation is the most useful in developing a picture of her perspective on political responsibility for structural injustice:

Like duties, responsibilities carry a burden and an obligation. Unlike duties, however, responsibility carries considerable discretion. One must carry out one's responsibilities, but how one does so, is a matter for judgement according to what the responsibilities are for, the capabilities of the agents and the content of action. (Young 2011: 143)

That is to say, Young's concept (2011: 143) of political responsibility is *discretionary*: '[i]t is up to the agents who have a responsibility to decide what to do to discharge it within the limits of other moral considerations'. Rather than a responsibility of duty, then, political responsibility for structural injustice is a relational call for solidarity that is aimed at those who contribute to the background conditions of structural injustice, often including those who are struggling against structural injustices and are connected through those injustices to many others (McKeown 2018).

What is more, as Jugov and Ypi (2019: 22) argue, is that, because all those who contribute towards the background conditions of structural injustice include those most negatively affected, it is important not to invoke 'very stringent duties that demand to be discharged at a very high cost to the victims of structural injustice'.<sup>17</sup>

<sup>16</sup> See Young (2011), for example, where on p. 76 she says that political responsibility is a duty, and yet on p. 143 she says it is not.

<sup>17</sup> See also n. 7.

Within Young's account, then, there appears to be a conceptual difference between political responsibility for structural injustice and duty. However, this begs the question of what kind of responsibility is political responsibility, if not a duty? Somewhat ironically, I find an answer in the work of one of Young's critics.

Reiman (2012) provides a critique of Young that, while I find it, on the whole, unpersuasive, nevertheless raises a very helpful way of answering the question of what sort of responsibility is at the centre of Young's account. Reiman argues that, because Young did not develop a theory of justice, as such, she is unable to discern an injustice from bad luck, and that approach could be no more than a charitable response to misfortune. Reflecting on Young's figure of 'Sandy', Reiman (2012: 743) suggests: 'We might think of her not as a victim of injustice, but as a person who has suffered a misfortune for which she is not to blame. And then moral responsibility might be evoked on the basis of something like a duty to lend innocent sufferers a hand'. This part of Reiman's argument misses the importance of 'action' in Young's account. What motivates responsibility for structural injustice is one's contribution to the structural processes that serve as the often predictable and routinized background conditions of structural injustice, and not merely pity for another's random misfortune.

Reiman's thoughts on charity lead him to the idea that we ought to think of responsibility for structural injustice as a sort of 'imperfect duty', whereby individuals *do whatever they can* rather than having to act according to a defined set of duties, as Nussbaum, Goodhart, Sangiovanni, and others hold. The idea of addressing structural injustice as an imperfect duty in Reiman's work is mentioned only in passing but has great potential. As Young intended, one's responsibility will depend on one's place in the social connection matrix and correlatively on one's resources to effect change. In this way, and having developed a structural perspective, sometimes this will amount to little or nothing in amongst the huge array of structural dynamics at play in any given context, but sometimes it will mean concerted action on a particular issue. In the spirit of Young's work, while we should resist the idea of measuring the extent of each person's degree of political responsibility (Young 2011: 124), the idea of imperfect responsibility facilitates collective political action rather than debilitating it in the way Nussbaum requires (recall the liability scale problem).

The idea that responsibility for addressing structural injustice is an imperfect responsibility chimes with a similar argument regarding imperfect obligations to meet corresponding human rights, which I find illustrative here. Sen (2004: 339) argues that, while it is impossible for individuals to carry

out all that would be required to meet everyone's human rights (as set out in the Universal Declaration of Human Rights, for example), what is needed instead is for each of us to assess priorities and to 'give reasonable consideration ... followed up by sensible choices of action.' This is not, he argues, 'an agreement to tie oneself up in hopeless knots', but instead 'each person has to judge the extent to which they can make a difference' and whilst '[a] great many parametric considerations ... will inescapably figure in the reasoned evaluation of what a person should do', this approach is much more productive than 'proceeding on the assumption that we owe nothing to others, unless we have actually harmed them' (Sen 2004: 339, 340).<sup>18</sup> In recent work, Zheng (2021: 508) similarly suggests that we adopt 'moral aspiration ... to regularly take up at least some opportunities to help others, contribute to social change and so on.'

In this sense, imperfect responsibility is an effective description of what I think Young understood to be political responsibility. My view is that it is sufficient to generate discretionary action for addressing structural injustices without requiring the stricter moral or legal requirements of the liability model and hence the liability scale problem raised by Nussbaum's critique of Young.

#### **IV Political Responsibility—beyond Young**

With some development, I have thus far defended Young's argument that structural injustice is not captured by a liability-based approach. Key to this argument is the sharpening of the idea that structural actions are untraceable. However, even though I see political responsibility to address structural injustice as an imperfect responsibility rather than a duty, as discussed, I disagree with Young that it ought to be understood as wholly distinct from liability-based (legal and moral) responsibility. I do so, though, not for the reasons given by Nussbaum, Sangiovanni, Barry, and MacDonald, or other advocates of liability-based approaches. Rather, I argue that political responsibility should be clarified as a pre-stage to addressing injustice, both structural and liability based.

For example, if you listen to a speech made to state leaders by the Swedish activist Greta Thunberg, at a UN Climate Change Conference, you would hardly be surprised that she inspired children and adults the world over to join her environmental campaign:

<sup>18</sup> See Browne (2013) for detailed discussion; also Sen (2004).

You only talk about moving forward with the same bad ideas that got us into this mess, even when the only sensible thing to do is pull the emergency brake ... We have come here to let you know that change is coming whether you like it or not. The real power belongs to the people. (2018)

Thunberg is publicly exhorting people to join her to effect change, to stop converting natural resources into commodities, and, rather, to appreciate them as a balanced eco-system of which we are part. In doing so, she asks us to take up the responsibility to be political in Young's sense of political responsibility.<sup>19</sup> However, there are two important observations to make about the practice of political responsibility in this example. The first is that, while Thunberg epitomizes Young's idea of adopting a structural perspective in order to enact political responsibility, as discussed in Part II, surely Thunberg's call to action is not restricted to structural injustice—the untraceable unintended consequences of the actions of millions of people, groups, and institutions who, in virtue of their participation in society, contribute in a multitude of ways to the environment's degradation. This, of course, will be part of Thunberg's intention, and perhaps the impact of what she and her fellow-environmental activists say and do will be to motivate the rest of us to make seismic macro-level structural shifts in the way human societies operate beyond the already established legal and moral requirements. However, Thunberg's campaign is also a call to individuals, groups, corporations, and other institutions, as well as states, to stop committing what we already can determine as direct and indirect wrongful abuses of the environment and, if possible, to 'pull the emergency brake' as a moral act of responsibility if not a legal one. Thunberg is enacting political responsibility in calling others to abide by laws and moral norms or to create new ones in favour of the environment's health. Thunberg's objective is liability, but her route to it is through the enactment of political responsibility, which in Young's account cannot align together.

Having recast political responsibility as one pre-stage to addressing both structural and liability-based injustice, I suggest that there is also transition *between* structural and liability-based injustices, again a feature never articulated by Young.

<sup>19</sup> Indeed, Young (2011: 103) agreed with Kutz (2000) that many processes that lead to pollution were structural.

## Political Transition

Unlike Sangiovanni's example of switch-pusher ignorance, David Attenborough (2019 explains: '50 years ago—we didn't know that we were changing the climate.' The distinction here is that we could not have known—our structural actions were untraceable. Only with the development of more recent methodical tools have we come to understand humanity's harmful impact on the planet after much scientific speculation ([UK Research and Innovation 2022](#)). As a consequence, our methods of speculation and exploration improve the possibility of tracing our structural actions to injustice such that they may become identifiably linked. Once these traces have been established, we may bring those traceable actions squarely into the realm of moral responsibility (actions that abide by moral expectations and norms pertaining to the environment, such as recycling plastics). From here, through forms of political deliberation and other forms of action such as standard approaches of campaigning and protest, we may transition those moral responsibilities into legal requirements, such as, for example, the banning of the use of plastics in certain contexts altogether (legal responsibility).<sup>20</sup>

To be clear, this is a different sort of argument from that of Sangiovanni, who highlights ignorance (specifically indirect discrimination) as the cause of our inability to join the dots of our actions to injustice. I am suggesting something quite different—a transition from what was previously untraceable to the traceable. Another example is that of the vast data analysis of machine-learning techniques that hitherto were impossible to comprehend but now show new patterns and consequences of our behaviour, whether it be through face-recognition surveillance or wearable technology measuring the activity of hundreds of millions of people at a time. In this sense, our structural perspective on the consequences of our connections to structural injustice may, in time, be met with new forms of knowledge that persuade us of a transition of structural actions into moral or legal actions that are captured by the realm of liability.<sup>21</sup>

However, and of crucial importance politically, there may be no epistemological possibility of transitioning to a liability-based solution for some structural injustices. That is to say, we may never have a clearer picture

<sup>20</sup> The idea of a transition between a strict interpretation of untraceable structural injustice and liability-based injustice puts Browne's interpretation in tension with some other authors in this volume who identify readily traceable injustice as structural; see, e.g., McKeown, Chapter 4; Jagger and Tobin, Chapter 9; Mantouvalou, Chapter 13; this volume.

<sup>21</sup> It is also conceivable that the transition moves in the opposite direction, whereby our connections become more complex and less traceable, such as, for example, transference of tasks to the black box of decision-making characteristic of deep neural network operations (see [Browne, forthcoming](#)).

than a dim perception that our actions are structural actions operating at the macro-level and resulting in a certain sort of structural injustice. We ought nevertheless to attempt to address negative structural dynamics without turning our energies to tracing fault and instead devising macro-solutions (including legal and moral forms of responsibility that individuals, groups, and institutions are required to abide by without needing to establish them as agents of fault).

Determining what we are responsible for ought to involve an exercise in speculating on the social structures in which we are embedded and the ways in which our actions both affect and are affected by those structures. Structural actions are imbricated in the places we live, the jobs that we do and travel to, the institutions we rely on, and the technologies we develop and use. As I have set out, structural connections are convoluted and operate at such a macro-level that it is not possible to trace them to individuals, groups, and institutions. By speculating, nevertheless, we may develop epistemologies that enable us to recategorize structural injustices as moral or legal forms of injustice, but we should not be deterred from addressing structural injustice where this proves impossible—liability ought not to set the limits of our political ambitions to address injustice.

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## 6

# Responsibility, Structural Injustice, and Settler Colonialism

*Catherine Lu*

Mary Johns was 29 years old when she was murdered by Gilbert Paul Jordan in 1982. Jordan, the so-called Boozing Barber, targeted mostly Indigenous women in the poor downtown eastside of Vancouver, and offered them money to drink to excess until they died of alcohol poisoning.<sup>1</sup> Although several of his victims, including Mary Johns, were found dead in his barbershop, he was convicted of manslaughter for the death of only one woman in 1988, for which he served six years in prison. The family of Mary Johns was the first to be heard in May 2017 by Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls (Sterritt 2017). The expectations of Johns's family for the process were articulated by Frances Neumann, Johns's sister-in-law, and quoted in the Interim Report of the National Inquiry: 'That is what I am looking for—not for my sister-in-law now, because no one can harm her, but that my daughter, my granddaughter, my great-granddaughters can walk the streets in safety, my nieces, that no harm can come to them. We must stand up for justice for these women that have walked before us' (quoted in Canada 2017: 2).

What does such a call to 'stand up for justice' entail? In an interactional sense, there can be no justice for Mary Johns, since the perpetrator, who died in 2006, was never held accountable for her death. The National Inquiry, however, may be interpreted as aiming to contribute to the redress of another kind of injustice, which consists in the persistently heightened vulnerability of Indigenous women and girls to all forms of violence (Canada 2017: 7–8).<sup>2</sup> This form of structural injustice is 'rooted in colonization', and

<sup>1</sup> This chapter is a compilation reprint of excerpts from Lu 2018 and Lu 2020.

<sup>2</sup> According to the Interim Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, 'Indigenous women are 12 times more likely to be murdered or missing than any other women in Canada, and 16 times more likely than Caucasian women.' The report also notes that Indigenous women are seven times more likely than non-Indigenous women to be victims of serial killers (Canada 2017: 8).

making progress on ending violence against Indigenous women involves addressing ‘the ongoing colonial relationship that facilitates’ such violence (Canada 2017: 13). My aim is to make sense of such claims in contemporary politics to redress and address various structural forms of injustice implicated in settler–colonial, colonial, and postcolonial contexts (Lu 2017; see also Chung, Chapter 8; Ackerly, Chapter 11; Nuti, Chapter 12; this volume).

By focusing on a variety of cases of colonial injustice in modern international relations, I aim to show that practices of justice and reconciliation in contemporary world politics have been inadequate in responding to the persistence of structural injustice and alienation in the development of modern international order. In making this argument, I challenge two dominant approaches to conceptualizing international justice and order. First, acknowledging the structural injustice of international order implies a rejection of conventional images of the international as a realm of anarchy. From a historical and sociological perspective, international anarchy is a normatively obscuring myth that is also empirically implausible in the light of the actual historical development of international order (Lu 2017: 120). Second, I call into question the liberal progressive narrative of the development of practices of ‘transitional justice’ and show their inadequacy in redressing structural injustices based on race, class, or gender, as well as colonial injustices, and Indigenous–settler relations of domination in liberal democracies (Lu 2017: 281). Justice and reconciliation as moral/political projects must be conceived not only interactionally, but also structurally, raising questions about the moral and political responsibility of agents other than perpetrators and victims to respond to the challenges of overcoming different, but often intersecting, forms of structural injustice in domestic and international orders.

In this chapter, I elaborate on the concept of structural injustice, and agents’ responsibility for it. What kind of responsibility is generated by structural injustice? (See also Browne, Chapter 5; Mantouvalou, Chapter 13; Parekh, Chapter 14; this volume.) How is it distinct from responsibility related to the liability of agents for interactional injustice? I clarify how my understanding of responsibility for structural injustice draws on, but also differs from, Iris Marion Young’s account. The chapter also discusses how to theorize agency in contexts of structural injustice that leaves open conditions of possibility for dismantling objectionable social structures.

## I Responsibility and Structural Injustice

Practices of justice and reconciliation in world politics have focused too narrowly on interactional injustices between victims and perpetrators of wrongdoing. This focus is inadequate for accounting for most major political and social injustices, because the widespread wrongs they typically engender inevitably involve the operation of various structural injustices in which many participate. Building on the work of Iris Marion Young, I argue that redressing colonial injustices requires redressing multiple structural injustices that contributed to the production of many cases of historical colonial injustices. Furthermore, the persistence of structural injustices in contemporary social structures, despite the end of particular acts, episodes, or policies of colonial rule, generates a responsibility of contemporary agents to transform social structures so that they are more just.

Digester (2018) notes that one of the most striking features of Young's account of responsibility for structural injustice is that it is forward-looking, and eschews culpability or blame for wrongdoing. There is a pragmatic reason for this way of thinking about responsibility, which is to avoid the divisiveness that comes with blame (Young 2011: 117), in order to facilitate the widespread social solidarity necessary for collective action to transform unjust social structures.

Young's pioneering work on the concept of structural injustice found its last articulation in her posthumously published book, *Responsibility for Justice* (2011), where she contrasts her 'social connection model of responsibility' for structural injustice to a 'liability model' of responsibility for wrongdoing. The latter refers to a standard form of moral and legal responsibility attributed to moral agents, individual or corporate, whose particular actions (or omissions) are uniquely related to a wrong. In the case of the murder of Mary Johns, a liability model of responsibility focuses on the question of who caused her untimely death, and whether the conditions of moral blameworthiness and accountability are appropriate to apply to the agent in question. Young (2011: 98) includes in her liability model all practices of 'assigning responsibility under the law and in moral judgment that seek to identify liable parties for the purposes of sanctioning, punishing, or exacting compensation or redress'.

Young develops the social connection model of responsibility to capture the idea of a shared responsibility of agents to eliminate the structural injustices produced by the social structures in which they participate. Young's

principle example (2011: 99) is homelessness as an objectionable outcome produced by ‘a complex combination of actions and policies by individual, corporate, and government agents—actions and policies that most people consider normal and acceptable, or even necessary and good.’ She also mentions pollution and global climate change as generating generalized and impersonal harms produced by structural processes that arise from the actions of millions of individuals. A structural injustice approach to assigning responsibility for harms or objectionable conditions produced by climate change leads us to ask whether the pattern of heightened vulnerability to suffering negative effects from climate change is based solely on arbitrary natural phenomena, or whether social structures affect this pattern. Several studies have shown that climate adaptation strategies pursued by city planners in the Global North and South typically fail to protect the interests of Indigenous and poor populations from negative consequences such as displacement, while disproportionately prioritizing the protection of elite group interests (Lu 2017). The heightened vulnerability of these groups is a structural injustice in that they bear a disproportionate share of the social costs of adaptation, while their interests are systematically excluded from climate adaptation actions, which are typically designed to benefit elite and privileged social groups. Climate ‘adaptation interventions can reinforce historic trends of socioeconomic vulnerability, compound patterns of environmental injustice, and create new sources of inequity’ (Anguelovski et al. 2016: 345; referenced in Lu 2017: 275).<sup>3</sup> In her formulation of responsibility for these structurally produced harms, Young rejects the idea that such responsibility can be understood as an ‘attenuated form of responsibility as complicity’ for wrongdoing. She notes: ‘To the extent that we participate in the ongoing operations of a society in which injustice occurs, we ought to be held responsible. This does not, however, make us guilty or blameworthy or directly liable for paying compensation to victims of harm’ (Young 2011: 104).

I want to defend Young’s account of responsibility for structural injustice as qualitatively different from the responsibility of agents for interactional wrongs. It is not only pragmatically misguided, but also conceptually inappropriate, to conceive of agents’ responsibility for structural injustice as merely a weaker, but continuous, form of liability for wrongful interactions. Participants in a social structure that is structurally unjust are not complicit in the specific wrongdoing of culpable agents, but they are morally and

<sup>3</sup> The point here is not that climate adaptation strategies necessarily contribute to reproducing structural injustices, but that, without conscious and robust efforts to counteract their influence, the effects of structural domination and oppression on the formulation, adoption, and implementation of such strategies will be foreseeable and persistent.

politically responsible for creating or entrenching social conditions that may make some category of persons more vulnerable to suffering interactional wrongs or objectionable harms.

To illuminate this distinction, we can consider the condition of the heightened vulnerability of Indigenous women to violence in settler-colonial societies, such as in Canada and the United States. In each case of murder or disappearance of an Indigenous woman, there is a perpetrator or number of perpetrators involved. We might also suppose that, in such cases today, the perpetrators are not agents of the state carrying out state policies, so there is no sense in which these murders or disappearances of Indigenous women can be considered cases of state or corporate wrongdoing. Holding individual perpetrators morally responsible and accountable for such murders and disappearances is a demand of interactional justice. The structural vulnerability of Indigenous women to victimization, however, is produced not by the perpetrators' wrongdoing alone, but by features of Canadian social structures that place poor, Indigenous women in social positions of structural inferiority, marginalization, and disadvantage, all of which combine to produce their heightened vulnerability to victimization. Notice that, in the case of this kind of structural injustice, it is not only the individual victims of murder or disappearance who are subjected to the structural injustice, but a whole category of persons who fall into a structurally vulnerable social position.

Punishing individual perpetrators for their wrongful conduct is important but will not be enough to transform the relevant social structures so that Indigenous women become less vulnerable to violence. Although the Canadian state and society are not morally responsible in a direct or complicit sense for the murders and disappearances of Indigenous women, a focus on the role of structural injustice reveals that they may be morally and politically responsible for the social, economic, and political structures that produce the vulnerability of Indigenous women to victimization (see also Mantouvalou, Chapter 13; Parekh, Chapter 14; this volume). I argue that part of an analysis of the structural defects for which Canadian society is responsible includes understanding how institutions and processes of guaranteeing public safety and the administration of justice, including the police and the courts, may operate in biased ways and be less diligent in protecting Indigenous women, or pursuing accountability and reparation for their victimization (Lu 2017). In such a context of structural injustice, wrongdoers may victimize members of such marginalized communities, knowing that they are more likely to escape accountability for their wrongdoing (Lu 2017: 243). At a broader level, the persistent denial of Indigenous self-determination in a settler-colonial order also reproduces the position of structural indignity that Indigenous

peoples occupy, with foreseeable disproportionate impacts on the vulnerability of Indigenous women.

I believe Young's point in insisting on a qualitative distinction between the liability and social connection models of responsibility is to say that, even though participants in an unjust social structure are morally responsible for structural injustice, they cannot be said to be morally responsible and liable to punishment for the specific cases of wrongdoing that were committed by specific agents in the enabling conditions of structural injustice. In an earlier article, in which she discusses the Nazi Holocaust, [Young \(2004: 377\)](#) observes that 'the makers of genocidal policies and those that directly implement them are enabled and supported by wider social structures in which many participate.' I note that this example shows that Young understands structural injustices to be a constitutive component in the production of some flagrant interactional injustices ([Lu 2017: 125–6](#)). The responsibility of planners of genocide as well as those involved in implementing genocidal policies fall within a liability model. The responsibility of those who participate in the wider social structures that produce the social conditions in which genocide, or any major social or political injustice, becomes possible, however, requires a different conception of responsibility. Most cases of social and political injustice, even those that include specific individual, joint, or corporate acts of socially organized wrongdoing—from inhumane labour conditions to sexual exploitation to genocide—should therefore 'be analyzed on these two levels' ([Young 2004: 377](#)). It is true that Young at times goes to great lengths to argue that responsibility for structural injustice is not 'moral', but 'political', but I interpret her to mean only that the conventional practices of holding agents accountable for their morally blameworthy acts, such as punishment and compensation, are not the appropriate practices for engendering responsibility for structural injustice, which requires us to participate in collective action efforts to effect structural change.

In this light, I think Martha Nussbaum's discussion of Young's conceptual distinction is somewhat misguided, because she does not recognize that, in the case of the liability model, agents are morally responsible for committing a wrong, whereas, in the social connection model, the wrong in question for which agents are responsible is *different* and refers to the unjust structural processes or conditions that enabled the production of interactional wrongs or structural harms. It is not quite the case, as [Digeser \(2018: 8\)](#) describes Nussbaum's argument, that 'knowledge moves [contributors to structural injustice] from a social connection model without culpability to something that looks more like the liability model'. Whether or not one has knowledge of one's contribution to structural injustice, one bears moral and political

responsibility to be aware of, resist, and halt structural injustice, but knowledge and participation in structural injustice still do not make one morally responsible and liable to punishment for the specific interactional wrongs committed by others. This is how I interpret Young's conceptual distinction between the liability and social connection models of responsibility, and their references to two different kinds of wrongs, one interactional and one structural.

With respect to interactional injustice, it is important to note that Young (2011: 115) finds it completely appropriate to blame and hold accountable individuals who produce wrongs through their roles in structured organizations, such as public officials who make a disastrous policy decision that exposes some people to objectionable treatment or harms, or agents who commit wrongdoing 'through a bureaucratic chain of command'). Her liability model thus covers not only individuals acting singly, but also individuals acting to produce 'structured injustices' (Lu 2017: 89) via their roles within corporate agents or highly organized and/or purposive social groups. With respect to structural injustice, I do not read Young, as others have, as saying that there is no sense of moral responsibility tied to her conception of responsibility for structural injustice. Young's practical arguments (2011: 116) against practices of blaming and fault-finding in response to structural injustice are related to their disutility in forging the social solidarity and mobilizing the collective action necessary to make the kinds of structural transformations required to halt the repeated production of harms by structural social processes. While Young eschews the language of blame and fault-finding when assessing agents' responsibility for such structural harms, she admits that 'we can and should be *criticized* for not taking action, not taking enough action, taking ineffective action, or taking action that is counterproductive' (Young 2011: 144) in response to structural injustices.

My sense is that Young (2011) ties the concept of moral responsibility, which refers to the blameworthiness of agents based on their character, actions, or consequences of actions, too tightly, with one particular type of method or model of holding agents accountable for their blameworthiness. But her own account of the appropriateness of criticism suggests that she thinks that agents who contribute to structural injustice can be blameworthy for making that contribution. And, although she emphasizes that they are not blameworthy in a liable way for the harms or wrongs that result, her account does open up questions about how agents who are blameworthy for their contributions to the production of structural injustice can be legitimately and effectively held accountable so as to forward the end of combatting structural injustice (Lu 2017: 104).

On this point, I do disagree with Young (2011: 104) that responsibility for structural injustice can only be a forward-looking responsibility, and that participation in a structural injustice excludes liability ‘for paying compensation to victims of harm.’ I argue that, if structural injustices have played a causal or conditioning role in producing or reproducing objectionable social positions, conduct, or outcomes, then the responsibility to rectify or correct such structural injustices has both backward-looking and forward-looking functions (Lu 2017). In its backward-looking function, rectifying structural injustices is part of the task of repudiating the wrongs they enabled or generated. The forward-looking aim of redressing structural injustice is to eliminate any continuing unjust effects that structural injustices may produce or reproduce. Both of these backward-looking and forward-looking functions of repudiating structural injustice and redressing its effects may entail some forms of victim compensation, although they will also entail much more than that (Lu 2017: 19). The ground for such compensation to victims of interactional wrongs or structural harms is not agent culpability in the sense of moral blameworthiness and liability to punishment by virtue of being the wrongdoer. Rather, the ground in a structural justice framework is that agents responsible for structural injustice must repudiate and transform the structural factors that enabled the wrongdoing to occur, and seek to establish conditions in which those who were victimized can regain effective moral and political agency in the relevant social/political orders (Lu 2017: 259).

Farid Abdel-Nour (2018) endorses Young’s argument that those who participate in perpetuating or reproducing structural injustice bear responsibility for transforming the relevant structures so that they are more just. He attempts to locate such responsibility for structural injustice in Bernard Williams’s notion of responsibility that derives from the causal relationship between an agent’s non-culpable action and a bad state of affairs. Williams’s example (1981: 28) to model this sense of moral responsibility is the lorry driver who, ‘through no fault of his own, runs over a child.’ According to Abdel-Nour, although the driver is morally blameless and therefore ought not to be subject to punishment for the act, Williams is right to expect a minimal sense of responsibility in the form of ‘agent-regret’ in the driver for having contributed to a causal process that led to a bad state of affairs. Abdel-Nour uses this idea of responsibility to identify which group of agents share responsibility for structural injustice, arguing that, even though participation in bringing about a bad state of affairs may be unintentional or ignorant, those who become aware of their participation bear a responsibility that ‘is simply the weight we all bear by virtue of being agents in the world.’ Is this example

a good model to think about the agency and responsibility of those who contribute to structural injustices that produce structural harms or wrongs? I am not inclined to think so.

One problem is that the kind of causation involved in the example of the unlucky lorry driver is exactly the kind of causation that cannot be established in most cases of structural injustice. The difficulty faced by the lorry driver as a moral agent is that he directly committed the act that caused a child to be run over. The agent who participates in producing a structural injustice, however, is one who commits an action, such as buying a cheap shirt, which is not connected in any linear way with a bad state of affairs, such as the collapse of a garment factory building in Bangladesh that kills over 1,100 people (Lu 2013). As a consumer of cheap clothing, I am not in the same position as the unfortunate person who drove the truck that ran over a child. Indeed, part of the challenge of engendering a sense of responsibility for structural injustice among agents is to make more apparent and plausible the structural forms of causation and conditioning that connect agents' seemingly innocuous actions, practices, or consumer choices to the objectionable conduct, outcome, or conditions they enable or produce, such as unsafe buildings faced by workers in the global apparel industry.

As Digeser (2018: 10) astutely notes, in referring to the work of Clarissa Hayward (2017), one of the major challenges of structural injustice is 'getting people to see that our present social rules and institutional arrangements are, in fact, harmful'. I agree with Hayward (2017: 405) that 'disruptive politics', including 'boycotts, mass protests, sit-ins, die-ins, and other forms of unruly political action', such as those engaged in by the Black Lives Matter, and the Idle No More Movements (Coulthard 2014:159–65), are vital for combatting the ignorance, affected or non-culpable (Isaacs 2011: 161; Mills 2017: 49–71), of many of those who enjoy power and privilege in conditions of structural injustice. I disagree with Hayward (2017: 407) that Young was not aware of the need for such politics and that her account of political responsibility is focused mainly on persuading 'the privileged to assume political responsibility for structural change'. After all, Young also notes that the power of the oppressed can effect structural change in their favour; for this reason, Young argues 'that many of those properly thought to be victims of injustice nevertheless share responsibility for it'. She argues that the oppressed 'should take the lead in organizing and proposing remedies for injustice, because their interests, it might be argued, are most acutely at stake' (Young 2011: 113). One major task facing those oppressed by structural injustice is 'disalienation', which entails repudiating their own alienated subjectivity and constructing the terms of their own non-alienated agency (Lu 2017: 277–80). The process

of disalienation is likely to be unsettling and disorienting, but I argue that such effects may be productive for structural transformation (see [Lu 2017: 142, 209](#), and [Lu 2023](#), for a longer discussion).

To return to Williams's example of the unlucky lorry driver, there is another problem with it as a way to model agents' responsibility for structural injustice: that the bad state of affairs produced by the lorry driver is most accurately described as a random accident or misfortune. In the case of workplace disasters such as factory building collapses, however, the bad state of affairs cannot be described as merely a regrettable misfortune; rather, they constitute structural injustices in the form of objectionable conditions or harms derived from the interaction and operation of various kinds and levels of human agents, institutions, and structures. To see why more than agent-regret must be called for in those agents who contribute to the production of structural injustice, consider a different example of a driving incident. In Aravind Adiga's *The White Tiger*, Balram Halwei, the novel's murderously resourceful and ambitious narrator who rose from rural poverty to become the owner of a taxi company in Bangalore, recounts an incident in which one of his drivers has struck and killed a boy on a bicycle. The company-owner then makes this assessment about the driver's guilt as well as his own responsibility: 'it was not his fault. Not mine either. Our outsourcing companies are so cheap that they force their taxi operators to promise them an impossible number of runs every night. To meet such schedules, we have to drive recklessly; we have to keep hitting and hurting people on the roads. It's a problem every taxi operator in this city faces. Don't blame *me*' ([Adiga 2008: 266–7](#)).

The driver in this story may be like the lorry driver in Williams's example, but he may be more culpable, as it is implied that he drove too quickly or recklessly. The liability model of responsibility looks to the taxi driver and determines whether or not there is a basis to find him blameworthy and liable to punishment. Under strict forms of liability, the taxi company may also be liable to compensate the boy's family for his death. But this incident is more than just a case of moral bad luck in the form of an unfortunate, unintended, and random accident. The taxi company owner, even if he is not morally culpable for the act, is responsible for the company's policies that put drivers under time pressures, and incentivized them to drive too quickly or recklessly. Although we may baulk at his disavowal of responsibility, his response also confirms Young's point about the disutility of the 'blame game', since he is probably right that others—namely, other taxi companies, 'in fact *do* participate by their actions in the processes that produce unjust outcomes' ([Young 2011: 117](#)). There may also be a defect in the regulatory regime of the state, which may persistently fail to enforce sanctions against traffic violations.

The many ordinary people who contribute to structural injustice are not in the position of the taxi driver who caused the accident, nor of the taxi company owner who is responsible for the policies that incentivize unsafe driving practices. But they are also not wholly distanced spectators. Perhaps they are more like the customers who use taxi services. I find this kind of example more productive than Williams's example for thinking about agents' relation to structural injustice, and for generating questions of moral and political responsibility for those involved in a social structural process to transform the relevant structural injustices that result in objectionable wrongs or harms—in this case, deaths from road accidents caused by pressured taxi drivers. That responsibility is based not on agents' direct, albeit unintentional, causal connection to a bad outcome (as in Williams's case of the unlucky lorry driver), but on agents' participation in a complex, structurally causal framework of social activity and exchange that produces not only a bad state of affairs, but an unjust or morally objectionable one.

## II Engendering Structural Change in Conditions of Structural Injustice

What institutional or structural changes would promote or constitute emancipatory versus regressive responses to structural injustice? Avigail Eisenberg raises this question most prominently in the case of thinking about the institutional implications of redressing the injustice and alienation of settler-colonial structures on Indigenous peoples. Her lucid commentary ([Eisenberg 2018](#)) focuses on the case of Canada's Truth and Reconciliation Commission (TRC) and how its processes, mechanisms, and concluding recommendations may be considered a contribution to the redress of interactional and structural injustice experienced by Indigenous peoples in the Canadian settler-colonial context.

Given the broadness of the structures involved in producing settler-colonial injustice, it is difficult to know what kinds of structural changes are required. As [Eisenberg \(2018: 27\)](#) puts it, 'what counts as disassembling structural injustices such as colonialism, statist bias, racism or capitalism?' As an example, Eisenberg notes that some provisions of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) may 'reaffirm the power of the state ... by outlining actions that will legitimate state governance and thereby allow the state to govern better and more securely' (2018: 27). There is much debate among Indigenous groups about whether institutions such as the Truth and Reconciliation Commission of Canada and

UNDRIP point in an emancipatory direction towards a better structure of relations between settler and Indigenous societies, or whether they serve a politics of extending, entrenching, or recolonizing the social/political order. How can we know whether any structural changes effected by such initiatives will produce emancipation, rather than entrenchment of structural domination? Even if it is clear that Indigenous self-determination is constitutive of structural justice, how can Indigenous peoples be co-authors of the institutional order without being coopted in a way that undermines their own self-determination?

The [UNDRIP \(2007\)](#) marks an extension of the historical decolonization process to Indigenous peoples within states. Article 3 of that declaration mirrors Article 2 of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples: ‘Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.’ Such a development was not preordained and required the active development of transnational mobilization and organization among Indigenous peoples. While this direct textual translation from the 1960 declaration to the 2007 declaration makes the extension of self-determination rights to Indigenous peoples seem straightforward, the latter declaration in fact contains provisions that would entail great challenges to the conventional claims of states to exclusive jurisdictional and territorial rights. I argue that full implementation of UNDRIP entails potentially radical transformation of domestic and international legal and political orders ([Lu 2017](#): 268–9).

In other work, I have developed this point further by focusing on the declaration’s explicit assertion of the transboundary rights of Indigenous peoples divided by international borders, providing for such Indigenous peoples to ‘have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders’ (Article 36, [United Nations 2007](#)). Full implementation of this right would impose various kinds of limits on the scope of the regulatory powers of states to control the movement of people, goods, and services across international borders ([Lu 2019](#); see also [Simpson 2014](#)). This argument does not commit me to arguing for dismantling the entire states system, a possibility that [Digeser \(2018\)](#) raises as a potential implication of my account of decolonizing international order. While I think that states may play an instrumental role in providing the regulatory and administrative structure for facilitating social relations across international boundaries, Digeser is not wrong to think that

the project of decolonizing international order, as a matter of global justice, requires great structural transformations of states and the states system.

Eisenberg (2018) wonders, however, whether, in implicating both domestic and international order as sites of redress for the ills of settler colonialism, the demands of structural transformation become ‘unmanageably broad’, with the danger of diluting responsibility for structural injustice so much that it becomes meaningless. While I see this danger, I think it is a problem that cannot be avoided, given the complex nature of settler–colonial injustice in modern global political conditions. I do not think that Herculean individual efforts will transform our politics, but structural transformation will require committed collective action, not only at local, but also at domestic, international, and transnational levels, because it is politics at all these levels that will combine to reproduce or overcome contemporary structure injustice.

In vivid ways, the work of empirical social scientists is necessary to help us better to see this complex social reality of structural injustice, as well as to help us to assess the productive potential of different strategies of redress. As Laurel Weldon (2018: 39) has put it: ‘Constellations of institutions, both formal and informal, at multiple levels, combine to advantage some groups and ways of life and to devalue and oppress others, creating core challenges of global justice.’ Weldon’s commentary raises an additional issue regarding structural change that is related to how we should evaluate the transformative achievements and potential of current institutions and practices. In particular, what role may states and international law, especially human-rights law, play in making progress towards dismantling various forms of structural injustice, such as those related to gender oppression (see Parekh, Chapter 14, this volume)?

While Weldon acknowledges the implication of international law and institutions in the production of colonial injustice, she thinks that focusing on the colonial roots of the states system that is the basis for the Committee on the Elimination of Discrimination Against Women (CEDAW), for example, is an unproductive strategy for making progress on gender justice in current political conditions. I agree with Weldon that, from a practical point of view, there is probably little choice for global feminist advocates but to engage in struggles over institutional design and policy development of legal instruments and institutions such as CEDAW and the International Criminal Court. If one takes seriously the structural analyses of gender injustice, however, it seems clear that making progress in overcoming gendered structural hierarchies will also require the development of forms of feminist organization and advocacy that maintain some critical distance from statist institutions

and practices, and that can engage with more resonant and consequent local-authority structures and practices.

Indeed, as Htun and Weldon (2018: 255) note, the barriers to gender equality are multiple: gender inequality is ‘deep, historic, and involves some of the most powerful actors in society, such as religious organizations, business groups, and political parties.’ In my view, acknowledging this complexity about the production of structural injustices that sustain gender oppression should lead to a more realistic assessment of the limits and potential of state-led and state-centric solutions. To be clear, my view that state-centrism is insufficient does not amount to a claim that we should repudiate all state-based initiatives or not bother to engage in international reforms. International practitioners need, however, to be wary of their transformative potential, especially given the deep implication of the states system in the constitution and reproduction of colonial structural domination.

In postcolonial contexts, it is especially important to acknowledge not only the ‘colonial roots of the states system’, as Weldon argues, but also the persistent alienation of the legal and political apparatus of the state. Tanja Chopra and Deborah Isser (2012: 338), for example, observe that, in many postcolonial post-conflict societies, international assistance efforts have difficulty ‘shifting from the well-trodden programs aimed at supporting state institutions,’ despite universal acknowledgement of the remoteness of state systems of formal justice from the lives of ordinary people. The results of such efforts have been largely ineffective and even perverse, such that ‘formal institutions that have been established with international support are used against women rather than to uphold their rights’ (Chopra and Isser 2012: 344). Mohamed Sesay (2019; 2021: 148) has also shown, in his study of rule of law reform in Sierra Leone and Liberia, that state-centric international efforts have concentrated on reforming a largely inaccessible formal system of justice, which ‘disproportionately benefits those who historically possess the social status, wealth, education, and influence to take advantage of legal institutions to resolve social and interpersonal conflicts.’ International efforts to revise both formal and informal justice systems in post-conflict and developing countries face severe limits in effecting real improvement in women’s access to justice, since ‘neither system exists in isolation from the underlying socio-economic, cultural, and political context that determines the very real gender inequality and other power asymmetries’ (Chopra and Isser 2012: 339). Although Htun and Weldon (2018: 256) argue that feminist advocates should take a ‘sophisticated, pragmatic view’ towards the state and international institutions as agents of structural change in world politics, it should

be acknowledged just how limited and, sometimes, counterproductive such institutions have been in the quest to realize women's rights.

This raises a vexing problem of the feasibility of emancipatory struggle for structural change amidst conditions of structural injustice and alienation. Kimberly Hutchings (2020) has expressed worries that structural change can happen only when a non-existing, aspirational, 'we' engages in collective action. But, if such a 'we' did exist, it 'would effectively mean that the problem of structural injustice was well on the way to being resolved'. If structural injustice is produced and reproduced as the culmination of socially situated agents, how can unjust structures be overcome without an idealized 'we'?

I follow Young (2011) in understanding agents and social structures to be mutually constitutive. Agents who participate in a social structure produce and reproduce through their combined agency the structures that mediate their identities, social positions, and interactions. No human agent can act except in a pre-existing social structure, but human agency also holds the potential to transform social structures. I think we need to distinguish between agency to resist and challenge structural injustice, and agency that constitutes a more demanding ideal of moral autonomy. As Jennifer Einspahr (2010) has argued, a social structure that provides space for resistance against injustice as a form of political agency does not thereby generate a free or autonomous subject. Even agents in conditions of severe domination and oppression can exercise oppositional agency to varying degrees, but such agency cannot be equated with enjoying structural justice or freedom. At the same time, this means that agents variously situated in unjust structures can make progressive use of their agency to contribute to challenging and overturning structural injustices through collective action. Agents, individually or collectively, need not be autonomous in any ideal sense to do this, but the more effectively they are able to act from their social positions to dismantle structures of domination, the more structural freedom their agency will produce, which will, in turn, enable them to develop more ideal non-dominated forms of subjectivity.

Hutchings (2020: 438) also raises an important problem with respect to the 'dilemmas between political strategies of reform and revolution'. I argue for pluralizing the agents that can be represented in international decision-making bodies (Lu 2017). Some might worry that such a move is cosmetic and signifies not fundamental change, but rather a slight move to coopt oppositional groups (Eisenberg 2018). While I agree that such changes may not prove to be emancipatory, this kind of critique mistakes the argument for plural representation to be constitutive of an ideal vision of global order, whereas my argument for it should be understood mainly as a provisional

prescription (see Chung, Chapter 8, this volume). While granting standing to Indigenous groups to represent their own claims and interests in interstate disputes brought before the International Court of Justice may not be revolutionary in itself, for example, one cannot discount that such changes could lead to more radical structural transformations of global order (Lu 2017: 274; 2019).

More generally, as agents situated in specific historically developed configurations of structural injustice, we have a primary responsibility to identify such injustice, and work to repudiate and dismantle their effects in shaping contemporary social relations. This leads decolonial political theorists to formulate provisional strategies, such as reforming legal frameworks, political institutions, and social-status orders. It is not all a negative enterprise, however, as decolonial political theory can also take the form of conceptualizing and developing alternative institutional and structural futures to contemporary unjust hierarchies (Lu 2017: 279). I anticipate that, as structures change, new norms and practices of politics will develop or become more visible, giving rise to new challenges that will engender further theoretical innovations about further structural changes. We can evaluate the process of decolonization in this way, to help contextualize the normative significance of historical periods of decolonization, and also make sense of contemporary claims by Indigenous peoples that colonialism is not over. Still, I do not think that agents situated in social positions afforded by contemporary social structures can really lay out with any precision what the ideal end point of normative and institutional developments should be. This is just an acknowledgement that we are not in a position where we can know what a structurally just world order would look like. Doing the work of theorizing structural injustice, with a view to guiding action to dismantle it, however, opens political space for variously situated contemporary agents to develop non-dominating and non-alienating identities, norms, beliefs, and social relations.

## Conclusion

Structural injustices shape in morally objectionable ways the social positions, identities, agency, roles, aspirations, and potential and actual achievements of persons and groups. Structural injustices can inform laws, norms, and discourse; shape the design and purposes of institutions and social practices; and produce material effects. They enable, legitimize, normalize, and entrench conditions under which structural and interactional injustice may persist on a regular and predictable basis (Lu 2017: 35). Structural injustices

may produce unintended, generalized, or impersonal harms or wrongs that result from social structural processes in which many may participate (Lu 2017: 118).

In this chapter, I have aimed to highlight a different dimension of agent responsibility, not for interactional wrongdoing, but for contributing to the production or reproduction of structural injustice. Acknowledging the role of structural injustices identifies other contributory agents and structures in the production of many interactional wrongs and raises the question of the responsibility of those other contributory agents. Taking structural injustices seriously leads to an acknowledgement that the victims of structural injustice constitute larger categories of persons than those who could claim to be individual victims of egregious human rights violations. Indeed, seeing (settler) colonialism as structural injustice illuminates objectionable social structures—often based on race, class, and gender categories that transcend nationalist and statist divides—that exposed large categories of persons or peoples to social positions of inferiority or structural indignity that heightened their vulnerability to various forms of victimization (Lu 2017: 257; see also Wolff, Chapter 1; Browne, Chapter 5; Schiff, Chapter 7; this volume).

An enduring challenge to theorizing structural justice lies in accounting for how to prioritize different structural injustices produced or mediated by colonialism, patriarchy, and capitalism.<sup>4</sup> Intersectional analysis of structural injustice also clarifies why the effects of targeted measures that aim to redress a narrow set of cases, consisting only of the most egregious or extreme cases of injustice, are likely to be limited. Given that complex intersectionality is a constitutive feature of cases such as the heightened vulnerability of Indigenous women to violence, such problems cannot be effectively addressed without a broader commitment to redress the persistent position of structural indignity and alienation of Indigenous peoples in settler colonial structures of power, with its foreseeable disproportionate and grievous impacts on the vulnerability of Indigenous women.

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<sup>4</sup> See, e.g., my analysis of intersecting structures of domination, in the discussion of how these structures combined to produce the pattern of victimization of largely rural and urban poor Korean women in Japan's wartime military system of forced sexual labour and slavery (Lu 2017: 128–41).

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## Structural Injustice and the Two Faces of Vulnerability

*Jade Schiff*

Human beings are exquisitely vulnerable: our bodies decay; bones break or are broken; we get sick and we die; and we are persistently subjected to the arbitrary power of the state and other social, political, and economic institutions. Our hearts are vulnerable to the wounds of absent, unrequited, or withheld love; and to the claims of the state and civil society about what love is legitimate and illegitimate, what love must stay hidden, and what can be expressed openly. Our identities are vulnerable to misrecognitions, exclusion, and erasures enacted by social and political institutions (through the denial of rights, voice, and benefits of membership). Our self-understandings are vulnerable to being called into question by those who refuse to acknowledge and recognize us for who we take ourselves to be. Our experiences of these injuries are sometimes denied or discredited by those who do not share them (Mackenzie et al. 2014).

While we are all vulnerable, some are more vulnerable than others (Cole 2016). What does it mean to be vulnerable and what are its political consequences, both for those who are relatively insulated from it and for those who are exposed to it daily? How and why is vulnerability unequally distributed within and across political communities? Conversations among activists and scholars who treat vulnerability as something we have, like a trait or a property, obscure its relational character. But political vulnerability is produced by relationships of domination and oppression that are shaped by the social, economic, and political cultures, structures, and processes that constitute political life. This uneven distribution of vulnerability is a form of what Iris Young called structural injustice, which exists when social, political, and economic structures systematically enable some people to develop and exercise their capacities while constraining the ability of others to do so. In this chapter, I suggest that there are two dimensions to vulnerability: precarity and fragility. Based on Young's critique of distributive theories of justice,

I propose an alternative logic of distribution as the circulation of relations that allows us to examine and criticize the uneven distribution of vulnerability as a problem of structural injustice instead of thinking about as of a property that we have or lack. Furthermore, like vulnerability, the privilege that insulates some people from it and the privation that exposes others to it are best understood, not as properties or impersonal forces, but as features of social positions constituted by relations between differently situated people and groups (see also Wolff, Chapter 1; Lu, Chapter 6; Chung, Chapter 8; this volume).

## I Political Vulnerability: Precarity and Fragility

To be vulnerable is to be receptive to love, to desire, to hope, to care; but also susceptible to injury or harm, and human beings are Susceptible to many types of injury—through physical violence, a lack of acknowledgement or recognition (Taylor 1971, 1994; Markell 2003), institutional failures, inequality, natural disasters, economic shocks, and more. In this sense, vulnerability is ‘universal and constant, inherent in the human condition’ (Fineman 2008: 1). However, different social, political, and economic conditions can make some people—racial, sexual, and gender minorities, the economically disadvantaged, the physically and intellectually disabled, immigrants and refugees—more vulnerable than others. We often talk about people and populations who ‘are vulnerable’ as if there is something intrinsic to their nature or circumstances that makes them so, thereby obscuring how their vulnerability is a product of social and political structures and processes. Or, when we acknowledge how human activities exacerbate vulnerability, we tend to obscure the political, social, and economic conditions that distribute it unevenly.

For example, when activists and ordinary citizens talk vaguely about structures such as white supremacy, patriarchy, cissexism, ableism, and so on, and their material manifestations, they often leave the connections between structures, processes, and marginalized groups unarticulated, and the conversation quickly turns to the need to protect those groups by securing political acknowledgement and rights, changing policies and redistributing resources. Such measures are necessary, but this too-quick turn can distract us from the fundamental structural changes that their vulnerability calls for: the transformation of society from one that systematically makes many populations vulnerable into one in which ameliorating vulnerability is among its most important goals. By focusing on protection and redistribution,

we obscure the very thing we acknowledge—that these groups are *made* vulnerable because of the ways in which societies and their institutions are structured systematically to advantage some while disadvantaging others, establishing durable relations of domination and subordination. That those in positions of relative advantage simultaneously acknowledge and disavow the structural roots of domination and subordination is not accidental. It is a partly unconscious strategy that belies anxieties and insecurities about their own privilege and vulnerability in ways that I try to account for later.

If conventional ways of thinking and talking about vulnerability are inadequate for confronting its roots, how should we conceptualize it? We should start by observing that vulnerability is not a natural or objective fact, but a social one. It emerges in relationships between dominant and subordinate groups that are shaped by social, economic, and political institutions and processes, both formal and informal.<sup>1</sup> Two dimensions of vulnerability in particular highlight its political significance: precarity and fragility. ‘Precarity’ comes from the Latin *precarius*, which means ‘obtained by asking or praying’. People endure precarity when their conditions and opportunities are subject to the arbitrary wills of others, which Philip Pettit (1999) calls ‘domination’. The dominant party can interfere ‘with the choices of the dominated ... on the basis of an interest or an opinion that need not be shared by the person affected’ (Pettit 1999: 22).

While he helpfully identifies what constitutes domination, Pettit’s focus on the wills of agents obscures its structural foundations. For example, white supremacy, patriarchy, cissexism, and economic inequality engender domination that is not reducible to the activities of particular agents or groups (see, e.g., Thompson 2015). Judith Butler offers a definition of precarity that attends to these foundations. For her, precarity is ‘that politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death’ (Butler 2009: p. ii). These networks might include families, schools, faith communities, and other social, political, and economic organizations.

While more useful, this understanding of domination neglects how *experiences* of vulnerability, and not just its empirical conditions, are felt or obscured by ideological formations that naturalize domination and can either foment or foreclose possibilities for political resistance and transformation (Schiff 2014; Butler et al. 2016; see also McKeown, Chapter 4;

<sup>1</sup> See Mantouvalou (Chapter 13, this volume) on how legal regulations around work render agency workers vulnerable to exploitation. See Lu (Chapter 6, this volume) for how Indigenous women in Canada are rendered vulnerable to murder and to going ‘missing’.

Ackerly, Chapter 11; Nuti, Chapter 12; this volume). People who live in neighbourhoods in which residents know each other well, help each other, and have strong social ties enjoy relatively stable support networks. Objectively or empirically speaking, their lives are not very precarious. If new zoning laws produce gentrification and raise property values, members of this neighbourhood may need to disperse. Because this weakens their support networks, their lives become more precarious. This empirical account of precarity obscures the ways in people endure it within specific ideological horizons that shape how they experience and respond to it. Within discourses of neoliberalism, for example, we are relatively free of constraints to pursue our interests and goals. Accordingly, precarious conditions signal a failure of initiative or character that inhibits resilience rather than a structural feature of everyday life that enables or constrains our capacities to thrive and even to survive. These discourses thus obscure the systematic advantages that some enjoy at the expense of others. Such narratives may produce shame, anxiety, and resentment among those who suffer precarity rather than helping to generate and make visible opportunities for political engagement and transformation. They may also produce self-congratulatory indifference on the part of those whose lives are not precarious. When these narratives are exposed as ideology, precarity is revealed as an existential and political issue, and not only an objective reality.

Fragility is a different dimension of vulnerability. Something fragile is liable to being broken if it is delicate (like jewellery) or brittle (like glass). It can remain intact only under quite precise conditions, and it does not adapt well when those conditions change: catch a necklace on a piece of clothing and it may break; drop a glass and it may shatter. Memory can be fragile too. Identities (Ricoeur 2004), deeds (Arendt 1951), even a people's history (Hargreaves 2005; Lear 2008) can be forgotten or erased. In the neighbourhood I described above, before gentrification it is not very fragile. It can adapt to modest changes in social, political, and economic conditions. However, with the onset of gentrification, it may become unable to adapt. Now it is relatively fragile, susceptible to the disintegration and dispersion that makes populations more susceptible to domination, as social supports start to crumble.

Like precarity, fragility is not simply *there*. It is a product of political, social, and economic structures and processes shaped in part by conservative discourses that construe the weakness of social supports as failures of character and limitations intrinsic to particular sorts of people and ways of life. This is reflected in laments about the decline of the nuclear family or claims about deadbeat fathers (often of colour) who 'abandon' their families,

making them less adaptive to changes in their environments. When thus narrated, fragility, like precarity, may produce feelings of shame and resentment. Unmasking it as ideology opens up possibilities for resistance to, engagement with, and transformation of the structures that might mitigate fragility. This fragility should not be confused with white or male fragility or ‘white women’s tears’, terms that refer to the anxieties and resentments of white men and women in the face of the unmasking of white supremacy and patriarchy. This weaponization of vulnerability paradoxically makes it a tool of domination rather than a consequence of it. Claims of vulnerability can be and are mobilized across the political spectrum (Oliviero 2018).

## II Structural Injustice, Vulnerability, and the Logics of Distribution

Vulnerability, then, is a political problem because it is unevenly distributed across racial lines, amid gender relations and gender identity, sexual orientation, class, ability, and more. In the gentrification example, vulnerability becomes unevenly distributed between new arrivals and current residents. The distribution of vulnerability is shaped by the social, political, and economic structures we inhabit that enable and constrain our capacities to realize our ends. In this way, vulnerability is a problem of what Iris Young named ‘structural injustice’.

While this conception of injustice has important antecedents—going back to Marx or even earlier—Young (2011: 6) was the first to articulate it systematically as a corrective to ‘the distributive paradigm’, of which John Rawls (1971) and many of his interlocutors are exemplars. Young (1990: 20) offered two criticisms of the distributive paradigm. First, it ‘tends to ignore, at the same time that it often presupposes, the institutional context that determines material distributions’. This recalls my earlier criticism of contemporary discussions of vulnerability that ignore, even as they presuppose, the conditions that make some people more vulnerable than others. Young (2011: 20) argued that this emphasis on distribution ‘inappropriately restricts the scope of justice’ by excluding ‘social structures and institutional contexts’ from normative evaluation.

This criticism of the distributive paradigm is particularly relevant in the context of vulnerability, where a lack of access to resources that institutions distribute can exacerbate vulnerability, and improved access may help to mitigate it. Martha Fineman (2008: 13) has noted that ‘state-facilitated institutions that have grown up around vulnerability ... [create] the possibility of

layered opportunities and support for individuals, providing ‘assets’ that can help in ‘lessening, ameliorating and compensating for vulnerability’ (see also Kirby 2006). Fineman (2008: 13–14) rightly notes that such institutions are not ‘foolproof shelters’ and are themselves vulnerable to failures that might ‘exacerbate our individual [and, I add, collective] vulnerability. But, as Young points out, even if these institutions are *working*, they may be organized in ways that distribute those assets unjustly. Thinking of ameliorating vulnerability as a matter of resource distribution, then, masks the problem of the justice or injustice of the institutions that distribute those resources.

Young’s second criticism (1990: 24–5) of the distributive paradigm is that it extends distributive logics, which apply easily to measurable, material goods, to ‘social goods which are not material things or measurable quantities’. In so doing it obscures forms of injustice that concern *not* the distribution of goods but rather the structures that produce injustice as a background condition of everyday life. If we accept Young’s suggestion that distributive logics are misapplied to non-material goods that cannot be measured, then to consider ‘the distribution of vulnerability’ either is a category mistake or else betrays a misunderstanding of what vulnerability is. Shortly I will argue that talking about the distribution of vulnerability can be coherent and that it reveals a limitation of Young’s critique of the distributive paradigm.

Young’s alternative to distributive conceptions of justice is the concept of structural injustice, which is produced not by the uneven distribution of goods but by the patterned actions of agents within given social, political, and economic structures, that include, but are not limited to, Rawls’s basic structure. All ‘[s]tructures consist of rules and resources’ deployed against the background of an unequally shared world. People occupy different social positions, and structure ‘consists in the connections among these positions and their relationships, and the way the attributes of positions internally constitute one another through those relationships’ (Young 2006: 112). Structures do not merely enable and constrain action. Rather, ‘a social structure *exists* only in the action and interaction of persons; it exists not as a state, but as a process’ (Young 2006: 112). These actions ‘often have future effects beyond the immediate purposes and intentions of the actors’ (Young 2006: 114). Social and political structures thus enable and constrain us in ways that are not entirely in our control.

Structural injustice ‘exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities’ (Young 2006: 114). Structural injustice

does not involve wrongful individual actions like crimes or collective ones like state repression. It ‘occurs as a consequence of many individuals and institutions’ pursuing their interests ‘within given institutional rules and accepted norms’ (Young 2006: 114). The language of ‘domination’ and ‘deprivation’ usefully distinguishes Young’s concerns with the injustice of structures from a concern with the distribution of goods, as does her framing of the question of justice in terms of ‘capacity’ rather than the enjoyment of a certain level of economic, social, and cultural resources. But she leaves crucial questions unanswered. How, exactly, do social processes make possible the ‘systematic threat of domination or deprivation of the means to develop and exercise’ certain people’s capacities? Why is this threat greater for some than for others? I think the answer to both questions is that social processes distribute vulnerability unevenly. Structural injustice entails that social, political, and economic structures insulate some people from vulnerability and enable them to develop and exercise their capacities while exacerbating the vulnerability of others. I call this insulation from vulnerability ‘privilege’, which I discuss in more detail below.

Recasting structural injustice as a problem of the uneven distribution of vulnerability challenges Young’s hard distinction between thinking about justice in terms of distribution and in terms of structures and processes. She argued that the distributive paradigm overextends the logic of distribution to ‘social goods which are not material things or measurable quantities’ (Young 1990: 24-25). Vulnerability is not a social *good*—for many, experiences of vulnerability may be terrifying. But what if the problem with talking about the distribution of non-material entities is not the limits of a distributive logic *per se*, but too limited a conception of ‘distribution’?

Thinkers in the distributive paradigm tend to construe distribution as allocation. Young (1990: 15) notes that the paradigm ‘tends to focus thinking about social justice on the allocation of material goods such as things, resources, income and wealth or on the distribution of positions such as jobs’. Allocation requires an allocator—an individual, the head of a government agency, or the state itself—and so it is reasonable to say that something non-material cannot be allocated. But ‘the distribution of positions’ is neither strictly material nor measurable. Positions are definition by relational—a teacher, for instance, is only a teacher by virtue of their relationships to their students, their school’s principal, the school board, and so on. So, Young’s own criticism of the distributive paradigm indicates that its potential is broader than she suggests. The problem is not simply that non-material things cannot be distributed. It is that the paradigm pretends to exhaust the scope of justice by treating ‘any social value’ as a ‘thing’ (Young 1990: 16).

This is not because theorists of distributive justice see justice as a matter of distribution *per se*, but because they have to see *everything* as a ‘thing’ for their conception of distribution to be coherent.

Distribution-as-allocation relies on a very specific idea of how material and even non-material entities are distributed. Goods, services, and time (breaks in the workday, audiences with foreign dignitaries, which often indicate degrees of respect and prestige and relative power, application deadlines for jobs and social services) are usually allocated by a particular institutional agent or agents in positions of power and authority. The authority they claim comes from their places in an organizational hierarchy (Bovens 1998), and the power that their roles confer upon them is primarily instrumental (Schiff 2013). It is a resource to be used to ‘seek benefits and aim to realize projects’ (Young 2006: 119)—in this case, the distribution of resources—and agents vary in the degree to which they possess and can use this resource.

But allocation is not the only way to think about distribution, and instrumentality is not the only way to think about power (a fact of which Young (2011) was certainly aware, since she discusses Foucault at some length). Distribution has different meanings in different contexts. In probability theory, a ‘normal distribution’ is an arrangement of data that tends to cluster around an arithmetic mean. Such distributions are expected from error measurements from mechanical processes, lifespans of consumer products, and standardized test scores. Nobody ‘distributes’ these data. They fall into predictable patterns because of the laws of probability (although some distributions can be skewed by a variety of socio-economic factors such as race, gender, and class).

Population geography employs a different notion of distribution. When we talk about ‘population distribution’ within a given territory we are not talking about distribution as allocation. Populations *can* be allocated—as with the ghettoization of Europe’s Jews, the internment of Japanese Americans during the Second World War, Jim Crow segregation, and so on—but ‘population distribution’ measures fluctuations in population density over time as changes in climate, economic opportunities, and other factors pull people into some areas while driving others out. The gentrification I described earlier is one such mechanism of population distribution. No agents are distributing people, although many agents are involved in gentrification, including CEOs, wealthier residents, members of city councils that pass rezoning by-laws, and real-estate agents. Changes in population distribution thus come about through the circulation of bodies in response to different pressures and opportunities.

This political logic of circulation is an alternative logic of distribution that points to a specific *kind* of structure: the logic of circulation operates in a structure of circuitry. If circuits are structures, then structural positions are like nodes through which different sorts of power (electrical or political) circulate. The logic of circulation can characterize the movement of both material and non-material ‘things.’ For example, Marx identified three ‘stages’ of ‘the circular movement of capital.’ In the first stage, ‘[t]he capitalist appears as a buyer on the commodity- and the labour-market; his money is transformed into commodities.’ The second entails the ‘[p]roductive consumption of the purchased commodities by the capitalist. He acts as a capitalist producer of commodities; his capital passes through the process of production.’ In the third stage, ‘[t]he capitalist returns to the market as a seller; his commodities are turned into money’ (Marx and Engels 1992: 109). Since ‘capital’ is ‘a social power’ that confers status (Marx and Engels 1992: 485), it constitutes the relationships between capitalists and workers in the circuitry of capitalism—relationships that are obscured by commodification, the same operation to which Young accused distributive justice theorists of subjecting non-material goods. Thus, the circulation of capital is also the circulation of those relationships that are constantly being generated, regulated, sustained, and transformed—but that can also meet resistance, blockage, redirection, and disruption in the form of strikes, sabotage, and revolution.

Non-material ‘entities’ can also circulate. Literary and visual culture, for example, circulates not only through the literal mobility of artists and the reproduction of images, but also through the plasticity of genres and the translation of tropes and motifs (see, e.g., Campos and Sarmiento 2014; de Bruijn and Busch 2014). This circulation is not only aesthetic but political, enabled and frustrated by colonization and decolonization and the porosity or impermeability of borders.

Political symbols circulate too. The Arab Spring began in Tunisia and quickly spread through much of the Arab world and even into Spain and the Canadian province of Quebec, where union- led student protests of university tuition raises were dubbed *Printemps érable*, or ‘Maple Spring.’ The practice of banging on pots and pans emerged as a thread uniting these protests across time and space—*le casserole* in Quebec and *caceralazo* in Latin American countries.

The circulation of capital and culture suggests that talking about the distribution (*cum* circulation) of vulnerability can indeed be coherent. The nodes in the structures that produce vulnerability are dominant and subordinate individuals and groups embedded in social, political, and economic institutions that shape—enable and constrain—their capacities for

self-determination (Young 2006). Domination and oppression are thus products of what Foucault, (1995: 89) called ‘circulatory power’, which is ‘neither given, nor exchanged, nor recovered, but rather exercised, and ... it exists only in action.’ These circuits and flows of power may be durable, but they are not inevitable—they can be slowed, redirected, blocked, or disrupted. This is the ‘physics of power’ (Foucault 2009: 49)—or, at the somatic level, the ‘microphysics of power’ (Foucault 1995: 26)—and it is one way in which domination and oppression can be maintained, but also how they meet resistance. The circuits connecting these nodes are the conduits for the processes that help constitute structures in Young’s sense. What are circulating, then, are configurations of domination and subordination. These configurations are never static. They shift with historical context, with the specific content of political struggles, with the balance of political forces, and with institutional changes that either provide or foreclose opportunities for voice—for articulating claims, sharing stories, and other means of influencing political structures and processes. Like others, these circuits can be blocked, redirected, or disrupted. The circulation of vulnerability is blocked by the insulation of some groups from vulnerability (what I call ‘privilege’), disrupted by claims of structural injustice, and redirected through practices of humiliation.

### **III Misrecognition, Injustice, and the Contingency of Privilege**

Talk about ‘privilege’ has become increasingly prominent as movements such as Occupy, Black Lives Matter, and #MeToo, and organizations like the National Center for Transgender Equality, have focused public attention on structural inequalities that favour wealthy, white, male, and cisgender people respectively. These groups have energized counter-movements driven by white supremacist groups, men’s rights activists, so-called ‘gender critical’ and trans-exclusionary radical feminists (TERFs), and conservative pundits and policymakers who portray Occupy protesters as ingrates and freeloaders seeking to disavow responsibility for their own lives. These developments have made ‘privilege’ a flashpoint for political conflict from the streets and city councils to state legislatures, Congress, and the courts.

Privilege entails ‘un-earned advantage’ (Bovy 2017: 3), and it produces and is reinforced by structural injustice. It enables some people and groups to develop and exercise their capacities at the expense of others and so facilitates domination and deprivation. Privilege is often misunderstood in two ways: as

a thing, and as an impersonal force. Peggy McIntosh compares privilege to an ‘invisible knapsack’—a ‘package of unearned assets which [we] can count on cashing in each day, but about which [we are] “meant” to remain oblivious’ (McIntosh 1988; in Kimmel and Ferber 2017). Our obliviousness to privilege is also called ‘misrecognition’, and, as I will show below, it is crucial to privilege’s durability and persistence. McIntosh’s understanding of privilege as an asset reflects the fact that, as Phoebe Maltz Bovy (2017) notes, our understanding of ‘[p]rivilege is based on an analogy, namely that other forms of unearned advantage are similar to’ wealth—specifically wealth inherited through accidents of birth, or by positions in society that are the direct result of particular policies like segregation. Michael Eric Dyson (2017: 83) says that ‘white folk’ are ‘invested in denying their own privilege’. The language of investment reflects the analogy to wealth, and the implicit understanding of privilege as property (‘their own privilege’) likewise construes privilege as a thing. Increasingly strident calls, especially on college campuses, to ‘check your privilege!’ treat it as something we *have* that we must examine. In a different vein, Michael Kimmel and Abby Ferber describe privilege as an impersonal force. They write that the experience (or non-experience) of privilege is akin to ‘running with the wind at [our backs]. It feels like just plain running, and we rarely if ever get a chance to see how we are sustained, supported and even propelled by that wind’ (Kimmel and Ferber 2017: 1). In contrast, those who suffer privation ‘walk into a strong headwind’ with their ‘jaw ... squared’ and their eyes ‘slits against the wind’. They ‘breathe with fierce determination’ but ‘make so little progress’ (Kimmel and Ferber 2017: 1). Both understandings of privilege, as a thing and as a force, obscure the structures and processes that produce and sustain it. If we obscure the roles that we play in constituting and sustaining social, political, and economic structures, we also obscure our capacities to transform them.

This criticism of objectifying or depersonalizing privilege mirrors Young’s criticism of conceptions of distributive justice that objectify non-material entities. Both characterizations misconstrue a phenomenon that is better understood in terms of a set of relations that circulate among differently situated human beings and groups (Young 2011: 47). Just as I proposed a relational account of vulnerability that embeds it in the structures and processes that generate and sustain structural injustice, I want to reformulate privilege in relational terms: ‘Privilege’ refers to relative advantages that promote the flourishing of those who occupy a dominant social position within a social, political, or economic structure. In the United States, structures of white supremacy, misogyny, cissexism, heteronormativity, ableism, and capitalism produce, confer, and sustain the relative privilege enjoyed by

white, cisgender, heterosexual, able-bodied wealthy people. Others—people of colour, women, LGBTQ etc., people, the disabled, the poor—occupy positions of relative privation, or relative *disadvantage*. Like vulnerability, the circulation of privilege is never static—its flow, too, can be blocked, redirected, or disrupted.

The intensity of political struggles over privilege is heightened by its invisibility, which stymies those struggles in two ways: privilege conceals the structures and processes that produce it, and is *itself* hidden. This twofold invisibility is secured when our everyday habits and the world they help to sustain come to seem natural, so that we take them for granted rather than question them—when they are given a ‘rigid, unhistorical, natural appearance’ (Lukàcs 1972: 47). Pierre Bourdieu called this concealment misrecognition. ‘All established orders tend to produce (to very different degrees and with very different means) the naturalization of its own arbitrariness by reproducing systems of classification which themselves [reproduce] ... the power relations of which they are the product, by securing the misrecognition ... of the arbitrariness upon which they are based’ (Bourdieu 1977: 164). The durability of privilege rests on such misrecognitions, and those in positions of privilege have a stake in sustaining the structures that secure them.

People in positions of privilege *and* privation participate, often unconsciously, in the concealment of the structures that sustain it. The former frequently attribute their elevated status to hard work, good luck, or good character. The latter may attribute their status to bad luck, or come to see themselves as lazy, as a drain on society, as a failure to their families; and this may produce intense feelings of shame (Leahy 2010) rather than directing their attention toward the structures and processes that sustain their privation.

Because privilege conceals itself both from those who benefit from the advantages it confers and from those whom it exposes to vulnerability, in order for the privileged to assume their burden of responsibility for structural injustice and for those who suffer privation to call for change, the contingency of their positions—and thus the possibility of their transformation—needs to be exposed. One manner of exposure is through disruptions that Bourdieu calls ‘crise’. Crises interrupt ordinary life and call the self-evidence of our world into question. Claims of structural injustice and movements to ameliorate it constitute crises because they expose and draw attention to the contingency of relations of advantage and disadvantage, and of domination and subordination, that privilege maintains; and because they offer heterodox interpretations of political life that demonstrate the embeddedness

of these relations in unjust social structures and processes. These interpretations are forged, contested, and presented by a ‘counter-public’ whose members are ‘constituted through a conflictual relationship to the dominant public’—in this case, the privileged public. A counter-public ‘maintains at some level, conscious or not, an awareness of its subordinate status’ (Warner 2005: 56). This awareness suggests that ideological misrecognition is never total, privilege never *entirely* invisible. There are always signs and traces of it in institutional rules, the organization of spaces, modes of address, and the implicit and explicit legitimization and delegitimization of forms of speech and action deemed unacceptable or inappropriate by a dominant public. Moments of crisis provide both normative spaces and strategic opportunities that counter-publics can exploit to present heterodox interpretations of political life.

For instance, the Black Lives Matter movement has drawn attention to the fact that, in a society structured by white supremacy and white privilege, black lives do *not* matter. They are superfluous, disposable, subject to systematic exclusion and privation, brutal violence and other expressions of racism (Lebron 2017; see also Mills 1999). In a word, they are profoundly vulnerable—fragile and precarious. Similarly, in the face of a string of murders and acts of violence against trans people, organizations and activists have emphasized how cis-supremacist policies, attitudes, and ways of thinking expose trans and gender nonconforming people to the judgements, exclusions, and violence of others. So-called bathroom laws that require people to use the bathroom matching their sex at birth have become a site of intense contestation. Feminist activists have given new energy to public conversations about the structures of patriarchy that encourage men to view women as property (see, e.g., Pateman 1988) by drawing attention to the sexism and misogyny directed at Hillary Clinton in the 2016 presidential election, and by criticizing Donald Trump for his misogynist comments about (‘grab ‘em by the pussy!’) and behaviour towards women.

The consequences of these claims for those in positions of privilege *and* privation are not just political, but intrapsychic. They activate ‘the disturbance which wells up when the conventional character of socially established identities, implicit standards and explicit norms is exposed’ (Connolly 1989: 138). For the privileged, this disturbance threatens to provoke a confrontation on at least two fronts. First, the exposure of the contingency of their privilege can expose *to them* their own vulnerability to the vicissitudes of social and political life. Second, they can no longer rely on the ideological fiction that their advantages are solely consequences of good work or good character, and that those who suffer disadvantage do so because of laziness or poor character. Instead, they are faced with the prospect that the

advantages they enjoy result from the accident of having been born into a world that systematically advantages those who shared the same accident; and that those who suffer disadvantage do so, not because of bad luck or bad character, but because they were born into a world that systematically them.

As Jonathan Wolff (Chapter 1, this volume) argues, those who benefit from structural injustice might have the collective capacity to ameliorate it, but they are unlikely to do so because the situation ‘suits them rather well’. I would argue further that these confrontations can give rise to the formation of reactionary counter-movements that tell, implicitly or explicitly, orthodox narratives that seek to shore up a given political order and the structures of privilege and privation upon which it is founded. The white supremacists who marched in Charlottesville sought to reclaim America for white people. Men’s rights activists (MRAs) seek to shore up patriarchy by appealing to the same language of rights that form the basis of women’s struggles for inclusion and equality. And a loose network of TERFs defend cisgender privilege by asserting that transgender women are not ‘real’ women, mobilizing a feminist discourse of women’s liberation in the service of exclusion and oppression. Because they are offered by dominant publics, orthodox narratives almost always have the upper hand in these contests, at least early on. They are buttressed by political practices that likewise seek to re-establish the necessity of the pre-crisis order by justifying the relations of domination and subordination, and of privilege and privation that sustained it. Implicit in the orthodox narratives told by members of dominant groups is that, if those who are subordinate are not kept ‘in their place’, disorder will erupt. Their real concern is not with order, however; it is with the reclamation of privilege that disorder threatens.

#### **IV The Displacement of Humiliation**

While their positions are not at all symmetrical, those who suffer structural injustice and those whose positions of privilege are exposed by claims of injustice paradoxically share the experience of humiliating confrontations with their own vulnerability. Humiliation is closely related to humility, in that both involve lowering the status of human beings. Like privilege, humility is not a property we possess, nor is it a character trait. It is a posture, a stance in which we acknowledge our finitude in its various dimensions ([Markell 2003](#)). To be humble is to acknowledge our limitations and abandon the modern fantasy of self-mastery, and of mastery of others and of nature ([Connolly 1989](#)).

The practical significance of humility is ubiquitous. We approach human development itself as a problem of mastery—of our bodies, of language, of desire, and of other tools that we can use to (try to) bend the world and others to our will. Child development is frequently understood in terms of the mastery of particular skills—walking, talking, and so on—and parents often feel pride when their children master these skills; and sometimes anxiety, and even shame, when they do not achieve developmental ‘milestones’. We also seek to master social situations—learning the shared codes, bodily comportments, and habits of behaviour necessary to navigate the world. But such mastery, too, is a fantasy. As Bourdieu (1977: 5) notes, ‘only a virtuoso with a perfect command of his “art of living” can play on all the resources inherent in the ambiguities and uncertainties of behavior [*sic*] and situation in order to produce the actions appropriate to each case’. In reality, every practical engagement with others is vulnerable to ‘misfire’ (Bourdieu 1977: 5), resulting in misunderstanding and potentially violent conflict.

In politics, too, humility means acknowledging that we are not masters of ourselves or of the world, and that we encounter ‘practical limits ... in the face of an unpredictable and contingent future’ (Markell 2003: 34). In the context of structural injustice, it entails acknowledging that those of us who occupy positions of privilege do so not simply by dint of hard work and sacrifice, but also by luck, by accidents of birth, and by the persistence of structures and processes that sustain us in those positions. It means rejecting, for example, neoliberal narratives of ‘bootstrap individualism’ and the vision of the ‘Teflon subject’ (White 2000) on which they rest. The neoliberal subject, master of herself and of nature, moves through the world without friction and without resistance. But, in fact, the human world is marked by the frictions and resistances generated by structures and processes that enable and constrain us—some much more than others. Humility is a posture that the privileged may assume by acknowledging that they are not invulnerable to the contingency of social and political life, to the fragility and precarity to which all are subject as human beings. Acknowledging vulnerability with humility is difficult, not just because our lives are generally orientated towards mastery, but because recognition of the contingency of privilege raises the spectre of its loss. This spectre breeds anxiety about our own vulnerability and finitude, and resentment towards those who remind us of it.

To be humbled in itself does not constitute an injury. To be humiliated, in contrast, is to be relegated to a subordinate position by an individual or group that seeks to secure its dominance. Humiliation is an injury to human dignity. According to a widely shared understanding, ‘The “core idea of human dignity” is that, on earth, humanity is the greatest type of beings ... and that every member deserves to be treated in a manner consonant with the

high worth of the species' (Kateb 2011: 3). According to another common understanding, dignity refers to 'a self's conception of her intrinsic worth' (Bernstein 2015: 21).

A tension runs through both these definitions: on the one hand, the idea of 'worth' or 'intrinsic worth' carries the same connotation of 'asset' as do common understandings of privilege; and, as in the case of privilege, the idea of 'worth' turns dignity into a kind of thing—a property or trait that we can possess or lack. This is reflected in the way we talk about practices that 'rob' or 'strip' people of their dignity, like strip searches, torture, abortion restrictions that limit women's bodily autonomy, 'bathroom bills', and so on. The notion of 'intrinsic worth' highlights this understanding, because it suggests that dignity is independent of others' evaluations of us. However, this view is in tension with the view that dignity is not a possession but rather a 'status' (Kateb 2011: 5) conferred according to how we are 'treated'. Self-worth, too, is not something we simply *have*—we develop a sense of our worth, our dignity, by internalizing the image we get of ourselves by 'taking the attitudes of others' (Mead 1967: 174). Human beings do not 'have' or 'lack' dignity. We dignify or humiliate each other through the ways in which we relate to one another—especially through relations of domination and subordination. In symmetry with Young's claim that structural injustice is not a moral wrong, humiliation is not simply a 'moral injury' (Bernstein 2015), but a political one, because it is a product of social, economic, and political structures and processes that put some people and groups in a position to humiliate others.

If human dignity entails that everyone be treated as equal members of the human species, and if it is connected to ideas of our status as human beings, then structural injustice injures human dignity in several ways. First, insofar as 'the high worth of the species' consists in human beings' unique abilities to develop and exercise their capacities for self-determination, structural injustice systematically injures the dignity of some human beings by limiting those capacities and leaving them susceptible to domination by others. Second, because privilege works through misrecognition to naturalize the relations of domination and subordination that characterize structural injustice, those in subordinate positions may come to see *themselves* as naturally lacking in dignity—as human beings unworthy of the name or as what Hannah Arendt (1951: 453) called 'living corpses'. Perhaps this is one source of the shame often attached to poverty, unemployment, and other social, political and economic woes that can in fact befall any of us.

Paradoxically, however—and this is often overlooked in our concerns about humiliation—those who occupy positions of privilege can also experience it. Theirs is a direct consequence not of structural injustice, but of the exposure of the contingency of privilege that helps to sustain it. That their

position is neither natural nor necessary; that they themselves are vulnerable; and that hard work and good character are neither the basis of their position nor a guarantee that they will maintain it—all of these can be experienced as injuries to dignity, even though this dignity rests on indignities that others suffer. As I suggested earlier, one result of this experience could be a greater capacity to identify with those who suffer structural injustice in ways that might make us more responsive to their plight and more aware of our own implication in it (Cohen 2012; Schiff 2014). However, the anxiety and resentment provoked by humiliating confrontations with our own vulnerability may lead us instead to seek to restore a fantasy of invulnerability we now know to be false by displacing our vulnerability onto others through further humiliations that buttress structural injustice and secure our position of privilege. These anxieties and resentments at the frustration of our desire for invulnerability constitute ‘underlying forms of desire and motivation that sustain and are sustained by unjust social arrangements.’ Relations of subordination are ‘ways of patterning and arranging the world that allow some people to enjoy a semblance of sovereign agency’—a semblance rooted in the fantasy of invulnerability—‘at others’ expense’ (Markell 2003: 5). The denial of women’s reproductive freedom and their subjection to invasive regulation of their bodies; the taunting of non-whites by white supremacists in Charlottesville; racialized stop-and-frisk policies; ‘random’ checks of immigration papers and the construction and policing of border walls; drug-testing for welfare recipients; and the public insistence that trans people use bathrooms that correspond to their sex at birth to undertake among the most private activities are all practices of humiliation that we might interpret as *displacements* of the humiliation experienced by the privileged in the face of their exposed vulnerability.<sup>2</sup>

## Conclusion

I have argued that vulnerability is a problem of structural injustice because of how its circulation is directed among groups who enjoy positions of privilege and those who suffer conditions of privation; that misrecognition sustains existing relations of privilege and privation; that these relations can be disrupted in moments of crises that provoke humiliating confrontations with privilege; and that those in privileged positions may respond to this

<sup>2</sup> For more on how the ways in which the powerful pushback on resistance to structural injustice, see Wolff, Chapter 1; McKeown, Chapter 4; this volume.

confrontation by displacing their humiliation onto vulnerable populations. My purpose here has been primarily descriptive and diagnostic: what is vulnerability and what problems does it pose? It is beyond my scope to provide answers about what to *do* about vulnerability. But we cannot answer that question until we understand the problem clearly.

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# Covid-19 and Global Structural Health Inequality

Ryoa Chung

There has been a remarkable development in recent years, following the posthumous publication of Iris Marion Young's last book, *Responsibility for Justice* (2011), in the field of research on structural injustice. This conceptual tool is proving exceptionally fruitful in several domains of application in political philosophy, international-relations ethics, and public-health ethics. This chapter is the second part of a research programme devoted to the notion of *structural health vulnerability* (hereafter SHV)<sup>1</sup>. The goal of this second segment is to explore and demonstrate the far-reaching scope of the SHV analytical framework at the level of global health.

The first section introduces the notion of SHV, which designates the higher propensity to incur health risks that affects an individual or a social group, resulting from the interactions between structural and epistemic injustices in the production and perpetuation of health inequalities.

The second section presents a case study on the *vaccine inequity* in the context of the Covid-19 pandemic to illustrate the scope of this conceptual tool on an international scale.

## I Structural Health Vulnerability (SHV)

### Denaturalizing Natural Disasters and Historicizing Health Inequalities

The notion of SHV was initially developed in disaster studies for a case study conducted in Port-au-Prince in 2013, three years after the earthquake

<sup>1</sup> Chung (2021). Research programme funded by the Social Sciences and Humanities Research Council of Canada (2018–23). The initial phase of this research on SHV with Matthew R. Hunt (McGill University) was funded by the Canadian Institutes of Health Research (2011–16). Heartfelt thanks to Matthew Hunt and to my colleagues of the Montreal Health Research Consortium, the members of the Justice in Global Health Emergencies & Humanitarian Crises (funded by the Wellcome Trust Seed Award 2018–2019; see Ahmad and co., 2020) and the members of the Independent Resource Group for Global Health Justice for fruitful discussions. I take sole responsibility for the content of this chapter.

that shook Haiti on 12 January 2010 ([Chung and Hunt 2012](#)). The qualitative research was based on interviews with Haitian and international first responders, government representatives, and civil society actors, on their perceptions of ethical issues encountered in the humanitarian response. The SHV framework allowed us to encompass the spectrum of socio-economic, political, and historical conditions that explain the varying structural vulnerability of social groups or populations to natural disasters. Our aim was to apply the social determinants of a health model in the context of a natural disaster, providing an analytical tool for refining the identification of factors causing health inequalities (see Wolff, Chapter 1, this volume). However, the notion of SHV goes beyond the typical range of social determinants of health. It traces the health impact of constitutive historical factors such as the enduring legacy of colonialism.

Indeed, according to emergency pediatrician [Shaheen-Hussain \(2020\)](#), the social determinants of a health model fail to measure the extent of Canadian medical colonialism. He analysed the failures of the Canadian health system to care for Indigenous children living on reserves far from urban hospital centres who were forced to fly alone on ambulance aircraft, separated from their parents, and sometimes left without interpreters. Indigenous children and First Nations peoples are submitted to standards and practices of healthcare that other prominent social groups in Canada would not tolerate. Similarly, the analysis of the health impact of the 2010 earthquake cannot be separated from the historical context of Haiti's social and economic precariousness, which is directly related to its colonialist past. The Haitian writer Louis-Philippe Dalembert explained how the 'double debt of independence, that to the French state to compensate former colonists and that to Parisian bankers' (*Libération*, 25 March 2010), had hampered the economic growth and political development of the Haitian republic since 1825. Between 1825 and 1950, as much as 80 per cent of Haiti's income was spent on debt repayment. More recently, the French economist Thomas Piketty has argued that France should make reparation for this immoral debt and repay 30 billion euros to Haiti today (*Le Monde*, 16 June 2020). For Haitian-born writer Edwige Danticat, the dilapidated state of Haiti's infrastructure belies the narrative of nation-building advocated by the United States to justify the American occupation (*New Yorker*, 28 July 2015).

Some Haitian observers argue that the international humanitarian response to the earthquake was orchestrated in a neocolonialist manner, dictated by the preferences of Western donors rather than by Haitian actors, giving rise to the cynical phrase 'Haiti, Republic of NGOs'. Despite the principles of independence, neutrality, and impartiality that are supposed to

guide INGOs, it is imperative to emphasize the extent to which humanitarian assistance unfolds against a backdrop of technical, economic, and political power inequalities that are not neutral at all (Fassin 2010; Rubenstein 2015). This politicized analysis of humanitarian crises in contexts of armed conflict led actors from *Médecins Sans Frontières*, for example, to question the consequences of their interventions and the illusion of their neutrality (Terry 2002); the acceptable or problematic limits of inescapable compromises on the ground (Lepora and Goodin, 2013). However, even in the context of humanitarian crises that are not caused by human actors in armed conflict, the analysis of the ethical stakes of the response in Haiti led us to ‘denaturalize natural disasters’ (Squires and Hartman 2006) in terms of SHV. Indeed, the notion of structural injustice broadens the range of factors that precondition the degree of vulnerability of a social group or population in the advent of a humanitarian tragedy (see Wolff, Chapter 1; Lu, Chapter 6; Schiff, Chapter 7; this volume).

To cite another example, the health impact of hurricane Katrina on the Black American population of New Orleans in the United States illustrates the racialized dimension of natural disasters. The works of Young (2006) and Zack (2009) on Katrina, as well as Enarson’s in disaster studies, show the need for intersectional analyses better to understand the ‘social vulnerability’ and the outcome of the ‘structural and situational vulnerabilities’ (Enarson 2012: 43) of certain social groups in the face of catastrophe. The extent to which a social group, a population, or an entire country will be affected by a natural disaster is exacerbated by historical, economic, and political factors of structural vulnerabilities. According to Farmer (2004), social discrimination, injustice, and violations of fundamental rights have a pathological impact on the individuals who suffer from them and produce ‘structural health risks’.

## Vulnerability, Structural Injustice, and Epistemic Injustice

Following the work on vulnerability by feminist philosophers Mackenzie, Rogers, and Dodds (2014), who developed a refined taxonomy of vulnerability (inherent, situational, pathogenic), Durocher et al. (2016) present a grid for analysing particular issues in the context of humanitarian crises. Another example is offered here. Pregnancy is a physiological condition resulting from the reproductive functions of women’s bodies. However, this condition, which requires special nutrition, gynaecological, and obstetric care, can be qualified as an *inherent vulnerability* to being a woman. In the context of an earthquake that causes the collapse of hospitals, being a

pregnant woman about to give birth represents a *situational vulnerability*. When a woman becomes pregnant because of sexual assault in a society that criminalizes abortion after six weeks of pregnancy (as in Texas since September 2021, for example), she will suffer from *pathogenic vulnerability*. Pathogenic vulnerability is an inherent or situational vulnerability exacerbated by socio-economic and institutional conditions that produce unjust harms and prejudices. Although Mackenzie, Rogers, and Dodds do not apply the expression to health vulnerabilities, pathogenic vulnerability is more closely related to the meaning of SHV.

Expanding on the definition of SHV as presented in our early work (Chung and Hunt 2012), I refer more specifically to the increased propensity for an individual or a social group to incur health risks caused by the *interaction of structural and epistemic injustices*. Alternative conceptions of structural injustice are undoubtedly worth pursuing (see Haslanger Chapter 3; McKeown, Chapter 4; this volume). However, Young's conception of *structural injustice* is our point of departure, as it captures the following salient features. First, it refers to social phenomena that cause unjust consequences. In this chapter, the view on injustice is agnostic and compatible with competing theories of moral wrongs—that is, violations of human rights, fundamental interests, or basic capabilities (Venkatapuram 2011). In this respect, Powers and Faden's definition (2019) of structural injustice is highly relevant to identify the social processes leading to the violation of basic human rights or unfair systems of privilege and discrimination. However, unlike that of Powers and Faden, who focus on the direct causal responsibility, the Youngian conception captures a second crucial feature. Indeed, social processes in which many actors participate but do not intentionally target the unjust consequences suffered by other individuals describe numerous instances of social interactions. It is, therefore, necessary to understand this type of indirect and unintentional causal responsibility. Thirdly, the set of legal rules and cultural norms, institutions, and social conventions in which individual or collective actors interact, each pursuing their objective, become reified and consolidate systems of interactions. Fourthly, structural injustices reveal and unfold in underlying power relations that are both cause and consequence of positions of power and disadvantage. These fundamental features of structural injustices play a role in producing and perpetuating health inequalities within society.

The concept of SHV also involves the notion of *epistemic injustice* (see also Jagger and Tobin, Chapter 9; Ackerly, Chapter 11; this volume). Although the idea is central to the writings of many race thinkers (Du Bois 1903; Mills 1997; Alcoff 2005; Gordon 2015), feminist philosophers (Crenshaw 1989; Collins 1990; Harding 2004), and decolonization theorists (Fanon 1952;

Mohanty 1988; Spivak 1988; Coulthard 2014), Fricker coined the expression and offered fruitful analytical tools. Since her book *Epistemic Injustice* (Fricker 2007), a rich literature has developed that includes research on epistemic injustices in healthcare. Here, epistemic injustice broadly refers to status inequalities between agents and contents of knowledge. The study of epistemic injustice does not lead to epistemological relativism or scepticism that invalidates the possibility of scientific method and reasoning (although there are debates about scientific pluralism, which are beyond the scope of this chapter). Instead, the study of epistemic injustices in health aims to identify non-rational and non-scientific, ideological criteria that (1) denigrate the credibility of certain agents in favour of the epistemic authority of others and (2) invalidate or neglect certain knowledge contents in the field of biomedical research. Structural and epistemic injustices are two distinct phenomena that are not reducible to each other. However, they support each other and reify unjust systems when they interact. The originality of SHV consists in examining how the two phenomena intertwine and produce or maintain health inequalities.

Carel and Kidd (2014) transpose Fricker's notion of testimonial injustice in healthcare practices. According to their studies, chronically ill patients are often dismissed as reliable sources of knowledge about their health condition. It is essential to recognize that a blatant asymmetry characterizes the clinical relationship between doctor and patient. Patients consult, usually in a state of vulnerability and anxiety, health professionals recognized as experts in their field of scientific knowledge. The inequality inherent in this power relation is at the heart of the ethical training medical students must receive during their training.<sup>2</sup> Most students and physicians are sensitive to these issues. Classical medical paternalism gradually gave way to a more egalitarian model of the clinical relationship based on the fundamental recognition of the patient's autonomy, her right to be informed and freely to consent (or not) to her care. But the concept of epistemic injustice allows us to see better the insidious shapes that social inequalities can take in the physician's office or the domain of biomedical research.

Many social groups experience testimonial injustices. Racialized people face more barriers to being listened to and to receiving adequate treatment in the health system (McClellan 2020). Allophone people from immigrant backgrounds who speak with an accent suffer a more significant credibility deficit (Yoo et al. 2009; Peled 2018). People with disabilities suffer from

<sup>2</sup> In all transparency, I teach the mandatory course in ethics for pre-clinical year students at the Faculty of Medicine of the University of Montreal.

pervasive forms of ableism that affect all aspects of their existence in society, and this also yields epistemic injustice in healthcare (Scully 2020). Other forms of epistemic injustice studied in the epistemology of ignorance (Sullivan and Tuana 2007) also affect different social groups. Women's health, for example, is an area of biomedical research that was historically neglected owing to persistent beliefs about the essential nature of women (Cleghorn 2021). Research priorities privileged the health of men (Tuana 2006) or Western populations (Downs 2021) at the expense of research into the health of non-white people (Tsosie 2012).

## Structural Racism and Health: Joyce's Principle

Structural racism in health is increasingly recognized as a social ill by many public health professional associations (CPHA 2018; APHA 2020) and academics (Hoberman 2016; Bailey et al. 2021; Chen et al. 2021). Indigenous people are confronted with the lasting consequences of colonialism in Canada. On 28 September 2020, the tragic death of a 37-year-old Atikamekw woman from Manawan, Joyce Echaquan, a mother of seven, shook the entire country. Shortly before her death, she filmed the degrading and racist comments made about her by a nurse and a care worker on Facebook Live. The investigating coroner said that the conditions of her death were indicative of systemic anti-Indigenous racism. The Council of the Atikamekw Nation submitted in November 2020 to the governments of Canada and Quebec the *Joyce's Principle*, which demands that 'Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.'<sup>3</sup> Unfortunately, the Prime Minister of Quebec has yet to adopt Joyce's Principle in the National Assembly because his party, *Coalition Avenir Québec*, refuses to acknowledge the mention of 'systemic racism' in the document. The government's refusal to recognize anti-Indigenous systemic racism is unjustifiable, considering the successive discoveries of the remains of young children 'missing' from the dark days of residential schools in Canada and unacceptable medical practices inherited from Canadian colonialism. Quebec is also the only province in Canada to have implemented a curfew in the fight against Covid-19. The

<sup>3</sup> [https://principejoyce.com/sn\\_uploads/principe/Joyce\\_s\\_Principe\\_brief\\_\\_\\_Eng.pdf](https://principejoyce.com/sn_uploads/principe/Joyce_s_Principe_brief___Eng.pdf) (accessed 21 February 2023).

point is not to criticize the implementation of the curfew but rather to highlight the blind spots of such an unprecedented public-health policy. On 18 January 2021, a 51-year-old Innu man from Matikemush-Lac John froze to death in a portable toilet at a construction site in the heart of downtown Montreal. Raphael André was a member of the homeless Indigenous community in Montreal and was hiding from police surveillance during the first nights of the anti-Covid-19 curfew.

The Covid-19 pandemic also hit Quebec with another collective trauma. The ‘Residential and long-term care centres (CHSLD) crisis’ refers to the deaths of four thousand vulnerable seniors between March and June 2020 who resided in long-term care homes during the first wave of the pandemic. The Protectrice du Citoyen (*Rapport special du protecteur du citoyen*, 23 November 2021) documents the system failures that caused such a wave of deaths, extreme loneliness, and avoidable suffering in outdated health-care facilities. The report states a series of recommendations, ranging from a complete restructuring of healthcare in residential settings for the elderly to the adequate training of beneficiary attendants. It is now clear that family caregivers who were brutally separated from their senior loved ones when the Covid-19 restrictions were put in place should have been consulted. To the partial defence of the Quebec government in office during this unprecedented global health crisis, which required ad hoc improvisation, the coroner’s report on the CHSLD crisis appears to tell the chronicle of an announced tragedy. The cumulative mistakes of previous governments and the chronic underfunding of the health system also tell the story of systemic ageism in society. As argued in earlier research on natural disasters and SHV, it is crucial to denaturalize the SARS-Cov-2 deaths by exposing the structural injustices that affect the most vulnerable senior citizens and the epistemic injustices that mute their voices in the development of health reforms and policies.

The purpose of the chapter is not to study the impact of SHV in the context of the pandemic in Canada. Empirical data have yet to be compiled and carefully analysed to draw definitive conclusions about the health outcomes of structural and epistemic injustices. However, preliminary evidence suggests that structural racism exacerbated the SHV of particular social groups in Canada (Siddiqi et al. 2021; Mensah and Williams 2022) and elsewhere in the world (Egede and Walker 2020; Gayle and Childress 2021; Mehra and Franck 2021). For Evans (2020), SRAS-CoV-2 revealed ‘Covid’s Color Line.’ The following section shows how the SHV framework applies in the international sphere.

## II Structural Health Vulnerability and Global Health

### Case study: Vaccine Nationalism in the Time of Covid-19

In 2001, thirty-nine pharmaceutical companies launched a lawsuit against the government of South Africa, which they accused of violating the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) agreement by importing more affordable but ‘illegal’ generics to battle the HIV–AIDS pandemic (Chung 2005; Forman 2007). Despite the efforts mobilized for the DOHA Declaration on TRIPS and public health, the world seems to stagnate in a disquieting status quo. This chapter focuses on a case study that continues to question the relevance of the TRIPS agreement on essential medicines, especially during a global health emergency.

On 10 December 2020, India and South Africa submitted a proposal to the World Trade Organization (WTO) supported by ninety-nine countries to seek an exemption from pharmaceutical patents to facilitate universal access to essential medicines in the context of health emergencies such as Covid-19 tools and vaccines against SRAS-CoV-2. The countries that oppose this proposal are the wealthiest OECD countries, including the United Kingdom, the European Union, Japan, Canada, and the United States (which finally abandoned its momentary support for a waiver). Despite the moral leadership of the Director-General of the WHO, Dr Tedros, and special advisor P. Singer, for *vaccine equity* and the general outcry of academics in support of the patent waiver (Labonte and Johri 2020; Reddy and Acharya 2020; Arguedas 2021; Eckenwiler and Hassoun 2021; Ravitsky 2021; Venkatapuram and Zielinska 2021; Zahar and Sondarjee 2021), the wealthiest countries refuse to consider the proposal. The combination of health nationalism and the most powerful countries’ economic interests raises serious moral concerns. Two years into the pandemic, 61.8 per cent of the world population has received at least one dose of a Covid-19 vaccine. In the wealthiest countries, people are getting a third dose to fight off the Omicron variant. Only 10.6 per cent of people in low-income countries have received one dose.<sup>4</sup> Despite their best intentions, the initiatives led by the WHO, Gavi, the Vaccine Alliance (GAVI), the Access to Covid-19 Tools ACT Accelerator partnership, and Coalition for Epidemic Preparedness Innovations (CEPI) to implement global risk-sharing mechanisms such as COVAX have failed.

Careful consideration must be given to the configuration of state and non-state actors in global governance structures and the power differentials

<sup>4</sup> <https://ourworldindata.org/covid-vaccinations> (accessed 13 February 2022).

between them that affect health inequalities at the international and domestic levels to overcome the conflict between health nationalism and global health justice. In this regard, the SHV framework leads us to look more closely at the interaction between global health politics and global health justice considerations. *The Oxford Handbook on Global Health Politics* was published in 2020, following the *Oxford Handbook of Public Health Ethics* in 2019, and includes a chapter by Shawar and Ruger entitled ‘The Politics of Global Health Inequalities: Approaches to Studying the Role of Power’. In their overview of the various approaches that build this research field, the authors indicate that the notion of ‘structural vulnerability’ is studied in anthropology. The interdisciplinary convergence is stimulating. However, there is no mention of the contribution of political philosophy on that topic. The methodological approach of political philosophy in terms of conceptual analysis can contribute significantly to this interdisciplinary exchange, provided that political philosophers are also attentive to the empirical data that characterize our objects of study in the non-ideal world. One should not miss the analysis of power relations and institutional structures particular to international relations among these empirical data. Indeed, numerous colleagues have brilliantly explored this interdisciplinary and empirically informed analysis of health inequalities (Wolff 2012; De Campos 2017; Hassoun 2020; Benatar and Brock 2021).

## Four Characteristics of Structural Injustice in the Statist World Order

Although their work does not focus on health inequalities, the research on structural injustices by Lu (2017), Parekh (2017), Nuti (2019), Heilinger (2020), and McKeown (2021) represents some of the most important contributions to international-relations ethics. Owing to space constraints, it is impossible to engage in all these authors’ interpretations and nuances, but they share a Youngian perspective. In particular, Lu and Parekh argue that the statist order in the international sphere rests on and generates structural injustices (see Lu, Chapter 6; Parekh, Chapter 14; this volume). Rebutting the presumption of anarchy in the international sphere, Lu analyses the power relations that determine the norms, institutions, practices, material conditions, and behaviours between states and frames the analysis of colonialism in this historical perspective. Parekh analyses how the statist conception of international law determines the structural injustices that create and perpetuate the *global refugee encampment regime*. Until the international community

challenges the traditional prerogatives of state sovereignty over the protection of their territorial integrity, the policing of their borders, the exclusive control on their national citizenship, and their immigration policies, asylum-seekers, as well as other categories of stranded migrants who do not meet the specific criteria of the UN Refugee Convention, will be forced to live in destitution and violence, in an attempt either to reach refugee camps or to flee from these new conditions of misery.

The SHV framework helps us to understand how the statist conception of international law reifies the structural determinants of health inequalities into the international sphere. It accounts for social phenomena that produce adverse consequences without requiring the idea of direct causal responsibility or *mens rea*—that is, an ill-intentioned state of mind. Of course, the phenomena of structural injustices coexist and are often inextricably linked to injustices that are deliberately and directly caused by individual or collective actors who must be sanctioned according to the traditional model of *liability*. However, despite Powers and Faden's marginalization of indirect causality, Young was right to isolate the characteristics of structural injustices outside the liability model. In this chapter, the SHV remains agnostic about several elements of Young's social connection model of responsibility, including the refusal to assign blame from a backward-looking perspective or the rejection of historical reparations in favour of a forward-looking take on justice. Above all, it is important to retain the central idea of shared collective responsibility when we participate as individuals, social groups, institutions, or governments in social processes that produce unjust harms, even as each of the above-mentioned actors pursue his or her interests within the limits of acceptable social and legal norms.

Young's four characteristics of structural injustice (objective constraints, social positions, structures in action, unintended consequences) are fruitful parameters for descriptive analysis. The SHV framework looks more closely at the first characteristic, according to which *objective constraints* determine the inequalities between individuals or actors. The TRIPS agreement and the WTO rules are the material conditions that brought about vaccine inequity. The exorbitant prices of pharmaceutical patents hinder the accessibility of essential Covid-19 tools. However, those objective constraints result from the power differentials between the states that negotiated the TRIPS agreement that currently blocks universal access to essential medicines. The WTO rests on an asymmetrical negotiation table that disadvantages poorer countries. The analysis of the international order must consider the unequal political, economic, and diplomatic bargaining power of states, each pursuing their national interests (Pogge 2002). It is hardly surprising that South Africa's

and India's initial request to the WTO, supported by ninety countries, was opposed by the most powerful states of the OECD, such as the European Union, the United States, and Canada, who benefit from the status quo.

The second characteristic concerns *social positions*. From a relational perspective, social status and political weight are unequally distributed among the various actors (individual and collective) who interact in international health and global health governance. The emergence of international health first consisted of coordinating the health policies of governments at the entrance to ports to contain the risks of plagues (primarily cholera) inherent to the transport of goods that would multiply because of trade relations between countries and economic globalization. International health cooperation dictated by the interests of the most economically and politically powerful countries led to the WHO, established by the Allies in 1948, and the contemporary development of multilateralism in health after the cold war. This account is inseparable from the history of colonialism, imperialism, humanitarianism, decolonization, and the emergence of neoliberalism (Cueto 2020). Global health politics are entangled in the history of the Bretton Woods institutions, including the creation of the World Bank and the IMF, which guided the post-war international economy. The dissolution of the GATT gave birth to the WTO, which was no longer subject to the UN and dictated its own rules. The new faces of global governance without a world government are shaped by this constellation of social positions where state and non-state actors take their place.

Following the above, the third characteristic concerning *structures in action* focuses on the institutional and collective dimensions of structural injustices. Young invites us to reflect on the *resources of power* and power differentials reproduced in the social processes in which we collectively participate. The SHV framework does not rely on methodological individualism at the foundation of interpersonal moral obligations of justice. Should the SHV model contribute to global health justice, then this conceptual tool can best help by analysing the political, economic, techno-scientific resources of power. It is imperative to understand how structures are reproduced by the actions of individual and collective agents and solidify the power differentials between the states and non-state actors represented by pharmaceutical companies and INGOs. Some INGOs have more money than the entire national budget of the countries they assist. This constellation of actors influences the international health political arena. It is not helpful to blame or criticize highly influential actors merely because they are powerful; they often support multilateralism, international cooperation, and humanitarian assistance in global health. Still, it is crucial to explore further how various actors

such as *Médecins Sans Frontières*, the Bill Gates Foundation, or the WHO can reproduce through their actions power structures that need to be questioned.

Finally, the analysis of structural injustices at the international level reveals how we participate in producing *unintended but unjust global health outcomes*, each of us pursuing our interests, as individuals, collectivities, or institutions, within the bounds of legal and social norms. Even without acting in criminal ways, we collectively reproduce deep structural inequalities that inevitably impact global health outcomes. For example, the creation of the ACT Accelerator is, indeed, ‘a groundbreaking global collaboration’ bringing together ‘governments, scientists, businesses, civil society, and philanthropists and global health organizations.’<sup>5</sup> COVAX is the vaccine pillar and was supposed to facilitate the distribution of vaccines. However, since COVAX does not challenge the TRIPS regime, this mechanism has become part of the problem. The South African and Indian initiative asked the WTO for a patent waiver. It argued that Covid-19 tools should be considered *global public goods* in the context of a worldwide health crisis and not as *commodities to be traded*. The Canadian government, for instance, opposed the waiver proposal but promised to give away stocks of vaccines and money. Promises were not delivered on time. Significant quantities of vaccines were lost because of shipment delays and erratic planning of international distribution; for example, 450 000 doses of vaccines arrived in African countries after their expiry date.<sup>6</sup> In this regard, however well intentioned, capitalist philanthropy is part of the problem in sustaining global neoliberalism that causes the inequalities that a discretionary charity was supposed to mitigate.

## Health Nationalism and the Securitization of Health

In agreement with Parekh and Lu on this subject, the international community actors share a collective responsibility in the perpetuation of historical and global structural injustices. They participate in reifying the structural injustices of a statist world order that fails to overcome the limits of state sovereignty to address the major transnational issues that threaten us—future pandemics, the refugee crisis, and the impending climate-change crisis. Nation-state and national governments remain the primary actors in global health policy and politics (Schrecker 2020). The SHV framework identifies two phenomena inextricably linked to the study of states. In the

<sup>5</sup> <https://www.who.int/initiatives/act-accelerator/about> (accessed 21 February 2023).

<sup>6</sup> <https://www.economist.com/the-economist-explains/2021/08/12/why-are-african-countries-destroying-covid-19-vaccines> (21 February 2023).

context of the SARS-CoV-2 vaccine inequity, former international president of *Médecins Sans Frontières*, Dr Joanne Liu, and I (Liu and Chung 2021) attempt to explain how these two phenomena, the securitization of health and health nationalism, need to be addressed together.

The *securitization of health* results from the perception of health issues as threats to national security. The phenomenon emerged dramatically in the post-9/11 war against terrorism, when states sought to protect themselves from the perils of bioterrorism. The US government, for example, used health actors in fake vaccination campaigns in Abbottabad to gather counter-intelligence information that led to the assassination of Bin Laden in 2011 (Chung 2017). However, the securitization of health can manifest in different ways—for example, when immigrants or asylum-seekers are pathologized and represented as hazards to the nation's public health. The history of exclusion against Asian immigration in North America, which is now taking shape as anti-Asian racism in the pandemic context, dates from the early twentieth century, when medical scrutiny of the newcomers was justified as a public-health imperative on Angel Island (Lee 2010), which was functioning as an immigration, detention, and deportation facility. Growing awareness and fear of future pandemics inevitably have a backlash on refugees and migrants when governments restrict immigration policies in the name of 'reasonable public charge' regarding epidemiological risks and healthcare costs—hence what I call the *medicalization of citizenship*. Health issues are now seen as a matter of *high politics*—that is, relevant to the survival of the sovereign state (Elbe 2010). However, the global health crisis highlights the crucial importance of multilateralism and international cooperation (Davies 2009). One of the most significant challenges today is to overcome health nationalism fuelled by the securitization of health in the name of national interests.

*Health nationalism* is based on the ethical justification of moral partiality towards our fellow citizens. According to this approach, special obligations bind members of a community—delimited by geographical, cultural (linguistic, religious, or other), and political boundaries—who accept the terms of the social contract at the foundation of collective schemes of mutual costs and benefits. From a non-ideal perspective of international ethics, it is crucial not to underestimate the motivational force and normative appeal of nationalism. During the pandemic, containment measures at the international level naturally justified the closure of borders and reinforced nationalist withdrawal. In many regards, the position of Emanuel et al. (2021) legitimizes a moderate defence of vaccine nationalism, according to which states have a duty to vaccinate a sufficient percentage of their population to ensure their national health security first. From a national public-health perspective, governments should

indeed be encouraged to implement nationwide vaccination mandates. From an epidemiological point of view, delegating national governments to ensure the health security of their population sounds warranted, if only according to a consequentialist division of labour. From a global health justice point of view, the problem is that the unequal distribution of resources between countries is the result of historical and structural injustices.<sup>7</sup>

It is crucial to emphasize that the following claims are deeply problematic: (1) vaccines are limited resources; (2) vaccines can be commodified under the terms of TRIPS, and (3) national vaccination mandate will provide sufficient protection for our co-nationals. According to [Schrecker \(2008\)](#), we need to *denaturalize scarcity* and acknowledge that, unless we are talking about finite natural resources, the notion of ‘limited resources’ is a social construct that relies on political choices. This fundamental acknowledgement must guide global health governance in the face of future pandemics and climate change. In the context of health crises, whether international or limited to geographical regions, the exemption of pharmaceutical patents is a moral obligation justified in the name of *global public good* ([Kaul et al. 1999](#); [Zielinska et al. 2021](#)). From a purely pragmatic and prudential point of view, no country will be able to protect itself from pandemics on a global scale. The illusion of moral, economic, and epidemiological autarky is perilous. The Delta and Omicron variants originated in countries with low national vaccination rates, owing to a lack of international vaccine solidarity. At the foundation of the collective security model in international relations, the three musketeers’ adage, ‘one for all and all for one’, must also guide global health governance according to sound ethical and epidemiological principles.

## Global Epistemic Injustices

The SHV framework reveals the structural injustices of the statist world order that underlies the Covid-19 vaccine inequity. Ultimately, how can we understand the epistemic injustices that result from it?

The guiding assumption of SHV is that power differentials within societies and at the heart of social interactions of all kinds are reflected in the field of knowledge. The inequality of social positions and the disparity of epistemic status are mutually reinforcing and contribute to health vulnerabilities. For example, epistemic injustice is linked to linguistic barriers within

<sup>7</sup> Thank you to A. Jaggar, L. Eckenwiler, and S. Venkatapuram for thought-provoking conversations on health nationalism.

the international community. When we interviewed Haitian colleagues in Port-au-Prince about the ethical issues of the humanitarian response to the earthquake in 2010, they reported that the first round of WHO cluster meetings was conducted in English, while Haitian actors were much more comfortable in Creole or French. Many of them also expressed frustration that their voices and real-life expertise seemed to count for less than the preferences of *Anglo-American Western* INGO donors, humanitarian actors, albeit well-intentioned ones, and states representatives.

At the very least, researchers and stakeholders in academia must reflect on their position of epistemic privilege and share the platform and discussion with colleagues representing marginalized countries (Richardson 2020). Academia reproduces linguistic and epistemic injustices, what Collins (2017) calls *intersectional epistemic injustice*. Further discussion about the decolonization of academic knowledge must take place. Analogously to the works of postcolonial feminists Mohanty 'Under the Western Eyes' (1988) and Spivak 'Can the Subaltern Speak?' (1988), which shook the academic world beyond the field of international development studies, Himani Bhakuni and Seye Abimbola's article 'Epistemic Injustice in Academic Global Health' (2021) represents a milestone. According to these authors, knowledge practices in global health reproduce various epistemic injustices owing to structural prejudices.

With interpretive marginalisation, dominant social and epistemic groups, who do not give sufficient attention to the possibility that their interpretive tools or conceptual and knowledge frames are imperfect (especially regarding the experiences of marginalized groups), negatively affect the knowledge-related freedoms of such marginalized groups. Also, members of dominant groups might harbour prejudices and biases that lead them to discount the knowledge held by members of marginalized groups and their credibility as knowers, which also leads to credibility deficit. Credibility deficits in academic global health arguably can be linked to underserved epistemic privileges afforded to dominant groups, that is, credibility excess. Such credibility excess can be rooted in historical patterns of social relations (e.g. racism, sexism, and colonization) in which one social or epistemic group's credibility excess comes at the expense of a marginalized group's credibility deficit. (Bhakuni and Abimbola 2021: e1466)

In global governance without world government, international cooperation will have to rely on soft law and soft power lacking coercive mechanisms. This idea is found in Nye's work (2004) on *soft power and smart politics*. His famous thesis is based on the idea that the good moral reputation of a state

increases its capital of political influence. This notion is interesting in several respects. The first aspect is the need to develop prudential arguments to convince states that it is not futile to fulfil moral duties in terms of political gains. The notion of health diplomacy is gaining traction in global health politics. It is utterly important to invest in this field of research with normative considerations and ethical guidelines. Secondly, it is also essential to point out that the prudential argument is limited. The main pitfall is that it overshadows the moral argument when linking it to instrumental considerations that serve the most powerful states' interests becomes impossible (Chung 2011). Hence the need to foster philosophical discussion, perhaps even at the level of ideal theory, to complement the empirical analysis of global health politics with unconditional moral principles of global health justice.

The third problem that undermines soft-power theory is the neo-Gramscian critique of *cultural hegemony*. Soft power can reproduce structural and epistemic injustice under the veneer of moral discourse to benefit the most powerful. Haslanger's work (2012) on the role of *ideology* in producing structural injustices opens avenues for research into the modalities and impact of epistemic injustices. The notion of *cultural imperialism* that appears in Young's analysis (1991) of the five faces of oppression also points to the danger of *epistemic imperialism* when the experiences and standpoints of dominant groups are given as universals and objective parameters.

## Conclusion

The SHV model measures the impact of structural and epistemic injustices underlying the obstinate refusal of powerful countries to consider a patent waiver on Covid-19 tools. Even if the Omicron variant proves to be less lethal in African countries (which was not the case with the Delta variant in India), especially given the younger average age of the populations who may be more resistant to SARS-CoV-2, the consequences of vaccine inequity are far-reaching. The distrust of low- and middle-income countries towards wealthy countries that hold the reins of global health governance will only grow more tenacious and bitter. The rebuttal of the patent waiver shows how much their voices count for less in the international discussion concerning the ethical and epidemiological principles of international health cooperation. Ultimately, these epistemic injustices will only fuel the phenomenon of mistrust towards neocolonialist global governance structures that lie at the heart of the problematic phenomenon of vaccine hesitancy (Goldenberg 2021). But, beyond the failed test of international cooperation in the face of

the Covid-19 pandemic, the philosophical analysis of the SHV framework reveals the scope of the moral failure of rich countries to meet the aspirations of vaccine equity and global health justice.

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# Moral Justification and Structural Epistemic Injustice

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## I What Is Structural Epistemic Injustice?

The term ‘epistemic justice’ entered the vocabulary of academic philosophy with the publication of Miranda Fricker’s book (2007) of the same name.<sup>1</sup> Epistemic injustice occurs when people encounter unjust obstacles as they seek to contribute to the stock of social knowledge. Fricker identifies two types of epistemic injustice: testimonial and hermeneutic. Testimonial injustice occurs when audiences wrongly assess the plausibility of particular knowledge claims, because they hold unwarranted prejudices regarding the credibility of those putting forward the claims.<sup>2</sup> Hermeneutic injustice occurs when unjust knowledge practices render collective linguistic or conceptual resources inadequate for enabling people to communicate what they wish to convey or for making sense of their own experience. In both cases, those who suffer the injustice are wronged in their capacity as knowers. Speakers subjected to testimonial injustice are dishonoured by being excluded from trustful conversation. Those who experience hermeneutic injustice suffer epistemic marginalization.

Cutting across the distinction between testimonial and hermeneutic injustice is a different distinction between epistemic injustice that is transactional, on the one hand, and structural, on the other (Anderson 2012, 2016; Dotson 2014). Transactional epistemic injustice refers to interpersonal relations among individual enquirers. Structural epistemic injustice refers to background conditions that produce systematically unfair epistemic advantages

<sup>1</sup> People who have endured epistemic injustice and scholars from a range of disciplinary backgrounds have protested for centuries against various forms of epistemic injustice, though not under that name. See, e.g., Guy-Sheftall 1995.

<sup>2</sup> The possibility of unjust prejudice against knowledge claimants has long been recognized: Aristotle identified the genetic fallacy, and recognition of this possibility is central in current rationales for anonymous reviewing.

and disadvantages for more and less powerful groups respectively (see also Chung, Chapter 8; Ackerly, Chapter 1; this volume). The conditions also insulate the more powerful from recognizing the injustice. One example is mansplaining, an unjust epistemic practice in which men, typically unasked, impose their interpretations of situations on women in a patronizing or condescending manner. Subjecting a particular woman to mansplaining is a transactional epistemic injustice, but individual episodes of mansplaining are enabled by background conditions in which men are routinely perceived to be more authoritative knowers than women. Because women typically have less epistemic credibility than men, women's interventions to correct men's knowledge may well be viewed as presumptuous. In this particular example, it is not hard to see how interpersonal epistemic injustice is enabled by underlying structural epistemic injustice, but, in other cases, structural epistemic injustice is harder to recognize. Elizabeth [Anderson \(2012\)](#) writes that even epistemic encounters that appear transactionally just when viewed in isolation may nonetheless be biased if they are embedded in contexts of structural injustice. For instance, there are often legitimate epistemic reasons for treating one speaker's testimony with scepticism and taking another's more seriously; it is not epistemically unjust and indeed is often wise to proportion the amount of credence we accord to speakers with differing credentials. Yet the background epistemic conditions may be such that some groups are systemically disadvantaged in acquiring legitimate credentials or in developing the linguistic resources that would enable them to express what they want to convey.

Structural epistemic injustice is typically linked with injustice in the material conditions of life. For example, structural violence and epistemic injustice are evident from the earliest days of settler colonialism in the western hemisphere. Although most European colonies in the western hemisphere were established through military invasion, enslavement, and forced relocation, they were secured through epistemic colonialism. Indigenous languages were suppressed and often replaced by the languages of the colonizers. Indigenous governance practices were destroyed and replaced by colonial administrative structures. So-called false gods and superstitions were attacked in the name of Christianity, and Euro-modern science and medicine were promoted over traditional healing practices, now often called witchcraft. The colonizers worked systematically to discredit the languages, cultures, knowledge systems, and forms of reasoning used by colonized peoples and replaced them with foreign languages and alien conceptions of rationality. In this situation of extreme structural epistemic injustice, the conceptions imposed were used to rationalize colonial expansion and the subjection of colonized peoples (for

more on colonialism, Indigeneity, and historical injustice, see Lu, Chapter 6; Chung, Chapter 8; Ackerly, Chapter 11; Nuti, Chapter 12; this volume).

The members of groups that suffer structural epistemic injustice encounter patterns and networks of social or institutional arrangements that go beyond individual prejudice systematically to impede their participation in knowledge production. Epistemic injustice may skew whole paradigms of knowing to give undeserved advantages to some groups at the expense of other groups. To identify epistemic injustice, it is not enough to look solely at particular transactional interactions. It is also necessary to consider the background conditions that structure groups' access to epistemic resources and their ability to use those resources effectively.

## II What Is Moral Justification?

Practices of moral justification are an important means for resolving disputes peacefully. Through moral negotiations, people invoke values or norms that they assume are shared in order to justify moral claims to each other. Such practices do not occur outside time or place, history or context. Instead, they are situated norm-guided interactions in which people proffer accounts and exchange reasons. Justifying a moral claim is not achieved simply by offering good reasons in its favour; the people to whom the reasons are addressed must also recognize the reasoning as sound.<sup>3</sup> On this understanding of justification, a moral claim is not justified simply in virtue of the fact that those arriving at that conclusion succeed in correctly identifying an action or practice as morally right or wrong, permissible or impermissible, even when they present what they regard as good reasons for their conclusion. The claim is justified, if at all, by the reasons that are proffered to others for why the action or practice is morally permissible and by others' responsive uptake of that account. Because moral justification is an intersubjective practice, it cannot occur unless all parties to a dispute recognize the argumentation as sound and the conclusions as validly established.

Practices of moral justification are affective and bodily as well as cognitive. People's ability or willingness to recognize moral reasoning as sound certainly depends in part on the disputants' ability to find some shared moral

<sup>3</sup> Rawls is well aware that justification is inherently intersubjective and he distinguishes it explicitly from logical proof: 'Justification is argument addressed to those who disagree with us or to ourselves when we are of two minds.... Thus mere proof is not justification. A proof simply displays logical relations between propositions. But proofs become justification once the starting points are mutually recognized, or the conclusions so comprehensive and compelling as to persuade us of the soundness of the conception expressed by their premises' (Rawls 1971: 508).

beliefs, but it also depends on their openness to recognizing the people with whom they are reasoning as trustworthy and credible (Tobin 2011). People's perceptions of others' trustworthiness are influenced by the social relations among them; for example, people tend to have more trust in those whom they regard as part of their in-group (Brewer 1999, cited by Anderson 2010: 46.)<sup>4</sup>

Moral justification happens episodically. The need for justification arises when a particular action or social practice faces a particular challenge and must be justified to a particular individual or group of people. For this reason, practices of justification must be tailored to specific occasions. Moral justification succeeds or fails only in particular intersubjective exchanges in particular contexts. An argument that college students find compelling in a seminar room might be quite unpersuasive among different people in different contexts.

These features of moral justification mean that it often occurs in degrees. People may accept justificatory rationales with more or less confidence. They may accept them only tentatively, or their conclusions may become fixed points in their webs of moral belief. Yet moral justification resembles scientific justification in that it is never completed or final. It is always possible in principle that even extremely well-established moral convictions, such as the impermissibility of torture, might be challenged—although changing such a conviction will almost certainly require further adjustments in our webs of moral belief. Moral justification is always parochial, partial, and provisional.

In earlier work, we responded to these aspects of moral justification by insisting that reasoning about moral disputes should be plausible to, usable by, and feasible for all participants (Jaggar and Tobin 2013, 2017).<sup>5</sup> Yet,

<sup>4</sup> Many movements for social justice recognize that emotional responses can have epistemic as well as political significance. The slogan 'Black is Beautiful' promotes a powerful alternative to racist standards of desirable appearance, while the slogan 'Gay Pride' claims moral worth and dignity for non-gender-conforming people. These sorts of cultural movements counter not only the public dishonour attached to many minoritized groups but also the internalized stigma and shame experienced by many of their members. They empower members of stigmatized communities to speak out with confidence and authority and stake a claim that they be heard with respect.

<sup>5</sup> Our conditions of adequacy were inspired by Onora O'Neill's concern (1996) for 'followability' in practical reasoning. O'Neill uses this term in two senses. First, she notes that adequate methods of reasoning must be intelligible to and usable by everyone in the situation where they are being employed. She writes: 'We fail to reason as soon as we make moves which we hold that others for whom we expect reasons to be cogent cannot follow; we must expect such moves to seem bafflingly arbitrary to those others' (O'Neill 1996: 60). O'Neill calls this condition 'followability in thought'. In addition, O'Neill (1996: 57–8) asserts that practical reasoning can advocate only proposals that are genuine possibilities for action in the relevant sphere: 'We cannot give others reason for adopting principles which we do not think they could adopt'. Moral reasoning has failed if it generates recommendations for action that are not 'followable in action' by all participants. In O'Neill's traditionally neo-Kantian interpretation, universalizing proposals for action are 'genuine possibilities' so long as they do not generate practical contradictions. For us, by contrast, the question whether a proposal for action is feasible must be judged in the light of existential and material possibilities given peoples' identities, histories, and practical realities.

although it is necessary that these conditions be met in order for moral claims to be justified to all disputants, the fact that the conditions are met is not sufficient to provide the reasoning with moral authority. Moral epistemologists seek to identify models of moral argumentation that are not merely accepted empirically but also—and crucially—good reasoning. When is moral reasoning sound or authoritative?

In addressing this question, we draw guidance from the philosophy of science. Practices of scientific reasoning are designed to produce reliable scientific claims, just as practices of moral justification are designed to produce authoritative normative claims. Today, philosophers of science increasingly agree that good practices of scientific reasoning must be broadly democratic, at least among those with the relevant scientific credentials. Scientific reasoning practices that are democratic increase epistemic reliability by maximizing the hypotheses considered and opening them to informed criticism—though what counts as democratic reasoning is contestable, and philosophers of science have interpreted it in several different ways (Longino 1990; Kitcher 2001). Even though structural epistemic injustice poses formidable obstacles to establishing democratic reasoning practices, we believe that good practices of moral justification should be as democratic as possible for reasons that are moral as well as epistemic.

From a moral point of view, the language of epistemic justice provides a useful way to develop the intuition that sound moral reasoning must be not only acceptable to and usable by all disputants but also fair or unbiased. In order to achieve this, all those deliberating about intransigent moral disputes must have a fair opportunity to express and develop their own views as well as to hear and understand the views of others. Democratic reasoning counters bias by providing such an opportunity.

In addition, democratic reasoning is likely to increase the epistemic reliability of moral claims, just as it increases the reliability of scientific claims. All people are potential moral reasoners and have a wide range of relevant skills and experiences that bear on collective moral understanding. Philosophers' training can be useful, but developing moral knowledge requires more than skills in logic and analysis; it also requires as wide a range as possible of moral experiences and perceptions. This means that that all people affected by a moral claim potentially have something valuable to contribute to discussing it (Anderson 2016). Moreover, some people may have access to relevant sources of moral knowledge that others do not or cannot directly access (for example, gender- or race-specific experiences, elder wisdom, religious or spiritual experiences).

### III Moral Justification and Structural Epistemic Justice

Although the terminology of epistemic justice has only recently entered academic philosophy, the idea that moral-reasoning practices should be democratic is not new in European thought. It goes back at least to the social-contract theory of the seventeenth century and is central in most late-twentieth-century models of moral justification. In the 1970s, 1980s, and 1990s, three particularly influential models of moral justification developed in dialogue with each other, all incorporating some version of democratic reasoning. John Rawls's (1971) device of original position thinking postulates imagined parties discussing fundamental principles of justice in a hypothetical original position where all participants are free and equal. Michael Walzer's communitarian ethic (1983) maintains that all insiders to a community are equally interpreters and social critics of their community's morality. Jürgen Habermas's discourse ethics (1990) holds that justification in morality resembles justification in science such that it requires a rational intersubjective consensus within the relevant community. Habermas postulates an ideal 'speech situation immune to repression and inequality,' which rules out all 'external or internal coercion other than the force of the better argument' (Habermas 1990: 88–9).

Yet, ideals of epistemic democracy developed in Western thought alongside practices of knowledge suppression, domination, and silencing. In previous work, we studied the models of moral justification offered by the three philosophers mentioned above and found that they often failed to provide all participants in intransigent moral disputes with fair opportunities to express and develop their own views as well as to hear and understand the views of others. When used in contexts of cultural diversity and social inequality, these models often enabled more powerful groups to interpret them in ways that favoured their own interests and cultural orientations.<sup>6</sup> How could this be possible when the models centred the ideal of epistemic democracy?

<sup>6</sup> Twentieth-century philosophers intended their models of moral reasoning as paradigms for justifying normative claims about justice. Our earlier work argued that their recommended models failed to be unbiased when used in contexts of diversity and inequality. Models we have criticized include: original position thinking (Jaggar 1993); women's rights as human rights (Tobin 2005, 2008); capabilities (Jaggar 2006); discourse ethics (Jaggar and Tobin 2013); universal normative principles (Jaggar and Tobin 2017). Our critiques align with the work of other philosophers critiquing these models from critical race and feminist perspectives. Okin (1989) and Mills (2005) critique Rawls's theory of original position thinking; Okin (1989) criticizes Walzer too, and Uma Narayan (1997) also provides a powerful critique of communitarianism, though without mentioning Walzer directly. Fraser (1990), Benhabib (1992), and other feminists have challenged Habermas's conception of moral and political justification. In this chapter, we explain those repeated failures in terms of structural epistemic injustice.

This chapter suggests that the reason for the inadequacy of these models is that the philosophers who developed them focused too exclusively on transactional epistemic democracy among individual reasoners, while ignoring the likelihood of background conditions of structural epistemic injustice. Their models identified the causes of potential reasoning bias or unfairness in situation-specific forms of coercion or in individual psychological tendencies or prejudices. They offered rules for discourse or methods of justification designed to catch and correct for those individual errors, so that people would be more just in their epistemic transactions with others. The philosophical models did not consider that social relations of domination produce and maintain pervasive and persistent structural conditions that often corrupt group-based perceptions of trust and credibility germane to moral understanding. For instance, women's reports of pain are routinely discounted by healthcare providers (Zhang et al. 2021), and their allegations of sexual assault trivialized or rationalized away (#MeToo). African-American reports of police brutality continue to be disregarded, even when they are documented by photographs and videos. Elizabeth Anderson writes (2014, p8) writes:

People in powerful positions tend to insulate themselves from the claims of those over whom they exercise power, to censor, discount, or misunderstand the claims of those beneath them ...

People holding powerful positions are also liable to confuse their own power with moral authority, and thereby confuse the self-serving orders they give to others with what others are morally obligated to do. Hence they are liable to misread challenges to their orders from below as signs of vice—of insubordination and insolence, irresponsibility, laziness, and so forth. The relatively powerless enjoy no such luxuries. Hence people are prone to confuse their own desires with the right in rough proportion to their power.

Even in situations where no injustice is occurring at the transactional level, structural epistemic injustice can systematically bias moral reasoning at a deep level. Some philosophers have proposed strategies for counteracting identity-based testimonial injustice (Thomas 1992–3), and others have shown how new vocabularies can be developed to close hermeneutic gaps (Fraser 1990). Yet, structural epistemic injustice can systematically discourage some speakers from putting forward claims as well as obstruct some people's ability to understand others. For instance, Sandra Bartky argues that spatial, cultural, and linguistic forms of intimidation embedded in legal institutions regularly inhibit women from credibly testifying about their

experiences of intimate partner violence. Even if the women are nominally free to present their stories, they may be taken as less credible because they appear unsure or are unable to translate their experience into legalese (Bartky 2005).

In many contexts of moral dispute, philosophical models of moral justification that prescribe various versions of interpersonal epistemic democracy are not sufficient for reaching unbiased conclusions and may even lend themselves to rationalizing the moral perspectives of the powerful. Structural epistemic injustice can produce deep and pervasive biases in moral thinking and erect systematic barriers that corrupt the mutuality of uptake that moral justification requires. It undercuts democratic reasoning by fostering ignorance, resistance to forming true beliefs, perceptual error, and refusal to listen (Mills 2007). Unfortunately, such situations are not unusual. In many present-day contexts of moral dispute, structural epistemic injustice is arguably the rule rather than the exception. It is often harder to identify than straightforward testimonial injustice, less visible than political domination. It has been disregarded by influential twentieth-century philosophers addressing the issue of moral justification.

#### **IV Mistaken Assumption No. 1: Pluralism as the Context for Moral Justification**

Over the last several decades, analytic philosophers have noted that many intractable moral disputes are generated by disparate cultural and religious world views. They have often described this intractability in terms of moral incommensurability and moral pluralism. In earlier work, we challenged this diagnosis by noting that many real-world contexts of moral justification are characterized not only by cultural diversity but also by social inequality. Since then, we have become increasingly aware that the language of ‘diversity’, even when supplemented with the language of ‘inequality’, is inadequate for characterizing many situations in which moral disagreements arise. We now wish to give more emphasis to one form of pervasive structural epistemic injustice—namely, epistemic domination.

Domination is not the same as inequality. Entities that are unequal may have no significant relationship to each other, other than being comparable on some metric. In contexts of domination, by contrast, individuals or groups do not just happen to be situated unequally on a particular dimension; instead, dominant individuals or groups have a greater or lesser degree of arbitrary and unaccountable power over others who are subordinated.

Both within and across societies, some moral communities dominate others. Within a single society, some ethnicities or religious traditions may be established and respected, while others are disrespected and stigmatized. Colonialism and neocolonialism offer paradigm examples of how some moral communities may dominate others across national borders.

Disparate cultural and religious world views are often rooted in divergent ways of life. Marx argued that the structure of specific forms of daily life generates and shapes historically specific belief systems. People's life experiences in particular societies make particular systems of ideas seem more plausible or even inescapable. For instance, peasants who experience little personal mobility or power and very limited technological change may tend to think fatalistically of their social circumstances as immutable; by contrast, many people under capitalism experience their social circumstances as changing constantly and unpredictably and see human nature as self-aggrandizing and competitive. Within capitalist societies, many proposals for more cooperative economic arrangements appear naive and unrealistic. Contemporary disputes over oil pipelines provide one example. Particular features of a landscape may be sacred in one community, because they play an irreplaceable role in a unique narrative that gives meaning to the shared life of a people. In another community, the same features may be no more than fungible economic resources. The first moral understanding may fit well with economies that understand themselves as revolving around partnerships with particular environments; the second fits with an extractive market economy in which the environment is commodified and it is irrational not to exploit it to the maximum.

So far, this example illustrates nothing more than moral pluralism, but, when different moral communities stand to each other in relations of political dependence and domination, then one set of moral beliefs is likely to gain credibility over the other. Systems of domination develop and utilize knowledge practices that make dominant group perspectives and ways of reasoning appear as rational thinking, while making other perspectives appear nonsensical or outrageous. As extractive market economies become increasingly prevalent, expressed reverence for particular natural environments comes to seem primitive or superstitious and may even be construed as a disingenuous pretext for grabbing land. These sorts of situations exemplify background conditions of structural epistemic injustice, because the society's major knowledge-producing and -sharing institutions and practices put some groups under systematic threat of epistemic domination, marginalization, or exclusion, while enabling other groups freely to develop and exercise their epistemic agency. When epistemic backgrounds are structurally unjust,

they may skew whole paradigms of knowing to give undeserved epistemic advantages to some groups at the expense of others.

Epistemic domination is never total, because people who are situated differently in contexts of injustice are likely to develop different understandings of those contexts. Subjugated populations invariably develop resistant epistemologies, knowledges, and modes of understanding that survive and are creatively reimagined. This is why some moral disputes persistently recur. Yet divergent moral frameworks are not always clearly articulated or distinct, nor do all members of subordinated groups endorse alternative views. Few people's thinking is unaffected by generally accepted beliefs about which moral claims are obviously true, which are credible, and which are even intelligible, so members of subordinate as well as dominant groups may come to accept or be partially persuaded by dominant beliefs. When Charles Mills speaks of 'white ignorance', he does not mean that all and only white people are ignorant of structural racism. Although people of colour tend to have greater awareness, 'blacks can manifest white ignorance also' (Mills 2007: 22).

Framing the problem of moral justification as one of dealing with pluralism makes it plausible for philosophers to design models of justification intended to enable moral agents to evaluate the competing ideas and determine which are ultimately the best justified. But, in situations of structural epistemic injustice, not all ideas are equal contenders. Instead, some ideas are flagged from the outset as crazy, wild, unintelligible, or wicked and cannot get a fair hearing easily or at all. For instance, within some Christian frameworks, attempts to assert non-binary gender identities are unintelligible or appear monstrous (Moon and Tobin 2018). Whole forms of reasoning, whole paradigms of knowing, perceiving, and understanding the world, may be discredited regardless of the identity of individuals putting them forward. Power over others that is exercised and maintained structurally can distort epistemic capacities in whole groups such that correcting for individual bias or other psychological errors is insufficient for epistemic justice. For example, as private ownership of productive resources becomes increasingly normalized, proposals for shared ownership and management of community resources appear utopian and unrealistic, dismissed as leading inevitably to the 'tragedy of the commons' and making inevitable 'lifeboat ethics'.<sup>7</sup>

<sup>7</sup> These two phrases were popularized by Garrett Hardin (1968, 1974), though the antecedents of his views go back several centuries to conflicts over enclosure of the English commons and to the demographic views of Malthus in the nineteenth century. The 'common sense' of modern Western political economy has long held that open-access resource systems are like to collapse owing to free riding and overuse. The empirically unfounded nature of this belief was only widely recognized in the modern West when Elinor Ostrom won the 2009 Nobel Prize for economics for her work demonstrating that many communities are able to manage common resources sustainably without either privatization or state control.

Late-twentieth-century analytic philosophers built models of just moral reasoning that took for granted fair background conditions, with no deep structures of injustice and in which the only obstacles to democratic transactions among individuals were their idiosyncratic psychological quirks or prejudices or divergences in their cultural world views. The philosophers failed to consider that the reasoning procedures they recommended might themselves be shaped by structural epistemic injustice. Yet, in our divided and hierarchical world, structural epistemic injustice tends to be the rule rather than the exception. Framing the problem as one of pluralism or difference misdescribes the ubiquitous context of real-world epistemic domination. Philosophers' narrow and misleading formulation of the problem of moral justification licenses them to envision mistaken conceptions of the mission and method of moral epistemology.

## **V Mistaken Assumption No. 2: The Mission of Moral Epistemology.**

Framing the problem of moral justification as pluralism presumes that the solution lies in singularity. Late-twentieth-century analytic philosophers assumed that their mission was to develop a single best practice of moral justification capable of regulating moral reasoning in all contexts. If pluralism is the problem and the potential errors of reasoning that need to be checked or countered are assumed to be largely similar among all moral reasoners, then it makes sense to search for a single model of reasoning that corrects for these errors. Although this search for a master model of moral reasoning is a time-honoured aspiration among Western philosophers, we think it rests on at least two mistakes.

The first mistake is to assume that moral reasoning is modular ([Walker 2007](#)), so that it can be cleanly extracted from a particular culture and form of social life and neatly inserted into another social context. Twentieth-century analytic philosophers assumed that cultural beliefs distorted moral reasoning, so they inferred that we need a culturally neutral set of rules to delineate the moral domain and prescribe how to reason fairly within that domain. Misled by the image of pluralism, philosophers imagined members of multiple cultural groups talking past each other by playing different language games and inferred that their job was to get everyone playing the same game (morality/moral reasoning) by the same set of rules. This framing assumes there is only one game that should be played, even though, as we noted in Section II, practices of moral justification do not occur outside time or

place, history or context, and cannot be extracted from contexts where they make sense and inserted into other contexts where their meaning is lost. Instead, practices of moral justification are situated norm-guided interactions through which people in particular contexts proffer accounts and exchange reasons with each other. Because attempts to justify moral claims arise in extremely varied contexts, a singular prescriptive model of moral reasoning that purports to be universally applicable can provide only indeterminate guidance in specific situations. Diverse moral communities exist, so that people attempting to justify moral claims in situations where others involved are members of different communities cannot assume the availability of ready-made moral vocabularies and forms of reasoning that are plausible to and usable by all. Instead, the vocabulary and forms of reasoning may need to be negotiated and perhaps invented, and trust may need to be built.<sup>8</sup>

The second mistake is to neglect the impact of structural domination on practices of moral justification. By assuming that the problem of moral justification is caused by pluralism, philosophers take considerations of power out of the framing of the context. They forget that, in order to guide reasoning in particular situations, models of justification must be interpreted in specific ways and that those with more power in those situations are always likely to specify abstract models in ways that conform to their own cultures and favour their own cases. The point can be illustrated by the example of poverty. To many Westerners, this concept appears to have a universal meaning that is paradigmatically suited for justice analyses, but in fact poverty is understood differently across the world and has different meanings in different contexts. Although Westerners typically define poverty in terms of access to material resources (or the money to purchase these), people elsewhere may define it in terms of access to physical security, to leisure time, or to particular communities or places; for instance, some Australian Indigenous people regard themselves as poor if they lack kin relationships (Hunt 2010). Yet, as the market economy expands, the idea that poverty is not defined by lack of money appears senseless (Wisor et al. 2016). At the theoretical level, this understanding neglects how social power skews what game is decided on as 'the' right/best game, who makes that decision, who gets to play, and how the rules often do not apply fairly to all, even when people are playing the same game. It fails to problematize philosophers' presumed authority to be well

<sup>8</sup> Under conditions of structural domination, distrust is also salient to moral justification to the extent that groups disadvantaged by the prevailing social order often need to distrust dominantly positioned groups and reasoning. Covid-19 vaccine hesitancy for some populations is a good example. For instance, African-American populations have reason to distrust medical interventions from US authorities. Many Nigerians are vaccine hesitant for multiple reasons, including perceived Islamophobia on the part of the West (Nwameri 2021).

positioned to make these determinations. At the practical level, it can yield outcomes that are disastrous. Conceptualizing poverty exclusively as lack of material resources might lead to interventions to ‘help’ or provide ‘aid’ that those on the receiving end of that aid might well regard as further impoverishing them—for example, interventions that disrupt kin relations or that deplete or desecrate natural resources.

When moral epistemologists frame the problem of justification as a problem of pluralism solvable by a single, all-purpose model of justification, they become complicit in structural epistemic injustice to the extent that their proposed models of moral justification conceal or even perpetuate structural domination. We need an alternative conception of the mission of moral epistemology, one that does not aspire to constructing a single model of moral reasoning.

## **VI Mistaken Assumption No. 3: Philosophers’ Method for Developing Models of Practical Reasoning**

When philosophers take moral epistemology’s goal to be that of identifying a singular, culturally neutral, all-purpose model of moral reasoning, it makes sense for them to conclude that a priori philosophical methods are entirely appropriate for developing such a model. The time-honoured method used by philosophers is armchair reflection. Seated in their armchairs or before their computers, analytic philosophers envisioned what moral reasoning should be like by methods such as imagining the logical constraints of moral reasoning under ideal conditions or constructing fictitious models of justification. The a priori method of armchair reflection is problematic for several reasons.

One obvious problem is that solitary reflection notoriously offers no check on individual bias or unrecognized cultural assumptions. However, this criticism only goes so far. Critiques of individual armchair reflection often focus on images of Descartes alone in his cabin in Bavaria, but this image does not reflect the circumstances of most academic philosophy today. Contemporary academic philosophers do not work in isolation, but instead are members of epistemic communities. Even if they are alone as they write their drafts, academic philosophers are typically writing for a professional audience and seeking uptake from other philosophers. They present their work at professional conferences, publish in specialist journals or with university presses, and their work typically includes acknowledgements to many colleagues.

A more substantive concern about armchair philosophy today is the demographic homogeneity of most academic philosophical communities and the narrowness of their training. Even though the early twentieth-century philosophers who laid the foundations of analytic philosophy were writing in German, analytic philosophy since the mid-twentieth century has been conducted primarily in English.<sup>9</sup> The insularity of Anglophone philosophy has been well documented by [Schwitzgebel, Huang, Higgins, and Gonzales-Cabrera \(2018\)](#). The demographic statistics of professional philosophy still largely conform to the stereotype of professional-class white male.<sup>10</sup> Finally, most academic philosophers are trained in a few prestigious departments, and mainstream philosophical agendas are established disproportionately by a few philosophical superstars while the philosophical work treated as canonical is quite limited. We question whether a small circle of armchair philosophers, often personally acquainted with each other, is adequately equipped to design practices of moral justification for situations very different from seminar rooms in the global North. Even if analytic philosophical communities are internally democratic (and much evidence suggests that democracy within them is imperfect, at best), their beliefs and assumptions about moral reasoning are unlikely to be widely shared.

Armchair methodology disregards several types of empirical knowledge that are potentially relevant to moral justification, particularly aspects of the contexts in which moral disputes arise. When moral controversy occurs within a particular moral community, shared knowledge of the context may be taken for granted. But, when moral disputes erupt among members of different moral communities, those disputes cannot be addressed fairly until the participants are well informed about other participants' contexts. Without historical context, African or African Americans' distrust of medical interventions or vaccines may seem irrational to many others. None of us can know a priori how far our practices of moral justification may be plausible or authoritative to the members of different moral communities. We must learn about the moral-reasoning practices that they regard as authoritative, their moral vocabularies and priorities, and the weight they place on various types of reasons. Similarly, none of us can know a priori how far the reasoning practices

<sup>9</sup> '(O)ne has to read English in order to have access to the best scholarly contributions and write in English in order to be read by the best scholars' ([Føllesdal and Friedman 2006](#): 117). Yet it is noteworthy that today there are increasing calls to promote a more globally inclusive philosophy by reducing the dominance of English—e.g. <https://contesi.wordpress.com/bp/> (accessed 9 September 2021).

<sup>10</sup> The most recent statistics collected by the American Philosophical Association, from 2018, show that only about a quarter of its members are women and that the percentages of philosophers of colour remain tiny: [https://cdn.ymaws.com/www.apaonline.org/resource/resmgr/data\\_on\\_profession/fy2018-demographic\\_statistic.pdf](https://cdn.ymaws.com/www.apaonline.org/resource/resmgr/data_on_profession/fy2018-demographic_statistic.pdf) (accessed 18 September 2021).

on which we rely are usable by or available to the members of moral communities that differ from our own. And none of us can know whether particular recommendations for action are feasible for others until we learn about their real-world situations.

In contexts of domination, a priori methods are even less helpful. Structural epistemic injustice erects obstacles to acquiring the empirical knowledge we need about what moral reasoning is followable and usable for others and what actions or practices are feasible for them. We need methods for moral epistemology that enable us to gather the information necessary for assessing moral reasoning in contexts of diversity and domination, and these methods must go beyond the a priori.

## Conclusion

This chapter has drawn attention to some of the many ways in which structural epistemic injustice can systematically bias moral reasoning in favour of dominant groups. Recognizing the influence and pervasiveness of structural epistemic injustice has many implications for daily life as well as for the practice of philosophy. We conclude by briefly indicating three lessons for moral epistemology.

First, we suggest that taking structural epistemic injustice seriously requires reconsidering our research questions about moral justification. Framing the problem of moral justification in terms of pluralism led twentieth-century philosophers to pursue the question: which model of moral reasoning can individuals use to adjudicate fairly among diverse and incommensurable world views and correct for individual bias? Philosophers' pursuit of this question led them to generate models of moral reasoning that often fail to provide reliable normative guidance for addressing many real-world moral disputes and perpetuate structural epistemic injustice. We argue that philosophers should instead begin from the assumption that epistemic domination (not mere pluralism) gives rise to most moral disputes among diverse communities. Starting from this assumption reframes the problem and the research questions about moral justification that philosophers pursue. Instead of asking how individuals can adjudicate fairly among diverse moral perspectives, a better set of questions may be: What counts as democratic moral reasoning under conditions of epistemic domination? How can groups move closer to such reasoning under the specific conditions of structural epistemic domination that shape particular contexts? How can we achieve practices of moral justification that are closer to being just under real-world

conditions that are structurally unjust? Taking seriously the pervasiveness of structural injustice also puts philosophers on notice to remain vigilant about investigating how our own practices of moral and philosophical reasoning may be systematically corrupted. We take this to be the first lesson.

*The second lesson is that reframing the research questions also sets a new mission for moral epistemology.* If philosophers prioritize problems that arise when people are reasoning together about intransigent moral disputes in contexts of structural domination, then we should abandon the search for a single paradigm of moral justification. Instead, our task includes illuminating and analysing structures that sustain epistemic domination in specific contexts and analysing practices that enable democratic moral reasoning under these conditions to understand how and why they do this. Framing our mission in this way helps us envision more clearly what just solutions to this problem might look like. It reminds us not only that real-world moral reasoning is always shaped by the moral vocabularies and cultural/religious resources available in particular situations, but also that these resources vary in moral credibility. In real-world disputes, some moral vocabularies and forms of reasoning may be incomprehensible to some parties and rejected by others, so the use of these resources in particular contexts must be negotiated and sometimes reinvented. Furthermore, there is no reason to suppose that any particular practice will be transferrable to a different context; indeed, there are reasons to suppose that it will not—though it may contain good ideas that might be adaptable. So, a more appropriate task for moral epistemologists may be less to prescribe supposedly universal all-purpose models of moral reasoning and instead to assess the fairness of actual practices of moral justification in actual contexts. Recognizing structural epistemic injustice reminds us not only to focus on superficial fairness at the transactional level but also to scrutinize the fairness of practices of justification in the specific contexts of structural epistemic injustice that have generated particular disputes.

*A third lesson concerns philosophers' methods for moral epistemology.* Indispensable empirical knowledge, including understanding how structural epistemic injustice shapes reasoning practices in specific contexts, cannot be acquired simply by sitting in our armchairs. We can acquire it only by learning from scholars in disciplines such as sociology, anthropology, critical race and gender studies, and postcolonial studies among others. And all of this scholarship requires good-faith engagement with real-world moral communities, working to establish democratic dialogues with their members while remaining power aware, sensitive to possible structural obstacles to such dialogues, and humble about the cultural limits and partiality of our own

preferred practices of moral justification. Our methods should include multidisciplinary scholarship where philosophers do not claim to be the captains of the team. Overall, these reflections on structural epistemic injustice in moral reasoning call on analytic philosophers to reimagine our mission and methods and our unwarranted pretensions to being privileged arbiters of moral reason.

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## Decolonizing Structural Justice and Political Responsibility

*Lewis R. Gordon*

Structural injustice theory has a lot to offer, but, in its current form, it could be guilty of what I call ‘disciplinary decadence’ for failing to decolonize its underlying normative assumptions. This problem begins with Iris Marion Young’s iteration of what is structural injustice. Young was a dear friend whom I met in the early 1990s at the beginning of my career in professional philosophy. She was part of a group called the Society of Feminist Philosophers in Action (SOFPHIA). Sometimes the members would add ‘... Socialist Feminist Philosophers ...’. The group still meets in the spring and autumn annually. Iris and I immediately became friends. We wrote to one another regularly, and, in the spirit of true collegiality and friendship, this included intellectual disagreements. She was, for instance, enthusiastic about post-modernism, while I was and continue to be a critic. Our intellectual points of meeting include the main theme of this volume, which is on the notion of structure and the concomitant approach to the study of justice it encompasses. Our shared approach includes a conception of political life in which power, institutionally examined, requires structure. I, however, argue that justice is not enough, albeit important, and questions of social health are crucial for the decolonization of normative life.

I should like to add that my introduction to Young’s thought was her famous phenomenological article ‘Throwing Like a Girl: A Phenomenology of the Feminine Body Comportment Motility and Spatiality’ (1980).<sup>1</sup> A superb meeting of phenomenology of embodiment, social constructivism, feminist theory, and political critique, it was a mainstay of my courses in phenomenology, although its importance later fell sway to her work that engaged debates in what could be called analytical political theory, growing out of debates initiated by John Rawls, his followers, and his critics. This shift

<sup>1</sup> This is not to claim there are no exceptions. See, e.g., Táíwò (2022).

could be interpreted as a break from her early work, even though Young's understanding of social structure is heavily indebted to the phenomenological tradition. The epistemic bigotry of the analytical tradition unfortunately often required disguised presentation of arguments from other traditions. This phenomenon is part of what I call the colonization of philosophy and, in some of its professional forms, its accompanying disciplinary decadence (see [Gordon 2006, 2021](#)). I will address that later. For now, the main point to bear in mind is that what often dominates analytical approaches is a form of nominalism, today often advanced as 'deflation', in which there is often an appeal to a basic but abstract notion of a moral individual against whom is posed an abstract and often suspect, because presumed metaphysical, category. The latter is at best treated as an aggregate of individuals, which leads to the idea of an individual versus a collective. The latter could also be called 'society', and at times 'community', or a 'whole' in which individuals are parts. Thus, the whole becomes, like Hobbes's *Leviathan*, an assembly. This, however, leads to an interpretation of 'structure' as 'assemblage' in which a tension is posed for, especially in liberal thought, every individual. The individual versus structure argument is, however, from a phenomenological perspective, a false dilemma. It depends upon competing metaphysics in which there could be a thing by itself, on the one hand, versus relational manifestations, on the other, in which the question is posed: 'a thing in relation or connection to what?' Beginning with the insight of consciousness as always *of* something, phenomenology builds upon *relational* understandings of how conscious reality, which includes human reality, lives or, properly, relates to the world and beyond. Nothing, in other words, can stand on or by itself; it must be on or with something else.

There is, as we will see, a putting-to-the-side of ontological presuppositions and focusing, instead, on the intelligibility of communicating reality. Put differently, the disclosed reality of thought requires communicability and, by extension, learning. There is, then, an implicit pedagogy in every act of theorizing, which makes theoretical work akin to a student sharing with fellow students what she, he, or they are learning.

Young's work throughout her career reveals fidelity to this idea of co-learning. This practice—and commitment—means there is always a relational infrastructure to practices of theorizing, and, thus, to the concept of intelligibility and the ethics of communication. This ethics points to an additional element of what Young and I share. Although she never made much of it, Young was, like me, Jewish, and we are both Jews from families of, let us say, limited means. Our Jewishness was not of a zealous religious kind but, ultimately, of an ethical commitment. That took the form of fighting

against idolatry with a profound understanding of radical responsibility. I write ‘radical’, because it takes the form of taking responsibility *for responsibility*.<sup>2</sup> The openness of a life without idols and the responsibility that this encumbers require not making an idol of the self, which means the *community* becomes the focus, with a commitment against making it, too, into an idol. Thus, at the core of what she and I share, is an understanding of the responsibility of transcending the self while standing as a movement from power to ever-negotiating empowerment—the activity of, in a word, *politics*. *Political responsibility*, in this regard, is a guiding problematic to bear in mind.

In her powerful essay ‘Responsibility and Global Labor Justice,’ [Young \(2004\)](#) offers some succinct formulations of political responsibility, structure, and politics. The article is posed against what [Young \(2004: 375\)](#) calls the ‘liability’ model of responsibility, which includes all theories of moral and legal responsibility that are backward-looking and isolating.<sup>3</sup> She draws on Arendt’s distinction between moral and legal responsibility, on the one hand, which applies to the person and what the person has done, and political responsibility, on the other, which is a responsibility to uphold the political community. I should stress, however, that that approach was not originally formulated by Arendt. It was Karl [Jaspers \(2000\)](#), her doctoral advisor, who placed the problem of political responsibility to the fore in his discussion of guilt and responsibility among the German people for the Second World War. Jaspers famously discussed four kinds of responsibility: metaphysical, legal, moral, and political. He wrote of the metaphysical as a responsibility to G–d, although one need not be religious or theological to bear this responsibility. It could be to the Absolute or Ultimate sense of accountability. The legal kind is to the laws of the land. And the moral is the individualized accountability to rules, norms, and ethics. The political, however, is what every member of a society shares, and it is connected to citizenship or what is taken on from living in a political community. This inevitably leads to the concentration of power that grows out of political communities in the form of what we know today as ‘government.’ Although government and politics are not identical, people carry the responsibilities borne by those who represent and those who rule over them. Thus, the political responsibility of a government is carried by those it governs. This also includes, unfortunately, those who do not support the government that represents them. If, for instance, a government’s actions lead to obligations of reparations to others, it is revenue drawn from taxing its

<sup>2</sup> This theme is evident in [Young \(2011\)](#), but it is there throughout her other writings. For discussion of my interpretation of Jewish ethics as a call to take responsibility for responsibility, see [Gordon \(2018\)](#).

<sup>3</sup> For Hannah Arendt’s view, see [Arendt \(1987\)](#).

people that would contribute to the debt. Where the actions are sufficiently severe, its people may lose appeals for mercy.

I should add, however, that, although Arendt's thought on political responsibility (as well as her thought on the banality of evil) was inspired by Jaspers, she adored Heidegger, whose preference for the concept of 'society' versus the idea of the 'social' she embraced (see, e.g., [Arendt 1958](#)). Thus, her model of analysis often falls short of the more *structural* argument at work in the phenomenologically oriented Jaspers, and the phenomenologically oriented writers from Jean-Paul Sartre through to Frantz Fanon (both of whom she detested). Young's critique of Arendt, then, pertains primarily to her liabilities-centred adoption of Jaspers's thought and her Heideggerian rejection of the social. This is in addition to Arendt's model of politics, which valorized the glorious and public appearance and deprecated the domestic or private and the underlying sociality that breaks down the separation of private and public life ([Arendt 1958](#)). Given Young's feminist commitments, there is already reason for a critique of Arendt's position.

First, [Young \(2004\)](#) rejects the liability model as 'reasoning backwards'. Her implicit critique here is that this kind of reasoning is ultimately conservative. It examines what went wrong instead of what to build or how to make the world better, which requires looking forward with the aim of social transformation. Second, she is critical of the government-centredness in the liabilities model. It elides, in her view, the source of legitimacy not only for government but also for all institutions of power, especially concentrated power. She writes:

I mean by 'political' something broader than government. In addition, by politics or the political I am referring to the activity in which people organize collectively to regulate or transform some aspect of their shared social conditions, along with *the communicative activities* in which they try to persuade one another to join such collective action or decide [in] what direction they wish to take it. ([Young 2004](#): 377; emphasis added)

This quotation brings to the fore the social dimension of Young's understanding of politics, and it reflects a deeply democratic model of political life. A society, in meeting Arendt halfway, is not simply a collection of people. Without communicative practices and building meaningful institutions, a collection of people would not be a collective. It would be like society without sociality. But, without sociality, there are things that seem randomly to appear and randomly to disappear. That people, as [Frantz Fanon \(1967 \[1952\]\)](#) pointed out in *Black Skin, White Masks*, bring society into being

and, unlike biochemical processes, require people to change it, is what is lost without articulating the sociogenesis of its appearance.<sup>4</sup> The sociogenic, however, is intersubjective, and, although contingent (in the sense of capable of being otherwise in its appearance), not accidental. There is, in other words, an infusion of agency throughout social phenomena, but, in human terms, it is a disclosure of peculiarly human modes of being—namely, phenomena of meaning. Young does not develop this point, but examples abound in writings, from Maurice Merleau-Ponty through to Alfred Schutz and even through to structuralist thought from Claude Lévi-Strauss through to semiological psychoanalytical thought from Jacques Lacan through to institutional psychiatric work from François Tosquelles through to his students Jean Oury and Frantz Fanon (see Robcis 2021). Some of these ideas of the social as the structurally intelligible, and by extension discursive and communicative, also took poststructuralist forms, which is one of the reasons for Young's appreciation of postmodernism (although not all poststructuralists were postmodernists), but, as Peter Caws (1997) showed in *Structuralism: A Philosophy for the Human Sciences*, the divergence between structuralism and poststructuralism is more a matter of aims than practice. The anti-essentialism and anti-subject aims of poststructuralists were defended by their proponents through an analysis of how rules, language, signs, and systems are produced through practices in and by which they gain and produce meaning. What is presumed as normal in these contexts is always a background of preceding practices of intelligibility. Thus, if there is injustice, it is not so by itself but in relation to a system of practices by which it is produced. In philosophical terms, there is a relational metaphysics at work here in that, unlike substance-based metaphysics, no phenomenon, no 'thing', could be by itself. Always in-relation-to other relations means not only that injustice is structural but also, what is often overlooked, justice is structural. In short, one has a responsibility, when faced with structural injustice, to produce structural justice.

The production of structural justice is, however, more than rectification. It is a political responsibility that 'seeks not to reckon debts, but aims rather to bring about results, and thus depends on the actions of everyone who is in a position to contribute to the results' (Young 2004: 379). We could here focus on the key phrase 'everyone who is in a position to contribute'. Young presumes that not everyone is able to contribute, which entails some people bearing political responsibility and others possibly none. I doubt, however, that this argument works except for people who are completely

<sup>4</sup> For discussion, see Gordon (2015), Gibson and Beneduce (2017), and Robcis (2021).

incapacitated, since for others there is not always epistemic clarity about what one could contribute except in hindsight, which contradicts her insistence on emphasizing the future more than the past. As an outcomes-orientated model, the problem of knowing outcomes before performance comes to the fore. But, as outcomes often have factors unaccounted for in those who may appear less likely to be consequential than others, this claim seems to slide into the moral form of responsibility more than the political one. I take what Young is trying to argue, however, is that *power* matters for political responsibility, and what is power but the ability with access to the conditions of making things happen? The ‘in a position to contribute’ could be reinterpreted as access to the conditions of making things happen, which would then bring forth the important element of power through which a seemingly moral obligation is transformed into a *political* one. This is what Young (2004: 379) has in mind when she later adds ‘responsibility differs from duty in being more outcome oriented.’

The social dimension of political responsibility means that it is shared. One cannot, in other words, be social alone. An objection could be made through an appeal to conceptual sociality, with analogical or subjunctively posited others, but that transcendental phenomenological reflection would take us far afield and is best suited for reflections elsewhere.<sup>5</sup> At this point, the argument moves into the logic of participation in which socially generated and disclosed phenomena entail both personal and public responsibility. The personal element is that one cannot abdicate the responsibility through an appeal to an abstract supra-collective. As co-constitutive, the individual makes sense as an individual in relation to a group that could make sense as a group only through shared conditions of possibility from individuals. This co-constitution is a crucial element for structure, especially group ones such as institutions, since there is interconnectedness throughout alongside self-conscious realization of difference. Although not stated as phenomenological, it is so by virtue of the structure of intentionality, in which there is realization or consciousness *of* phenomena ranging from conditions to outcomes. As the structure—in this case, the group or institution—is produced by the participants, their actions serve as the condition of responsibility for its transformation. Bear in mind that their actions rely on conditions as well, on access to other conditions. Thus, there is an extended relationality in which there is a presumed access to conditions of some kind, which makes the notion of having *no responsibility* void. Later, Young addresses this issue through the logic of injustice. Where there is injustice, there are people with

<sup>5</sup> See Husserl (1960) and, for recent discussion, Meagher (2021). See also Gordon (2012).

more options than others. She uses the word ‘privilege’, but I prefer ‘option’, because of the normative problems in the concept of privilege, especially in liberal and neoliberal thought. I do not see how the rallying of the term does not collapse into moralism (in which there is now a perverse expectation of shame for possessing privilege) when the task, as Young is arguing, is for political transformation.<sup>6</sup> Although everyone could make choices, having more options expands the possibilities in which choices matter. In fact, the point about political action is that those with more options may have access to the conditions of increasing options for others, and those who have fewer options are often struggling to increase the options available to them.

At this point, I should like to spell out some elements, through what could be called an Africana decolonial critique, that could be added to Young’s argument.<sup>7</sup> For one, because she focuses on *justice*, the framework of her argument is in tune with liberal notions of normative political theory. For many liberal political theorists, however, the normative involves articulating moral constraints on governing institutions of correction and distribution with rare attention to projects of transforming a social structure but, instead, with attention to making reformations *within* it. The move from the liability model to focusing on specifically political considerations suggests a movement away from political theory as applied moral philosophy. Yet there are additional elements of political life that should be borne in mind. The first is discursive. Young hints at it in her appeal to ‘persuasion’, but, fleshed out, it takes the form of speech and what is constituted by communicative practices. Put differently, participatory communicative practices militate against outcome before performance, which means participation challenges the notion of a necessity that is not, paradoxically, contingent. This is akin to the existential adage of existence preceding essence; in politics, there is no essence that precedes existence, but, instead, action through which intelligibility, institutions, policies, projects, and so on are achieved without closure. In logical terms, human beings are not well-formed formulas. The infusion of human reality in institutions is similar. Institutions are not closed, because, as human produced and dependent, they are not complete, and they are thus subject to ongoing transformation. This transformation includes the conceptual frameworks, which means that justice cannot be presumed as the main outcome but, instead, among a variety of normative possibilities. I am thinking here of a problem in that approach to avowed political theory, as exemplified in Rawls’s famous dictum (1971: ch. 3), avowedly echoing Euromodern

<sup>6</sup> For elaboration of my critique of neoliberal discussions of ‘privilege’, see [Gordon \(2022\)](#).

<sup>7</sup> For elaboration of Africana philosophy and decolonial critique, see [Gordon \(2021\)](#). See also [Gordon \(2008\)](#).

interpretation of ancient Greek philosophers, that justice is the first or primary virtue of social institutions. He offers no argument for why this is so. Neither does Young.

Consider, in contrast, Fanon's position that health is the ultimate virtue of institutions.<sup>8</sup> His criticism of many hospitals is that they were focused on trying to make patients healthy without asking whether they (the hospitals) were sick. Put differently, sick institutions produce sick people. Thus, even if the rules are applied justly, the outcomes could be unhealthy without the practitioners understanding why. In liberal societies, instrumental views of just outcomes and deontological ones often lead to declarations of justice having been achieved—whether by consequence or by procedure—while dehumanization continues. One could argue that dehumanization is unjust, but this does not bear out in practice where rules elide human specificity. Now think of what happens where health is the perspective. Does it make sense to call a healthy society, which includes the alleviation of dehumanization, an unjust one? If it does, would not a limit be placed on it as a goal of social transformation? And what, in the end, would the content of unjust health be? Could not part of the sickness of a society be the attachment to justice it offers—in psychoanalytical terms, perhaps the fetishization of justice (see, e.g., Freud 1989)? Of course, one could argue that fetishized justice could occur only where justice is imagined outside relations to other norms. If it must be in relation to other norms for it not to be fetishized—in effect, for it not to be unhealthy—then justice, albeit important, is not enough for healthy normative life. If this is correct, then the prioritization of justice is a form of colonization of normative life ironically in the name of justice. Decolonizing normative life would then require the de-fetishizing of justice, which would facilitate the appearance of other norms, including life-affirming ones such as health. Curiously, many ancient terms—such as *MAat* in Mdw Ntr and *δικαιοσύνη* (*dikaíosunē*) in ancient Greek—often translated by professional philosophers and political theorists into 'justice' mean more than justice. Getting things right makes no sense if it cannot be lived, and varieties of ways of exemplifying living, ranging from 'breath' to 'truth' to 'balance' to 'becoming attuned to reality', often come into play.

This decolonial consideration raises the question of what it means to say that the underlying logic of liberal political theorizing is colonial. Liberal political theorizing is primarily academic, and it often involves several

<sup>8</sup> This is a theme in Fanon's writings on the social world and politics. For explicit reflections on health, see Fanon (2018). For discussion, see Gibson and Beneduce (2017).

colonial presuppositions. They often take the forms of (1) hegemonic portraits of origins and misrepresentations of the historical exemplars of thought, (2) coloniality of the norms of theorizing, (3) market—primarily capitalist—commodification of thinking and who thinks, (4) disciplinary decadence, and (5) solipsism. Young was sensitive to avoiding the first, but, for the most part, that colonial practice prevails among many academic political theorists/philosophers through Eurocentric analysis and presuppositions of the origins of the problems and debates at hand. I will not rehearse the arguments addressing that problem here, since increased awareness of the non-European or ‘non-western’ sources of various claims ascribed to ancient and Euromodern thought is in recent theoretical work, especially those from philosophers and theorists attuned to global southern thought. The second is more germane, since it connects to problems of, for example, formalism and completeness. And moreover, in specifically liberal thought, there is the problem of addressing groups from the perspective of philosophical or theoretical commitments that recognize only *individuals* (Gordon 2021: 16, 63; 2022: 13). No black, Dalit, Jew, proletariat, Muslim, woman, or LGBTQI+ person is discriminated against or placed in a social disadvantage as an individual; the intent and negative structural outcomes are, literally, not personal. The third is easy to attest to, since its focus on how to market thought often subordinates truth and wider possibilities to dictates of the academic job and publishing markets. The fourth, however, connects to the second in a way that is pertinent to political thought. The criticism of the fetishization of justice raises the question of forms of argumentation that treat certain concepts and their study as complete or as a reality onto themselves. The charge of disciplinary decadence, for instance, pertains to a discipline or its subfields as self-ontologizing, which makes them treat themselves as if created by a god instead of human practice.<sup>9</sup> Thus, even their methods, presumed ideally produced, lead to presumptions of the legitimacy of mere application. The turning-away from reality externalizes contradictions, which makes the discipline function, in theodicean fashion, like a god for whom injustices and evils and other maledictions are outside or externally produced and, thus, in epistemic terms, could be ignored and, in ontological terms, relegated to nonbeing. That is what leads to the problem of solipsism. Treated in this sense, the institutions of a society become intrinsically good or the system of thought by which it is studied becomes the same, which leads to the problem of accounting for what has gone wrong (similar to the earlier discussion

<sup>9</sup> See Gordon (2016). For additional discussion, Michael Paradiso-Michau (2012)

of health). If, however, there is an understanding that the task is not the creation of a complete, ontologized system—or that there was a misunderstood complete one with which to begin—then transformation requires a form of disciplinary and systemic humility in which there is an effort to transcend self-legitimation through communicating with other possibilities. Put differently, there must be a teleological suspension of the discipline, which enables it to engage in transdisciplinary communication. This consideration could be reworked into Young's argument about political responsibility as outcome orientated through understanding the purposive element of action and that even justice must be brought under critical account. A teleological suspension of justice could facilitate the emergence of other normative possibilities.

Along with decolonizing normative life is the decolonizing of going about doing so. Although I am focusing on Young's argument here, it should be borne in mind that normative structural analysis didn't begin with her work, nor with many of the familiar academic philosophers and social theorists I have mentioned. One could find such analyses going back to the eighteenth century in Ottobah Cugoano's *Thoughts and Sentiments on the Evil of Slavery* (1791), which offers an analysis of the language of enslavement, through to analyses in the nineteenth century from Anténor Firmin's *De l'égalité des races humaines: Anthropologie positive* (1885) to W. E. B. Du Bois's writings, such as *The Philadelphia Negro* (1899) and *Black Reconstruction in America* (1935). To this list we could add radical left analyses from the Chinese anarcho-feminist He-Yin Zhen to the African-American jurist and legal strategist Charles Houston to the Johnson Forest Tendency group of C. L. R. James, Raya Dunayevskaya, and Grace Lee Boggs, through to Fanon and Ali Shari'ati.<sup>10</sup> And we could go back to antiquity to examine interconnectedness in discussions of *MAat* in the *Sekhiti-nefer-medu* (1850 BCE) (often translated as *The Tale of the Eloquent Peasant*) (see Parkinson 199); also available in [Simpson 2003](#)).

Young shares an important consideration with all these thinkers. She kept her eye on the basic insight that, whether it is justice, health, or another norm, changed individuals do not necessarily lead to changed games. To that could be added the structuralist insight that it is often the rules of the games that articulate the roles of the players, and the rules by which those roles are

<sup>10</sup> See [Gordon \(2008\)](#) for discussion of these Africana philosophers and theorists; [Liu, Karl, and Ko \(2013\)](#) for He-Yin Zhen and other Chinese feminist theorists; [Saffari and Davari \(2022\)](#); [Anderson et al. \(2020\)](#), which includes discussion of the Johnson Forest Tendency group; and, for an elaboration of James Boggs and Grace Lee Boggs in conversation with Arendt, Jasper, and the Boggsses, see [Doukas \(2022\)](#).

constructed are not necessarily good. Something could ‘work’ in ways that are bad. We should bear in mind, however, the paradox of co-constitutionality in which games do not overdetermine the actions of players. In the realm of human affairs, actions matter.

I conclude with a reflection from the Caribbean poet Audre Lorde. She famously reflected in *Sister Outsider* that the master’s tools will never tear down the master’s house (Lorde (2007 [1984])). There is a double-movement of structure here at the level of architecture and methodological framework. Tools, after all, whose purpose is the production of mastery, would produce more mastery when the goal may be to get rid of mastery. What, however, can one *do* for transformation if one lacks tools—conditions—of doing so? Jane Anna Gordon and I offered a response in our book *Not Only the Master’s Tools* (Gordon and Gordon 2006). There is a form of circularity already inherent in the dictum. Critics of domination and oppression should remember that masters do not build houses. Enslaved peoples and other workers do, and along with tools of destruction are also those of construction. One could focus on tools of destruction—that is, tearing down houses—but then everyone would be left homeless. An alternative is to consider tools of construction and using such tools—and developing new ones—to build alternative houses. Even if left standing, the avowed ‘master’s house’ would lose its ‘mastery’ through the mundane realization of becoming *a* house among many other houses—with the latter having that transformative, freedom-building belonging of becoming, proverbially, homes. Indeed, the greatest fear of dominators, oppressors, and agents of hierarchies is their eventual irrelevance. It does not follow, however, that the alternative houses, even if radically designed to be at home with their environment, would lack room for improvement. There is no such thing—at least in the human world—of a perfect structure.

We can, however, build better houses. I take this as one of the major takeaways from Young’s and other critical theories of social structural transformation. To that, I add a concluding consideration. Given the critique I have given of systemic fetishization of norms, it follows that what is to come may not be a reproduction, at the normative level, of what precipitated action. Social transformation could produce difference with alternative conditions of possibility. In that regard, political responsibility for social transformation offers a gift that transcends the self. Instead of constraining possibility, it facilitates options for dignity and freedom to disclose livable conditions for those who, if the task is done well, can look back without ceasing to move forward.

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## Murmurations of Injustice

### Dynamics of Structural Injustice and Epistemic Oppression

Brooke Ackerly

Those taking on global and localized structural injustice have their hands full.<sup>1</sup> Structural injustice is the exploitation of power inequalities and their normalization through self-reinforcing racism, sexism, militarism, colonization, neocolonization, caste, ableism, and other forms of social hierarchy that have long histories and deep mutually reinforcing formal and informal institutions. These power dynamics take advantage of hierarchies *within* privileged groups (where people with less privilege perceive their relative disadvantage) and *within* disadvantaged groups (where people with relatively *more* privilege may not perceive that privilege). These dynamics make structural injustice complex, pernicious, and persistent and thus one of the most important problems in political theory.

However, structural injustice is not impervious to change. Despite its structural nature, *people* have taken on the consequences of structural injustice. Anti-racism, feminism, decolonization, and crip technoscience are just a few of the many epistemological challenges to structural injustice that people like Ida B. Wells, Angela Davis, Roxanne Gay, Leanne Betasamosake Simpson, and Aimi Hamraie have used to analyse structural injustices in order to rethink and undermine their core structures.<sup>2</sup> How can we understand both the rigidity and the dynamics of structural injustice generally and across

<sup>1</sup> I join the Vanderbilt Student Government in collectively acknowledging that Vanderbilt University occupies the ancestral hunting and traditional lands of the Cherokee, Shawnee, Choctaw, Chickasaw, and Creek peoples. Today, these people have nation boundaries in Oklahoma, North Carolina, and Mississippi, after the Indian Removal Act of 1830 led to the forced removal of southern tribes to the west of the Mississippi River. In particular, the university resides on land ceded in the Treaty of Hopewell (1785–6). Learn on whose land you live: <https://native-land.ca/>.

<sup>2</sup> In *Just Responsibility* (Ackerly 2018), I demonstrate how this work is done by women's human-rights activists around the world, day to day, without name recognition and in fact without being recognized for their work. Here, I mention a few scholar-activists, particularly to Anglo-American audiences in North America, who may be known by their activism, their written words, and/or their legacies (Wells 1897; Gay 2014; Simpson 2017; Davis 2018; Hamraie and Fitsch 2019).

struggles without relying on already knowing the particulars of some aspect of structural injustice in order that we not let some subset of structural injustice stand in for the whole? And do we not have to share that understanding? How do we distinguish between structural injustice and our theoretical account of structural injustice?

To answer these questions, I reframe structural injustice within a theory of political epistemology (see Chung, Chapter 8; Jaggar and Tobin, Chapter 9; this volume). A political epistemology is an understanding about how we know what we know and how we distinguish fact from opinion, not as individuals, but in groups. We share political epistemologies and reinforce them through our actions, institutions, and world views ('ontologies'). In the case of structural injustice, when there are differences among us, how can we understand these differences relationally and their implications for political responsibility for structural injustice?

In this chapter, I use the metaphor of murmurations of starlings to query the dynamic relations of structural injustice, its multiple and sometimes competing theories, analyses, and data (for an alternative metaphor for structural injustice, see Wolff, Chapter 1, this volume). Structural injustice and differing accounts of structural injustice are not always visible, because they function within an epistemological cloud constructed through structural injustices themselves, and we all live and theorize within that cloud. Yet, individuals and social movements have been able to shift our thinking about structural injustice in part because of the same relationality.<sup>3</sup> Among those struggling against structural injustice there is a recurring debate about whether to take on injustice incrementally (through reform) or more foundationally (through transformation). The metaphor of murmurations lets us imagine how these are connected and invites us to think carefully about those connections.

This account also reveals the importance of pointing out structural injustice even without fully understanding its complexities. After introducing the idea of murmurations of injustice, I discuss three significant political theories of structural injustice. Next I discuss competing perspectives on structural injustice in a way that conceivably reconciles reform and transformation approaches to injustice demonstrating how they are related and are both part of taking on structural injustice. I conclude by offering an outline sketch of what any theory of structural injustice should entail.

I show how the concept of murmurations of injustice usefully conceptualizes the connections among the multiple political epistemologies and theories

<sup>3</sup> This view has key elements in common with Iris Marion Young's social connection model (2006, 2011) and the human-rights theory of responsibility (Ackerly 2018).

of structural injustice, shows how murmurations of injustice conceptualizes structural injustice more visibly, and identifies the role of agency and responsibility for structural injustices despite incomplete perceptions of their complexities, perniciousness, and persistence by identifying the dynamics of relationality and power that enable it. Adding the conceptual layer of murmurations of injustice to our understandings of structural injustice makes way for human agency in taking responsibility for structural injustice.

## I The Murmuration Metaphor

Murmurations of starlings are beautiful movements of birds that conceal complex coordination through the nearly simultaneous adjustments each bird makes to a perceived threat or to the movements of the seven birds that surround it. Starlings flock together to share information, keep warm, and protect themselves from predators. When starlings take to the skies, they fly together in shapes that shift when an extreme force such as a predator, obstacle, or wind causes one bird to shift. Each bird's movements affect the movements of the seven birds around it, and they in turn effect their seven neighbours, resulting in the clouds of birds shifting together and apart, separating and joining each other. Interestingly, this shifting happens more quickly than an individual bird could respond alone. A murmuration is both a phenomenon that can be observed without knowing the underlying relationality that generates it *and* a practice of change generated by internal processes of relational responsiveness. These twin aspects provide a useful metaphor for the relationality of epistemology. There is a third use of murmuration, the most common sense, which names the observed effect caused by these twin unobservable phenomena.

A murmuration of injustice is also twin. First, consequences of structural injustice can be observed even without knowing the full complexity of the underlying historical and contemporary dynamics of epistemology, social, economic, and political institutions, and relationality that contribute to structural injustice. Second, a murmuration of injustice is also a practice of change generated by internal processes of relationality. A third use provides perspective on how we should theorize about injustice, given that, unlike human observers of starling murmurations, we are embedded within the murmurations of injustice; we have no vantage point from outside structural injustice from which to observe its inner workings or its collective effects.

Regarding the phenomenon, in *Just Responsibility* (Ackerly 2018) I use the phrase 'injustice itself' to distinguish the full complexity of the underlying historical and contemporary dynamics of epistemology, social, economic,

and political institutions, and relationality from a more limited view other scholars might think of when discussing ‘structural injustice’. That is, across a range of political philosophy, structural injustice refers to the social, economic, and political institutions that affect distribution (Rawls 1971), recognition (Fraser 1997; Fraser and Honneth 2003), representation (Young 1997, 2000), and oppression (Young 1990). These approaches undertheorize the role of epistemic oppression (Dotson 2014, 2018b) and relationality (Young 2010) in injustice, and so I use the phrase from John Stuart Mill (2008 [1848]: 345), ‘injustice itself’, to emphasize my interest in this more expansive view of injustice.

Regarding the process of change through relationality, in *Just Responsibility* I develop a theory of responsibility for injustice itself that emphasizes what women’s human-rights activists actually do to transform *how we think about injustice itself* as part of taking responsibility for injustice itself. As Robyn Eckersley (2020) illustrated, this approach relies on a theory of power and, I would add, relationality.

While we know internal processes of relationality that affect murmurations of starlings, less is known about the murmurations of injustice. For starlings, what matters are the other starlings and the historical threats and conditions to which they respond. For humans, these matter too. But, in contrast to murmurations of starlings that make their relationality more visible, murmurations of injustice make power and relationality *less* visible.

Power and relationality are not themselves always visible. This may be why we often focus on harms rather than the causes of harms. Power and relationality conceal and sustain structural injustice or certain aspects of it. Thus, to take on structural injustice, we have to take on all of injustice itself: that is, the epistemic forms of power and the relationality through which it is exercised—even though the full complexity of their dynamics are not visible to us except in their murmurations. Thus, by seeking to influence the murmurations of injustice rather than merely take on the *consequences* of injustice, we will be better able to take responsibility for injustice itself.

Structural injustice, concealed (even incompletely) in a shifting cloud of epistemic oppression is the idea of ‘injustice itself’ that John Stuart Mill (2008 [1848]: 345) cautions against: ‘it is the great error of reformers and philanthropists . . . to nibble at the consequences of unjust power, instead of redressing the injustice itself.’<sup>4</sup> This notion of injustice itself is a way of conceiving of structural injustice that (1) makes its seemingly illusory aspects

<sup>4</sup> The title of the chapter in Mill (2008 [1848]) is ‘Of the Grounds and Limits of the *Laissez-faire* or Non-Interference Principle.’ Goodin (1985: 189) cites the same passage in *Protecting the Vulnerable*, in the introduction to a chapter in which he reflects on whether it is more appropriate to take responsibility for the injustices that cause vulnerability than merely to focus on vulnerability.

less powerful, (2) is not bound to distributive notions of justice, (3) reveals the epistemic dynamics of structural injustice, (4) recognizes the relationality of how we know what is injustice as well as how we perceive injustice, and (5) provides a way of challenging those who would argue that certain forms of structural injustice are no more by countering that, while certain manifestations of structural injustice have changed, their changing shape is not the same as their being rendered no more or even merely impotent.

Differences in how we theorize about, and interpret our experience of and privileges within, structural injustice are in part a function of the notions of structural injustice that those around us hold. This is a political epistemology of structural injustice and the first sense of murmuration of injustice. People hold their views, but not statically. When the views of some change, they can affect the views of others. This is the second sense of murmuration of injustice—views of structural injustice as they change.

I draw on the metaphor of the visible manifestation of starlings swarming to illustrate the shifting and multiple collective epistemologies that result in our ability to point out structural injustice; our inability to pinpoint structural injustice and to agree on what it is, what it entails, and how we might address it; and the relationality through which we develop and change our perceptions of structural injustice despite the reality that we live and theorize from within them.

The problem with developing effective social movements, appropriate global governance and treaties, national and local government solutions, public–private partnerships, market-driven solutions, and innovative philanthropy for addressing structural injustice is that solutions have to be designed in the light of a particular perception of the problem of structural injustice or some piece of it. For that, we have to be able to point to its mechanisms in all of their complexity, not just point it out.

Why is it that it is easier to point out structural injustice than it is to point to it? Because we live and theorize from within it and have only partial perspective on it. Structural injustice has an institutional dimension, a social–structural dimension, and an individual dimension. It is hard to pinpoint structural injustice, because these dimensions are not unrelated. Some people give central importance to one dimension. There exist multiple interpretations of what each of these dimensions entails. Moreover, within subdisciplinary conversation partners, there are different interpretations of what attending to any of these dimensions entails. Each of these views about what is important is a relational epistemology. That is, an individual philosopher's view of the problem or what is important about the problem is maintained within a subdiscipline of philosophers that shares that view.

These are relational epistemologies maintained by relationships within these subdisciplines.

This phenomenon is visible within society more generally. That is, we hold ideas together. Changing ideas can lead us to change groups. Changing groups can lead us to change ideas. All kinds of changes can affect relationality within a group.

When we take up the question of structural injustice, we have to take it up first as an epistemic question about what kind of problem it is. The concept of injustice itself calls us to recognize structural injustice as concealed by its epistemologies. Unpacking this thus entails not just understanding the different approaches to structural injustice, but also understanding each account of injustice as a potentially epistemically oppressive construct, particularly if its core conceptual architectures related to the nature of individuals in community are not excavated. This requires deliberate articulation of ontological commitments and relational assumptions.

Among theorists of injustice some might say that certain systems like capitalism exploit. Others that unregulated or exploitative capitalism exploits. The murmurations of injustice perspective cautions that such assessments of systems of injustice are made from a vantage point outside the system. Such an elision is akin to attributing agency to the murmurations of starlings. We lose the understanding of murmurations themselves when we make such elisions. If we treat structural injustices as if they have agency, we lose the account of our agency and responsibility for changing injustice itself.

## II Murmurations and the Problems and Epistemologies of Structural Injustice

In this section, I describe what the third use of murmurations of injustice offers for theorizing about injustice itself. I briefly outline how we might interpret three major perturbations in the political theory of justice within the last half century in order to identify the key features of structural injustice that provoke the need for theorizing about how we theorize about injustice itself. Thinking about what a theory of structural injustice needs to entail, this approach modifies and integrates seemingly divergent approaches.

John Rawls's *Theory of Justice* (1971: pt. II) focuses attention on the distributive properties of political and economic institutions, arguing that justice not utility is how we do and should assess these institutions. Rawls's argument (1971: p. vii) is situated in the context of post-Second World War growing economic wealth and income, but also awareness that wealth was

not enjoyed by all and that economic growth alone was a poor measure of what we mean by ‘a sense of justice’.

In the twentieth century, social movements, including feminism, civil rights, Native American, disability, and LGBTIQ+ movements, made justice claims that were not couched exclusively or even centrally in distributive terms, though many of their concerns about oppression entailed economic dimensions as well. Rather, they made claims about unpaid reproductive labour, exploited inequalities, marginalization, misrecognition, violence, and cultural imperialism, among others. In *Justice and the Politics of Difference*, Iris Marion Young (1990) takes up the worry that conceiving of the problem of injustice as distributive—or reducible to distributive injustice—renders oppression invisible and outside our critical attention. Social, political, and economic institutions have been influenced by and reinforce social behaviours that enable exploitation, marginalization, powerlessness, cultural domination, and violence.

The growing global and national inequalities and civic activism have demonstrated that, despite being connected through the political economy and social institutions, we do not share *common* experiences of these. In *Epistemologies of Resistance*, José Medina (2013) seeks an individual epistemological stance that could break down the obstacles to perceiving others’ experiences of injustice. Specifically, the individuals (‘heroes’) can create opportunities of epistemic friction that are a way of promoting their own ability to confront injustices of which they had been unaware (Medina 2013: esp. ch. 5). Though there is clearly a notion of collective epistemology running through *Epistemologies of Resistance*, individual agency in shifting one’s own and others’ epistemologies is an important part of Medina’s politics (2013: 308–11), which point towards ‘network solidarity’.<sup>5</sup>

Each of these approaches has an epistemology of injustice, each important, each incomplete. Moreover, if we look at the literatures that grew up in and around these approaches, we can see shifting and debated understandings of what each of these is and requires. For brevity, I have limited my discussions of these, trusting that many of these debates are familiar or at least accessible to the reader.

Instead, I want to signal what a ‘meta’ theory of injustice itself—one that is aware of the relationality and power within theories of justice themselves—entails. On this reading, the major developments and differences in how we think about structural injustice are all contributing to the development of a

<sup>5</sup> For more on resistance, see Wolff, Chapter 1; Marin, Chapter 2; McKeown, Chapter 4; Nuti, Chapter 12; this volume.

theory of structural injustice that describes not only what structural injustice is, but also how it persists and changes. Thus, in the discussions that follow, I am looking at the twin phenomena that generate the existence of and changes in murmurations of injustice.

## Structural Injustice: Institutional

As already noted, John Rawls develops the core idea of justice as fairness in response to changes in the political economy, which included growth not being distributed following norms that he argued using the idea of ‘reflective equilibrium’ we would not all recognize as ‘fair.’<sup>6</sup> Rawls grounds our agreement about how best to organize the basic institutions of our political economy on a new social contract based on what we would all agree are the key principles of justice. This view is a distributive theory of justice.

The domain of Rawls’s distributive justice is the basic institutions of political economy of a society. The principles of justice apply to the design, modification, and basic function of those institutions. They distribute income, wealth, liberties, and the social bases of self-respect, the ‘primary goods’ (Rawls 1971: 62). He defines the principles of justice as distributing these equally unless an unequal distribution would benefit the ‘least well-off’—that is, those who would receive the smallest share. This latter principle justifies primarily economic inequalities necessary to reward those who work harder to produce more or who take risks and employ others for doing so.

Rawls proposes that, if we did not know our own position in the political economy guided by these principles, upon reflection we would all agree that these principles, not utilitarianism, should guide the design, modification, and application of our basic institutions, and this agreement forms the basis of the social contract to live by those institutions.

Rawls’s proposal sparked movement towards this view, as well as modifications of the view and criticisms of it. Modifications extended to each element of the theory, and each comes from some people observing injustices that are not well accounted for in the Rawlsian view of structural injustice. One illustration to mention here, because I will come back to it in the next section, is that of Amartya Sen and Martha Nussbaum. Using different intellectual journeys, they come to argue that *capabilities* are a better thing for us to hold institutions responsible for distributing.<sup>7</sup>

<sup>6</sup> For a very brief overview of Rawls’s key conceptual architecture, see Ackerly (2006).

<sup>7</sup> For an early review, see Crocker (1992).

Despite the use of the idea of reflective equilibrium as a way to think about how we come to know that the principles of justice capture well the values our society already holds, despite the role of a theory of justice in refounding the social contract on our agreement that the recognized principles guide the design of the institutions that govern us, within the theory there is no mechanism for getting empirical purchase on the question: does this political theory make sense of the claims of justice people are actually making?

In the light of the many active social movements of the time—feminism, civil rights, Native American, disability, and LGBTIQ+ movements—we might respond as [Charles Mills \(2005: 171\)](#):

Why should anyone think that abstaining from theorizing about oppression and its consequences is the best way to bring about an end to oppression? Isn't this, on the face of it, just completely implausible?

A theory of structural injustice needs to define its epistemological and empirical assumptions and how changes in these should revise the theory should they be found wrong, to no longer hold, or to be rejected.

The idea of murmurations lets us describe the dynamics inspired by the theory, modifications to the theory, and critical assessment of it. The epistemic cloud into which this new idea was introduced was maintained by the same people and institutions that considered and took up different elements of the new idea. Moreover, some elements of the 'old' idea persisted within the new idea; for example, Rawls defaults to the economists' idea that income and wealth are a good proxy for all of the primary goods. Further, the considerations of justice sparked by these new ideas and the social movements for justice provoked reconsiderations about whether the distributive justice approach best captured the idea of justice.

## Structural Injustice: Social

In order to avoid the reductionism of structural injustice to distributive injustice, we need to look more carefully at the mechanisms of power and oppression. However, even our analysis of social structures of oppression takes place from within those social structure we seek to analyse. Moreover, our views about which social structures are important considerations of justice and how we should look at them are shared with others and come to be shared through those same social structures. However, because we experience them socially, we experience them together *and* differently owing to

the power hierarchies and oppressions within our social structures, such that an effort to understand the oppressions of social structures and of social groups are co-constructed by the power dynamics of those oppressions and the political epistemologies we bring to understanding them.

In *Justice and the Politics of Difference*, Iris Marion Young (1990: ch. 2) presents five faces of oppression, which, she argues, are experienced in and by social groups. These social groups she argues exist only in relation to one another (Young 1990: 47). In her analysis, three of these groupings are grounded in and constructed by ‘relations of power and oppression that occur by virtue of the social division of labor—who works for whom, who does not work, and how the content of work defines one institutional position relative to others’ (Young 1990: 58)—that is ‘exploitation’, ‘marginalization’, and ‘powerlessness’ (Young 1990: 48–58). The fourth, what she calls ‘cultural imperialism’, following Lugones and Spelman (1983), is what those who study and work on epistemic injustice would recognize as their subject, ‘to experience how the convenient meanings of a society render the particular perspective of one’s own group invisible at the same time as they stereotype one’s group and make it out as the other’ (Young 1990: 59). The fifth face of oppression is violence and the constant threat of violence with which some groups live. In Young’s discussion of these last two faces and in her appreciation of these as criteria for analysing oppression as injustice deconstructing processes of oppression, she shows how multiple faces of oppression work together to foster a range of experiences of injustice. Seeing these as connected in different ways for different people is a way of recognizing the role of ‘cultural imperialism’ or political epistemology at work in all forms of injustice.

The concept of murmurations of injustice enables us to theorize about the shifting conditions and knowledge about them that leads to changes in perceptions of injustice and theories of structural injustice. When new facts or theoretical ideas enable some people to see the connections or to see them anew, these provoke shifts in collective thinking about injustice. For some this may mean adapting their current view. For others this may mean shifting to a new view. A theory that recognizes both possibilities and their relationality is politically inclusive and methodologically open (see also Ackerly et al. 2021). The value of this approach for both theory and activism is that it recognizes that ‘fads’, empirical knowledge, and imperial knowledge are on a par with theory as forces that shift political epistemologies about justice and injustice. It opens the landscape of relevant empirical data to include quantitative, qualitative, experience-based, narrative, and place-based knowledge.

There are epistemological shifts not only in what we conceive of as injustice, but also in how injustice is experienced. Historical examples in the US include sharecropping, which re-created in a politically different form the economic relations of slavery. Examples in the global economy include the shift from colonial resource extraction to market mechanisms for resource extraction in the twentieth century. New institutions can also function as forces that shift the murmurations of injustice. Consider, for example, the shifts of production from one locally owned supplier in the same jurisdiction or to a supplier in a different jurisdiction. The *possibile* threats of such moves are power inequalities. Such power inequalities are themselves unjust, because they are supported by the global economic structure and intentionally give manufacturers more power relative to workers. Other power inequalities may not themselves be unjust, but may rather set up the possibility of injustice because they are exploitable.

These possibilities generally and their multiple interpretations are the backdrop of murmurations of injustice. For example, forces that cause shifts in some people's understanding of how just the governance of the new constitutionalism is include the threat to garment workers of moving production to another factory (and thus of losing their jobs) if they tell inspectors about code of conduct or regulatory violations at their factory. They are not just site specific. Workers mobilizing for the right to unionize and other worker rights may experience the threat of moving production out of the country as injustice. Some workers may think of their working conditions as unjust or the threats against organizing as unjust. If some workers respond to their experiences by perceiving of these as unjust and other workers follow, that is a murmuration. It may be that allies like NGOs thought that low wages were the biggest problem, but, when they see workers prioritize the right to organize, their view of worker injustice shifts from being just about wages to including the political right to mobilize. With allies like local NGOs, unions in industrialized countries, and international social justice networks following the worker's views, the murmuration shifts and gets larger.

The companies that place the orders and the consumers that buy the products may have different views of justice. From their vantage point, production in a low-wage economy may seem a just way to support growth in employment. If some of these consumers and producers become aware of the issues the workers are fighting for and they follow the workers' view that justice entails a fair wage *and* the right to organize, then we might expect the number of people holding the workers' view of injustice to grow. This increase in the number of people shifting their view of what constitutes unjust working conditions has not been complete, and it does not apply

across contexts. Moreover, some corporations may think that that requires moving production, as when Disney moved its production from Bangladesh after the Rana Plaza Factory building collapse caused the greatest number of deaths in a factory accident in history. Some consumers may think that the best way to demonstrate their alliance with workers is to boycott the brands that are associated with these factory conditions. However, while they have come to share the workers' view of the injustice, they do not listen for the workers' view of what responsibility in the face of such injustices requires. The workers lose with companies moving production and consumers boycotting (Ackerly 2018).

Conceptualizing our epistemologies of injustices as murmurations of injustice lets us talk about the similarities and differences in their epistemologies of injustice without being tempted to focus on the correctness or incorrectness of one or another view, but rather on the relational dynamics among the views. This way of thinking about our epistemologies of injustice inclines us to being open to differences in conceptualizations and observations as sources of possible strength: strength in deepening our understandings, strength in learning what related ideas pull us in different directions.

In these shifts, coming together, moving in opposing directions, and networking, the murmurations of injustice show us that *epistemologies* of injustice are political. From within the lived experience of injustice, they drive transformations in the landscape of justice and injustice against which and within which we all struggle to make the world a better place. As we think about murmurations of injustice, while there is some value in thinking about how we share epistemologies of oppression within groups and about groups, we cannot ignore the role of forces, ideas, and so on in shifting these. Those trying to live and write about justice want to think through the mechanisms of structural injustice that we are able to point out. We can point them out (view the consequences of their dynamics) before we can pinpoint them (identify those dynamics). Yet, of course, we aspire to pinpoint them or at least to understand better how their forces, ideas, influences, and so on affect structural injustice and our political epistemologies of these.

To extrapolate, the forces that affect changes in the political epistemology of injustice are varied. They include changes in institutions (perhaps changes in trade laws or trade treaties, for example). Changes in how those institutions are interpreted in the light of other shifts in thinking about justice (for example, attention to gender injustice) may incline people to notice the conditions of work that had previously gone unnoticed (perhaps because it was done by women, children, or migrant workers). Or, attending to the injustices typically associated with women such as childcare may lead some people to

be affected by the worker activism in ways that they had not before they made this association.

In sum, murmurations of structural injustice are affected by forces such as new institutions or changes in existing institutions and connections to those who experience the injustice, or those who are aware of the experience and connections to those who interpret those experiences of exploitable inequalities as in fact exploitable and unjust. Murmurations of injustice describe the possibility of people understanding the same experience as different kinds of injustice. Regardless, for epistemologies of injustice to become murmurations—that is to *lead to shifts* in epistemologies—requires both forces of change and connections among those who do or should think about injustice.

## Structural Injustice: Individual and Social Movements

There are lots of implications of this for activist strategies and tactics as well as for people seeking to take on structural injustice. These include treating epistemic injustice as a shared political problem but trying to create shifts in thinking by influencing particular influencers. Consider, for example, the focus of garment worker activism on Walmart and universities—Walmart because shifting Walmart's view would shift the market; universities because in the US university students' identities are tied to their school affiliations and its image. Ways of developing strategies for doing so include learning about different experiences of injustice, creating supporting opportunities to develop one's own ideas about the justness of one's own situation, connecting with others with comparable experience, developing individual and collective capacities to advocate for oneself and others, and networking not only with people with like views but importantly with people with different views.

In *Epistemologies of Resistance*, Medina (2013: 308–11) sets up an argument that *could* go in this direction, particularly when he anticipates a role for individuals in building 'network solidarity'. Exposing oneself to other epistemic views creates epistemic friction that changes oneself.

This perturbation can bring new ideas into her own group. How this new idea affects her in her group and how it affects others in her group will likewise be complicated. For example, perhaps she becomes aware of her privilege relative to another group or aware of her relative lack of privilege within her own group.

Above and more fully in *Just Responsibility* (Ackerly 2018), I used the more visible example of worker justice to illustrate that epistemologies are shared

in part through the politics of exploitable inequalities themselves and in part through the politics of interpreting which exploitable inequalities are unjustly exploited. While there is room in this view to appreciate an individual's responsibilities to expose herself to epistemic friction and to put herself in the heroic position of trying to change the views of others (as Medina suggests), such moral responsibility aspires only to political effect.

By contrast, in *Just Responsibility*, I describe ways of taking political responsibility for structural injustice from within. These ways of doing the work—intersectional thinking, cross-issue awareness, capacity building, networking and alliance building, and ongoing learning—are ways that within lived experience of structural injustice people can build the political shared will and understandings necessary to shift other's perceptions and experiences of structural injustice. Using the concept of murmurations of injustice to understand structural injustice leads us to a political understanding of structural injustice. Theories of structural injustice are themselves within the politics of structural injustice. In the next section, I turn to scholars who have developed this idea.

### **III Murmurations and the Relationality, Ontology, and Responsibilities for Structural Injustice**

As we have seen, murmurations of injustice provide a conceptualization of the observation that each approach to structural injustice works within and in response to the epistemic systems that it challenges. When we observe murmurations of starlings, sometimes two distinct murmurations join or shift and move in relation to one another. Murmurations of injustice take this form as well, adding a final dynamic: perturbations from divergent epistemologies.

In the preceding section we discussed shifting epistemologies in response to a 'new' idea from outside our epistemological cloud or from shifts within our epistemological cloud in response to others around us who are moving in response to a 'new' threat. Unlike birds, we want to do the intellectual and ethical work to understand all the dynamics and complexities related to this shift. Like the birds, we cannot. We are all embedded in the structures we observe. Although we are 'on the way' to understanding them, as Kristie Dotson (2018a) says of herself, we are *always* on the way.

In the shifting political epistemologies of injustice itself, the journey is not along a path. We are not starting together. We are not starting at the same time. In sum, even among those who make considerations of injustice central

to our lives and work, we do not agree on what kind of problem injustice itself is; we do not have one common stable perception of injustice itself and do not agree on what addressing it requires.

If we do not even agree on what kind of problem for justice structural injustice poses, how can we theorize about it together or take political responsibility for it as a society? In this section, I discuss a couple of examples of the dynamics among epistemologies of structural injustice from feminism and Indigenous thought. Then, in the concluding section, I summarize the elements of a theory of structural injustice that I have identified using the concept of murmurations of structural injustice.

Consider the uncomfortable encounters in the feminism of the 1980s and 1990s between postcolonial feminism in academe and women's movements that were globally on the rise, making spaces for women and gender in national and international politics. For example, Guyatri Spivak (1988) raises the provocative question 'Can the Subaltern Speak?' If Spivak's question was rhetorical and the presumed answer was 'no', as it seemed to be in so many circles, then what were we to make of women's human rights activists in the Global South who have been speaking and being heard, transforming their political regimes into democracies, even with democracies within the family (Friedman 2000)? If human rights was a western construct (Peterson and Parisi 1998), what were we to make of the women's human-rights activists who formed a social movement (Friedman 1995) and spent more than a decade transforming the international institutions of human rights to be better designed to address gender (Parisi 2010)? What was their theory of human rights (Ackerly 2008)? Was it not their own? Of course it was. However, if we stay within the feminist academic frameworks of postcoloniality, the form of epistemological resistance that gets foregrounded is one that reconstructs the binary through its resistance. Described in the metaphor of murmurations of injustice, one approach is to resist dominant institutions; the other is to influence, infiltrate, and transform them; and both of these are in relationship to each other.

Decolonial, particularly Indigenous theorists, have articulated 'Indigenous Place-Thought' or 'Grounded Normativity', which that has been the grounding of Indigenous thought across so many Indigenous communities (Watts 2013; Coulthard 2014: 13; Coulthard and Simpson 2016).<sup>8</sup> The view grounds normative commitments within lived experience, lived relationships with and on particular land (or disconnection from one's land), and the stories that connect communities to that land and each other. While it is a form

<sup>8</sup> For more on structural injustice and Indigenous peoples, see Lu, Chapter 6, this volume.

of a politics of resistance, its political epistemology does not centre the settler colonial communities, politics, or harms that it resists. Rather its politics of resistance is grounded in a politics of resurgence that is connected to its own political and normative resources—that is, their indigenous communities, relationships within them, their history, and their land (Simpson 2008, 2017; Driskill 2011; Coulthard 2014; Norgaard 2019).

Not all Indigenous, decolonizing scholarship centres Indigenous place-based thought (Simpson 2014; Picq 2018). Yet, the ontologies of the views entail attentiveness to epistemology and relationality. Moreover, in their writing, they reflect on political epistemology—the idea that we know things *together* through our histories—in an ontological key. Robin Wall Kimmerer (2013: 53) discusses the range of relationality that is embedded in the Potawatomi language, which has 70 per cent verbs compared to English's paltry 30 per cent. In Potawatomi, the dynamics of a bay are a verb. In English, 'bay' is a noun (Kimmerer 2013: 55). The language conveys that what it means to know about a bay is ontologically different in these languages. As Kimmerer discusses the difference, she makes no attempt to reconcile these ways of knowing, but rather, by reflecting ontologically, she reveals the separateness of these epistemologies.

Likewise, those engaged in very different political struggles can understand their struggles as relatable; a relatability requires listening and humility, accepting the possibility that the epistemological perspectives necessary to perceive each may make 'reconciling' them ontologically impossible. Such listening demands much of the listener. She has to leave her flock and all of its privilege and epistemological trappings, fly where she is vulnerable to all of the threats that make sticking within one's murmuration safe and less demanding, journey to another murmuration, and then learn and listen in an unfamiliar vernacular.

This is not the only way to think about relationality within structural injustice. For example, Kristie Dotson reflects on black feminist identity politics as a practice that provides a theoretical perspective on, and a philosophical strategy for, utilizing a black feminist identity politics as part of a process towards settler decolonization in the US. In relation to Audre Simpson's 'politics of refusal' of settler-colonialism, Dotson describes black feminist identity politics as an epistemological move towards a transformative political philosophy:

Black feminist identity politics here is a mechanism of placing oneself in one's geopolitical landscape so that one can robustly develop political orientation and, quite frankly, set the groundwork for potential political coalitions with differently

situated people. It is a corresponding Black feminist demand that one consistently answer to the relation: ‘this is how I am, to you’ (Simpson, 2014, p15). (Dotson 2018a: 3)

At the end of the article, she specifies what this means for her in her individual politics and political theory:

I will continue to shed light on settler colonial structures and relations that condition this space by simply existing as a Black woman descendent of slaves in the USA with a robust sense of what that means. (Dotson 2018a: 8)

As Dotson demonstrates, we cannot achieve this by papering over our differences or even reconciling our differences. Grounded normativity invites us to consider the possibility that our epistemologically different perspectives on structural injustice are ontologically incommensurable. Epistemological murmurations keep moving and shape shifting because they *cannot* settle on what kind of problem structural injustice is.

## Conclusion

If we cannot settle on what structural injustice *is*, then what is a theory of structural injustice to do?

The world we share is one of injustice itself. That world and our positionality and relationality in it condition how we experience injustice itself, how we learn about how others experience it, what we think our range of possibilities are, and how we act in response to it. Thus, a theory of structural injustice needs to address five things:

- (1) Ontology. The view of what the world is made of and for.
- (2) Problem. The kind of problem injustice is (such as retribution, distribution, oppression, exploitation), among whom (such as individuals, peoples, nature, across generations), when (historically, in the present, in the future), and where (locally, regionally, nationally, transnationally, internationally, globally, in an ecological system, in a community system, etc.).
- (3) Epistemology. The theories, social movements, marginalizations that determine the kinds of data, observations, theories, movements, and insights that would generate shifts in conceptualizations of the problem.

- (4) Relationality, power, and reassessment. The external threats, opportunities, shifts in ontology, structures, and epistemology that would generate a response from someone in an epistemological cloud, and the internal relations that would condition how those within a shared epistemological cloud would respond to a shift in any around them.
- (5) Responsibility. Why we have responsibility for structural injustice, what it entails, and how to take it. For the theorist this includes responsibility for how we theorize.

In my argument, the metaphor of murmurations is just a metaphor chosen to help us theorize about how we theorize about structural injustice. Such a metaphor enables us to see any account of structural injustice within its ontological and epistemological context. Theorizing about how we theorize about structural injustice *as we theorize about structural injustice* puts the theorist within the epistemological cloud of structural injustice. That is, we are just agents within an unjust world.

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## Towards a Pluralistic Account of Structural Injustice

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Scholars draw on accounts of ‘structural injustice’ to theorize many instances of oppression and marginalization (for example, gender inequalities, sweatshops, temporary migration, and colonialism). Showing how many injustices analogously operate is valuable. However, ‘structural injustice’ might turn into an umbrella term, making it easy to lose sight of the heterogeneous nature of the injustices at stake and the different means required to address them.

In this chapter, I start advancing a pluralistic account of structural injustices, which highlights both the similarities and the differences between types of structural injustice by looking at the role unjust history plays in their formation and persistence.<sup>1</sup> I do so by providing a classification of structural groups and arguing that we should conceptualize structural groups as parts of a spectrum. I identify three categories of structural groups: (i) ‘historical structural groups’ (for example, women, and gay and lesbian persons); (ii) ‘nonhistorical structural groups’ (for example, the homeless and veterans); and (iii) ‘historical groups with structural dynamics’ (for example, nations). Such categories significantly differ in how an unjust history is linked to a present condition of oppression and marginalization.

The idea of a spectrum of structural groups enriches our understanding of structural injustice in at least three significant ways. First, it offers a tool to map out the range of structural injustices existing in our societies and transnationally, in a fluid fashion. For instance, although some groups displaying structural elements do not fit precisely into any of the three categories identified, they can still be placed within the spectrum in relation to such categories without erasing their peculiarities. Second, it suggests that grasping the commonalities and differences among structural groups

<sup>1</sup> For an alternative yet complementary taxonomy of structural injustices, see McKeown, Chapter 4, this volume.

is (i) theoretically important to grasp the injustice at stake and (ii) normatively crucial to think about remedies and obligations. Third, the idea of the spectrum shows that the richness of the paradigm of structural injustice can be vindicated only when we endorse a pluralistic (rather than monistic) account of the nature of structural injustices, which diversifies among (equally important) struggles.

## I What Is a Structural Group?

Structural approaches to (in)justice focus on how different persons stand vis-à-vis each other in virtue of their structural position—they concentrate on groups. Specifically, they are concerned with collectives whose membership is ascriptive and non-voluntary, even if often their members might identify with that identity (Cudd 2006: 34–40). A ‘structural group’ (SG) is formed by the different formal and informal structures present within a determinate society and at a transnational level. Structures of nationality, sexuality, and class are only a few of the various ways in which our world is organized and that create some existing SGs. SGs display many peculiar characteristics. First, they are *relational* in that, as Iris Marion Young argues, SGs exist only through the continuous interaction between those who are positioned within them and those who are not; thus, they would not emerge and endure if persons did not relate to each other (Young 2000: 89). Importantly, societies and transnational structures formally and informally distribute privileges, burdens, expectations, power, and status to their members according to precise categorizations (Young 2000: 94).

Second, as already noted, membership is largely ‘ascriptive’ (Williams 1998: 16), because it is externally granted. It is by being positioned within certain structures that someone becomes a member of a SG. External positioning might occur when someone is recognized by society at large as displaying certain characteristics associated with a determinate SG. Membership in SGs is given in ways that are more complex than we might think. Consider a shocking scene of Spike Lee’s movie *Bamboozled* (2000), which masterfully and tragically represents how membership in SGs is granted. In this scene, the police burst into the refuge of an underground militant rap group (the Mau Maus) that has committed criminal actions in defence of the ‘black community’ in the US. The collision with the police is fatal for all Mau Maus members, except for MC Serch, who is recognized as white and simply arrested. It does not matter that MC Serch, whose *nom de guerre* is emblematically One-Sixteenth Black, desperately declares that, by having one

sub-Saharan African ancestor, he is African American—at least according to the infamous racist (no longer valid) ‘one-drop rule’—and thus he must die with his comrades. Following different categorization rules, the police categorize him as non-African American by according to him the privilege (or, for MC Serch, the curse) of survival.

This scene is particularly instructive, because it reveals a necessary and sufficient condition for being granted membership in a SG, which can be called *the authority condition*.<sup>2</sup> To become a member of a SG, one must be recognized as such by someone who has the (for example, social, legal, cultural) authority to do so in a determinate context. MC Serch’s self-understanding as an African American is not authoritative in that situation; the fact that he conceives of himself as black is insufficient for him to be recognized as such by the police. Nor is it enough that others who are categorized as African Americans by the police consider MC Serch as an African American, or that MC Serch himself is an active member of an association willing to resort to violent means for the protection of African Americans. In that context, the only agent having the authority to recognize MC Serch as being positioned as an African American and thus granting him membership in that SG is the police. Now, while the authority condition is historical and contextual in that those having the authority to position someone as a member of a SG may change in different situations and over time, self-identification is never sufficient for that condition to be met. I can never have the exclusive authority to position myself into a SG, even if I wish to do so. As for MC Serch, to become a member of the Mau Maus, he needs already existing members to recognize him as an African American, whereas in the context of the clash with the police, it is only the police’s recognition that can satisfy the authority condition.

This scene from Lee’s movie reveals an important distinction between ‘personal identity’ (how someone constructs her own sense of herself) and ‘external categorization’ (others’—societal institutions included—perception of someone) (see Appiah 1994: 152). Obviously, there are significant overlaps between one’s personal identity and external categorization to such an extent that it is possible that the two completely match. Moreover, how someone sees herself is often influenced by how others perceive her and vice versa. However, personal identity and external categorization should remain analytically distinguished. This is because, as seen, although one person can take any aspect of her life as a characteristic of her personal identity, it is not

<sup>2</sup> Here, I draw inspiration from John L. Austin’s theory of speech acts, which misfire if not uttered by an authority (Austin 1975 [1962]: lecture II).

necessarily the case that she would be externally categorized accordingly. As with MC Serch, the gap between one's personal identity and external categorization can be so wide that the latter corresponds exactly to something with which one would never self-identify. How persons are externally categorized becomes of paramount normative importance when theorizing about structural injustices, because of the very ways in which such injustices are reproduced—for example, through daily interactions (Young 2011: 59–62). For instance, it is when they are recognized as African-American men that such persons are perceived as potential criminals or as less suitable candidates for certain jobs in racist societies. In this sense, for members of SGs, 'nomination is domination' (Frye 1996: 38).

SGs share some common features; but, are they all the same? In the next sections, I identify three types of SGs based on the role history plays in their formation and reproduction: (i) historical structural groups; (ii) nonhistorical structural groups; and (iii) historical groups with structural dynamics. As shown in Section V, these three categories are not completely different but instead should be conceptualized as components of a spectrum. However, it remains important analytically to distinguish them; (i)–(iii) represent ideal-types that can deepen our theoretical and normative understanding of the multiple existing forms of structural injustice.

## II Historical Structural Groups

Historical structural groups (HSGs) can be defined as

structural groups characterized by a *systematically* unjust history of formal discrimination and exclusion that, although decried by societies and now recognized as having been unjust, is reproduced through other means.

The most distinctive characteristic of HSGs is the way their unjust history and present condition are connected in a relation of both persistence and change. In the past HSGs have suffered from grave systematic forms of injustices that were legally sanctioned and enforced. Slavery and discrimination laws, reclusion in mental hospitals or eugenic programmes, imprisonment for behaviours against nature, and formal denial of rights and entitlements are just a few of the injustices that have been lawfully authorized against groups along lines of race, ability, sexuality, ethnicity, and gender. Today, at least within so-called liberal democracies, such violations are rightly

outlawed and considered as dark chapters of a past not to be repeated. However, for HSGs, this history is still structurally reproduced in that it not only endures through mechanisms that cannot be deactivated by the endorsement of anti-discrimination laws and a formal commitment to equality of opportunity but also still structures societies (and the transnational order).<sup>3</sup>

Therefore, to identify HSGs, the interconnection between history and structure should be unravelled. Three types of systematic past injustices, now rejected by liberal democracies, can be identified as providing an indicative (yet not exhaustive) list of systematic wrongs that potentially have brought HSGs into existence. First, these groups may have been denied the right to vote and participate in the body politic. As Judith Shklar (1991: 39) argues regarding American citizenship, exclusion from politics has a powerful symbolic dimension: it does not simply entail preventing some from indicating their political preferences and advancing their claims; this exclusion also has an *expressive* function in that it gives the status of second-class citizenship to those subjected to it.

Second, systematic legal exclusion from paid work or relegation to menial occupations is bound to have constructed HSGs. This is because of the social and public status attached to those who earn their own living through 'meaningful work'. Statutory denial of access to the labour force or assignment to servile or unskilled occupations confers to those excluded or marginalized an inferior public standing as being dependent or subordinate (Shklar 1991: ch. 2).

Third, certain categories of persons have been systematically regarded as abnormal, morally deviant, or physically and mentally repugnant. HSGs may have been produced by discourses of abnormality promulgated by 'scientific', philosophical, and religious authorities and ratified by states through legal measures (for example, blacklisting, forced registration as sexual offenders, detention, sterilization, forced hospitalization, torture, and even murder) precisely for the role such authorities played in defining what 'normality' was.<sup>4</sup> Obviously, this type of wrong was often committed against those already disenfranchised or excluded from meaningful work, by precisely providing the rationale for their marginalization. Nevertheless, it is important to consider this wrong as a distinct type of past injustice, because there may have been categories of persons who were not always and everywhere denied

<sup>3</sup> I offer an account of how an unjust history can be newly reproduced in Nuti (2019: 30–51).

<sup>4</sup> On the case of gay and lesbian persons in the US, see Bronski (2011).

the right to vote or access to meaningful work (for example, the case of gay and lesbian persons) but were still systematically considered as abnormal according to religious, moral, and scientific criteria,<sup>5</sup> and therefore were subjected to lawful punishment or degrading treatment.

Contemporary members of HSGs stand in a peculiar relationship with (dead) members who suffered from these kinds of past injustices. They can be defined as their *structural descendants*, in that they have inherited their structural position—a social and/or transnational position constituted by injustices over history that are reproduced through different means.<sup>6</sup>

HSGs are paradigmatic cases of what can be defined as ‘historical structural injustice’, which amounts to ‘unjust social–structural processes enabling asymmetries between differently positioned persons, which started in the past and are reproduced in a different fashion, even if the original form of injustice may appear to have ended’ (Nutti 2019: 44). This is because somehow the very existence of HSGs is intrinsically linked to the historical structural injustice from which they suffer. Some argue that oppression as an injustice can be committed only against a group ‘who exists apart from the oppressive harm’ (Cudd 2006: 25) to which it is subjected. However, in the case of oppression that can be described as historical and structural, the existence of those oppressed groups cannot be easily separated from the injustice, because it is precisely through that injustice that such groups were created and are reproduced over time. Therefore, as we will see, while other SGs also suffer from historical and structural dynamics, HSGs are peculiar in that overcoming their condition *may* result in such groups’ disappearing within societies and transnationally, at least as categories whereby social reality is structurally organized and regulated.<sup>7</sup>

I now turn to another kind of SG, namely nonhistorical structural groups. By analysing the difference between HSGs and nonhistorical structural groups, we can gain a more sophisticated understanding of structural injustice than the one advanced by existing accounts, which tend not to (theoretically and normatively) appreciate the different forms structural injustices can take.

<sup>5</sup> For instance, Richard Freiherr von Krafft-Ebing’s highly influential work *Psychopathia Sexualis* (2011 [1886]: 230–40) classifies ‘homosexuality’ as a deviant pathology similar to paedophilia—i.e. paraesthesia.

<sup>6</sup> In the longer version of this chapter, I explain that conceptualizing ‘descendants’ in this way changes how descendants should be theorized in debates about justice across time in at least two significant respects: *who* descendants are and *what* they inherited (Nutti 2019: 62–3).

<sup>7</sup> Here I do not discuss groups that are historical structural and *privileged* vis-à-vis an injustice (for example, straight persons vis-à-vis sexual injustice). See Nutti (2019: 184–5) on why members of such privileged groups are responsible for addressing historical structural injustice conferring them privilege.

### III Nonhistorical Structural Groups

Nonhistorical structural groups (NHSGs) can be defined as

structural groups formed by the accumulation of many lawful actions, decisions, and rules that are not unjust when considered singularly but whose outcome creates an unjust condition. However, NHSGs do not have a systematically unjust history of *formal* exclusion and discrimination.

In defining NHSGs, I rely on Young's most recent formulation of SGs, which she describes through the case of the imaginary (yet sadly realistic) example of a single mother, Sally, who is about to become homeless (Young 2011: 43–52). However, to show how NHSGs indeed characterize liberal democracies, I will focus on another case—namely, that of veterans. After active military service, for veterans, readjustment to civilian life is particularly difficult; besides likely physical disabilities, many experience serious mental health issues such as depression and post-traumatic stress disorder (see Brenner et al. 2011). Moreover, to escape from their harsh reality, many veterans become drug and alcohol addicts. A great number are homeless, unemployed, and poor.<sup>8</sup> Consequently, the suicide rate among veterans in, for instance, the US is 300 per cent of the national average (see Kemp and Bossarte 2012).

The group of veterans seems to be created by the combination of lawful actions and decisions whose consequences are largely unintended. For example, the termination of military conflicts, which increases the number of veterans, clearly does not have the purpose of harming former soldiers. The surrounding peaceful setting to which veterans return is profoundly different from warfare, and it obviously cannot be converted to that. Many legal measures and institutional rules (for example, the exhausting, long bureaucratic procedures to apply for postservice benefits, and governmental cuts in the provision of welfare services) play a role in putting veterans in a precarious position (Batkins 2013; Judd and Foot 2013). Moreover, the general shortage of health resources, and attitudes like many civilians' understandable preference not to be daily informed about the brutal reality of war, contribute to the isolation of veterans.

As for the homeless, the group of veterans (as a vulnerable position within societies), too, largely stems not from individual misdeeds or large systematic violations but from decisions and structural processes that, although not

<sup>8</sup> For some data in the US, see US Census Bureau (2016).

unjust *per se*, lead to an unjust condition when accumulating over time. As Young stresses, some individuals (such as a landlord deciding to evict a needy veteran) may commit wrong actions against veterans that contribute to their vulnerable condition (such as a veteran having to sleep rough on the streets). However, a *group* like veterans is not caused mainly by individual failure but is instead the outcome of structural mechanisms (Young 2011: 62–5). Emphasizing the structural nature of the conditions of HSGs is crucial to showing that they are unjust. Such conditions are *structural* because they are the product of the aggregation of structural processes that are *unjust* in the sense used by Shklar (1990: p70)—that is, because ‘when nothing is done to end [the existence of a vulnerable position within society] when it begins [to be produced], there is an injustice.’ To the extent that the vulnerable conditions of veterans are avoidable outcomes of societal processes, they should be regarded not as misfortunes but as injustices that must be addressed.

That said, groups like veterans (and the homeless in Young’s reconstruction) cannot be treated as HSGs.<sup>9</sup> There is a significant difference between the former and the latter that is neglected by many structural theorists like Young: the role that *history* plays in forming (and reproducing) these two types of SGs. While for groups such as the homeless and veterans the past is not *per se* systematically unjust, for HSGs the past is fraught with injustices. To clarify, I am not arguing that Young does not concede that the past is significant for structural injustices. As a structural theorist, she recognizes that looking at past decisions and actions is important to understand how certain conditions are structural; for example, without considering decisions about housing rules and urban topography, the condition of the homeless may seem simply an individual failure, rather than the outcome of the aggregation of structural processes. However, Young does not acknowledge that SGs such as the homeless and veterans suffer from a different kind of structural injustice from that characterizing the condition of HSGs—one in which the past is not unjust. To be sure, groups such as the homeless and veterans are not ahistorical; indeed, as SGs, they are created and maintained by structures that are reproduced over time. However, in the case of HSGs, such structural processes are intrinsically bound up with a history of systematic injustices, and these groups were created by and were the target of regular exclusion and discrimination over history.

Consequently, there are (at least) *two different kinds of structural injustices*: one that stems from an unjust history (injustices against HSGs) and

<sup>9</sup> Note that it may well be that, in certain contexts, the dynamics forming and reproducing the homeless differ from those identified by Young and are more similar to HSGs.

one that does not (injustices against NHSGs). While the latter is created by the accumulation of structural processes over time, the former should be conceptualized in terms of historical injustices that keep being newly reproduced into the present as long-term structures (see Lu, Chapter 6; Chung, Chapter 8; this volume).

Highlighting the different types of past at the roots of the two kinds of structural groups is crucial in at least two respects. First, from a *diagnostic* perspective, it is by examining *histories* of systematic injustices that we can identify which groups may today suffer from historical structural injustices. Conversely, to establish whether a collective suffers from a type of structural injustice similar to that of the homeless and veterans, what is needed is simply ‘a *plausible structural story*’ (Young 2001: 16), explaining how the conditions of that collective result from the repetition, accumulation, and combination over time of a chain of social processes that place its members in a vulnerable position. Diagnostically, unlike what happens for NHSGs, the unjust systematic history also plays a pivotal role in understanding those mechanisms that reproduce the unjust condition of HSGs. The conditions of both HSGs and NHSGs are today maintained by informal and lawful means, rather than by formal discrimination and exclusion; however, in the case of HSGs, the unjust history provides much of the content of these means. For instance, the stereotype about North Africans as ‘lazy’ is rooted in colonial injustice; as Albert Memmi (2003 [1965]: 123) observes, during colonialism such a frame served the purpose of exploiting the economic resources and especially labour force of the colonized by paying them otherwise indefensibly inadequate wages.<sup>10</sup> Without considering that unjust history, we could neither identify HSGs nor fully grasp the ways their injustice are structurally reproduced in the present and the full injury of that injustice.

Second, recognizing the difference in terms of history between HSGs and NHSGs has not only a diagnostic value. Since the importance of a correct diagnosis lies in the opportunity to provide appropriate and effective remedies, the distinct role the unjust past plays in the formation of the two kinds of SGs should also inform the actions taken to address their different types of structural injustices. For NHSGs, the point is to find solutions able to tackle those processes leading to a structural injustice that ‘has existed recently, is ongoing’ (Young 2011: 109), and is likely to persist without any action. Regarding HSGs instead, the structural link between history and the present is what should be tackled to overcome the injustice. Because the unjust history informs the ways the injustice against HSGs is reproduced, it cannot

<sup>10</sup> For the relation between unjust history and stereotypes, see Nuti (2019: 36–8).

be seen only as a diagnostic device, but should also be carefully considered when devising possible remedies. Remedies to injustices that are both historical and structural should (i) be sensitive to the unjust history, (ii) reveal its new structural reproduction, and (iii) avoid contributing to its reproduction when trying to overcome these injustices.<sup>11</sup>

HSGs, however, are not the only kind of group displaying structural features and being historical in a relevant sense, even though the affinities between these other groups and HSGs are usually overlooked. It is to these collectives that we now turn.

## IV Historical Groups with Structural Dynamics

Historical groups with structural dynamics (HGSDs) can be broadly defined as

groups that present a *multifaceted historical character* while being characterized by *structural dynamics*.

To analyse the features of HGSDs, I will focus on nations, because most of the literature on historical injustice concentrates on collectives that are national communities, such as indigenous nations in settler societies like the US, Canada, and Australia. While in the previous section I showed that NHSGs and HSGs are different in a significant respect, here my aim is to stress the *similarities* between HGSDs and HSGs. This is because it is precisely the common features that HGSDs (for example, nations) and HSGs (for example, lesbian and gay persons) share that are largely overlooked and should instead be unravelled to gain a more comprehensive account of HGSDs like nations and of why their history is important when we consider their unjust present.

To do so, let me start by examining how *membership* in nations is commonly thought to be granted and how it actually works. It is quite undisputed that nations are ascriptive categories: persons are attributed a nationality at birth and, for at least some time, belong involuntarily to that nation (e.g. [Margalit and Raz 1990](#): 446–7; [Miller 1995](#): 42; [Gans 2003](#): 43). However, liberal nationalists highlight that membership in a nation is also ‘elective’ ([Tamir 1993](#): 87). For them, from a certain moment onwards, co-nationals

<sup>11</sup> Moreover, in the case of HSGs, some agents should be historically accountable for their role in an unjust injustice that has been reproduced over time (see [Nutti 2019](#): 154–66). Responsibility for those injustices is more traceable than Young and others acknowledge. On the alleged untraceability of structural injustice, see Jude Browne, Chapter 5, this volume.

self-identify with their nationality and actively embrace it by mutually recognizing each other as members of the same nation, taking material and psychological benefits from that membership and valuing the very existence and endurance of the nation to which they belong (Miller 1995: 22–4). In this sense, from this moment—call it *the moment of conversion*—for a person to be part of a nation is a ‘daily plebiscite’ (Renan 1990 [1882]: 19; see also Tamir 1993: 33; Miller 1995: 22). That is, what may have been initially an external imposition becomes a wilful endorsement.

The moment of conversion is crucial in liberal nationalists’ normative defence of the value of nations and of national attachments. Arguably, the emphasis on that moment enables liberal nationalists to conciliate nationalism with liberalism, thereby distinguishing liberal nationalism from communitarian versions thereof. The fact that co-nationals can be seen as having, at a certain point, freely decided to be members of their nations gives a typically liberal flavour to an ascriptive categorization that would otherwise be suspiciously regarded as imposed. Therefore, for liberal nationalists, nationality is not an arbitrary category like class; conversely, nations are ‘historical and ethical communities’ whose members share an identity, perspective and aims (Moore 2001: 29; Miller 2007: 23, 31–2). Nations display a sort of unity of agency—that is, they are collective agents whose members ‘take decisions together’ (Miller 2000: 29). This also means that nations can be held responsible to redress their past actions and to remedy current unjust states of affairs (Miller 2007: 111–34; see also Lu, Chapter 6; Mantouvalou, Chapter 13; Parekh, Chapter 14; this volume).

Regarding the issue of membership, the moment of conversion has two correlated implications: persons can choose (i) to renounce their national identity or (ii) to embrace another one through, for instance, naturalization processes (see Moore 2001: 38–40). This entails being willing to relinquish the benefits of the former membership while also accepting the obligations stemming from the new one. The moment of conversion ‘turns the adherence to a culture and the assumption of national obligations into voluntary acts rather than inevitable consequences of fate’ (Tamir 1993: 87). It makes membership in a national group theoretically changeable at will.

Although appealing, this account of national membership only partially captures how that membership actually works. First, even if I badly want to renounce my national membership and I constantly claim that I do not self-identify with my alleged co-nationals, I may still be positioned into such a category. This is because I may still, unwillingly, display certain traits (for example, an accent, physical appearance, a style, a gesture, or behaviour) that are *externally recognized* as typical of members of a particular national group.

For example, I may deliberately disown my Italian nationality and coherently stop benefiting from, say, the feeling of having such a renowned artistic and literary national heritage. However, my Italian accent may be enough for me to be categorized as an Italian and, for instance, be associated with the corruption taken to characterize Italian politics and society.

Second, and relatedly, when some persons who have acquired citizenship in a state endorsing a specific national identity heartily wish to become actual members of that nation, they may not be fully accepted as such, because some of their traits are not externally recognized as typical of that nationality. This is the tragic condition of many Italian citizens who are not recognized as Italians because of their ethnicity or race. As an example, the appointment of the Italian integration minister, Cécile Kyenge (the first minister of colour in Italian history), in 2013 was questioned by many because, although holding Italian citizenship, she was not recognized as being sufficiently Italian, which also led to several racist attacks even by Italian parliamentarians (Davies 2013).

Obviously, liberal nationalists would decry such behaviours and reply that national identities do not need to be based on race or ethnic characteristics (Miller 1995: 21); however, the problem is that they often are. Generally, national categories necessitate some ‘cultural markers’ (Moore 2001: 57)—mechanisms whereby a shared identity can be built and who is a member of a nation can be immediately recognized. Nations are constituted by boundaries, and boundaries require that a putative difference be identified between those who can be included within them and those who cannot. The process of *mutual* recognition that, for liberal nationalists, characterizes and legitimizes national communities is less reciprocal than it may seem. What is necessary and sufficient to grant membership in a national category, especially in daily interactions, is external recognition. In other words, membership in national groups is inherently *structural*, in that belonging to groups like nations hinges upon external categorization by existing members or outsiders. Therefore, persons suffer from injustices connected to inheriting such an ascriptive national membership, even when they do not consider themselves as part of that nation. The moment of conversion plays a much less central role in national membership than liberal nationalists concede.

Strongly to distinguish between groups such as nations and other SGs, liberal nationalists may still argue that the former are perceived as ‘encompassing identities’ (Margalit and Raz 1990, 448; similarly, see Miller 1995: 92), crossing, for example, categorizations based on gender and sexuality. How can we explain that movements mobilized around HSGs often

endeavour to be acknowledged as part of their respective national communities? If co-nationals were not, in David Miller's words (2000: 76), 'significant others,' why fight to be recognized by them? This reply does not fully capture what 'significance' means in these contexts. It is *not only* because co-national appreciation is vital to persons' self-respect that the public recognition of HSGs is often so heatedly demanded by such groups. First, since nations today represent one of the most common and effective ways whereby benefits and privileges are distributed, access to the bundle of entitlements that national membership grants (especially when coinciding with citizenship) is a necessity. This is possible only if one's externally recognized memberships are proved to be compatible with national loyalty. For example, to be granted the right to marry (and to receive its correlated benefits), gay and lesbian persons have to show how categorization along the lines of sexuality does not threaten the national community. They *need* co-nationals to recognize that their other historical and structural memberships is incorporable into the identity that is supposed to encompass all others (that is, nationality).

Second, as Hannah Arendt observes, when one is targeted by discrimination and exclusion (for example, Jewishness) because of their ascriptive categorization, downplaying its salience in the public sphere is an ineffective strategy. Conversely, 'one can resist only in terms of the identity that is under attack' (Arendt 1970: 18), because claims abstracting from that identity (for example, in the name of a shared humanity) would remain unheard within a context regarding such an identity as salient (for example, an anti-Semitic context). Publicly affirming its value may be, at least sometimes, an inevitable strategy of resistance. Only when members of the community in which discrimination takes place (usually a national community) recognize that bearing a determinate identity does not entail inferiority but may instead even be something to be proud of, can discriminated groups improve their condition. This also explains why even national self-identification happens more easily and national collectives are constructed or reinforced more effectively when persons are discriminated against *because they are recognized as members of that nation* (e.g. Berlin 2013 [1979]: 441).

In addition to being *interpretatively* misleading, the insistence on nations as encompassing identities may also be *normatively* problematic. It overlooks how the very idea of nations as an encompassing identity has been deployed to demand enormous sacrifices to particular categories of co-nationals. For instance, 'at those exceptional moments when the fate of the whole nation is determined collectively' (Miller 1995: 14), those co-nationals who are recognized as 'women' discover that they may pay a particularly heavy price for

what is taken to be their encompassing identity—that is, their nationality. Since ‘it is women ... who *reproduce* the nation, biologically, culturally, and symbolically’ (Yuval-Davis 1997: 2), during wartime, it is they who bear the most onerous burden of preserving national identity and being loyal to that identity. This not only exposes women to atrocious violations during military conflicts but also puts them in jeopardy in their aftermath. For example, after the liberation from Nazi occupation, many countries reserved a particularly harsh and humiliating treatment for female collaborators, such as beating them, shaving their heads, and parading them through the streets on the back of a lorry (see, e.g., Virgili 2002). Even in peacetime, as ‘reproducers of the nation’, women can have their sexuality controlled—for example, through natal policies aimed at promoting or limiting population growth (Yuval-Davis 1997: 22–55). It seems that, although women have been excluded from the body politic for a long time, it was not the case that historically they had no country—contrary to what Virginia Woolf (2006 [1938]: 129) famously argued. Rather, they have been (and still are) overly invested in the destiny of their nation.

The example of women is significant, because it shows that, although liberal nationalists argue that nations must respect all their members equally, the idea that nations *should* be regarded as encompassing identities may be deleterious. Liberal nationalists’ suggestion that considering nations as encompassing identities should be a normative ideal is likely to worsen the conditions of those co-nationals who are usually regarded as being crucial for the reproduction and protection of the nation.

How membership is granted is not the only characteristic making nation-like collectives a type of SG. Like other SGs, such as HSGs, these collectives are maintained and reinforced through *relational means*—that is, by the reiteration and reproduction of norms, expectations, and habits associated with a particular nation. For example, while special occasions (for example, sporting events) represent an opportunity to strengthen nationhood, the daily language of media, the sale of national products, and the embodiment of dressing codes and stereotypes contribute to ordinarily enacting national categories (Billig 1995). It is also through this everyday reproduction of structural processes that persons’ attachment to national identity is promoted and national categories are entrenched as an effective device to distribute privileges, obligations, and status. It is through imagination that nations are continuously revived (see, famously, Anderson 1991: 224).

Groups like nations are not only SGs; like HSGs, they are also historical; specifically, they display a multifaceted historical character. Like HSGs, many nations have been *created through injustices*. For instance, the Igbo,

a national minority in Nigeria, became a nation because of European (and especially British) colonialism—that is, as an effect of and reaction against colonial oppression. Moreover, like HSGs, such collectives would hardly be conceivable without *their particular history*: had its history been different, a nation would have been extremely different and might not even exist (Moore (2001: 13). Most importantly, as for HSGs, many nation-like collectives have suffered from *systematic injustices over history*. Colonialism, genocides, slavery, forced assimilation, and sterilization are just a few examples of injustices to which some nations were systematically subjected.

However, unlike HSGs, nations are SGs that are historical in another important sense. Nations have been historically regarded as fundamental to organize the international realm, build solidarity, and distribute benefits and duties among different populations. This is worth stressing for at least two reasons. First, because of the privilege that communities recognized as nations enjoy within international law, the idea of ‘nation’ constitutes an effective way for peoples seeking protection and independence to plead their cause and hope to be internationally heard. Second, nation-like collectives are historical groups also because many of their members care about the group existing over time and outliving their own existence (Miller 1995: 23). Liberal nationalists are right in stressing how national membership is an important aspect of many persons’ identities, as it can create bonds of solidarity among those sharing it. As seen, this does not *per se* explain how membership in national groups is granted; however, the attachment many persons have for their nation (and the significance of nations internationally) means that such groups would probably also exist independently from the injustices they suffer from. Unlike HSGs, whose very existence cannot be easily separated from the historical and present injustices they experience, nation-like groups against which systematic injustices were or still are committed are bound to outlast as a significant way to categorize persons and organize the social world, even if such injustices were overcome.

This last point is not only descriptive but also normative. Because inter-generational networks binding together members of national communities having historically suffered from injustice have often provided a crucial source of identification and attachment, measures to redress that injustice should respect and sustain such networks. Redress, in these contexts, cannot entail the disappearance of the group.

In sum, collectives like nations are groups that are historical in *many* important respects and are characterized by structural dynamics. So far, I have identified three types of SGs and stressed their differences and similarities, which are usually overlooked within the literature on structural injustice.

What does this mean for how we should think about existing groups and their condition of injustice?

## V Towards a Spectrum of SGs

The three types of structural groups examined in the previous sections should not be regarded as exhaustive of all existing SGs. They should be considered, instead, as three fundamental points of a *spectrum* of SGs (see Figure 12.1). By being part of a spectrum, rather than being conceived as mere separate categories, NHSGs, HSGs, and HGSDs can be analysed in their commonalities without suppressing their differences and reducing one type to another. Moreover, the idea of the spectrum conceptualizes the range of structural groups that exist in our societies and transnationally, in a fluid fashion. This is because, although many actual groups displaying structural elements do not fit precisely into one of the broad categories identified, they can still be placed within the spectrum in relation to such categories. By analysing the relation (if any) between history and (in)justice characterizing a determinate group, it is possible to collocate it within the range of SGs.

To exemplify how the idea of the spectrum works, consider the case of African Americans. Scholars of groups generally voice discomfort with identifying the precise collective in which the group of African Americans should be included. Unlike national groups (traditionally conceived), African Americans do not ask for political autonomy. To be sure, black political separatism was a strand of African-American emancipation movements advocating the creation of separate institutions for American citizens of African ancestry, independence from European society, or return to African countries (e.g. Moses 1988). However, black political separatists have been heavily criticized within African-American communities, and even those organizations that most forcibly argued for such goals (for example, the Nation of Islam) have progressively considered political separation as a last resort if freedom, justice, and equality are not achieved by other means. Nor do African Americans



**Figure 12.1** The spectrum of SGs

(Source: the author.)

ask for exemptions or special protection of cultural practices, as do some national minorities unable to demand self-determination.

On the other hand, African Americans present numerous strong affinities with HSGs; they suffered from serious systematic injustices over history (for example, slavery and *de jure* segregation during the Jim Crow period) that are now formally rejected by American society. They underwent all three kinds of past injustices characterizing HSGs; by means of racist discourses aimed at showing their inferiority, African Americans were denied the right to vote and were excluded from paid employment or relegated to servile occupations. In this respect, African Americans represent a paradigmatic case of an HSG, as US citizenship has been defined in opposition and in relation to their status as second-class citizens (Shklar 1991: 22).

Nevertheless, unlike many HSGs (for example, women; gay and lesbian persons), African Americans are concentrated in a bounded territory, and they have been formed by the systematic violations experienced within that determinate context. Comparatively, African Americans have built more extensive and resistant networks of solidarity and belonging and have developed a strong community precisely in virtue of that history of injustice. Particularly, while the link between unjust history and structural injustice is crucial for the present condition of both African Americans and other HSGs, persons who are recognized as African Americans tend to be more aware of being part of an intergenerational group and of inheriting an unjust history. Like what usually happens to members of nation-like collectives, for many African Americans that history is an important part of their *personal* identity. Obviously, many members of other HSGs regard their membership as a fundamental component of who they are or have historical consciousness about the SG in which they are positioned. I am simply stressing a difference in degree resulting from the specific context in which the position of African Americans has been created and reproduced, which should be considered fully to grasp the characteristics of this group.

The idea of the spectrum of SGs helps collocate African Americans vis-à-vis the relation between history and injustice characterizing their condition. Rather than being considered as a puzzling collective entity within a classification of groups, African Americans can be coherently seen as a part of a broad range of SGs, one that displays important similarities to other groups that are historical and structural. Simultaneously, the fluidity of the spectrum does not reduce them to a national minority or treat them as analogous in every respect to women, for example. Through the idea of the spectrum, the particular history of African Americans can be conceived in relation to how other SGs have been affected by the interconnection between history and

injustice, while also acknowledging how the distinctiveness of this history bears on this group's characteristics.

Prisoners and ex-prisoners are another interesting case, which proves how thinking about SGs in terms of a spectrum is fruitful. Unlike NHSGs (for example, the homeless and veterans), many convicts and ex-convicts suffer from lawful discrimination and have their rights restricted in ways very similar to how HSGs were treated in the past. In many countries like the UK and the US, prisoners are disenfranchised and, when released, suffer from various discriminations, some of which are legally enforced (for example, housing and employment discrimination, and ineligibility to public assistance). However, while for HSGs that formal discrimination is in the past (even though it endures by other informal means), for prisoners and ex-prisoners it is a present reality—that is, a reality that is largely recognized (by societies) as legitimate and an effect of just processes, like imprisonment itself. Like NHSGs, the group of convicts and former convicts does not technically have a history of injustices or, at least, one that is largely and publicly recognized as having been characterized by systematic injustices. Even in the case of (ex-)prisoners, it would be a mistake to think they can be reduced to NHSGs or to HSGs, as this would offer a misleading account of their peculiar condition, which is characterized by structural dynamics but also by a *present* reality of legal discrimination and exclusion.

In sum, the idea of SGs avoids drawing draconian distinctions between collectives displaying structural dynamics and merely reducing a category to another. Indeed, it shows how thinking about the analogies and differences between the types of SGs is decisive to understanding the situation of those groups displaying structural features that exist within our societies and the kind of injustices from which they suffer.

## Conclusion

This chapter has argued that structural injustices are plural and varied. We need a more complex understanding of the different types of SGs existing and of their peculiar challenges. I have offered one way to map out theoretically and normatively the heterogeneity of structural injustices—namely, by reflecting on the role unjust history plays in the formation and persistence of SGs. In particular, I have put forward the idea of a spectrum of SGs as a fruitful device to ensure that both the specificities of and the similarities among different SGs are recognized in theorizing about the structural injustice from which they suffer.

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## Structures of Injustice, the Law, and Exploitative Work

*Virginia Mantouvalou*

Injustices at work are often structural, because of the systematic inequality of bargaining power between the employer and the workers.<sup>1</sup> The economic structure of the market has the effect that employees have weaker bargaining power than employers. The more unregulated the market is, the weaker the power of the employee. Most of the time, the harm of exploitation in these circumstances is caused directly by the employers, who are mostly private actors. They may be acting lawfully, but they take advantage of the vulnerability of workers, which is caused by the economic system.<sup>2</sup> Traditionally, the state tries to reduce this vulnerability of workers to exploitation by regulating working conditions and protecting workers' rights through law. Much academic scholarship has focused on general inequalities in bargaining power, failures to reform property and contract, and the need to reform individual and collective labour law. While unquestionably important, this focus has neglected how specific laws also concretely create vulnerability and are connected to structures of exploitation.

Building on the work of Iris Marion Young, this chapter examines what I call 'state-mediated structures of exploitation' at work—namely, legal rules that increase workers' vulnerability, which is systematically exploited by private actors. My focus is on cases where the state through laws takes identifiable special measures, which promote a *prima facie* legitimate aim but which, in practice, increase the vulnerability of workers to exploitation by private employers. The vulnerability created by these measures is systematic. We observe a pattern of exploitation that emerges as a result, a structure, and

<sup>1</sup> I presented earlier drafts of this paper in the Pompeu Fabra Law and Philosophy Colloquium and the Toronto Legal Theory Workshop. I am grateful to the organizers, Jahel Queral, Iñigo González Ricoy, Christopher Essert, and Malcolm Thorburn, and to all participants. Many thanks are also due to Harry Arthurs, Jude Browne, Hugh Collins, George Letsas, Maeve McKeown, Charles Mitchell, Sabine Tsuruda, Jo Wolff, and Lea Ypi for comments on earlier drafts. I am also indebted to the British Academy for a Mid-Career Fellowship for my project 'Structures of Injustice, Workers' Rights and Human Rights'.

<sup>2</sup> On vulnerability and structural injustice, see Schiff, Chapter 7, this volume.

not just some occasional or isolated cases. These structures become all the more widespread, standard, and routine. My ultimate aim is to assess in what circumstances the state may have legal responsibility on the basis of human rights law to change the rules and destabilize the unjust structures in question (see also Parekh, Chapter 14, this volume).

## I Structural Injustice

In what follows I do not develop a theory of justice at work but focus on the role of legal rules in creating, exacerbating, and entrenching structures of injustice. When I refer to structures, I use the term to describe patterns in social relations (Giddens 1984: 16). The specific injustice that interests me is workplace exploitation, by which I mean the unfair taking advantage of someone's vulnerability. I take the seminal work of Iris Marion Young (2011) on 'structural injustice' as a starting point.<sup>3</sup>

Young developed her theory on structural injustice in response to the position that people are responsible for being in poverty because of their life choices. She thought that poverty should not be analysed without examining social structures too.<sup>4</sup> By turning to the role of social structures, she sought to take a broad view and consider society's major social positions, and their systematic relations (Young 2011: 56).

For Young (2011: 45), structural injustice is different from injustice perpetrated by individuals and injustice perpetrated by the state or other powerful institutions. She developed the concept to describe situations where people find themselves suffering serious injustice, such as exploitation and domination, but this is not through their own fault, and is not caused to them intentionally by one individual or institution. It occurs when individuals act according to normal rules and morally justifiable practices, but the pre-conditions and results of their actions are structural processes that produce unjust circumstances (Young 2011: 47). Young (2011: 52) said that structural injustice

exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide

<sup>3</sup> See also her earlier 'Political Responsibility and Structural Injustice', Lindley Lecture at the University of Kansas, 2003, <https://kuscholarworks.ku.edu/bitstream/handle/1808/12416/politicalresponsibilityandstructuralinjustice-2003.pdf?sequence=1>. For a presentation of the main themes and literature analysing Young's work, see McKeown (2021).

<sup>4</sup> See the discussion in Young (2011: ch. 1). See also Shelby (2016).

range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms.

In situations of structural injustice, there are deep power differentials between social groups, and there are no particular agents responsible for this injustice: the injustice seems to be self-perpetuating (Jugov and Ypi 2019: 7). A problem that follows is that assigning responsibility for injustice in this context is difficult, because it is not clear who, if anyone, is blameworthy (see Browne, Chapter 5, this volume).

In relation to the injustice of exploitation particularly, Young argued that it ‘consists in social processes that bring about a transfer of energies from one group to another to produce unequal distributions, and in the way to which social institutions enable a few to accumulate while they constrain many more’. She further explained that ‘the injustices of exploitation cannot be eliminated by redistribution of goods, for as long as institutionalized practices and structural relations remain unaltered, the process of transfer will re-create an unequal distribution of benefits’ (Young 1990: 53). She adopted a structural account of exploitation, in other words, that does not focus on opportunistic employers or other agents but examines systematic relations.<sup>5</sup>

## II The Story of Sandy

Young illustrates the problem of structural injustice with the story of Sandy, a single mother of two who faced the prospect of homelessness through no fault of her own but because of a number of circumstances that affect people in a market economy. Sandy is faced with an injustice, according to Young, because no one should be in a position of insecurity of housing, particularly in an affluent society. However, the blame for this injustice cannot be placed on particular individuals with whom she interacted, for they all acted according to the law, and treated her with decency. In a case such as this, it is hard to assign causal responsibility, to know what can be done, and who has the power to do it. Young’s focus was on individual responsibility, and her primary aim was to show that everyone has ‘political responsibility’ to address unjust structures, and particularly those who are not directly responsible

<sup>5</sup> For further discussion, see Deveaux and Panitch (2017: 1).

for causing a particular harm. People act according to their interests, and do not break the law. They do not have backward-looking responsibility for the injustice, as she explains. However, they still have forward-looking responsibility to address it, because they benefit from the injustice.

Young's insight is crucial, because it shifts attention away from individual responsibility in two ways: on the one hand, it shows that people in Sandy's position are not responsible for their predicament. On the other hand, it illustrates how those with whom Sandy interacted along the way complied with societal rules and practices so they are also not necessarily responsible for having caused direct harm to her. Instead, Young places attention on broader social structures, people's social positions, and their interactions.

If Sandy herself or other people with whom she interacted are not responsible for her situation, could it be said that the state is responsible? Young says that the state cannot be blamed for the wrong that Sandy suffered, because there is no concrete law or policy that directly harmed her in the situation that she describes. To support the point, Young refers to state action where there is responsibility for harm and explains that Sandy's story was different from that of the victims of Mugabe who were evicted when he razed the shanty towns where they lived, or black and Jewish people who were forbidden from buying or renting property in the United States (Young 2011: 47). In examples such as these, states cause injustice to groups through direct action with intention to harm, or with their laws or policies, but this was not what the situation of Sandy exemplified as an instance of structural injustice.

There is no question that some laws and policies cause direct harm to people, but in the case of Sandy no such laws are involved. Young (2011: 47) acknowledged that '[s]ome laws, such as municipal zoning laws, and some policies, such as private investment policies, contribute to the structural processes that cause Sandy's plight, but none can be singled out as the major cause'. On the one hand, then, she refers to laws that cause harm directly, while, on the other hand, she refers to laws that might have contributed to harm, but that are not the major cause.

Young (2011: 166–9) paid further attention to the role of the state in a different aspect of her analysis of structural injustice. She explained that it comes in the discussion as follows: when it is not evident who is responsible for an injustice but it is clear that someone needs to do something about this injustice, the state may have a responsibility to act. This grounds a positive obligation for state action in order to solve the problem of coordination in the sense that no other actor has the task of addressing the injustice.<sup>6</sup> In this

<sup>6</sup> She refers to Goodin (1995: 28).

case, the strength of focusing on the role of the state for this structural injustice is said to be in that it has the capacity to raise awareness and change social processes in the future (see Parekh, Chapter 14, this volume).

Young's conception of structural injustice aimed to capture a type of responsibility that should be distinguished from individual fault and specific unjust policies. Young viewed Sandy as embedded in a network of relations where no one could be viewed as primarily responsible for her situation. The harm that she suffered is not caused immediately and is not as focused as a single policy, for its sources are multiple and long term. It is the result of many policies and the acts of thousands of individuals who act lawfully (Young 2011: 47–8). The responsibility in which Young was interested was individual, forward-looking, and political (rather than legal).

However, probably because her focus was on forward-looking responsibility, Young did not pay sufficient attention to powerful actors that act in a way that appears to be legitimate but that may in reality create or exacerbate vulnerability that is linked to structures of exploitation. For this reason, McKeown developed three different types of structural injustice—pure, avoidable, and deliberate—and explained that the role of powerful agents should be in the centre of our analysis (see McKeown, Chapter 4, this volume). My interest is specifically in the role of the state as a powerful actor and its use of the law in a manner that may be creating, perpetuating, and reinforcing structures of injustice.<sup>7</sup> In the case of Sandy, we do not have sufficient information on the laws that affected her and put her in a position of homelessness and destitution, so it is hard to assess whether we can identify legal rules that may be to blame for her situation.

### III The Story of Marcell

I will now tell a different story. Marcell is a 26-year-old man with a 9-year-old son and estranged partner, who live in London.<sup>8</sup> He had to leave college, where he was studying health and social care, in order to find work to support his partner and child. He moved from London to Newcastle, where life was less costly, but he initially only managed to find work for fifteen hours per week as a cleaner for an employment agency. He stayed in a hostel for a few months. While in this employment, Marcell often experienced delays in

<sup>7</sup> This was also discussed by Powers and Faden (2019: ch. 6).

<sup>8</sup> This testimony is a summary from the piece McBride et al (2018: 210).

being paid because of payroll and electronic system errors. His pay in 2015 was £6.70 per hour,<sup>9</sup> and his monthly net pay £420.

Marcell wanted to become a security officer, but he had to pay £220 to apply to get the Security Industry Authority Licence, which is a legal requirement for anyone working in the security industry. He could not afford this, though, because he had to use his income to cover his basic needs and support his son. Marcell tried to find more work, but he could not, so very often he was in debt at the end of the month. He could afford to pay only for essentials such as electricity, water, rent, and child support. At some point he managed to survive on noodles for five months in order to make savings to buy a carpet. He said that it was worth the sacrifice, because he wanted to have the carpet for his son's visit. He also started using a food bank. Marcell said that he wanted to go to university, work for a charity, and have a better personal and social life.

In 2016 Marcell moved to a new job as a cleaner, through the same agency, working twenty-two hours a week, paid at £7.20 per hour, about £500 per month. He also found a second, voluntary post in a community centre doing charitable work for four hours a week. He still experienced problems with being paid on time, and his hours were occasionally reduced, because some of the cleaners left work early, which led the supermarket to reduce the hours and pay for everyone. He was keen to get a licence as a security officer, but he did not manage to get financial support to obtain the certificate, even though he completed the necessary training. In the end he decided to cut down on food in order to pay for this. His social life was very limited. He went out on a date at some point, but the woman whom he dated had to pay for everything and did not see him again. He also had few opportunities to see his son.

Marcell said that working more hours simply meant that he had to pay more rent. 'I was better off when I was doing 15 hours a week because I had help with housing benefit. So I have to pay for rent, water, broadband, transport, have some food, pay my child support and be able to save at least maybe £20 or £10 a week' (McBride et al. 2018: 216). However, he was usually left with nothing at the end of the month, because he also had to repay a loan for a mobile phone and laptop that he had got when he was 16. In the end he decided that he could not go to the university, but all he wanted was to move back to London, be close to his son, and find a better job. Marcell said that his dream was to work for a charity in countries where there is real poverty. 'But for now, I'm still on the same roundabout' (McBride et al. 2018: 217).

The story of Marcell may seem similar to Sandy's. He is in a situation of underemployment and in-work poverty, unable to meet his basic needs, such

<sup>9</sup> This was compliant with the national minimum wage, which was set at £6.70 in 2015.

as food, but also basic social contact. Here, as in the story of Sandy, there does not appear to be any direct state action that harms Marcell, and no individual—no employer, landlord, or anyone—is breaking the law. Marcell is trapped in this situation: he wants to work longer hours, get a better job, and be able to cover his basic needs, but he cannot afford it. Our reaction, as in the case of Sandy, is that no one in an affluent society should be trapped in this situation of in-work poverty, being unable to cover his basic needs. At first glance, we might say that, like Sandy, Marcell is a victim of structural injustice too.

#### **IV The Law on Agency Work and Welfare Conditionality**

Sandy's story is fictional and presented in general terms, so we cannot scrutinize the role of the state or private actors more closely. The story of Marcell is real. For this reason, we can attempt to take a closer look at the role of the law. Marcell is employed through an agency as a part-time worker. There is much evidence on exploitative working conditions of those who are employed through agencies (see, e.g., [Judge and Tomlinson 2016](#); [Judge 2018](#)). Originally the purpose and use of employment agencies was to mediate between workers and employers so as to cover specific temporary business needs. In recent years, the agency industry has grown enormously ([Theodore and Peck 2016](#): 26). In this kind of working arrangements, which are often called precarious, it is not always clear whether there is an employer or whether the worker is self-employed, who is the employer (the employment agency or the end user), and what duties it owes to those who work for it (as an employee or worker). All these issues have implications for the legal rights that workers have or from which they are excluded through law. Businesses, acting lawfully, often prefer to cover permanent needs through agencies so that they do not assume employer duties that they would have had, had they employed workers directly.

The UK legal framework on agency work creates structures of injustice by increasing workers' vulnerability to exploitation, as I will explain. In a manner similar to Young, the account of exploitation that I use here is structural, in the sense that the vulnerability is created by a structural process. Through this process some systematically benefit by accumulating power at the expense of others.<sup>10</sup> The concept of exploitation on which I focus, though, concerns vulnerability of workers that is created by identifiable legal

<sup>10</sup> This account of exploitation is encapsulated [Young \(1990: 48 ff.\)](#).

rules. My aim is to assess the legal rules that are responsible for structures of exploitation, as well as how these rules should change.

In relation to Marcell, we can consider several judicial decisions that have determined who is the employer that owes legal duties to agency workers, and how these decisions have increased workers' vulnerability by ruling that the end user is not an employer or by taking a restrictive approach to employment status (the question whether the person employed is a worker or an independent contractor) that serves as a gateway to labour rights. To give an example of the approach of courts to agency work, in a leading case where someone worked for an entity through an agency for three years and was replaced as soon as she was off work sick, the Court decided that the worker could not claim her rights against the end user. It explained that agency workers are in 'a legal no man's land being neither employed nor self-employed, vulnerable, but enjoying little or no protection', and that this creates social injustice.<sup>11</sup> Despite recognizing the injustice, the Court in this instance and in case law that followed was not willing to impose legal obligations on the entity for whom the claimant worked by implying a contract between the worker and the end user. It applied the general commercial contract rules in a manner that was not sensitive to the particularities of the employment context and set a precedent on this matter. Agency workers are also regularly excluded from protection of other labour rights and anti-discrimination legislation.<sup>12</sup>

The legal framework on agency work cannot be described as state action with intention to harm. The position of Marcell could have been viewed as an instance of pure structural injustice, to use the words of McKeown, whereby we cannot identify a perpetrator, and the injustice is a result of multiple agents who are not blameworthy (McKeown 2021: 4). However, if we examine the role of the law more closely, we may reach a different conclusion and accept that it has an important role to play. Rules on agency work may appear to be justified: both workers and employers may be said to value the flexibility of these working arrangements. Are they really justified, though, when we observe that these rules make workers vulnerable and are systematically exploited by employers? Or is it just an *appearance* of legitimacy?

Moreover, and to examine the role of the law a bit further, Marcell refers to his contact with the Jobcentre, a body for those who claim benefits and are out of work or underemployed. It is, therefore, possible that Marcell has been *required* to work for an agency through the UK welfare conditionality scheme, which makes welfare support conditional upon applying for and

<sup>11</sup> *James v. Greenwich Borough Council* [2008] EWCA Civ 35, para 60.

<sup>12</sup> See *Muschett v. HM Prison Service* [2010] EWCA Civ 25.

accepting work and imposes harsh sanctions on claimants who do not accept this work. If Marcell found his job through the Jobcentre, it may not be freely chosen: he may have been required to accept it under the UK Welfare Reform Act 2012, for otherwise he would lose access to welfare support and might face destitution as a result. It has been shown in empirical research that many people first come into contact with non-standard work through Jobcentres, where they are ‘encouraged, directed or coerced to apply for low-skilled, low paid and precarious jobs, such as temporary agency work and zero hours work’ (Kamerade and Scullion 2017).<sup>13</sup>

The Welfare Reform Act may not appear at first to be legislation that intends to harm people directly: it has a *prima facie* legitimate aim, which is to encourage the unemployed or underemployed to look for (more) work, as this is viewed as the best route out of poverty. The requirement to seek work as a condition for welfare support cannot be said to constitute state action with intention to harm. However, the way that the UK scheme is designed forces people to accept exploitative work, as otherwise they face very harsh sanctions (see Adler 2018, ch. 2), and it traps them in these arrangements, both because precarious jobs become increasingly common, and because people have very limited opportunities and resources to obtain better work, as the example of Marcell showed. In this way, legal rules, such as the Welfare Reform Act and the rules on agency work, play a major role in creating and sustaining structures of exploitation, which become all the more widespread, standard, and routine (see further Mantouvalou 2020a: 929).

The example of Marcell and the brief discussion of the legal framework aim to show this: when looking at certain injustices that can be described as self-perpetuating or structural, we can identify legal arrangements that have a major role to play in creating or sustaining them. The legal rules here may have an appearance of legitimacy, which is why they cannot be described as state action with intention to harm. The authorities can claim to have a legitimate aim: encouraging people to work and creating flexible working arrangements that some may value. However, these rules create workers’ vulnerability that is systematically exploited.

To be clear, my aim is not to question whether there is structural injustice in general or to criticize the use of Sandy’s story, which Young employed for a different purpose: to develop the concept of political responsibility. However, it is important to appreciate that, in certain cases where it appears that injustice is structural and that no agent is responsible for it, it may be

<sup>13</sup> There is a body of research that suggests that there is a link between strict welfare conditionality schemes and in-work poverty. See Seikel and Spannagel (2018: 245).

possible to identify concrete legal rules that increase workers' vulnerability to exploitation.<sup>14</sup> Having identified these rules, we can then consider responsibility for the creation of the unjust structures in question more closely,<sup>15</sup> and scrutinize further the role of the law and the state (Haslanger 2012: 318).

## V State-Mediated Structures of Injustice

I have argued that in certain instances of injustice that appear to be structural the state may be responsible for creating concrete rules that have an appearance of legitimacy but that allocate power in such a way that increases and entrenches workers' vulnerability to exploitation. This should be distinguished from responsibility for direct state action that causes harm, and from omission to act when there is harm in the private sphere, the state knows or ought to have known about it, but does nothing to address it.<sup>16</sup>

The responsibility in which I am interested is responsibility for vulnerability that is created, increased, and perpetuated through law that is linked to structures of exploitation: this is why I call it *state mediated*. It is responsibility for state action—the creation of vulnerability itself—but the structures of exploitation are beneficial for private employers. The state authorities know or ought to know of the vulnerability that they create, increase, and perpetuate, and the resulting structures of exploitation. Employers act according to the law, but workers are forced and trapped in these structures of injustice because of legal rules.

It is important to understand the examples that I discuss as state-mediated *structures* of injustice for several reasons. First, they involve rules that are connected to patterns in social relations. Because of identifiable legal rules, large numbers of people are placed in a position of vulnerability of which others take advantage systematically. The processes are set up through specific laws and policies that enable employers to exploit workers. A second reason why the concept of a structure is suitable is because it can refer to something that is erected, a construction. It is not one hurdle in people's life. The example of Marcell shows how people are trapped in these structures. In addition, the idea of the structure helps us appreciate how the system may become entrenched, with aspects of it continuing to exist even when the law changes. Here it is worth clarifying that it is not only the law that creates vulnerability.

<sup>14</sup> I have discussed further examples in Mantouvalou (2020b) and also in Mantouvalou (2023).

<sup>15</sup> On the structure/agency dichotomy, see Giddens (1984: 14). See also Sewell (1992)

<sup>16</sup> Young (2011: 167) also discusses responsibility for omission and the role of the state to coordinate agencies in order to address social problems.

The groups placed in this position of vulnerability through precarious work are often already in a position of disadvantage because of a variety of factors, such as race, poverty, or migration status (see Haslanger (2012: 311). This is also what the term ‘clustering of disadvantage’ describes: people accumulate disadvantages such as poverty, workplace exploitation, ill-health, or homelessness (Wolff and De-Shalit 2007).

By referring to *concrete* vulnerability to exploitation that is created by the state, I want to distinguish it from the general way in which the law affects power relations. In general, as Collins (1987: 86) put it, ‘the law respects a particular concept of private property which gives the owner of capital complete freedom to choose whether or not to put it to productive use. If the law did not respect this privilege, then the power of capital would be radically diminished.’<sup>17</sup> When it comes to the labour market, a system of private property places employers in a position of power, and workers in a position of dependency, as I said earlier. This is what is typically meant when people refer to power imbalance in the employment relation. It is often in this general way that some talk about injustice that is structural: the employer has the right to direct and manage employees, who must follow the instructions. This is a structure of power at work that recognizes an ability of the employer to control the employee that is distinct from a free and equal relation (Collins et al. 2018: 5).

For many labour law scholars, the employment relationship is one of subordination, and the primary purpose of labour and social security law should be to reduce the vulnerability of workers through interventions (Collins 1989: 468).<sup>18</sup> However, what we observe in examples like that of Marcell is that at times there are identifiable special measures that do not normally harm directly but that create further vulnerability that is systematically exploited. The exploitation is not caused directly by the state: it is private employers who take advantage and benefit from it. It is also not an isolated instance of exploitation: the state conduct is linked to patterns that are all the more widespread, standard, and routine. It is important to place attention on the responsibility of the state in relation to these structures of injustice, because, if the law is responsible for creating vulnerability that is systematically exploited, a change in the law can also help remedy the injustice by removing the rules that create this vulnerability and protecting workers’ rights.<sup>19</sup> The state is a powerful agent. By holding it accountable

<sup>17</sup> Pistor (2019) recently examined how private law produces private wealth.

<sup>18</sup> See further the discussion in Davidov (2016: esp. chs 3 and 4).

<sup>19</sup> On structural injustice and change, see also Wolff, Chapter 1, this volume.

for misallocating power in these situations, we can demand that power be allocated more fairly.

By way of an objection to this account, it can be said that in at least some of the structures of injustice that I call state mediated, it is the state's intent to cause harm to some groups of people. This can be said, for instance, about welfare-support recipients who are sanctioned if they do not look for work (see Adler 2018). The sanctions are deliberately imposed. It can, therefore, be argued that the wrong in question should be placed in the same category of intentional harmful state conduct as Mugabe's atrocities. However, in the state-mediated structures of injustice that I discuss here I am not so much interested in the *intentions* of state authorities. Some of the structures of injustice may be intentionally created and others may be side-effects.

The key point is that the laws in question have an appearance of legitimacy: the authorities can put forward a *prima facie* legitimate justification—namely, a justification that cannot be described as unlawful or immoral. However, the identification of the patterns that are created as a result and the systematic exploitation suggest that the supposed legitimacy of the action should be questioned. The role of the state here is different from its role when the authorities cause direct harm to people. We are faced with laws and policies that are not necessarily illegitimate when looked at in isolation, but that together create patterns that place large numbers of people into exploitative labour relations, from which it is very hard to escape.

There is also the opposite objection to what I describe as state-mediated structures of injustice. The objection is that laws with legitimate aims can always be abused by unscrupulous employers (and others).<sup>20</sup> There will always be 'a few bad apples'—namely, individuals who identify weaknesses and gaps in the legal system. These individuals (employers very often in my examples) take advantage of the law in order to promote their own interests. The value of the rules in question should not be questioned for this reason and the state should not be held responsible for the injustice that is in reality directly caused by individual action in the private sphere.

A few things can be said in response. First, state authorities have demanding duties to treat everyone fairly. Law as an institution should be scrutinized closely, because the creation of vulnerability to exploitation, even if inadvertent, is contrary to the state's duties of justice. In addition, the standard of fairness required in these cases is not impossibly high. In order for this type of responsibility of the state to arise, it is important to show that the effect of the laws examined is systematic exploitation. We are not just dealing with

<sup>20</sup> I am grateful to my colleague Charles Mitchell for pressing me on this point.

cases where some devious employers identify gaps in the law and take advantage of them. We are considering clearly identifiable legal rules that increase workers' vulnerability, accompanied by widespread patterns of exploitation. It is also not the case that employers always exploit the workers in question. There will be virtuous employers who do not take advantage of the situation. Nonetheless, this does not mean that there is no state responsibility for the structures of injustice in these examples, and that we should be focusing only on the responsibility of the unscrupulous employers alone.

By saying that we can identify responsibility in the context of an unjust structure, I do not claim that individuals who directly exploit workers do not bear responsibility. As Haslanger (2012: 319) put it, 'our societies are unjustly structured, and immoral people with power can and do harm others. Moreover, individual and structural issues are interdependent insofar as individuals are responsive to their social context and social structures are created, maintained, and transformed by individuals.' There can be responsibility both for individual and for structural injustice. 'Structures cause injustice through *misallocation* of power; agents cause wrongful harm through the *abuse* of power (sometimes the abuse of misallocated power)' (Haslanger 2012: 320). I am focusing on the state because, by looking at the legal framework, we can propose structural reform that can be 'more sweeping and reliable' (Haslanger 2012: 319) than smaller changes. By identifying powerful agents that are responsible for unjust structures, and particularly by focusing on the role of the state as an especially powerful actor, we are better placed to propose structural reform.

Neither do I claim that those who benefit from the situation of state-mediated injustice do not have political responsibility of the type that Young developed. There is moral (and sometimes legal) responsibility for the exploitation both by the employer, as well as political responsibility of everyone who benefits from this situation. However, the state is also responsible for creating and sustaining the unjust structure. It is, therefore, crucial to examine the responsibility of the state for the additional reason that it has the power to change the unjust structures in question.

## VI Human Rights

When there is allocation of power through law in a way that creates concrete vulnerability to exploitation that is systematically exploited, the state should be held morally responsible. In what follows I ask this question: can we identify legal responsibility for this situation? I address this by looking at human

rights law, which is an area of law that focuses typically on state responsibility for violations of human rights.<sup>21</sup> My aim is to identify normative principles on state conduct that can also ground legal responsibility and a basis for reform. My primary focus here is on European human rights law, and particularly the European Convention on Human Rights (ECHR), an influential regional system that binds forty-six member states of the Council of Europe.

The European Court of Human Rights (ECtHR or Court) has developed a long case law on state duties and has examined both negative state obligations not to harm and positive obligations to protect individuals from human rights violations in the private sphere. The Court has held that, for a positive state obligation to arise, it has to be shown that the authorities ‘know or ought to have known’ of an alleged violation. This is an important insight for the cases of state-mediated injustice that I analyse, where the exploitation takes place in the private sphere. What is it that the authorities know or ought to have known for state responsibility to arise? This was examined by the ECtHR in *Osman v. UK*,<sup>22</sup> where it said that it had to establish if the authorities knew or ought to have known of a ‘real and immediate risk’ of a human rights violation, and ‘failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.’<sup>23</sup>

State responsibility is, therefore, engaged when the authorities know or ought to have known of a harm that may occur. The ‘know or ought to have known’ formulation typically involves violations of rights by private actors,<sup>24</sup> though it also sometimes arises in the case of natural disasters.<sup>25</sup> The Court has examined when positive obligations arise in several cases, including work-related ones.<sup>26</sup> The authorities cannot be held to account for treatment in the private sphere if they are unaware of it, and their lack of awareness is justified. Even though for state authorities the standard of responsibility should be more demanding than the standard for individuals, we cannot hold them accountable for violations of human rights with which they had no connection and no way of knowing about. What they must know is either that some wrong is being committed in the private sphere, or that there is an immediate risk for such wrong to be committed.

<sup>21</sup> Powers and Faden (2019: 19) focused on structural injustice and human rights as moral principles rather than legal rules.

<sup>22</sup> *Osman v. UK*, App No 87/1997/871/1083, Judgment of 28 October 1998.

<sup>23</sup> *Osman*, para. 116.

<sup>24</sup> For instance, see the reasoning of the Court in *DP and JC v. United Kingdom*, Judgment of 10 October 2002, [2002] ECHR, paras 111–12.

<sup>25</sup> *Özel and Others v. Turkey*, Judgment of 17 November 2015.

<sup>26</sup> *Chowdury and Others v. Greece*, App. No. 21884/15, Judgment of 30 March 2017; *Brincat and Others v. Malta*, 60908/11, 62110/11, 62129/11, Judgment of 24 July 2014.

When examining state responsibility in examples of structures of injustice that I discuss here, it is hard for the authorities to claim that they had no knowledge of the situation, because the state has played an active role by creating vulnerability to exploitation through law. Moreover, the resulting injustices are systematic and form patterns. An example where the Court found a violation of the Convention in such an instance was *Rantsev v. Russia*,<sup>27</sup> where one of the key issues was that the Cypriot law on ‘artiste’ visas created vulnerability to human trafficking. The Court ruled that the visa scheme violated human rights.

The responsibility for state-mediated structures of injustice that I outline draws on these insights. It differs from violations of positive obligations, because it is not only responsibility for omission to act; it is responsibility for the creation of vulnerability through action. The state is responsible, both because it creates vulnerability and because the authorities know or ought to know that exploitation occurs in the private sphere. The authorities may claim that they did not exploit or intend to create vulnerability to exploitation, as they had a legitimate aim when enacting the laws in question. However, malicious intention is not required: what is required is knowledge of the pattern of injustice. Let me now turn to some more concrete provisions of human rights law that may be breached when looking at the laws that affected Marcell’s life.

The ECHR does not contain a human right to be protected from exploitation. However, several provisions may be violated when people are forced into exploitative work through welfare conditionality. An obvious starting point is the prohibition of forced and compulsory labour that is prohibited under article 4 of the ECHR. The provision contains some exceptions in its third paragraph, including ‘any work or service which forms part of civic obligations’. The Court has not thus far ruled that there has been a violation of the Convention in welfare conditionality case law. However, several examples of welfare benefit claimants who are forced into work that they do not want to take exactly because of its precarious nature, with the menace of sanctions that may leave them destitute, may reach the level required for a violation of the provision. Obligations to accept precarious work under the menace of severe sanctions and destitution, as evidenced in empirical work, can in some instances be viewed as unjust, oppressive, distressing, and harassing, which are the criteria set out by the ECtHR for a violation of article 4 to be established.<sup>28</sup>

<sup>27</sup> *Rantsev v. Cyprus and Russia*, App. No. 25965/04, Judgment of 7 January 2010.

<sup>28</sup> *Van der Musselle v. Belgium*, App. No. 8919/80, judgment of 23 November 1983, para. 37.

Moreover, there is evidence that some welfare benefit claimants become destitute because of the UK scheme.<sup>29</sup> In that respect, it has been suggested that benefit sanctions in the UK can be so cruel as to violate article 3 of the ECHR, which prohibits inhuman and degrading treatment (Adler 2018: ch. 1; see also Simpson 2015: 66). According to well-established case law of the Court, for article 3 to be breached, the conduct in question has to reach a ‘minimum level of severity’.<sup>30</sup> In order to assess this threshold, the Court takes into account factors such as the duration, and the physical and mental effects, of the treatment, as well as the sex, age, and health of the victim.<sup>31</sup> Does the UK welfare conditionality scheme meet this level of severity? The answer to this question has to be positive in some situations. This is because the effects of the imposition of sanctions sometimes lead to the inability of claimants to meet their basic needs. Non-compliance with requirements imposed on claimants at the Jobcentre incurs the second harshest sanctions in the world. It has been established that people have to resort to food banks in order to satisfy their basic necessities when benefits are cut. In cases where claimants become destitute, it can be said that the laws in question are incompatible with human rights law.

Turning to a national legal order, the German Constitutional Court examined whether welfare conditionality complies with the fundamental right to the guarantee of an existential minimum in accordance with human dignity (Art. 1(1) in conjunction with Art. 20(1) of the Basic Law).<sup>32</sup> The Court considered the effects of benefit sanctions extensively and highlighted that they can include ‘social withdrawal, isolation, homelessness, severe psychosomatic disorders and crime to access alternative sources of income’ (para. 65) because people cannot meet even the most basic needs such as paying for their rent and electricity. It ruled that, while the provisions appear legitimate on their face, they fail the strict proportionality test that was applied here (para. 136).

Finally, elements of the scheme may violate the right to private life (art. 8), together with the prohibition of discrimination (art. 14) on the ground of poverty. The Court interprets article 8 broadly so as to cover activities that take place not only in a person’s home or other private space, but also in an individual’s personal and social life: ‘the guarantee afforded by Article 8 of the Convention is primarily intended to ensure the development, without

<sup>29</sup> See Human Rights Watch, ‘Nothing Left in the Cupboards—Austerity, Welfare Cuts, and the Right to Food in the UK’, 20 May 2019. See also Joseph Rowntree Report, ‘Destitution in the UK 2018’, 52.

<sup>30</sup> *Ireland v. UK*, App. No. 5310/71, judgment of 18 January 1978 [162].

<sup>31</sup> *Ireland v. UK*.

<sup>32</sup> BVerfG 1 BvL 7/16 (05.11.2019).

outside interference, of the personality of each individual in his relations with other human beings',<sup>33</sup> as the Court puts it. In cases of welfare claimants, both their close monitoring by the Jobcentre and the imposition of duties to accept exploitative work may raise issues of the right to private life. The provision on the prohibition of discrimination, in turn, does not exhaust the grounds of discrimination. It is open ended, and the Court has decided several cases that address the issue of poverty and social exclusion (Tulkens 2015). It has interpreted article 14 in a manner that is particularly sensitive to structurally vulnerable groups (Tulkens 2015:14), so it is possible to envisage a situation where extensive intrusions with the right to private life of those who are poor constitute a disproportionate interference with their privacy under the ECHR.

## Conclusion

The main purpose of this chapter has been to assess the role of the state in certain instances of structural injustice. I also discussed state responsibility in human rights law to show that this body of rules may in certain circumstances be able to hold the authorities accountable for creating vulnerability to exploitation and structures of exploitation, and require legal change. Workplace exploitation and poverty are not the only structures of injustice associated with precarious work. The Marmot Review analysed the social determinants of health that are associated with health inequality, including lower life expectancy, and explained the role of precarious work arrangements in this context (see Marmot et al. 2020). Workers who are already in a disadvantaged position are employed in insecure and exploitative work through which they cannot meet their basic needs and that have damaging effects on many other aspects of their lives. Change in legal rules in a way that will protect job security can play a role in addressing these other effects too.

It is also crucial to add that not all instances of structural injustice can be addressed through human rights law or more generally through law reform. A variety of actors need to mobilize to achieve social change, while often the structures that I discuss reinforce other, broader social structures: poverty and disadvantage are due to deep economic and social factors. However, to the extent that we can identify responsibility of state authorities for an unjust

<sup>33</sup> *Von Hannover v. Germany* (No 2) [95]. Other examples that illustrate the broad coverage of art. 8 include *Niemietz v. Germany*, App. No. 13710/88, judgment of 16 December 1992; *Sidabras and Dziautas v. Lithuania*, App. Nos 55480/00 and 59330/00, judgment of 27 July 2004.

structure, it is important to analyse it, use the legal mechanisms that are available to challenge it, and press for legal change as a step towards broader structural reform.

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## Gender Inequality, Structural Injustice, and Political Responsibility

Serena Parekh

In this chapter, I argue that there is a philosophical basis for the claim that states can be held responsible for structural injustices such as gender discrimination and violence.<sup>1</sup> This is a claim that has been made in international human-rights documents, but one that has not gained much normative force. Many deny that it is possible to hold states responsible for the background assumptions and rules that enforce women's inferiority, because they themselves have not *caused* them. To show that this is possible, I draw on and develop Iris Young's notion of 'political responsibility', because she shows that it is possible to be responsible for something that you only indirectly and unintentionally helped to create and sustain.<sup>2</sup> The purpose of political responsibility is not to find fault or blame the state for a past wrong, but to encourage the state to make things more just in the future. I argue that the state is able to take responsibility in this sense and can discharge the duty of political responsibility in a more systematic way than individuals can. Consequently, I show that it does make sense to say that the state can be held accountable for structural injustices that lead to human-rights violations.

My argument has several parts. In Section I, I describe the shift in the way we have understood responsibility for women's human-rights violations, from simply applying human-rights laws in a non-discriminatory fashion to holding states responsible for norms and traditions that reinforce women's inferiority. For example, the Convention on the Elimination of All Forms of

<sup>1</sup> This chapter was originally published as "Getting to the root of gender inequality: structural injustice and political responsibility." *Hypatia* 26.4 (2011): 672–689, and is reproduced here with permission from the journal with some updates and amendments."

<sup>2</sup> Young has discussed this topic in a number of places, both published and unpublished. See [Young \(2002, 2004, 2006\)](#), as well as [Nussbaum \(2009\)](#). In this work, Nussbaum summarizes an unpublished manuscript by Young on the subject of political responsibility

Discrimination Against Women (CEDAW) holds that, in addition to changing discriminatory laws, states must change ‘patterns of conduct’ among private individuals that demean women. But because this demand radically undercuts our traditional understanding of responsibility, it has failed to be fully embraced by states and human-rights advocates alike. I argue in the rest of the chapter that Young’s notion of political responsibility can give philosophical support to this claim and thus give it the normative force that it needs to be taken seriously.

In Section II, I look at structural injustice in detail and discuss its three defining features: that it is usually unintentional, that it lacks a single causal agent, and that it is hard to recognize because it is embedded in background conditions and norms of everyday life. I then argue that gender oppression ought to be understood as a form of structural injustice. In Section III, I summarize Young’s account of political responsibility and highlight aspects that are particularly important for understanding how states can exercise political responsibility. For Young, the three key features of political responsibility—that it does not blame individuals, that it is forward- and not backward-looking, and that it calls into question the status quo—give rise to three obligations: to learn about our role in structural injustice, to work towards changing processes so that they are less unjust in the future, and to act collectively. I show why the traditional view of responsibility is inadequate for understanding current global problems and why Young’s view of responsibility is a helpful supplement (see also Browne, Chapter 5, this volume).

After developing a detailed understanding of both structural injustice and political responsibility, I make the argument in Section IV that states can and should assume political responsibility. States are responsible not in the sense that they are to blame for having *caused* the harm; rather, states are responsible in that they can discharge the duties that are associated with it in a more systematic way because of their privileged position vis-à-vis unjust social structures. I argue that taking political responsibility would entail changing how states think about their human-rights obligations (see also Mantouvalou, Chapter 13, this volume). It would no longer be enough for them to catalogue abuses by other governments and simply refrain from violating the human rights of their own citizens. Rather, states would be required to work towards changing conditions so that human-rights violations are less likely to occur in the future. Therefore, it does make sense to claim that states are responsible—*politically responsible*—for structural injustices and consequently for women’s human-rights violations when they occur.

## I CEDAW and the Roots of Gender Inequality

In recent years, there has been a shift at the international level in the way women's human rights are conceived. Initial demands for women's human rights focused around non-discriminatory application of universal human rights set out in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. According to these documents and international law more broadly, only acts that were committed by a state or state-sponsor, occurred in the public sphere, and constituted a serious degradation of human well-being could be considered human-rights violations. Before long, however, feminist critiques of this view demonstrated its inadequacy for women. In this traditional view of human rights, many violations that were distinctive to women were not considered as genuine human-rights violations. For example, for a long time violence against women when not directly state-sponsored (and often even when it was) was held to be outside the domain of human rights by the international community. Further, violations of women's dignity committed in the name of culture or tradition went largely unchallenged by the norms and language of human rights. Both kinds of violations were considered to be unfortunate and regrettable but were not thought of as human-rights violations, because they occurred in the private sphere and were committed by non-state actors. Thomas Pogge (2001: 192), for example, writes:

human rights violations, to count as such, must be in some sense official, and . . . human rights thus protect persons only against violations from certain sources. Human rights can be violated by governments, certainly, and by government agencies and officials, by the general staff of an army at war and probably also by the leaders of a guerrilla movement or of a large corporation—but not by a petty criminal or by a *violent husband*. (emphasis added)

It was clear that the traditional conception of human rights was not enough fully to protect women's dignity.

A major challenge to this view began in 1979 with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has continued to gain force ever since (see, most recently, [United Nations 2007](#)). The changing norm found in CEDAW and other international agreements is that states *can* be held responsible for violations in the private

sphere. For example, article 5 of CEDAW holds that states party to the Convention must:

modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customs and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

As article 5 implies, changes in law and policy alone are not sufficient to address the core of women's inequality with men. Rather, states must address the root cause of violence and discrimination against women: the beliefs, customs, and attitudes that reinforce women's inferiority.

Article 5 was revolutionary, because it went far beyond the usual demands of international conventions, which often require only that governments change laws that discriminate against women. CEDAW, of course, includes the idea that discriminatory laws must be changed and states be held accountable for state-sponsored human-rights violations. However, the Convention's demands go much further. To meet their human-rights obligations, governments must now change 'patterns of conduct' and social practices that demean women. These beliefs, customs, and so on constitute 'structural injustice' insofar as they are often (1) habitual and unreflective; (2) harmful, even if unintentionally so; and (3) detrimental to women's wellbeing, health, and safety. Thus, these new norms insist that governments take responsibility for *structural injustices* that prevent women's equality and lead to discrimination as well as to gender violence in the public and private spheres.

For many scholars and activists, getting to the roots of gender inequality—by holding governments responsible for structural injustice—is essential to ending violence against women (see Lu, Chapter 6, this volume).<sup>3</sup> Others, however, see these goals as impossible to achieve, or at least as deeply problematic.<sup>4</sup> It is not surprising that many governments view this obligation as too onerous to be applicable. It is perhaps more surprising that many committed to women's human rights also find state responsibility

<sup>3</sup> For example, Rhonda Copelon (1995: 145) argues that the root of violence against women 'lies in the structural inequality and subordination of women'. Similarly, Catherine MacKinnon (2006: 30) argues that ending violence against women entails eliminating gender inequality. Sheila Dauer (2001: 68) points out that the Vienna Tribunal at the World Conference on Human Rights in 1993 concluded that the failure to recognize violence against women as a human-rights violation was due, in part, to a failure to recognize that such violence was embedded in structures of subordination.

<sup>4</sup> For example, Abdullah An-Naim (1994), a staunch defender of human rights, has argued that we cannot simply demand that governments change cultural patterns because the basis of cultural authority is separate from the government.

for ending structural injustice problematic. They hold that states cannot be held accountable for the actions of non-state actors, because states cannot possibly be responsible for something they have not explicitly done. This critique has prevented the principle of state responsibility for structural injustice from gaining the normative force required for governments to take it seriously. This, in turn, has posed a serious limitation to protecting women's human rights.

What is at stake in the debate over the legitimacy of this principle is an understanding of *responsibility*. Indeed, the major difficulty with calling violence against women a human-rights violation is the problem of assigning state responsibility. How can the state be responsible for acts that it, or its representatives, do not commit? How can states be held responsible for the root causes of gender violence? This idea contradicts our ordinary sense of responsibility as primarily something personal or individual. Therefore, in order to understand how governments are responsible for changing unjust social practices as well as laws, we need to reconceive our understanding of responsibility.

In the rest of this chapter, I argue that we can give credibility to the notion that states can be held responsible for structural injustice. To do this, I draw on and develop Iris Young's notion of 'political responsibility'. She shows that it is possible to be responsible for conditions and consequences that you only indirectly and unintentionally helped to create and sustain. The purpose of assigning responsibility is not to find fault or blame but to make circumstances more just in the future. I argue that the state can take responsibility in this sense and may discharge the duty of political responsibility in a more systematic way than individuals can. Consequently, we can say that the state should be held accountable for the structural injustices that lead to human-rights violations. Let us now look carefully at the two primary concepts: structural injustice and political responsibility. I begin with the former.

## II What Is Structural Injustice?

Structural injustice refers to unjust structural limitations that unfairly constrain the opportunities of some while granting privileges to others. Young gives her clearest explanation of structural injustice in her earlier work, *Justice and the Politics of Difference* (Young 1990). She argues that oppression should be understood as the structural and systemic constraints resulting from the everyday practices of well-meaning people, rather than the

intentional coercion of individual agents or a tyrannical ruler. Oppression is structural in the sense that it is based on ‘unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules’, and, further, in ‘unconscious assumptions and reactions of well-meaning people in ordinary interactions, media and cultural stereotypes, and structural features of bureaucratic hierarchies and market mechanisms—in short, the normal processes of everyday life’ (Young 1990: 41).

To put it more systematically, we may say that, for Young, structural injustice has three defining features. First, it lacks intentionality, in that it is not necessarily intentionally created or caused. Unlike the term *oppression*, which usually connotes the deliberate tyrannical rule of one group over another, structural injustice is a matter of the norms and habits embedded in everyday life. In fact, the intentions behind structural injustice are often banal or even well-meaning. Second, structural injustice is rarely if ever caused by one single individual, according to Young. Rather, it results from the unconscious, habitual actions of millions of people. Structural injustice is ‘a material meeting of the actions of millions of individuals each with their own projects and ends, and the actions and policies of dozens of institutions with varying missions’ (Young 2002: 1). This lack of direct causal agency is also why people often fail to recognize oppression as structural. Finally, structural injustice is embedded in those background conditions, norms, habits, and everyday interactions that we rarely notice. Consequently, it is hard to recognize. As Charles Taylor (2007: 172) writes, these background conditions allow things to appear to us in a certain way.<sup>5</sup> This is precisely why they are so hard to recognize: we do not notice such background conditions, even as they allow us to recognize the world in a familiar way.

We can understand gender oppression as a form of structural injustice, because it limits and shapes individual choices and circumstances, but is mostly sustained by the unintentional, unselfconscious actions of millions of people and in norms, habits, and institutions. For example, though women in the West have long had access to similar educational and career opportunities as men, women still routinely have lower-paying jobs. When they do occupy high-level positions, women are often paid less than men. In both cases, they

<sup>5</sup> For Charles Taylor, another author concerned with the philosophical implications of our background or ‘social imaginary’, as he refers to it, the term *background* refers to ‘that largely unstructured and inarticulate understanding of our whole situation, within which particular features of our world show up for us in the sense they have. It can never be adequately expressed in the form of explicit doctrines, because of its very unlimited and indefinite nature’ (Taylor 2007: 173).

are responsible for the 'second shift' at home. Clearly, no oppressive tyrant forces employers to treat women differently from men. However, if we put these empirical facts together with gender norms and expectations, we can see structural injustice at work.

Again, CEDAW suggests that these structural background conditions make discrimination and violence against women possible. The relationship between implicit beliefs about gender norms and gender violence has long been established.<sup>6</sup> However, changing these beliefs and norms has proven difficult. Young's analysis demonstrates that we cannot eliminate sexism as a structural injustice merely by attending to the conscious decisions of individuals: the injustice will persist in the unthinking ways in which we live our lives, do our jobs, and interact with others. That is why changing laws has failed to eliminate many of the worst forms of gender-specific harm. That is also why CEDAW insists that signatories do more than attend to the most explicit and obvious examples of gender discrimination and hatred. But, before we can better understand how to rectify persistent, structural gender oppression, we need to understand who can and should be held responsible for it.

### III Political Responsibility as Responsibility for Structural Injustice

In 'Responsibility and Global Labor Justice,' [Young \(2004\)](#) constructs a notion of responsibility that corresponds to the claim of anti-sweatshop activists that agents only remotely connected to sweatshops must still be held responsible for the injustices committed there (see also [McKeown](#), Chapter 4, this volume). She refers to her construction as 'political responsibility', a term she takes from an essay by Hannah Arendt. In this view, political responsibility is a form of collective responsibility; it holds individuals responsible for contributing to injustice, regardless of their intentions. For this reason, it is applicable to structural injustices like sexism.

Indeed, political responsibility is perhaps best understood in contrast to the most dominant view of responsibility: the liability model, which includes both fault liability and strict liability. The 'fault model' is the mode of responsibility that is used to assign guilt or innocence in a court. On this

<sup>6</sup> See, e.g., [Cook and Cusack 2010](#). Cook argues that violence against women has been naturalized and constructed as a 'normal' part of gender relations. These norms are based on gender stereotypes that are internalized by both men and women. Even when these norms and stereotypes are identified, societies have historically been reluctant to abandon them ([Cook and Cusack 2010](#): 41–2).

model, an individual is held responsible for a harmful action if the action is both causally connected to the harm and done voluntarily. By looking at these two conditions, we can determine whether an individual is at fault and can be held responsible. If the individual was coerced or constrained in the exercise of her free will, responsibility may be mitigated. Essentially, responsibility is determined by looking at the causal relationship between the individual and the harm done. Strict liability is slightly different in that it holds a person liable for an action even if the individual did not intend the harm or if her actions only indirectly contributed to the harmful outcome.<sup>7</sup>

Both of these views are backward looking. They share a similar purpose: to understand, punish, or seek compensation for a past wrong and, conversely, to absolve someone who might have appeared responsible but is not. This form of responsibility underlies international human-rights law. Countries are held responsible for human-rights abuses, either their actions that directly violate human rights (as in the fault model) or in their failure to prevent the human-rights abuses of non-state actors (as in the liability model). This essentially legal form of responsibility has become part of our everyday understanding of our actions—we see ourselves as responsible only for our own actions and their effects on those closest to us. It allows us to see ourselves as in control of our actions, but assigns us no responsibility for unjust structures or institutions that we did not intentionally take part in creating.

The fault and liability models are inadequate for understanding responsibility for structural injustice, because they are not suitable for our globally interdependent world. According to Samuel Scheffler, whom Young draws upon, our ‘common-sense’<sup>8</sup> notion of responsibility (where responsibility is limited to individual actions and the people those individuals are directly connected with, such as family, co-workers, neighbours, and so on) is based on a particular phenomenology of agency, one that gives primacy to the near effects of our actions and places more importance on acts over omissions. According to Scheffler, our common-sense understanding of responsibility is rooted in our conception of social relations as small-scale interactions, where the chain of causation is easy to recognize. For Scheffler, globalization makes this view of human social relations impractical and outdated. Both Scheffler and Young claim that it is inadequate for dealing with large-scale structural

<sup>7</sup> For more on these two views of responsibility, see [Young \(2004: 368\)](#).

<sup>8</sup> Perceptively, [Scheffler \(2001: 41\)](#) points out that, while our ‘common-sense’ notion of responsibility seems natural to us, it is also a product of our culture that ‘has its deepest roots in those relatively affluent societies that have the most to gain from the widespread internalization of a doctrine that limits their responsibility to assist the members of less fortunate societies’. In other words, we keep in mind that the notion of responsibility adopted by most people also serves our deeper political and economic interests.

injustice, which is based on the indirect actions of millions of people, with no single individual who can be said to be responsible for it.<sup>9</sup>

Scheffler, like Young, is interested in a notion of responsibility that can accommodate these intuitions about the globally interdependent world. Unlike Young, he doubts that we will be able to develop a viable conception of individual responsibility. For example, he notes that it is hard to move from looking at large-scale structural processes to norms of individual conduct. After all, he argues, individuals *qua* individuals do not have many opportunities to influence these global processes and have only a vague idea about the global implications of their personal behaviour. ‘What we appear to lack’, he writes, ‘is a set of clear, action-guiding, and psychologically feasible principles which would enable individuals to orient themselves in relation to the larger processes’ (Scheffler 2001: 45). Ultimately, he argues that, although our common-sense notion of responsibility is no longer adequate, we do not yet have a notion of responsibility that both accommodates changing circumstances and provides us with ‘clear, action-guiding, and psychologically feasible principles’ (Scheffler 2001: 45).

Young does not share Scheffler’s pessimism. She argues that we can account for this new phenomenology of agency through the concept of political responsibility. Like Scheffler, she agrees that people ‘have difficulty reasoning about individual responsibility with relation to outcomes produced by large-scale social structures in which millions participate, but of which none are the sole or primary cause’ (Young 2004: 374). But, unlike Scheffler, she thinks we can define an adequate notion of responsibility, which for her is *political* responsibility.

Young’s use of the term *political* can be misleading if we do not keep in mind the Arendtian background of her work. By political responsibility, she means something more than just the responsibility of governmental agents or agencies. Employing a distinctly Arendtian notion of politics, Young (2004: 377) argues that politics is ‘the activity in which people organize collectively to regulate or transform some aspect of their shared social conditions, along with the communicative activities in which they try to persuade one another to join such collective action or decide what direction they wish to take it’. Political responsibility, then, is our responsibility to work with others through speech and action to transform social conditions in the future. This is perhaps what makes it such a distinct concept: it undermines our traditional

<sup>9</sup> Though he does not discuss structural injustice directly, his account contains an implicit understanding of it. He writes, ‘the quality of life for people in any one part of the world is, to a large extent, a function of a network of institutional arrangements that supports a very different quality of life for people in other parts of the world’ (Scheffler 2001: 40).

understanding of politics (as government) and society (as individualistic). This kind of responsibility can be hard to accept, because we want to see ourselves as individuals, responsible only for what we do and independent from larger structures and other people we are not directly connected to.

What is political responsibility precisely? Young outlines its five key features. First, unlike the fault and liability models, political responsibility does not isolate individuals and hold them responsible for a given wrong; it does not find individuals to *blame* for a given harm. Because political responsibility avoids blame, it can motivate political action, as people are less likely to feel defensive and resentful (two feelings that often lead to inaction). Many cases of structural injustice result from the actions of innumerable people, so it does not make sense to focus only on individuals with a direct causal relationship to the harm in question.<sup>10</sup>

Second, political responsibility is forward looking, not backward looking. By contrast, the main purpose of the liability model is to punish, exact compensation, or sanction in some way. Political responsibility, however, seeks to improve conditions in the future: ‘Having understood that structural processes cause some injustices, those participating in the production and reproduction of the structures should recognize that their actions contribute along with those of others to this injustice, and take responsibility for altering the processes to avoid or reduce injustice’ (Young 2004: 379). This aspect of responsibility requires us to understand how the structural processes work: their history, their origins in other practices, their unintended consequences, and so on. The purpose, however, is to improve future conditions rather than assign blame for past actions.

This forward-looking responsibility has much in common with restorative justice. Restorative justice is often contrasted with retributive justice, which is more common in the Western legal tradition. Retributive justice refers to the imposition of a penalty for an infraction or a crime; if a person breaks the law, she goes to jail and/or pays a fine. Restorative justice, by contrast, does not have punishment as its primary aim. Instead, its goal is to restore conditions so that people—both perpetrator and victim—can get on with their lives. As the Restorative Justice Consortium puts it, ‘it encourages those who have

<sup>10</sup> Young’s analysis of this has changed the view of Claudia Card, who had previously argued that evils like oppression had to be produced by culpable wrongdoing. She has written recently that ‘Young is right to appreciate that oppression does not necessarily presuppose culpability’ (Card 2009: 157). She has modified her position in the following way: ‘Evil in institutions or practices can, of course, take the form of inexcusably culpable deeds by individuals. But it can also, or instead, take the form of norms that are utterly indefensible, from a moral point of view, whether those who are guided by those norms are aware of it or not’ (Card 2009: 158). She remains in disagreement with Young, however, over the extent to which most oppressive structures are the result of non-culpable activities.

caused harm to acknowledge the impact of what they have done and gives them [the victims] an opportunity to have their harm or loss acknowledged and amends made.<sup>11</sup> South Africa's Truth and Reconciliation Commission exemplifies this form of justice. At the end of apartheid, the commission offered amnesty in exchange for truthful testimony about a past harm. South Africans believed that truth, and the understanding that comes from it, were more important than punishment for overcoming the past. Political responsibility maps nicely onto restorative justice. Both aim to improve conditions in the future; neither seeks retribution for the past as a primary goal (as the liability model of responsibility and retributive justice do).

Third, political responsibility does not specify how the responsibility should be discharged. Political responsibility is like a duty in that it is an obligation, not a matter of mere beneficence, but it is unlike a duty in that it does not say clearly how it must be discharged. An individual needs to use her judgement to discern how she should carry out her responsibility. Political responsibility says that an individual should bring about a certain outcome but does not prescribe how he should do it.

Fourth, political responsibility is a *shared* responsibility that differs importantly from a *collective* responsibility.<sup>12</sup> A collective, such as a corporation, may be responsible for an outcome without any particular individuals being responsible. Shared responsibility, however, holds that each person is responsible for an outcome in a partial way. Young (2004: 380) writes: 'the specific part that each plays in producing the outcome cannot be isolated and identified, however, and thus the responsibility is essentially shared'.

The final feature of political responsibility, and the reason for its relevance to structural injustice as the root of gender violence, is that political responsibility asks us to question the status quo. In the liability and fault models, a wrong disrupts a status quo that is considered acceptable and taken for granted as a normal condition. In contrast, political responsibility 'often

<sup>11</sup> Restorative Justice Consortium 2006. Quoted in Liebmann (2007: 25).

<sup>12</sup> This distinction is important in the light of Arendt's strong critique of collective responsibility, which has no doubt influenced Young. Arendt (2003: 154) understood collective responsibility to be 'responsibility in which the member of a community is held responsible for things he did not participate in but which were done in his name'. Her paradigm was the 'collective responsibility' of all Germans, perhaps even of all humanity, for the evils committed by the Nazi regime. She resisted this because collective responsibility fails to distinguish those who actually acted in evil or unjust ways from those who did nothing except fail to resist. It is essential, for her, to distinguish those who acted from those who did not. In contrast, Young's political responsibility, though a form of collective responsibility, insists that, even when individuals do not act directly to cause an injustice, they may act to support and uphold that injustice in various ways. Further, political responsibility holds that, because structural injustice could not be sustained without their direct participation, individuals can be understood to be *actively* playing a role in structural injustice and hence can support a degree of responsibility. This is also why Young insists that all people are not equally responsible—the ability to influence unjust outcomes helps us to distinguish degrees of responsibility.

brings into question precisely the background conditions that ascriptions of blame or fault assume as normal' (Young 2004: 378). Indeed, we can locate structural injustice in these background conditions. Structural injustice is produced and reproduced through the rules, norms, and customs that form the background of our lives, which we enact habitually and without reflection. 'When we judge that structural injustice exists,' Young (2004: 378) writes, 'we are saying precisely that at least some of the normal and accepted background conditions of action are not morally acceptable.' The liability and fault models focus on the foreground of our day-to-day activities—our goals, desires, and intentions. Political responsibility, however, forces us to look at background conditions and judge whether they are morally acceptable.<sup>13</sup>

These five components of political responsibility appear to give rise to three specific obligations. First, as we noted above, because political responsibility aims to make things less unjust in the future, we have an obligation to learn about structural injustices and our role in them. We must recognize our shared responsibility and become aware of the background conditions of our lives that give rise to structural injustices such as gender violence. As Seyla Benhabib (2004: 104) notes, 'there is a dialectic here between the growth of social knowledge and the spread of moral responsibility.' The more we learn about our connections to others in various parts of the world, and to the earth itself, the stronger our political responsibilities become. Second, we are responsible for changing processes that produce unjust outcomes so that they are less unjust in the future. This imperative is connected to the first obligation, because we cannot lessen structural injustice if we do not understand current conditions and our role within them well enough to see what leverage we could use to change them. This responsibility further obliges us to convince others of their part in this shared responsibility.

Finally, we have an obligation to act together. These responsibilities can be discharged only through shared action, since structural injustice cannot be undone by individual action. According to Young, an individual simply refusing to buy shoes that are manufactured under sweatshop conditions will do little to improve the lives of those who work in the sweatshops; however, organizing a boycott that involves many people has a far better chance of producing some change. Thus, political responsibility involves participating in

<sup>13</sup> Young does not elaborate on this condition further and explain how, precisely, we can become aware of background conditions that, because they are in the background, are rarely brought into the foreground. Jacob Schiff criticizes Young for not doing justice to the difficulty of confronting structural injustice that is hidden in the background of our lives. He argues that Young does not sufficiently acknowledge how complicated it is to 'bring background conditions to the foreground and subject them to critique and transformation' (Schiff 2008: 102). He suggests that narrative may be a way of 'provoking acknowledgment of our implication in structural injustice' (Schiff 2008: 114).

public discourse and persuading others to improve things through shared action. Political responsibility ‘allows us to call on one another to take responsibility *together* for the fact that our actions collectively assume and contribute to the complex structural processes that enable the . . . conditions we deplore and make them difficult for any single agent to change’ (Young 2004: 381). Of course, this does not imply that everyone shares responsibility equally; power to influence the processes that produce unjust outcomes is important in distinguishing the degree of responsibility.<sup>14</sup>

#### IV Can States Assume Political Responsibility?

Young focuses on how individuals can come to see themselves as politically responsible. She is much less concerned with the ways that states could be seen as politically responsible. When she does write about states, she argues that they can be held responsible in the traditional, liability-model sense.<sup>15</sup> Though states might be able to play a role in facilitating social movements, she does not consider states as fundamentally important to political responsibility. Her concern is that states have for too long been the exclusive focus of accounts of global justice, and that this narrow view of responsibility leaves individuals with no distinct role to play in overcoming injustice.<sup>16</sup>

I diverge from Young here, in that I think her framework for political responsibility can help us to understand how states can be held responsible for structural injustices that maintain gender inequality and promote gender violence. We can use it to understand CEDAW’s injunction that states must change background conditions that make violence against women normal and acceptable. To be sure, Young is right that individuals must bear a large portion of this responsibility, but I think she unfairly downplays the role that states *qua* states can play in this larger project of eliminating structural injustices.

The idea that a state is responsible for its political culture is not wholly foreign to contemporary political philosophy. Indeed, Rawls (2001: 108) suggests just this in *The Law of Peoples*, where he writes that ‘the causes of the wealth of a people and the forms it takes lie in their political culture and in the

<sup>14</sup> More specifically, a person can determine their degree of responsibility in relation to structural injustice by looking at connection (recognizing the concrete ways we are connected to people and institutions), power (the power or influence we have over the processes that produce unjust outcomes), and privilege (whether or not we receive privileges based on the injustices) (Young 2004: 385–7).

<sup>15</sup> In her view, states in which sweatshops operate ‘must be blamed for allowing them to exist’ (Young 2004: 369).

<sup>16</sup> She discusses this in Young (2011). See also Nussbaum (2009: 139–40).

religious, philosophical, and moral traditions that support the basic structure of their political and social institutions.<sup>17</sup> He implies that states—as representatives of peoples—can be held responsible for their political cultures and the background structures that cause their citizens to live in poverty. Liberal states ought to work towards changing the conditions that lead to such impoverishment, even though ‘there is no recipe, certainly no easy recipe, for well-ordered peoples to help a burdened society to change its political and social culture’ (Rawls 2001: 108). Although I think that Rawls’s view gives insufficient credit to exogenous sources of a country’s poverty, his view shows that we can hold states responsible for the background conditions that support political institutions.

But what would it mean to say that governments are ‘politically responsible’ for structural injustices such as sexist norms and institutions? I argue below that states can discharge the three obligations that political responsibility entails (the obligations to learn about our role in structural injustice, to change processes so that they are less unjust in the future, and to act collectively); in fact, they are able to do so in a more systematic way than individuals can, because states have a unique and privileged position vis-à-vis unjust social structures. I agree with Young that, although states *may* be responsible for directly causing violence against women through their policies and practices, these ascriptions of responsibility can be accounted for with the traditional models of fault and liability discussed above.

First, political responsibility obliges us to become aware of structural injustices and to develop an understanding of them. States can play a central role in foregrounding structural injustice; as a result, they may be able to increase awareness and understanding more systematically than individuals can. Although individuals must be responsible for developing their own understandings of injustice, their awareness can be aided by state resources: commissions, public funds for research, public outreach, and so on. States can gain the attention of a wide variety of people and encourage them to focus on unjust structures. For example, take the campaign to educate people about the dangers of smoking. To be sure, individuals could have sought this information on their own, but, without public funds and initiative, the campaign would have been less effective.

Second, because political responsibility must be undertaken jointly, the state can play a particularly important role in mobilizing public awareness and support for change. To be sure, states cannot do this in the absence of

<sup>17</sup> In addition to acknowledging political and cultural traditions as sources of wealth, Rawls (2001: 108) includes ‘the industriousness and cooperative talents of its members, all supported by their political virtues.’

social movements, but, if they were to accept their political responsibility for structural injustice, states could aid this large-scale change. Think, for example, of the importance of state action in the environmental movement. Without state action, individuals could only go so far in tackling systematic environmental hazards like mercury pollution in the water or greenhouse gases in the atmosphere.

Most importantly, states can play an important role in changing social processes so that those processes are less unjust in the future. This would require states to change their approach to human rights radically. Rather than focusing on punishing individual human-rights violations, states would try to change conditions so that such violations are less likely to occur in the future. Upholding human rights would be more than cataloguing abuses by guilty governments; states would have to alter conditions so that human-rights violations do not occur in the future. This calls for a radical reorientation in how states view their human-rights obligations.

To underscore my point, let me return to an example from Young's work. She argues that political responsibility obliges people to work together for change. She uses a sweatshop boycott to illustrate this: an individual who boycotts a product is unlikely to have an effect on the conditions of sweatshops, she argues, but organized boycotts involving masses of people can be very effective in changing conditions (Young 2004: 386). However, recent work by political scientists shows that mass boycotts by first-world consumers can be devastating to sweatshop workers in the global south, often putting them in more vulnerable circumstances. Shareen Hertel shows how a large-scale Western boycott in Bangladesh was 'blocked' by activists in that country on the grounds that it would force children working in the boycotted factories into worse forms of labour—like child sex work or domestic servitude. In response, the US Senate mediated and developed a bill that provided safeguards (such as education and alternative forms of remuneration) for children who might have lost their jobs. It was only after this intervention that the boycott was able to have its intended effect—to improve the lives of those who make our clothes (Hertel 2006). The US government was able to get to the root of what made sweatshop labour possible—the sheer desperation of parents who have no alternative but to send their children to work in these factories—and, therefore, could tackle structural injustice in a more systematic and effective way.

This example shows one way that states like the US can take responsibility for global structural injustice. Though the purpose of this chapter has been to show how states can and must play a role in overcoming structural injustice, that goal does not diminish the role that individuals must play in this process.

Certainly, the state would have had no interest in sweatshops in Bangladesh if it were not for the large-scale social protests. Young is correct to stress the importance of joint action by individuals in overcoming structural injustice. But the example above demonstrates that the state can play an essential role in taking political responsibility. That role is essential, because social change will occur only when there is a dialectic between state and individual political responsibility.

## Conclusion

The purpose of my argument was to give philosophical support to the changing norms about gender violence and women's rights in human-rights discourse. In particular, I wanted to illuminate the claim in CEDAW and other documents that states can be held responsible for changing the norms and background conditions that reinforce women's inferiority. My goal was to identify the nature of structural injustice and then show why Young's conception of political responsibility can be applied to states as well as to individuals. Political responsibility requires states to change their conception of human-rights obligations. I argued that, because states can discharge the duties of political responsibility, we can say that states may be held responsible—*politically responsible*—for structural injustices that lead to human-rights violations.

One downside to this view is the difficulty in holding governments accountable for their failure to discharge their political responsibilities. Political responsibility may entail a variety of obligations and demands that make it hard for anyone to say when a state has failed to live up to its responsibility. This being so, the means of enforcing government accountability will be less legally orientated and more reliant on 'soft power'—individuals or collectives like NGOs, which encourage governments through potential embarrassment and shame. In this sense, there is a dialectical relationship between individual and state political responsibility. Although this relationship may not lead to the satisfaction of seeing a human-rights violator punished, it may nonetheless prove more effective in improving the lives of those vulnerable to degradations of dignity. But enforcement is hardly a problem unique to political responsibility; holding governments accountable for human rights is difficult when we use traditional notions of responsibility as well.

One obstacle, however, may prove especially hard for political responsibility, whether that responsibility is exercised by individuals or by the state. The problem concerns our fundamental orientation towards the world. In

the article by Arendt from which Young takes the concept of political responsibility, Arendt points out that the traditional difference between morality and politics is a difference between a concern for the self and a concern for the world—politics was supposed to concern what is good for the world, whereas morality was supposed to concern the good for the individual. Political responsibility is fundamentally political in this sense: it asks us to be concerned with the *world* and not just with ourselves or our own countries and their narrow interests. In the traditional conception of responsibility, the focus is on the individual or particular state: was what *I* did right or good?, is this state guilty of doing harm?, and so on. But political responsibility, which implies responsibility for structural injustice, forces individuals and states to look beyond what *they* may have done or not done, and instead understand how things work in the world, and how they may have contributed, however indirectly and unintentionally, to current social conditions. In short, political responsibility requires what Arendt called a love of the world and a determination to make the common, public world more just. For Arendt, a love of the world requires us to go beyond a concern with private morality and to engage with the wider world. Political responsibility requires us to adopt this different orientation both to the self and to the world; it urges us to place less emphasis on the former and more on the latter. Although this is not impossible, such a reorientation certainly goes against the grain. As a precondition to political responsibility, this reorientation may pose the most fundamental obstacle to securing responsibility for structural injustice, and hence to eliminating the root causes of the human-rights violations of women.

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