

What's Unjust About Structural Injustice?

For discussion at NYU Law School's Colloquium in Legal, Political, and Social Philosophy, December 3, 2020

DRAFT (with greyed passages)

November 18, 2020

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~14k words.

*(Safe to skip to bring it to 10k words for reading:
Notes: ~2k words; Greyed passages: ~2k words.)*

1. *The point and the puzzle*

The idea of structural injustice has always raised questions about the relation between injustice, wrongness, and individual culpability. In October of 1971, *The New York Times* reported,

Delegates to the world Synod of Bishops are moving toward a conviction that the Roman Catholic Church must broaden its understanding of sin to include the 'structural' injustice of major social institutions that many people assume to be morally neutral.¹

The first appearance of the term, "structural injustice," in the *New York Times* (and the first anywhere that I have found), comes with a surprise. Catholic Bishops were urging that structural injustice be counted as a case of sin.² The

¹ *The New York Times*, October 28, 1971. I'm grateful for help on early versions of these ideas; Nomy Arpaly, Zach Barnett, Sally Haslanger, and Sharon Krause, for discussion of some very early thoughts with the Philosophy Department at Hebrew University, of an earlier draft at the Political Philosophy Workshop at Columbia University, and the Freie Universität in Berlin, and with my graduate seminar on structural injustice in fall 2020.

² The idea of "institutional racism" had been introduced a few years earlier, by Carmichael and Hamilton, in *Black Power. Black Power: The Politics of Liberation in America* (New York, Random

document they eventually produced not only avowed that they were, “listening to the cry of those who suffer violence and are oppressed by unjust systems and structures...”³ They also speak of, “the present-day situation of the world, marked as it is by the grave sin of injustice.” Sin? In systems, structures, and situations? In any case, much the same question about structural injustice is unresolved in political theory even apart from any theology. I will call this,

The culprit problem

How can something be wrong without any culprits?

How might a social structure be not just bad but wrong, apart from individual moral wrongs? Or can it be understood as ultimately a matter of individual wrong after all? These are my central questions in this paper.

The idea of structural injustice has become a prominent tool in critical political thought, especially on the left. The very idea encounters resistance, and not only on the right. Indeed, the root of the idea’s utility is also the source of its contestability, namely its arm’s length from individual moral culpability. It is especially clear that structural injustice, as the idea is most commonly used, is not a matter of some people’s wrongful animus against other individuals or groups. But it could yet be a wrong rooted in individual wrongs—not wrongful motives or attitudes amounting to animus, but wrongful conduct. Still, those who use the idea often seem to eschew any basis in individual wrong at all, be it wrongful animus or wrongful conduct.

Resistance to this idea is understandable: The idea of structural racism, which along with structural sexism, is among the two most common invocations of the idea of structural injustice, triggers the objection vividly. Individual racism is commonly thought of as a form of bigotry, in attitude or action, against members of other races. But structural racism is not a name for a kind of personal bigotry however widespread. It means to refer to a form of social injustice that inheres in the operation of social structures, systematically and unfairly to the detriment of members of certain races. Arguably, what has given rise to the need for the idea of structural racism is the enormous progress in reducing individual racial bigotry. But the suggestion that a society could still be condemned as racist even if individual racism were somehow, eventually, completely eradicated strikes some people as an illegitimate and shape-shifting deployment of one of our most potent critical concepts, that of the evil of racism. The same challenge can be posed for structural sexism. And then, stepping back to the general idea of structural injustice, there is a parallel puzzle, if less vivid, about the very idea.

House, 1967). The idea was influential and anticipated the more general idea of structural injustice.

³ “*Justice in the World*, World Synod of Catholic Bishops, 1971:

<https://www.cctwincities.org/wp-content/uploads/2015/10/Justicia-in-Mundo.pdf>

The culprit problem only arises if structural injustice is held to be wrong, of course. But it might be wondered whether it matters much whether the social conditions in question are wrong or unjust, so long as it is granted that they are at least bad. However, for a victim of what is taken as injustice, it normally matters a great deal that it is not merely something unfortunate, but also an injustice—a wrong—to them or a group to which they belong. For example, unless a social condition is a case of injustice attitudes like resentment, offense, indignation, and certain kinds of anger, would not be fitting or warranted. I'll call these the *grievance attitudes*. They are a subset of what are often called reactive attitudes.⁴ I will speak of something's warranting grievance attitudes, but this is shorthand for the following: it warrants grievance attitudes *prima facie*, although there might be excusing factors such as duress or misinformation that mitigate whether and which such attitudes are warranted all things considered.

Granted, it isn't uncommon to be angry at a stone when you stub your toe, but unless it is just a pretense it is arguably a kind of error—a sort of borrowed reaction, responding as if you have a legitimate grievance against the stone, as if something wrongful has happened and not just something unfortunate.

I will argue that, (simplifying here) there is no warrant for attitudes of grievance in virtue of social structure itself. But it is a virtue of my strategy that I will do so without making the futile assumption that grievance attitudes depend on culpability. Many think so, but that is very much what is in question, so my argument proceeds on other grounds. I will argue that social structure, as such, could, in principle if not always in practice, have either social or natural causes—natural in the way that a hurricane is natural, namely, not human made. Its being *social* structure is not essentially about its causes; a hurricane, or other non-social causes, could produce features of social structure. But the consequences of a hurricane, insofar as they are naturally rather than (as so often) socially caused or shaped, are plainly not appropriate objects of attitudes of grievance, resentment, complaint, or righteous anger. But it is central to the idea of structural injustice, as I have argued, that it does warrant such attitudes. So, *purely* structural injustice, injustice in virtue of social structure as such, is not a coherent possibility. Call this the hurricane problem for purely structural injustice.

My argument will make important use of the assumption that structural injustice must warrant the grievance attitudes, though I will also consider what might be accomplished by rejecting it. I will, however, assume provisionally that nothing is wrong unless it warrants grievance attitudes (*prima facie*, as I just explained; I will now usually leave this qualification out).

Pulling those points together, here's what I will call:

The Culpability Trilemma

For any claimed case of structural injustice, one must,

⁴ Peter Strawson coined the term in, "Freedom and Resentment" *Proceedings of the British Academy*, Volume 48: 1962. pp. 1-25.

1. Culpability:

Explain how the wrong of structural injustice is rooted in individual culpability, or,

2. Beyond culpability:

Explain how there is wrong—and so warrant for grievance attitudes—in structural injustice without culpability, or,

3. Not wrong:

Concede that there is no wrong—no warrant for attitudes of grievance—in structural injustice at all, though it might nevertheless be bad.

It's a trilemma if, as I will argue, each option faces difficulties. Option (3) in granting that the case in question is not a wrong at all, not warranting attitudes of grievance, would be a concession from the standpoint of most believers in structural injustice. If option (2)—the idea of a wrong without culprits—is an obscure one, we might first make sure that we need it. Despite the arm's length from individual culpability in the idea of structural injustice, I will explore the prospects for option (1), in which case that obscurity would be avoided.

Next, let's speak of,

Target cases

Examples of (real or hypothetical) social conditions that we—that is, anyone carrying out the investigation I describe and pursue here—regard as genuine cases of structural injustice, and so regard as implausible any account of the matter that does not accommodate this fact as implausible.

People sometimes mistake this sort of stipulation as an extreme epistemological commitment whereby our “intuitions” about such a matter can be taken to be true, letting the other chips fall where they may. But that would be a mistake. It says nothing about whether these initial judgments are, in fact, justified—much less infallible. It says only that someone who holds those judgments more or less confidently and in light of significant thought and reflection will and ought to count that to some extent against the plausibility of an account of structural injustice that cannot accommodate them.⁵ That mark against the view in question might be cleared if the account has enough independent support that

⁵ Specifically, one ought not to hold the two inconsistent beliefs at the same time, if such a thing is even possible. It's less clear that one's intuitive commitments give any epistemic support for rejecting what is inconsistent with them. Still, when all things are considered from the agent's point of view, such as the failure to make sense of injustice without culpability or warranted grievance, rejecting them might indeed be the proper response.

the initial judgment comes no longer to warrant one's confidence. I will speak of target cases in that sense. I will not propose a list of them—that is up to the reader. I am not primarily trying to find target cases. I want, eventually, to look specifically for cases that seem to have the best chance of both seeming to be cases of structural injustice, and yet escaping the reaches of culpability. Can the culpability view yield an account of structural injustice that accommodates all strong target cases? I will argue that it can go further than seems to be commonly thought. But rather than supposing that settles the matter, I'll explore what the options would be if genuinely recalcitrant cases are found.

One target case that we will return to several times comes from Young's seminal discussion of structural injustice.⁶ Young describes Sandy, a fictionalized single parent and a victim of what will strike many people as structural injustice, whose apartment building is about to be sold for condos, with very little affordable housing left for her. She writes that Sandy's situation is not, "... a matter of sheer bad luck, as though a hurricane had blown her house away."⁷ That is, it is a socially produced condition, with many participants and beneficiaries. Now, Young uses this example specifically to observe that there is, so she thinks, no reason to assume that there must be any individual culpability involved in the emergence of this distressing condition.⁸ She zooms in on several likely suspects—namely, the owner, landlord, and real estate broker—and persuasively argues that no culpable conduct or attitudes need be present in them for Sandy to be in her predicament.⁹ This *innocence exercise*, as I shall call it, does not go far enough, since the reader will wonder about other characters who are not discussed. What about political officials, or voters, for example? Or negligent non-voters? We will indeed press the reaches of culpability in this way. However, I also want to register the power of this exercise.

Here is the position I will be interrogating:

⁶ In (2011). *Responsibility for Justice*. Oxford University Press USA. Hereafter "RFJ."

⁷ RFJ, p. 47.

⁸ "Sandy's story illustrates a specific kind of moral wrong, structural injustice, which is distinct from wrongs traceable to specific individual actions or policies." (RFJ 44) "That many people in large urban areas in the United States are vulnerable to becoming homeless is an example of... a structural injustice." (RFJ 175). in "Social Structure, Narrative, and Explanation," 2015, p. Haslanger takes what might look like a similar view with her example of Jason and the bus schedule. But she argues only that there can be structural injustice without "bad attitudes," mainly conscious or unconscious animus or bias. Culpable conduct doesn't always require bad attitudes of those kinds, though even culpable negligence might depend on objectionable attitudes of complacency, or laziness. If so, Haslanger's view there would effectively be the same as Young's that structural injustice does not depend on individual wrong. In here paper, "Oppressions," Haslanger is clear that structural injustice does not depend on any individual wrong.

⁹ Pp. 45ff.

Purely structural injustice

Injustice that is wholly in virtue of features of social structure, and so irrespective of culpability (that is, taking social structural features to themselves be irrespective of culpability).

The dialectical situation has the pure structural justice view winning if *any* strong and realistic target case of ostensible structural injustice can be devised in which no wrongful individual conduct or attitudes need be present—the wrong apparently consisting in structural features alone. Young’s compact treatment does suggest that it is harder than it might seem to confidently rule this out. Young is not saying that conditions of structural injustice are normally present without any individual wrongs, only that it can be, or maybe even that it often is.¹⁰

To test this kind of view, we might formulate the contrary hypothesis that even if in some sense there is indeed structural social injustice as is commonly claimed (in certain target cases), it never without culprits, and then test that hypothesis against target cases. In a way, we can’t lose: if the hypothesis succeeds, structural injustice will be philosophically less mysterious in an important way. If it fails, we will have a strong case that there must be a kind of injustice, presumably a kind of wrong, that is in no way a matter of individual moral wrong. Spoiler alert: I will not conclude either for or against the possibility of purely structural injustice. Instead, I will try mainly to identify the serious challenges for it.

As it happens, Pope John Paul II granted that ground-breaking claim of the bishops that some social structures are cases of sin. But he insisted that it is, in one way or another, all ultimately *individual* sin. “The real responsibility...lies with individuals. A situation—or likewise an institution, a structure, society itself—is not in itself the subject of moral acts.”¹¹ So, he asserts roughly the following view, putting it now in secular terms:

The culpability view

There is no wrong of social injustice except in virtue of individual culpability.¹²

¹⁰ Madison and Faden may misread Young in this way, saying that her view involves, “a category of structural injustices, assumed to be largely benign in origin.” (Madison Powers & Ruth Faden, *Structural Injustice: Power, Advantage, and Human Rights*. Oxford University Press, 2019), p. 115.

¹¹ John Paul II, *Reconciliation and Penance*. Boston: Pauline Books and Media, 1984.

¹² Note (mostly to self): On my conception of “prime justice” in *Utopophobia*, it turns out (though I don’t discuss it there) that there is no violation of prime justice without some wrongful individual conduct. But prime justice can be met even there is some wrongful conduct. See my “Notes on the logic of prime justice,” Oct. 13, 2020. So, if there is a strong argument that there can be social injustice without wrongful conduct than the prime justice account could not be correct.

However, he does not weaponize that position against the very idea of structural injustice, as some might do. He accepts the importance of the idea of structural injustice even though the wrong in it is wholly in virtue of individual culpability. We then have,

The covering culpability hypothesis

The culpability view does not undermine any (or many) important target cases of ostensible structural injustice, because such cases can be anchored in culpability after all.

Of course, if wrongness were to come down entirely to individual culpability, then it would be important to consider what is “structural” about structural injustice after all. Otherwise the idea risks being debunked in a different way—not because the alleged injustices are not wrong, but because it’s not clear how they are anything *more* than individual wrongs. But that might be fairly easy. Certain patterns of individual wrongs might be profoundly important to understand for purposes of effective social change, even if they are not wrongs in addition to the individual wrongs. But I will not try to resolve that here.

Some authors directly reject the idea of injustice (and so, by implication structural injustice) without culpability, few more explicitly than Elizabeth Anderson, who writes, “Once everyone has done everything justice requires of them, the world is just.”¹³ That might be the right view in the end but I will not be assuming it.

I’m interested in this problem partly because, although this is not much remarked on, the idea of social injustice as a matter of social structure and not individual culprits is entirely standard in the tradition of political philosophy,¹⁴ and not just in its liberal forms—witness, amongst many others, the historically far-flung cases of Plato and Rawls.¹⁵ So, in the background, you can see this

¹³ Anderson, Elizabeth (2010). “The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians.” *Canadian Journal of Philosophy* 40 (S1):1-23.

¹⁴ On the traditional idea of unjust social structure, let's distinguish three meanings:

- 1) Victimless malformation: Plato, Rawls (?)

- Unfairness to victims, two varieties: 2) Cosmic (social) unfairness, no grievance, 3) Wrongful (social) unfairness, warranted grievance.

I'm understanding the specific idea of so-called structural injustice as naming something wrongful, which I understand to entail not necessarily individual culpability, but that certain familiar grievance attitudes are warranted. This excludes cases (1) and (2). It may be that under pressure from the culpability problem, it will be best to re-understand structural injustice as not necessarily warranting grievance or being wrongs, but I argue later that this is significantly revisionist. I try to be clear about what the options are, but I do not decide.

¹⁵ Anderson enlists Rawls as a fellow traveler, but I doubt Rawls’s view is consistent with the passage from her quoted just above. As Young quotes Rawls saying, “The tendency is for background justice to be eroded even when individuals act fairly. The overall result of separate

inquiry as pushing these same puzzles for any such view. One of the things that is often meant by “liberal” political theory is one or another kind of moral individualism, such as the axiom that moral value and evaluation only applies, at root, to individual agents. That would more or less entail the culpability view. What I am calling purely structural injustice would, then, be the rejection of a central liberal commitment. As we will see, however, there are less momentous ways in which structural injustice might keep individual culpability at arm’s length, including what I will call the *reaches of culpability*, to which I turn in the next section.

The value of “structural” thinking about injustice might, as I have said, turn out to lie not in finding any distinctively structural kind of wrong, but in identifying what kinds of changes are needed. This is one of the themes of writers on structural injustice, but it does not vindicate any of the views that structural injustice is a kind of wrong independent of individual wrong or blame. It would not make structural injustice an especially structural kind of injustice.

We might seem to need an explanation of what structure is. But we can make some headway without that complex inquiry. To see how, recall the dialectical situation: we are pursuing questions about this idea, structural injustice, that has come to be widely used to identify cases of injustice. Our question is, in the first instance, about these uses: a) Can they be accounted for in terms of culpability? b) If not, are the structural types *that are invoked in uses of the idea* capable of grounding grievance attitudes? We can take the uses of the idea of structural injustice more or less as we find them. So, when something is held to be a case of structural injustice, it is fair to ask, or to surmise, what structural, or systemic, or institutional form or type is meant to be the unjust one in a given use.¹⁶ That is, those who deploy the term get to say, explicitly or by implication, what’s relevantly structural (or systemic, or institutional) about the case in their view. Then we can step back from the specific instance to that proffered form or type, and ask whether instances of it could, in principle, be naturally produced. In reality, of course, few discussions of structural injustice will be very clear about what the unjust structural type is. But in some cases this is not difficult to surmise.

Even if the idea of structural injustice is puzzling in certain ways, I think it has become too much a part of our critical discourse to deny that there is any such thing—that there is any real phenomenon which that family of ideas has been working to identify and understand. But that hardly answers these fundamental questions about whether it is some kind of wrong or not, and if so what kind. If we don’t know whether or in what way it is wrong, we will be

and independent transactions is away from not toward background justice.” (Young, RFJ, p. 73, quoting Rawls, *Political Liberalism*. Columbia University Press (1993), p. 267).

¹⁶ I use the three terms interchangeably in this paper, not because they must mean the same thing, but because the question I’m pursuing remains the same. Young (quoted herein) and Galtung (“Violence, Peace, and Peace Research,” *Journal of Peace Research*, 1969, Vol. 6, No. 3 (1969), pp. 167-191) imply that they use “structural” to mean what Carmichael and Hamilton meant by “institutional” when they coined the term “institutional racism.”

deploying it haphazardly, questionably, and thereby depriving it of power it might otherwise have.

Here, is a synopsis of what's to come: In what follows, I evaluate the prospects for both the pure structural injustice view and for the culpability view. I will present an argument—the “hurricane problem—that social features of any given structural type are not alone sufficient to warrant grievance attitudes. Their wrongness, that is, is never wholly in virtue of their being of a given structural type. Some may wish to decouple structural injustice from grievance attitudes, but at the cost of some revisionism in the idea of structural injustice. An alternative, which I do not explore, would be to explain some ground for grievance attitudes that can arise in socially caused cases, but which is other than individual culpability. These two options for purely structural injustice we might call *no-grievance structural injustice*, and *no-culpability grievance structural injustice*. The only reason for exploring either of those routes, I think, would be if the culpability view cannot cover all compelling or target cases of ostensible structural injustice. However, I will also argue that when the reaches of culpability are more fully exploited than they often are in discussions of structural injustice, it is at least far less clear that there are any such residual cases.

2. *Wrongness without culpability?*

To some, the culpability view seems obviously true about wrongness generally, and even some views of structural injustice accept it, with even more being at least compatible with it. So why not just settle on the culpability view—that there is no injustice without individual culpability—and reject out-of-hand the possibility of purely structural injustice? One reason is that, as we know, some influential writers on structural injustice explicitly reject the culpability view, and not without reason. As we’ve seen, Haslanger and Young are important cases. If my arguments are to be of any interest to people who do reject it, I’d either have to argue for the culpability view rather than assuming it, or, as I shall do here, avoid taking any stand on it.

Second, even if, amongst theorists, if it were only Haslanger and Young and a few others who rejected culpability explicitly, still, the idea of structural injustice in public circulation is often presented, it seems to me, as though it is independent of culpability. If that culprit-free view is indefensible, then those ways of discussing structural injustice weaken the value of the idea, opening it up to fatal objections. If, though, they are not countenancing purely structural injustice after all, it’s important to be clear that they are not, and clear about what they do mean if not that.

Third, in the broader background, there is much said in political theory about how political normativity is, in some way, not moral normativity at all much less individual culpability.¹⁷ The idea of structural injustice might seem to be a strong example, one of the best supports for that anti-moralist position about the political. But if there’s no purely structural injustice then it is no such support.

¹⁷ *** Carr, Williams, Geuss, Larmore, many others. We’ll briefly note below an important connection to Marx as well.

Fourth and finally, even if the culpability view turns out to be correct about injustice generally, it can hardly be taken as obvious from the start. Jeffrey Reiman argues that Young, without any appeal to culpability, “does not present an argument for treating Sandy's situation as a matter of injustice.”¹⁸ I agree. But, as I have said, many theories decouple injustice from culpability, such as Plato, Rawls, luck egalitarianism, etc. So, little is gained by quibbling over the word “injustice.” Instead we can ask whether structural injustice is meant to be a wrong—to warrant reactive attitudes of grievance. I will argue later, in discussing what I call the hurricane problem, that no social condition warrants grievance attitudes in virtue of structure alone, but I will not support this by holding that culpability must be present. That has the advantage of not begging the question against central writers on structural injustice such as Haslanger and Young who explicitly deny that the wrong of structural injustice depends on individual culpability.

3. *The reaches of culpability*

Haslanger, like Young later, clearly states the view that structural injustice—which she interchangeably also calls “oppression,” and an “institutional injustice”—does not depend on any agent doing anything wrong. A social/political wrong—which may yet be a moral wrong—need not involve any individual wrong.¹⁹ For example, she also says that, “there is an important sense in which the distribution of power may be unjust and yet the injustice not be properly explicated in terms of an agent’s wrongdoing.” That is the thesis of purely structural injustice. To support this one would expect to hear about cases that seem palpably unjust but where there is no wrongful individual conduct or attitude at all, but this is not usually what Haslanger offers. Instead, she usually points out only that one or another source of culpability might be missing. For example, she often says that oppression of a structural kind is possible without any agent oppressing anyone, that is by abusing her power. Even if that’s right, though, it’s far from saying that structural oppression can be present apart from any agent’s wrongful conduct or attitudes—which might not themselves count as their individually oppressing anyone. She writes, “Structural oppression occurs where the structures are unjust, not where the wrong lies *simply* in the moral failings—the acts and attitudes—of an agent.”²⁰ With “simply,” this stops short of saying there can be structural injustice irrespective of any agent’s wrongful acts or attitudes, but says only that is not all there is to it. Elsewhere,

¹⁸ “The Structure of Structural Injustice: Thoughts on Iris Marion Young's ‘Responsibility for Justice,’” Jeffrey Reiman, *Social Theory and Practice*, Vol. 38, No. 4 (October 2012), pp. 738-75, at 743.

¹⁹ “Oppressions,” in *Racism in Mind* (Cornell University Press, 2004) Editors: M. Levine & T. Pataki, lightly revised as Ch. 11 of *Resisting Reality: Social Construction and Social Critique*. Oxford University Press. (2012).

²⁰ 2004, p. 106, emphasis added.

she says that there might be structural injustice even if no one “intentionally” creates the structures, and even without anyone having “malicious or hostile intentions” at all. But an agent's conduct or attitudes can be wrongful without being malicious or hostile or intended to produce the structures in question. The door appears to be inadvertently left open to the culpability view—that there is no structural injustice without wrongful individual conduct or attitudes after all.

We find a similar vagueness in Young’s arguments in an essay anticipating her final treatment in the book, reflecting on responsibility for the aftermath of Hurricane Katrina.²¹ The article shows a truncated treatment of culpability, and this is only partially remedied in the book. She writes in the essay,

In the practice of blaming, we tend to see those blamed as guilty of willful harm. And certainly there is much malevolence in this world. Arguably, however, more harm and injustice result from thoughtless negligence, sloppiness, indifference, miscommunication, incomplete coordination, and the cumulative effect of many actions, each of which may seem harmless or even helpful.²²

Rather than pointing out that blame is perfectly appropriate for many of those things too, Young uses these observations to support a more “structural” kind of injustice analogous to the idea of “institutional racism.”²³ The lesson is said to be that “normal practices within which people act with good intentions continue to produce significant evil.” Again, what Young fails to acknowledge is that even acts with good intentions can be wrong and blameworthy. (A simple example: “I denied her the job for her own good, given all her other responsibilities as a mother and a wife.”) At first her concern might seem to be that blame rhetoric doesn’t reach all that is, in fact, blameworthy, and so we should use other rhetoric in politics. But in the book any ambiguity is removed: injustice is a moral wrong that does not depend on any wrong or blameworthy conduct or attitudes at all, not culpable negligence, sloppiness, or indifference, or anything culpable at all.²⁴ Culpability is not plausibly confined even to the

²¹ “Katrina: Too Much Blame, Not Enough Responsibility,” *Dissent*, Winter 2006

²² *Op. cit.*, p. 42.

²³ Following Carmichael and Hamilton, *op cit.*

²⁴ For example, “The wrong that most people would agree has happened to Sandy and to others in a similar position, I submit, is attributable neither to individual fault nor to specifically unjust policy.”(p. 47) “Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation...at the same time that these processes enable others to dominate or to have a wide range of opportunities.... Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state.” (p. 52). The following passage remains puzzling to me however: “The imperative of political responsibility consists in watching these institutions.... To the extent that we fail in this, we fail in our responsibility, even though we have committed no crime

combined space of willful harm, violation of accepted norms,²⁵ and wrongs of interpersonal interaction,²⁶ much less to any one of them. Like Haslanger, Young has not fully tested the reaches of culpability.

By briefly laying out some further reaches of culpability, familiar as they are in moral philosophy, we set the stage for the question whether the covering culpability hypothesis is correct, whether all the main target cases of structural injustice can be grounded in individual culpability after all. I will focus on three dichotomies in the space of culpability. In each pair, the first element is often thought of as part of the core of culpability, whereas the second element may be often neglected. At any rate, cases of all six kinds can be culpable:

Acts vs. omissions

One can be culpable for failing to act, as when one ought to have put on the brakes but didn't.

Intentional vs. negligent conduct

Culpable conduct needn't be intentionally harmful but might rest on negligence (in act or omission), as when one ought not to have driven so fast in a school zone, thereby harming a child.

Contemporaneous vs. legacy wrongs

And some harm or other condition can be culpable now even if no one around or alive now is culpable for it, but only agents who are long gone or even dead—as when one ought, many years ago, to have used building materials required by the building code, thereby averting disastrous collapse.

These will be among the categories we can use to exploit the reaches of culpability, to see if all important target cases can be covered by individual culpability.

Including omissions in addition to acts, and negligence in addition to intentional harm amongst the kind of conduct that can be culpable, is helpful to the covering culpability hypothesis. But perhaps a more powerful extension of culpability's reach in the context of target cases of structural injustice, is what I have called legacy wrongs. In the case of racial structural injustice, it is common to ask how society could be racially unjust owing to current social structures

and should not be blamed." (88, emphasis added) I'm inclined to agree with Nussbaum (Preface to RFJ) at p. xxi, that Young simply fails to recognize that such a failure is indeed culpably negligent—that is, blameworthy.

²⁵ At RFJ 52.

²⁶ At RFJ 71.

even if individual racism were rare or eradicated.²⁷ And even beyond the race case, if we limit ourselves to contemporaneous culpability, there's still going to be a lot that will be regarded as structural injustice that cannot be captured. That is at least because long-standing social structural patterns and practices cannot always be eradicated quickly even if all agents are properly vigilant and motivated. It's often difficult even to know what changes need to be made, given that aspects of social structure interact, and the danger of unintended consequences. It can often be the case that even if it is known what changes would be needed, the levels of individual involvement this would depend on are more than is morally required of all those agents. But in the meantime, the troubling structural conditions would still be in place, and it's not clear that we can easily withdraw the charge of structural injustice in cases like that. For these and other reasons, the conditions that we wish to regard as structurally unjust can, in principle, coexist with agents who are not in any way falling short of what is morally required of them.

But with legacy wrongs, we can reach beyond contemporaneous neglect, and appeal to culpability in the past. In the cases of race, Garcia makes a similar point in the case of institutional racism: "Unless an institution is corrupted (in its ends, means, priorities, or assumptions) by a prior and independent racism in some individual's heart...institutional racism can never come to exist. Nevertheless, ...institutional racism appears to be capable of continuing after individual racism has largely died out."²⁸

Some might worry that this would move any wrongness from the present to the past, but that's not so, as is clear from our earlier example of grossly negligent (or, we might now add, even malicious) construction that predictably leads to collapse and death many years later. The collapse is a grave wrong to the victims as it happens, even if it was committed long ago. In a very similar fashion, many structurally induced racially inequalities and disadvantages in the present are patently and significantly the product of standardly culpable racist acts and omissions of agents many of whom are now gone. But their being gone does not prevent the consequences of their actions from being wrongful now, committed by them in the past.

I am counting Young's case of Sandy as a strong target case of structural injustice—a case that should count as structural injustice by any adequate account, so how does legacy injustice apply there? Sandy, recall, is a single mother forced out of her apartment for the building of new condos, without other affordable convenient housing available. Sandy represents many other

²⁷ Very recently, see "Conformity to a Lie: Academia's monolithic belief in systemic racism will further erode American institutions and the principles of our civilization," Heather Mac Donald, *City Journal*, Summer 2020; "Systemic Racism? Make Them Prove It" Andrew C. McCarthy, *National Review*, September 19, 2020; The 'Systemic Racism' Dodge," Harvey Mansfield, *The Wall Street Journal*, September 18, 2020.

²⁸ Garcia, J. L. A, "The Heart of Racism,"(1996), *Journal of Social Philosophy* 27 (1):5-46. p. 33.

single parents in similar social conditions, and their exposure to systematic operations of the economy. Young seems to believe that the only way to capture the Sandy case is to eschew “the blame game,” any anchoring in individual culpability. However, she doesn’t inquire much into the past, to consider such cases as lawmakers and lobbyists. Cases such as Sandy’s may be legacy individual wrongs after all.

4. *Structural Injustice and Blameworthiness*²⁹

Two people who commit the same wrong can be blameworthy to different degrees, since one might have a good excuse that the other lacks. They might both have stolen \$1,000 from their employer, but one of them and his family were in danger of eviction without money for rent, and the other stole it simply to buy a nice stereo. The threat of eviction would not be a legal excuse, but morally speaking more severe blame is warranted by the second person’s theft—he has no excuse. Some of what Haslanger and Young say seems aimed to show that much of the individual conduct involved in target cases of structural injustice such as that of Sandy are not blameworthy. It might seem then as though they could allow that there is no structural injustice without individual wrongs, and insist only that if so it could all be excusable. But that would deeply misconstrue their central point, namely that structural injustice doesn't depend on moral evaluation of individual conduct or attitudes at all, excused or not. The opposing culpability view, then, must be that there is no structural injustice without individual wrong, excused or not. That, then, is the pertinent interpretation of the culpability view, and it lets culpability reach further than merely blameworthy wrongs.

Culpable Attitudes

There is a different element of the reaches of culpability, at least as I think we should understand culpability here. If we interpret it broadly, one resource for the culpability hypothesis would be to include not only morally objectionable conduct but also objectional attitudes such as bigotry, arrogance, or indifference. That broad interpretation of culpability is the one I will use, and this terminology requires some explanation. Culpability is usually associated with voluntary conduct. Someone could not be culpable for being rained on, or for having a seizure, for example—those being involuntary. But attitudes are also not normally voluntary, such as unbidden fear, or desire, or belief borne of irresistible evidence, or one’s tastes and preferences. So, can a person be culpable for their attitudes? The differences between conduct and attitudes and their relation to social justice is a rich topic, but it is not a telling distinction for my purposes in this paper. I’m asking whether structural injustice can be present irrespective of warranted grievance attitudes, and among the things that paradigmatically warrant grievance attitudes are morally objectional attitudes as well as wrongful conduct. I will take the common-sense position, then, that a person can be properly subject to moral disapproval and grievance both for conduct and for attitudes, even though there are important differences. So I will lump those together, and call conduct

²⁹ Thanks to Yunhyae Kim for a note that notices the possibility of a blame-focused rather than wrong-focused version of structural injustice, Oct. 22, 2020.

or attitudes that are properly subject to moral disapproval, “culpable.”

We should accordingly emphasize that the important arm’s length feature of the idea of structural injustice is arm’s length from any wrongful individual conduct or morally objectionable individual attitudes.

5. *Group agents*

There is a natural thought that would seem to obviate our question: if every structurally unjust society were also a genuine group agent, that could be the agent whose culpability grounds the wrongness. The only interest in group agency for purposes of addressing the culpability puzzle about structural injustice would be if it were agency of a sufficiently rich kind that the group agent not only could engage in action—which squirrels can apparently do—but could also be culpable for some of its actions—which squirrels plausibly are not (which is not to say we never get angry at them, as we sometimes get angry at the stones we stub our toes on). Let’s say, whenever and only when there is an agent, they are properly subject to attitudes of grievance. The details don’t matter for our purposes.

Group agency of that rich kind might well be possible, but surely not without quite special relations between the acts and attitudes of the individuals. It’s a hard question just what relations would be enough, but certainly in a simple dictatorship, in which the aims, beliefs, and choices of only the dictator are effective, the society’s laws and policies are not attributable to the society as a group agent in a way that might be culpable even if he is not. If a dictatorship is an unjust social structure, it is not a wrong of the group as an agent. Smaller groups in a society might themselves be agents, but they would seem to be as susceptible as individuals to Young’s innocence exercise, a point I will return to. The idea of group agency will not solve the culpability problem.³⁰

So, I will put group agency aside and assume for simplicity that the only candidates for culpable agents are individuals. I will often keep clear that we are speaking of individual culpability, but for our purposes we’ll be supposing that there is no other kind, while leaving open for investigation the distinct question whether there can be injustice without culpability.

6. *Responsibility and the Unjust Already Problem*

The word, “responsibility,” peppers discussions of structural injustice, and much ambiguity and equivocation could be avoided by dropping the term. It’s not that responsibility itself is not relevant, but there are numerous meanings for the term, and they can perfectly well be conveyed with separate terms. To say that someone is responsible for some bad condition might mean any of several things, with the following three being the most important in discussions of structural injustice:

³⁰ I make this case in somewhat more detail in *Utopophobia*, Chapter 11, sec. 5. I have not had time to study Tollefsen’s argument, though I acknowledge it here, that a collectives can sometimes be subject to reactive attitudes such as grievance attitudes whether or not they meet such strong conditions for agency. See, Deborah Tollefsen, (2003). “Participant Reactive Attitudes and Collective Responsibility,” *Philosophical Explorations* 6 (3):218-234.

- *Causally instrumental* ("Instrumental" for short)
"Who's responsible for the anonymous note we all received?"
- *Culpable in its production* ("Culpable" for short)
"Yes, you carried the TV out together, but she believed you had paid for it. So only you are responsible for stealing it."
- *Obligated to help remediate* ("Obligated" for short)
"I understand the plumbing needs to be repaired, and as the landlord, that's my responsibility."

Or, without any role-based obligation:

"We all have a responsibility to help the victims of the hurricane in Haiti."

Here is how equivocating between these can confuse the issue about culpability and structural injustice:³¹ Suppose some continuing structural condition S is said to be a case of structural injustice, but the objection is raised that S does not appear to have arisen from any culpable attitudes or conduct (so far no one is culpable), raising the question how it could be wrong in any way. It is replied that, nevertheless, since S is socially produced we are "responsible" for it. This might either mean instrumental, or obligated. Since we are looking for some wrong, suppose it means obligated. S's being socially produced might be relevant to such *remedial obligations*. (Let *antecedent obligations* be non-remedial obligations the violation of which gives rise to or constitutes the unjust condition in question.)

It's true, we will tend to have obligations to remediate even natural disasters (*natural remedial obligations*). But causing (being instrumental to) a problem can intuitively support remedial obligations as well (*instrumental remedial obligations*), so suppose that is indeed what is meant. Those obligations will arise at some (rough) time, perhaps the emergence of condition S itself, or along with other conditions, etc. Call that time *Zero*, the origin time of the remedial obligations. Starting at time *Zero*, there are obligations to remediate, but so far no violations of those obligations. So we should ask whether, at time *Zero*, what needs remediating about S is its being any kind of wrong or injustice. Suppose the answer is yes, it is an injustice that needs remediating. In that case, the injustice is not the violation of obligations to remediate, but something else, and we want to know what. The other alternative is that what needs remediating is not a case of injustice after all.

³¹ Which meaning is intended in Young's title, *Responsibility for Injustice*? I suspect it's meant to refer at once to both the instrumental and the obligation senses. It would be better if we didn't have to do this decoding. I will follow my own advice and avoid the term. Much is gained in clarity, and I don't see that anything is lost.

Now, here is a risk of equivocation: once time moves on, there might be violations of remedial obligations, and then there will be that familiar kind of responsibility in the sense of culpability for those violations. But that would not explain what is unjust or wrong about what needed remediating in the first place. Call this,

The “unjust already” problem

When some ostensible case of structural injustice is said to ground obligations to remediate, violations of those obligations, should there be any, would be culpable. Neither those obligations nor their violation could yet explain what kind of wrong is already present. It needs to be unjust already—that is, prior to and independent of the obligations it might ground, and (*a fortiori*) of any violations of those obligations. That “already” wrongness could be explained in a simple way if it were tied in the right way to culpable conduct or attitudes up to and including—but not after—the time of the cited injustice of the condition. But the structural injustice idea is often used to signal that its wrongness is irrespective of such antecedent individual culpability. In that case, the wrong of the condition must be explained irrespective of such antecedent culpability, and independent of forward looking or subsequent obligations of remediation, or their violation.

7. *The innocence exercise’s power*

The innocence exercise—the observation that individual culpability is not so obviously present as it might seem—has power even if Young fails to exploit the reaches of culpability. But then we might expect there also to be power in applying the exercise and to remedial obligations.

First, let’s momentarily relax our bracketing of group agents: even if the relevant social systems constituted or involved group agents of a kind that can be culpable, it would be a further question whether those group agents will have actually been culpable in fact in all the target cases. Just as the individual agents involved in the production of a troubling social condition might be innocent—there being no wrongful behavior or attitudes among the condition’s explanation—the group agent cannot be assumed to be culpable without a closer look. Its conduct might be justified under the circumstances. Checking this would require a very specific account of which group actions are in view in a given target case, and then asking what might justify them. And recall that the culpability view is defeated if we must admit even just one strong target case of structural injustice where there is no culpability of individual or group agents. This is to be borne in mind on the group agent strategy, but I won’t pursue this particular innocence exercise here.³²

³² I thank César Valenzuela for noticing this important point.

Next, returning to individual agents, how does the power of the innocence exercise illuminate the appeal to violations of remedial obligations? It's true, as we have seen in the previous section, that even if some instance of structural injustice doesn't involve any culpable conduct or attitudes in its origination, grievance attitudes would be warranted the moment many people have failed to do or care as they ought to in response to the problematic social conditions—in violations of remedial obligations. So, common grievance attitudes about structural injustice will often be warranted after all even if the structural injustice was not culpably produced. But this point is not as favorable to the idea of purely structural injustice as it might seem at first. The very reasons that authors like Young and Haslanger offer for thinking there could be structural injustice without antecedent culpability will often plausibly apply again to the question whether, for every strong target case of structural injustice, there will plausibly be many individuals whose morally objectionable conduct or attitudes partly explains the failure to remedy the situation. That remedial culpability wouldn't explain the injustice anyway, as we saw above, but to the extent that it needn't even be present it also can't be sure to warrant grievance attitudes.

8. *The hurricane problem*

As I pointed out earlier, the form of argument I will now propose against purely structural injustice has the advantage of not assuming the culpability view. It assumes neither that injustice itself, nor even warranted grievance attitudes, depend on individual culpability. So it does not beg the question against writers such as Haslanger and Young who deny that wrongness depends on culpability. I turn now to this line of argument to the effect that purely structural injustice does not exist.

Purely structural injustice would normally be socially produced, but, by definition, would involve no individual culpability. What if it were produced not socially but naturally, say by a hurricane? There would be no warrant for the grievance attitudes in that case, since it could not be regarded as a wrong. Recall Young's imagined case of Sandy, whose apartment building is about to be sold for condos, with very little affordable housing left for her. Quoting the passage a bit further, she writes that Sandy's situation is not,

... a matter of sheer bad luck, as though a hurricane had blown her house away. She might have had better luck, but the series of interactions and constraints that she experiences are not inexplicably fated.³³

Fate aside, Young's point appears to be that unlike much hurricane damage, Sandy's conditions are produced by the operations of social structure. Young herself argues at length in the earlier piece mentioned above that the ravages of hurricane Katrina are indeed socially caused to a great extent, but she is here

³³ p. 47.

licensing the reader to concentrate on hurricane consequences that are not socially caused.³⁴ But insofar as they result wholly from a natural disaster, she implies here, they would not be unjust.³⁵ Now, it's clear that if they are socially produced they might be someone's fault, but not if they were caused by a hurricane rather than socially. But Young stipulates that Sandy's conditions, while unjust, are *not* anyone's fault.

The objection I will now press, which will need refining is this:

The hurricane problem

If a form of structural justice could in principle be produced naturally, as by a hurricane, then since it would not warrant grievance attitudes, it is not a case of purely structural injustice—injustice in virtue of structure alone.³⁶

We see that Young seems, reasonably, to grant that if a condition (such as the type Sandy is in) were naturally produced—say, by a hurricane—then it would not be structural injustice. But that's the core of the argument that there is no such thing as purely structural injustice, now in fuller form:

No Purely Structural Injustice

If some structure type can be naturally produced, then being of that type isn't enough to warrant grievance attitudes. So, for any structural form of which an instance could, in principle, be naturally produced, being of that form does not, by itself warrant grievance attitudes. But assuming that a structural type is defined independently of what might bring it about, then *all* structural types could *conceivably* have instances that were naturally and not socially caused. Then, since structural injustice must be a wrong—must warrant grievance attitudes—there is no such thing as purely structural injustice—a wrong of injustice consisting in social structure. Any wrongness of a social structure must depend on more than structure

³⁴ “Katrina,” *op. cit.*

³⁵ Similarly, David Atenasio writes, ““If their poor condition results primarily on account of a freak accident or environmental disaster, then it is not plausible to say that they suffer a structural injustice.” See, “Blameless Participation in Structural Injustice,” *Social Theory and Practice* 45 (2):149-177. (2019) p.160.

³⁶ Contrast this with Garcia's thought experiment meant to show that there is no racism without racists: "Suppose, for example, the government of a hostile planet, free of any bigotry toward any Earthling racial group, but unenamored of all Earthlings, launches a missile to destroy the Earth. Suppose it lands in Africa. This institutional (governmental) action as a disproportionately adverse impact on Black people, but it is silly to describe it as racist". (Garcia, J. L. A. (1996). "The heart of racism." *Journal of Social Philosophy* 27 (1):5-46, at p. 26) That means to show that there is no institutional injustice of racism without culpable (in my extended sense) individual racism. My example, is neither assuming nor arguing that structural injustice depends on individually culpable conduct or attitudes.

alone, namely, something having to do with their being socially and not naturally produced.

To simply assume that there is no injustice without culpability would be question-begging against purely structural injustice, as I have said, and this argument does not appeal to that claim. It substitutes the non-question-begging premise that naturally produced conditions do not warrant grievance attitudes—they are not wrongs. We do not go on to say whether this is because the attitudes are only warranted in the case of culpability, since that is doubted by many of those we are arguing against.

Young writes,

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 range of opportunities for developing and exercising capacities available to them. (p. 52)

For some purposes, conditions of domination or certain cases of persistent deprivation might figure in an argument as cases of social structure. Then Young's idea here would be speaking of a kind of meta-structure. But that's also easily understood as structural, one degree more abstract than the others. So, even though domination, deprivation, asymmetry³⁷ and inequality can all be treated as structural features, so can her broader criterion. The three elements are logically arranged in her account as follows, and this is the structural criterion for structural injustice on her view: The presence of *[(domination OR deprivation) AND asymmetry/inequality]*.

This general definition of structural injustice would seem to allow for it to be conceivably produced by natural causes. If so, then meeting that structural criterion does not, by itself, warrant grievance attitudes. Natural production of unequal deprivation is easy to understand: a hurricane, or the regular procession of hurricanes in a certain region across many seasons, might cripple the finances and futures of many who live in that region, but not others, and so nature would produce that unequal deprivation, thus meeting Young's criterion. Due to the "or" in her criterion, domination, despite being mentioned, needn't be present to meet the criterion. So this point about unequal deprivation is enough to show that meeting the criterion does not warrant grievance attitudes.

9. *Does domination warrant grievance?*

³⁷ This refers to what Young speaks of as some dominating and others being dominated, unlike the case (which the formula allows) of mutual domination. "Inequality" isn't apt for that.

But a revised criterion of structural injustice might specifically require asymmetrical domination of some by others. Are domination relations immune from the hurricane problem? The general idea of social domination is a good one to look at, since it allows us to compare the difference between evaluating actions and evaluating structures or patterns of action. The dilemma for pure structural injustice, as I will argue now, is this: purely structural injustice is meant to be irrespective of evaluation of individual actions. But patterns of action succumb to the hurricane problem.

Young doesn't offer a theory of what domination is, but we can bring this question to the most influential theory in order to see that domination, as so understood, could also be naturally produced.

Non-domination

Justice requires that no party is in a position to interfere in another party's affairs with impunity.³⁸

This is a simple formulation of Pettit's criterion of non-domination. Arguably, instances of that structural type—domination—could be naturally produced, as this example suggests:

Plainville's Hurricane

Suppose that for a long time, up until 5 years ago, stronger citizens of Plainville could not mug each other without being detected and punished at a sufficient rate that would normally deter stealing. This is owing to the presence of an enforcement agency (police, or community-based reporting). But on Tuesday, a hurricane blows through town and destroys the effective operations of that enforcement agency, and along with it any chance for a substitute or repair for several years.

Between the time of the hurricane and the repair or replacement, stronger citizens of Plainville are able, whether they will choose to do so or not, to mug others without fear of detection and punishment. This is an instance of domination of the weaker by the stronger, and in this case it is naturally produced.

As we have observed, unequal and other bad consequences of natural events are often the fault of human agents, but let Plainville not be that kind of case. And it won't do to say that everything is socially produced, including the height of the tallest tree, just in the sense that society did not prevent it, if being socially produced is meant to be part of how a condition counts as unjust rather than neutral. Now, Pettit's account of non-domination is not the only one. Might an

³⁸ "Someone, A, will be dominated in a certain choice by another agent or agency, B, to the extent that B has a power of interfering in the choice that is not itself controlled by A." Philip Pettit, *On the People's Terms*, Cambridge University Press, 2012.

alternative account evade my argument that it remains a state of affairs that might have been naturally produced?

In contrast to Pettit's structural account, the very idea of domination can suggest *acts* of domination performed by agents—agent-produced rather than naturally produced. The pure structural injustice approach hopes to evaluate social structures *rather than* individual actions, so the agentive sense of the idea of domination would not serve that purpose. If the focus is shifted from actions to social patterns of action that problem is avoided. While the agentive idea of domination not helpful to the idea of pure structural injustice, a structural account of domination as a pattern of actions might seem to be. Domination might still seem to be a way in which some people are treated by others, which suggests that grievance attitudes might have a warrant. However, even though acts themselves are not naturally produced in the right sense, social patterns of action apparently can be. After all, we want to consider patterns that are not themselves any agent's action, otherwise we revert again to the individual moral mode of evaluation. And a pattern of action can be produced by a hurricane. Or a pandemic. Here is a recipe for seeing how:

- i. Start by defining some conceivable social pattern of action (without defining its source into it): Let's consider a pattern in which business-owners disproportionately hire males.
- ii. Then imagine a social setting where that pattern is not present, but would be if certain elements were subtracted: Let's consider a society in which some business owners tend, non-culpably to hire more males, but just as many tend (again non-culpably) to hire more females, and many hire without any gender disproportion.
- iii. Then suppose a long-lived pandemic subtracts those other elements: So, let's suppose that an ongoing pandemic disproportionately kills people between the ages of 50 and 60, and also people with a certain ethnic genetic heritage, say South Asian, and that those happened to be the groups from which the neutral and the female-favoring business owners had mostly come.
- iv. Once the pandemic has run its course for some time, the result is the pattern posited in (i) from that natural cause: business-owners now disproportionately hire males.

Since that pattern can be produced naturally—by a pandemic, or presumably in a more complicated story, by a hurricane—a social condition cannot warrant grievance *wholly in virtue of* its instantiating that pattern. That's because we've just seen a counterexample to the proposition that all instances of that pattern warrant (*pro tanto*) grievance attitudes. Now, whether all real-world instances of such a pattern might nevertheless happen to warrant grievance attitudes on some other additional grounds is a further question. But the point here is that there must be some additional grounds for grievance attitudes than that structural feature. Here again, I'm not saying the extra grounds must be individual culpability; no such assumption is needed or relied on in this argument. If it's not culpability, some alternative ground for grievance attitudes—alternative both to individual culpability and to structures or patterns of actions—would have to be explained.

10. Impartial justifiability

Rainer Forst makes a suggestion similar to the hurricane problem, pressing it

against what he calls “goods-fixated” views of justice.³⁹ He writes, “...by concentrating on overcoming deficiencies in the distribution of goods, someone who suffers deprivation as a result of a natural catastrophe is equivalent to someone who suffers deprivation as a result of economic or political exploitation.” That is, such a view can’t easily distinguish reasons of justice from reasons of benevolence in such cases.⁴⁰

He suggests an alternative account of social or political non-domination according to which social justice consists in each member of a society having equal discursive justificatory power over basic social arrangements, which are modes of treatment of each by the others. It might seem to be a version of the idea that injustice needn’t entail anything like culpability but is rather a matter of what is and is not impartially justifiable. However, Forst’s own view is that there is no injustice without culpability, so he does not propose the impartial justification model as an alternative to the culpability view. Nevertheless, it is worth seeing why the impartial justification model would not address the hurricane problem, and how something further, perhaps culpability, would have to be the ground of grievance attitudes.

If basic social injustice of some structural kind could have had natural causes, then being of that kind couldn’t warrant grievance attitudes (as we saw with the case of Pettit-style domination). The reciprocal or impartial justification criterion wouldn’t seem to be helpful there. That’s because whether some structural arrangement is reciprocally justifiable, either hypothetically or in real discourse, the structural arrangement itself might yet be producible by natural causes.

If the condition in question is essentially a species of interpersonal treatment, that would not count as naturally produced in the relevant way, and then the argument from natural causes wouldn’t apply. But the “treatment” characterization is not established by conceiving justice as being fundamentally about reciprocal justification. Indeed, the logic would appear to be reversed: if it were first shown that certain kinds of arrangements count as certain people treating others in certain ways, then such arrangements could be held to call for justification, while non-treatment states of affairs do not. The model of justification is not itself what makes it a kind of treatment, however—that has to be explained in a prior way. And, in any case, *individual* treatment of others is no use to the purely structural injustice approach, while, as seems clear from the pandemic example, a *pattern* of treatment is not clearly itself a case of treatment, at least not in the way that would clearly warrant grievance attitudes.

11. *Is grievance optional?*

The argument of the previous section, that in light of the hurricane problem we

³⁹ Rainer Forst, (2013). “A Kantian Republican Conception of Justice as Nondomination.” In Andreas Niederberger & Philipp Schink (eds.), *Republican Democracy: Liberty, Law and Politics*. Edinburgh University Press.

⁴⁰ See, *Justification and Critique* (p. 19), Wiley 2014 (translated from the 2011 German edition).

can see that there is no injustice wholly in virtue of social structure, relies on what I will call,

The grievance criterion

A condition is not a case of structural injustice unless it warrants the grievance attitudes.

In this section I want to consider how an account of structural injustice might reject the grievance criterion.

First, let's recall why someone might define structural injustice as warranting grievance attitudes if that is precisely the assumption that blocks the possibility of purely structural injustice? A natural reason is that, as I observed earlier, from the standpoint of a person who, in virtue of structural injustice, has those reactive attitudes toward their society such as resenting the society or harboring anger or a grievance against it, it can hardly be a matter of indifference whether those are mistakes, or some kind of pretense like anchor at a stone. If such attitudes are present in a society, then since they can be corrosive it matters quite a lot if they are based on an error. The factual presence of grievance attitudes profoundly shapes the tenor, texture, and even trajectory of the life of a society. For at least reasons such as these, it is important to the members of that society whether those attitudes, if they are present, are warranted (as well as whether, if they are absent, they are called for).

However, the hurricane problem puts pressure on the grievance criterion. So, suppose it is denied that structural injustice must be understood as warranting grievance after all. Call this route,

No-grievance structural injustice

This is not simply the idea of purely structural injustice itself, which would make it culpability-free. Here the absence of any warrant for grievance is also embraced.

For no-grievance structural injustice, I have, in effect, just sketched the significant *revisionism* this would be involved in the idea of structural injustice as it has come to currency. This revisionist view would imply that many of its real political uses need to be disavowed and reeducated to sheer away any implication of warranted grievance.

A fair response to this is that that the usual sense of warranted grievance in charges of structural injustice can almost always be attached to some contingently associated non-structural wrong involving culpability. This *contingent culpability* can be found in two different directions: structural injustice is often produced in conditions that also include closely connected, but not conceptually necessary, culpability. The history of racism is obviously a strong example. This point is not the same as exploiting the reaches of culpability in order to cover all target cases. This approach does not insist that all target cases

can be covered by culpability, since structural injustice does not depend on culpability, and may not in all cases warrant grievance at all. What it explains is why we might have thought otherwise.

Moreover, no-grievance structural injustice itself would still often present many people with remedial obligations, and these are often violated. Those violations are culpable, and they warrant attitudes of grievance when they are present even though they cannot explain how the condition that needs remedying is unjust already. Taking these two together, there is this contingent culpability that could be said to very often accompany culpability-free structural injustice, contingently warranting grievance. Culpability is at arm's length but not outside the picture.

Here it is important to remember what I have called the power of the innocence exercise. However powerful is the innocence exercise suggesting that there is often no culpability in the production of structural injustice, it should be expected also to have force—maybe even as much—in showing that there is also often no culpability in the failure to remedy. That point would count against the attempt here to conceptually sever structural injustice from grievance attitudes and explain them as aimed at later failures to remedy.

There also remains something out of focus in the contingent culpability response to the challenge, in what remains a non-contingent identification of structural injustice as a moral *wrong*. It's true that others might be happy to divorce structural injustice from the domain of the moral altogether. There is certainly a familiar strand in political theory that is opposed to "moralism," as I have said above, even if Haslanger and Young cannot put their views that way. For example, among the sources of anti-moralism in political theory is Marx, though Marx's own view is a matter of contested interpretation.⁴¹ But that particular ancestry hardly helps bring things into sharper focus, since the Marxian version is normally no more comfortable with the justice paradigm than with the morality paradigm. Structural injustice can hardly disavow the justice paradigm. And while Young's desire to eschew the "blame game" may seem to resonate with those anti-moralist sentiments, she (as did Haslanger earlier) still regards structural injustice as a "wrong."⁴²

Here then, in sum, is a no-grievance understanding of purely structural injustice that might be adopted if the reaches of culpability could not be shown to cover all target cases: structural injustice—injustice wholly in virtue of social structure—is a moral wrong irrespective of individual culpability, and without itself warranting grievance attitudes, though very commonly contingently associated with culpability in the production of the injustice, or with failure to remedy it. The sense of grievance that so often accompanies charges of structural injustice should, on this view, be understood as directed to the cases

⁴¹ See Wolff, Jonathan, "Karl Marx", *The Stanford Encyclopedia of Philosophy* (Winter 2017 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/win2017/entries/marx>, Section 5.

⁴² 2004, *passim*.

of culpability that are so closely associated with the injustice in question. I think it's fair to say that this would still be experienced as somewhat revisionist, but more moderately so than without the appeal to contingent culpability. Philosophically, I would add that if culpability and even warranted grievance are jettisoned, it is far from clear on what basis structural injustice could be regarded as wrong rather than only bad. If it's being a wrong were also jettisoned, the revisionism factor might now be a serious liability, our question for the next section.

A different rejection of moralism is more concerned to reduce emphasis on evaluation of the actions and attitudes of individuals—call this the *anti-individualist* tack. So, on that view, if there is some sense in which the justice of societies, or certain social structures should still be regarded as a *moral* matter, then so be it. Moreover, as we have seen, on many traditional approaches to social justice, injustice does not depend on culpability and needn't warrant grievance attitudes. There is logical space remaining, which I do not explore, for what we can call,

No-culpability grievance structural injustice

An account of certain social causes of social conditions that, on some basis other than culpability (which would need to be explained), warrants attitudes of grievance.

This would call for reflection on what might be counted as an attitude of grievance, rather than merely sadness or a damn-it-all attitude of picqué, and yet which does not depend on culpability in order to be warranted. Seeing no obvious candidate, I leave that as a question for another occasion, and maybe another author.

Having broadly laid out the no-grievance approach, and the no-culpability grievance approach, I want now to ask what is to be said in favor of either, beyond seeing that they are not forced into absurdity? The only thing, not that it is unimportant, that would count in their favor as against a view on which structural injustice did involve culpability, or at least did warrant grievance, would be if there were target cases that were outside the reaches of grievance or culpability respectively. Once omission, negligence, and legacy, as well as culpable attitudes rather than just acts, are fully drawn upon, cases such as Young's example of Sandy, and most of what we know as structural racism even irrespective of present-day bigots, can perhaps be covered by culpability after all. The stakes remain high for the covering culpability hypothesis—that all strong target cases can be covered by individual antecedent culpability after all.

12. What's Wrong?

If the culpability thesis were correct after all—that there are no wrongs without culpability—then if injustice must be a wrong there is no purely structural injustice either. A (perhaps final) escape hatch would be to hold that not only

needn't injustice entail culpability, it need not be a wrong at all. And this brings us back for a closer look at what I have mentioned as the Plato/Rawls nexus on social injustice as a matter of social structure.

Plato may not have found the question whether social injustice was a wrong comprehensible, since the concept of wrongness might not correspond to any concepts in use at the time. But Rawls would certainly have understood the question. Few have thought more thoroughly about the relations between our moral ideas than Rawls, so it is worth observing that for him injustice of the basic social structure—as with structural injustice, in Haslanger and Young—does not entail any wrongful individual conduct,⁴³ and yet it is indeed a moral wrong.⁴⁴ It's true that Rawls famously wrote that, “justice is the first virtue of social institutions,”⁴⁵ which might sound like a moral idea, but the sentence continues, “as truth is of systems of thought,” which defeats that suggestion. When he says that, he appears to have in mind the capacious sense of a virtue in which it is a virtue of a knife to be sharp, not a moral sense. But separately he also says that social injustice is a “wrong,” as I have said, and that this is a “moral” idea. In Plato the injustice of a society is a kind of malformation, and so an absence of some virtue or virtues in the general, and non-moral, knife-relevant sense. Rawls could have settled for that, but he says several times that injustice is a moral wrong, which is surely more than its being a malformation, like a dull knife.⁴⁶

One natural response is to say that injustice can be wrong for Rawls in the sense of not being impartially justifiable. But we don't ask whether a hurricane is impartially justifiable (many would not be!), so if social injustice is, like a hurricane, also not something committed by any agents then why must it be impartially justifiable and wrong when it is not? The justification angle seems to

⁴³ “... the tendency is ... for background justice to be eroded even when individuals act fairly: the overall result of separate and independent transactions is away from and not toward background justice. We might say: in this case the invisible hand guides things in the wrong direction.” Rawls, PL, p. 267 ***.

⁴⁴ A few texts to show that for Rawls injustice is a wrong: “Justice as fairness will prove a worthwhile theory if it defines the range of justice more in accordance with our considered judgments than do existing theories, and if it singles out with greater sharpness the graver wrongs a society should avoid.” (TJ 2nd ed., p. 76, sec. 31.) Also, “The first point concerns the kinds of wrongs that are appropriate objects of civil disobedience. Now if one views such disobedience as a political act addressed to the sense of justice of the community, then it seems reasonable, other things equal, to limit it to instances of substantial and clear injustice, and preferably to those which obstruct the path to removing other injustices.” (p. 326, sec. 57). And, “Thus when certain minorities are denied the right to vote [etc.] ...these injustices may be obvious to all. ... The establishment of these wrongs does not presuppose an informed examination of institutional effects.” (327)

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⁴⁶ As for injustice, on his view, being a moral idea, it is a repeated theme in the *Introduction* to the paperback edition of *Political Liberalism* (1995) that the normative ideas in political liberalism, while not “comprehensive,” remain moral ideas, including the conception of justice.

subtly, but illicitly, suggest that it is evaluation of conduct after all—conduct needs justification—as I suggested in discussing Forst.

So, what would warrant Rawls in holding that certain social conditions that do not involve any wrongful agentive conduct or attitudes is nevertheless not just unfortunate but a moral wrong? What's being added by that further claim, and when is it warranted? We have touched on the idea of wrongness as necessarily warranting grievance attitudes, but it's not clear that we or Rawls should hold that this is all there is to wrongness. Having a grievance attitude might (I have taken no stand on this in this paper) commit one to there being something that is *independently* a wrong, perhaps culpable. And, in any case, it is not clear whether Rawls would hold that the injustice of a basic social structure warrants attitudes of grievance.⁴⁷ More importantly, if he were to hold that, on what basis?

So, we can press our central questions against Rawls too, and he undoubtedly represents many other theorists of justice who would say the same. The question remains, and it strikes me as near the heart of the matter of the relation between at least central parts of political and moral normativity: if injustice does not depend on any wrongful conduct or attitudes past, present, or future, then on what basis are we to accept that it is not only bad but morally wrong? Still, the fact that Rawls, like them, believes that it is wrong could legitimately be taken as comfort by Haslanger, Young, and followers—we have hardly refuted Rawls on the point, and on this score they're no worse off than him. I'm not prepared to decide the case against them, but that does not mean that I yet see any satisfactory answer to the question.

13. Conclusion

Some have argued, and many seem to have at least left it open, that there is a wrong of structural social injustice that does not depend on any individual culpability. I have argued that either a fuller exploitation of the reaches of culpability removes the motivation for such a view, allowing the wrong to be grounded in culpability after all, or we are faced with the question on what basis it is to count as a wrong at all rather than only a bad. If its being wrong entails that grievance attitudes would be warranted, then there's the hurricane problem: social structural alone (not letting culpability be defined into structure) could in principle be caused by wholly natural means, disqualifying grievance attitudes. If, in response, structural injustice is held not to warrant grievance attitudes after all, this is probably rather revisionist of ordinary uses of the idea, but, maybe, so be it. However, then on what basis is it a wrong at all rather than a bad? If its being a wrong at all is also jettisoned, the revisionism would be profound.

If the covering culpability hypothesis does not fully succeed, we seem to be left with two main options, each embracing at least one of the horns of the original culpability trilemma. Unless structural injustice is no wrong at all (that would correspond to *not wrong* in the culpability trilemma), then under philosophical pressure from the culpability problem,

⁴⁷ He does imply that it warrants “complaint” at TJ 73, 76, 395, so perhaps the other grievance attitudes inherit that warrant.

we might,

A) Reject purely structural injustice entirely (leaving open what an appropriate understanding of non-pure structural injustice might be) and exclude, on reflection, some cases that might have struck us as cases of structural injustice, on the ground that they must be admitted not to involve any individual culpability. This corresponds to *Culpability*, with some degree of *Not wrong*.

The alternative would be to,

B) Explain how those cases warrant grievance attitudes without there being any individual or group culprits involved, (This corresponds to *Beyond culpability* in the trilemma).

I add a possibility just in case anyone finds it intriguing, namely to explain how they count as wrongs even without warranting grievance attitudes, thereby rejecting my definitional stipulation.

Option (A), might be regarded as the debunking option, the debunking coming in degrees measured by the strength of the initial pull of the cases that must be excluded. The pull might be, for example, simple intuitive pull, or perhaps objectively deep integration into common ways of thinking and talking. **There is nothing conclusive here against the idea of purely structural injustice, but I think it is a serious challenge.** If the pure idea of structural injustice must give way, some clear conception of structural injustice might very well still be possible. It would presumably clarify the task of discovering the best philosophical interpretation of structural injustice if, as a desideratum, its arm's length from culpability must be something short of amputation.