

# Laidlaw Scholarship 2022 Research Project Proposal

## **Research Question:**

*Can an 'interactional' account of philosophical human rights  
be a tool for attributing responsibility for global structural  
injustice?*

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# Research Proposal

## **Introduction:**

This project intends to test the viability of a novel way of using one philosophical account of human rights as a tool for attributing responsibility for global structural injustice.

Many cases of structural injustices are widely considered to be human rights (HR) violations, and in common discourse the two concepts are often seen as closely connected. Human Rights NGOs such as Amnesty and Human Rights Watch increasingly describe addressing structural injustice as 'part of the job' of HR. However, in political philosophy the two approaches are often considered incompatible. This project seeks to establish and test a new method of reconciling the two approaches.

## **Academic Literature Context:**

Structural injustices are unjust outcomes caused by certain 'structures' in society, which are produced and maintained by 'social-structural processes'. These processes consist primarily of the accumulated actions/behaviours of many individuals, even though it is difficult or impossible to point towards any one individual acting unjustly towards any other individual. For example, a set of independently harmless individual actions and behaviours combining to leave an individual homeless. 'Unjust outcomes' occur when these structures leave people or groups vulnerable to deprivation, oppression, or domination by other groups which benefit from those same structures. Structural injustice theory is an approach to diagnosing injustices that is growing in popularity; over the last decade it has been applied to bioethics and public health, education, social work, law, and transitional justice. It is upheld as intuitively and accurately accounting for many injustices that mainstream analytic approaches to ethics struggle to deal with.

Human rights (HR) are a popular conceptual tool used to talk about injustices, both in common legal/political practice, and in political philosophy. The traditional account of HR is the 'interactional' account. On this account, HR are held by individuals against other individuals, who have corresponding duties to respect them. The principle alternative approach to human rights as moral rights (not just legal rights) is the 'institutional' approach. I have chosen to address the interactional account partly because it is the more challenging approach to combine with structural injustice theory, hence this has not been clearly attempted in the literature. Furthermore, Interactional HR theory claims to more intuitively reflect much of how we think about HR, because it gives us direct instructions for how to act towards other persons instead of focusing exclusively on how to act towards social institutions.

In this model of moral responsibility; wrong outcomes are blamed against wrong individual actions (this is a 'legalistic liability model'). However, this is typically seen as an inadequate way of assigning responsibility for structural injustice. Structural injustices are built out of accumulated sets of actions with often unintended, unforeseen consequences, which makes it difficult to see how the harm that a structural injustice does to one victim is blameable on any

one individual action involved in maintaining that structure. As interactional HR theory seems to totally focus on individual actions, it seems inapplicable to structural injustices.

## **Overview of my approach**

Maeve McKeown's forthcoming book *'With Power Comes Responsibility: The Politics of Structural Injustice'* argues for three distinct types of structural injustice ('pure', 'avoidable', and 'deliberate'), and I have identified this as a potential starting point for introducing interactional HR. In avoidable or deliberate cases, one actor has sufficient control over the 'structure' to substantially influence outcomes, whereas for pure cases no actor has such control. Interactional HR could potentially account for at least avoidable/deliberate cases, and could be combined with some other theory of moral or political responsibility to account for pure cases.

This project bridges several disciplines and philosophical traditions: interactional HR theories are an analytic approach to ethics with connections to international law, while structural injustice builds upon continental political theory and sociological insights into structural processes.

## **Hypothesis:**

H1: Avoidable and deliberate structural injustices could be considered violations of interactional rights/duties.

This hypothesis tests whether interactional HR could account for at least some types of structural injustice. There are no attempts in the literature to reconcile HR with structural injustice which explicitly consider interactional HR, and none which use McKeown's three types of structural injustice. If this hypothesis is not rejected, this could demonstrate the viability of interactional HR as a tool for attributing responsibility for structural injustice.

## **Methodology**

I believe this project is feasible in the time-frame, because it does not require developing extensive new arguments/theory, but focuses on applying one existing theoretical framework (interactional HR) to specific, well-defined cases of structural injustice. I intend to divide my time into three stages.

**Stage 1 (Weeks 1-3):** review existing literature on structural injustice, interactional HR, and existing attempts to reconcile the two.

I have identified several papers/texts in the structural injustice literature as potentially useful, in addition to McKeown's forthcoming text. Barry and MacDonald (2016) defend 'liability models' in general as being relevant to structural injustice, and Gädeke (2021) sets out a different response to structural injustice which may have some parallels to my approach. I will focus on Stemplowska's approach to interactional HR (2009) which I have already studied. I will also review Gosselin (2006) who argues for applying a combination of HR

theories to structural injustice (using a different approach to mine). These are all accessible online.

This stage will (hopefully) involve some international collaboration. I will contact McKeown (University of Groningen) and Zofia Stemplowska (Oxford University) and I hope to get some support from them in conducting my research. My supervisor, Professor Preda, has invited McKeown to give a talk in Trinity (my university) in the near future, so I may have an opportunity to make contact with her then.

**Stage 2 (Weeks 3-4):** based on my literature review, develop different arguments/criticisms which can be used to test my hypothesis.

**Stage 3: Week 5:** write first drafts, submit to supervisor.

**Week 6:** write research paper.

Throughout this process, my supervisor would provide feedback on the viability of different arguments I use to test my hypothesis, and advise me on how to plan and write a research paper in philosophy/political theory.