

Overview

This project in political philosophy addresses ‘structural injustice’ (SI), a term used to diagnose a particular type of wrong which is caused by social structures. This project challenges the traditional approach to defining structural injustice in favour of a new conception, which claims that structural injustices are unjust insofar as they were reasonably preventable. This new conception is designed with a view to preserving the usefulness of ‘structural injustice’ as a concept, and laying groundwork for future research on introducing human rights as a theory of responsibility for structural injustice.

1. What is Structural Injustice?

Social Structures

When individuals act, the choices they make are governed by ‘social structures’. ‘Structures’ are **unplanned networks of unspoken rules, common practices, and social positions which shape our actions** by encouraging certain behaviours, distributing resources, and attaching costs to deviating. In following these social rules, each individual *reproduces* them for everyone else.

Because a) each individual’s actions are constrained by the structure, b) individuals are rarely able to change the structure, and c) the outcomes of the structure as a whole can’t be tracked back to any individual’s actions, it’s often **very difficult to blame any one person** involved in the structure for the overall outcomes, **even when they’re harmful** (Young 2010, 52-64).

The Sandy Case

Young (2010, 43-44) presents this fictional example:

Sandy is a single mother of two, working a low-paid job in a mall. She is facing eviction, because her landlord believes he has to sell the property she rents to a developer. Affordable housing options near her job are limited, so she buys a car. When she finds a property, she discovers it is common practice for landlords to demand a three-month deposit but she spent the last of her savings on the car, and cannot pay.



Sandy now faces homelessness – but through no fault of her own, and not simply because someone acted wrongly. The various social structures which make up **housing markets** collaborate to leave her and millions like her **vulnerable to homelessness**.

Structural Harms & Structural Injustices

Something can be terrible without being a *wrong* or an *injustice*. If Evan falls off a bridge, this is terrible. If he’s pushed, this is *wrong* – it’s a legitimate cause for grievance and resentment (Estlund, 2020), and someone (whoever pushed him) should have acted differently.

Structures harm people all the time – but this isn’t enough to explain **why they are unjust, and why certain people are responsible**.



3. Two Parallel Objections

Drawing on work by Aragon and Jaggar (2018) and Estlund (2020) I argue that each part of the canonical conception (each of a and b in Fig 1) is **inadequately justified**.

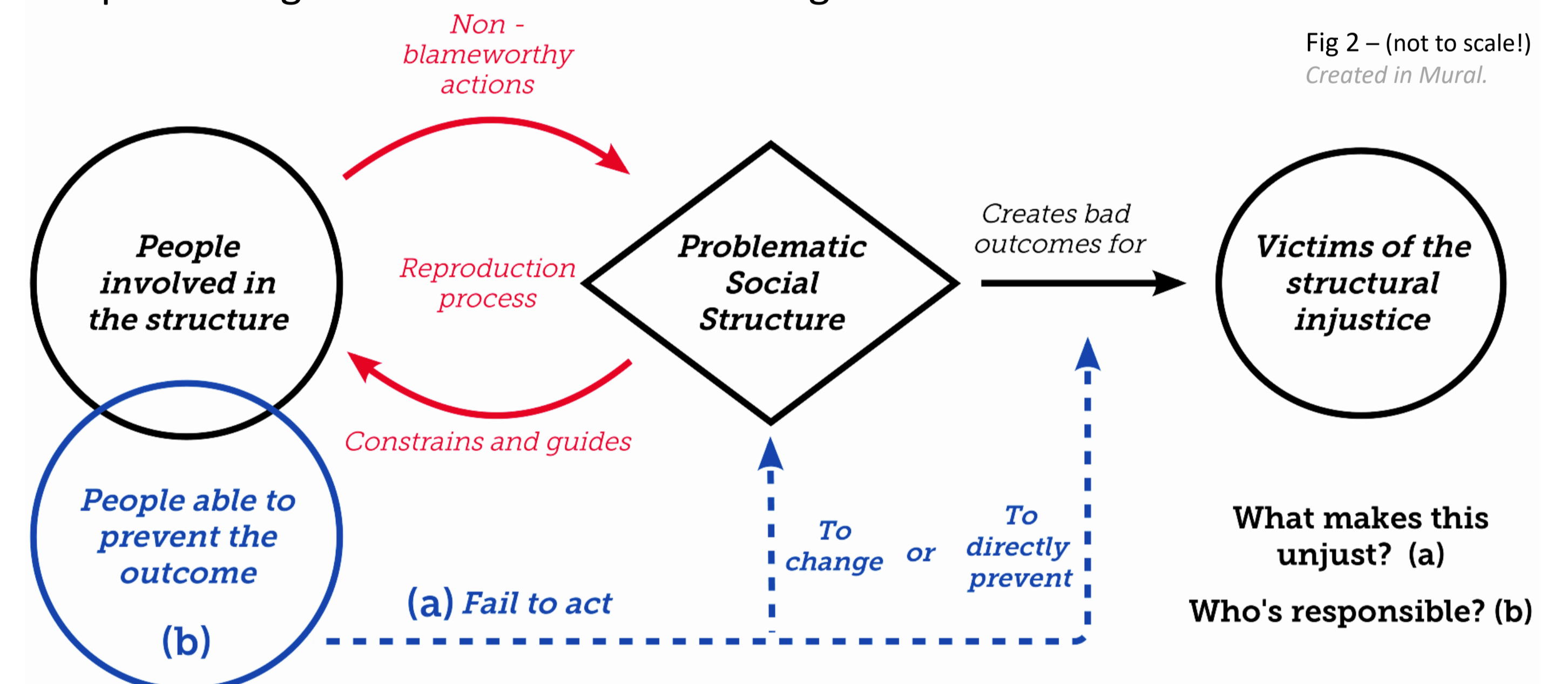
Following Estlund, I point out that the outcome could have been brought about by a natural (not human-caused) process – for example, Sandy’s house could have been destroyed by a hurricane, leaving her just as vulnerable.

Given the outcomes are the same with or without human involvement, and **given that the human actions** which produce that outcome **are assumed to be blameless**, it’s unclear why those human actions can make it unjust in a way it wouldn’t be otherwise, and equally unclear why those people must be responsible.

4. A New Conception

There is little point in rejecting one approach without a satisfactory alternative. The new approach proposed here is to define SI in terms of **preventability** (Fig 2):

- The reason that the process is unjust is because there are people who reasonably could have changed it (b) and prevented the bad outcomes for the victims, but failed to do so (a).
- All of the people (reasonably) capable of changing this process (b) are the ones responsible for doing so, either through changing the structure or directly preventing the structure from affecting the victims.



This picture looks more complex – but the theory isn’t. It simply applies the pre-existing moral/legal concept of ‘culpable negligence’ in a new context.

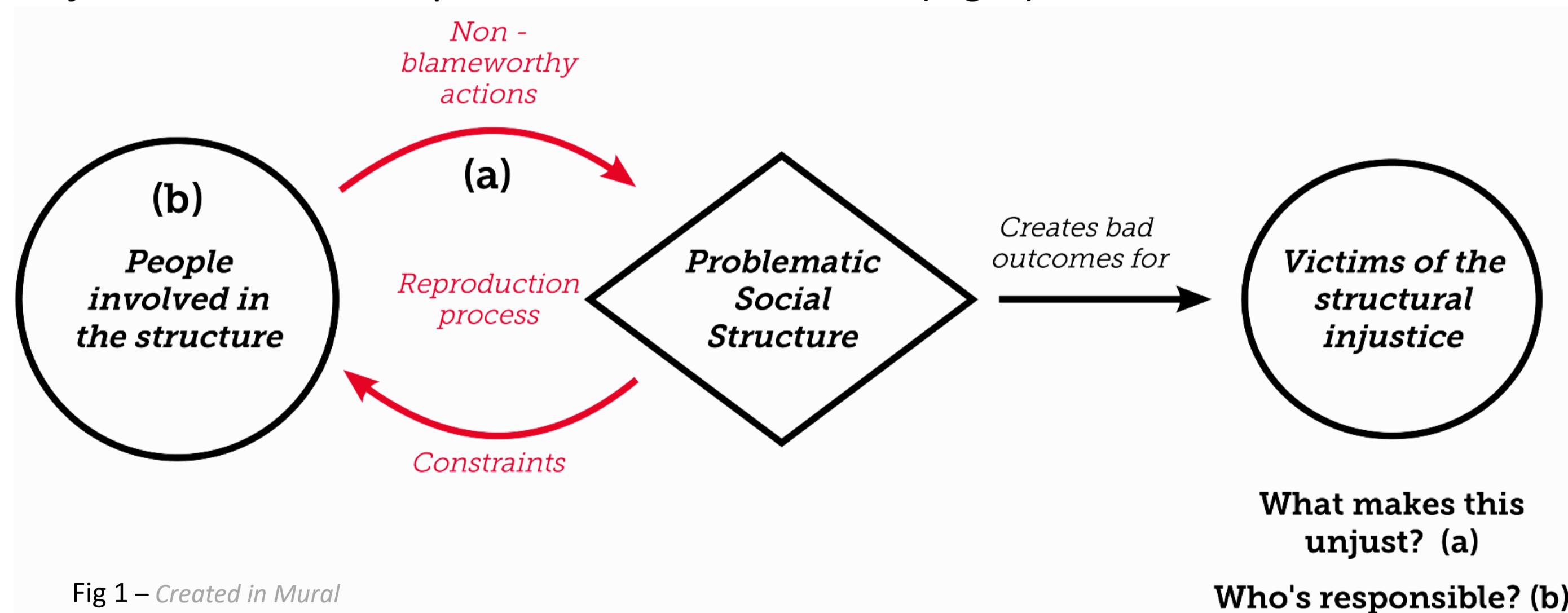
Applying the New Conception

This new approach is designed to apply to the same cases but **more convincingly explain who’s responsible** for them. We can see this for the Sandy case. Some people reproduced the structures but bear no responsibility (e.g. tenants like Sandy). Others reproduced them but could have done something (e.g. powerful landlords). Others can be responsible without being involved in the structure at all – the government could restructure the housing market or provide supports for tenants, and other people could feasibly share the costs of changing the situation, (provided they can reasonably be expected to do so).



2. The Canonical Conception

The ‘canonical’ account of SI (most famously Young, 2011) explains *why* SI is unjust and *who* is responsible for it as follows (Fig 1):



- The reason why the structural harm is *unjust* is that it was caused by human actions (a), even though not all of these actions were blameworthy.
- Even though many of them haven’t done anything wrong, it’s the individuals involved in the structure (b), who are responsible for changing this injustice.

On this account, anyone who reproduces a problematic structure shares responsibility to change it – in the Sandy case, this includes tenants like Sandy herself.



5. Implications of this Argument

This new approach fits well with **egalitarian** philosophy: it takes a **more equitable** approach to determining who bears the costs of addressing structural injustices, and treats victims of structures and victims of hurricanes equally.

In adopting a culpability-based framework, the new conception leaves significant scope for applying existing theories of moral responsibility to structural injustice. Using the new conception to apply **human rights theory** to SI is one promising area for future research.



References:

Aragon, C. and Jaggar, A. (2018) ‘Agency, complicity, and the responsibility to resist structural injustice’, *Journal of Social Philosophy*, 49(9), pp. 439–460. Available at: <https://doi.org/10.1111/josp.12251>.
Estlund, D. (2020) ‘What’s Unjust About Structural Injustice?’, in. NYU. Unpublished - Draft Version. Available at: https://www.law.nyu.edu/sites/default/files/ESTLUND-DRAFT-Structural%20Injustice-NYU%20version%20Nov%202020_0.pdf (Accessed: 19 June 2022).
Young, I.M. (2010) *Responsibility for justice*. Oxford University Press.

Acknowledgements:

I am incredibly grateful to the Laidlaw Undergraduate Research and Leadership Programme for funding this research, as well as Joel McKeever, Danielle Greene, and Orla Bannon from Trinity Careers Service for their ongoing support. My thanks also to Dr Preda for her wonderful guidance and insight.