What’s Unjust about Structural Injustice?\(^1\)

For discussion at the University of California, Berkeley Workshop in Law, Philosophy, and Political Theory, October 28, 2022.

(DRAFT for discussion)

October 14, 2022

1. Introduction

In a recent article for *BBC Future* provocatively called, “Why climate change is inherently racist,” Jeremy Williams writes, in a key that is increasingly familiar both in lay public discourse and in academic writing across many fields,

> When dealing with institutional racism, there may not be any one specific event or person that can be identified as the problem. The difference in how people are treated is buried away in processes and systems – ‘racism without racists’ as it is sometimes described.\(^2\)

As my title suggests, the focus here will not be on race, but on the general idea, or family of ideas, of which structural racism is an instance, namely structural injustice: roughly, the idea that a society can be unjust in its very structure, something quite different from unjust individual conduct or attitudes. The idea of structural injustice brings to the fore a puzzle that lurks behind the very ideas of social justice and injustice. As the Williams quote illustrates, often the term, “structural injustice,” is meant to point to a kind of wrong that does not lie in wrongful conduct by any agent, but lies rather in the ongoing operation of putatively wrongful social systems and institutions. The lurking puzzle is this: how is there a wrong if no one commits it? Even if the general idea of structural injustice is puzzling in certain ways, I think that over the last

\(^1\) This draft is a much altered successor to one discussed at, and posted by, the Colloquium in Moral and Political Philosophy at New York University, November 2020. Before and after that helpful occasion, my work on this topic has been greatly aided by Nomy Arpaly, Zach Barnett, Peter de Marneffe, Sally Haslanger, Sharon Krause, Paul Weithman, and Leif Wenar, and by online audiences at Hebrew University, Columbia University, Freie Universität in Berlin, New York University, and my graduate seminar on structural injustice at Brown in fall 2020.

\(^2\) Jeremy Williams, *BBC Future*, January 26, 2022, retrieved at bbc.com on Sept. 1, 2022
fifty years it has become too important and plausible a part of critical discourse to deny that there is any such thing. 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 structural injustice is wrong we will be deploying the idea haphazardly, questionably, and thereby depriving it of power it might otherwise have.

In five of the more salient categories, here are suggestive examples:

- **Race:**
  “the typical White family has eight times the wealth of the typical Black family and five times the wealth of the typical Hispanic family.”

- **Gender:**
  “the disease burden from STIs for young adult women in developing countries is considerably greater than that for men of comparable age: 8.9 percent of the total disease burden for women as compared with 1.5 percent for men.”

- **Ability:**
  “One study found that 65% of alcohol and drug abuse treatment programs that were approached by a person with a significant physical disability for services denied them services based on inaccessibility.”

- **Family:**
  “data on the frequency of surnames at different social levels has indicated that families with high status tend to keep it for many generations.”

- **Class:**
  “Among pupils with identical social backgrounds and family climates, those with superior measured intelligence have chances of getting to a selective school which are not greatly better than those of lower-ability pupils.

---


Conversely, among pupils of identical measured ability, social origin is a good discriminator of pupils' chances of getting to selective schools.”

My argument will revolve around a core dilemma about structural injustice: If for there to be injustice there must be individual culprits, then there’s a challenge about such a view’s reach. Much that is often called unjust, but having nothing to do with individual wrongdoing, would not be unjust after all—notably, much that is called structural injustice. In response, the category of structural injustice could reach further if it didn’t depend on culprits. But that approach faces its own serious problem about the attitudes naturally felt in response to injustice. In the same sense in which fear is warranted if there is indeed danger present, certain attitudes of grievance are prima facie warranted (at least) if there has been wrongdoing. But if structural injustice doesn’t imply any culprits then there would be no clear basis in such “injustice” (would the word still apply?) for grievance attitudes such as offense, insult, resentment, indignation, righteous anger, or feeling morally ashamed of one’s society.

Certainly, there might yet be grievance toward people who violate their duties to prevent or remedy the conditions in question, but the conditions themselves, while allegedly unjust, would not themselves warrant any such grievance. We wouldn’t yet know how it is an injustice that needs remedying or preventing. So, a dependence of injustice on culprits—what I’ll call the deontic approach—faces a challenge about reach, while non-deontic views—such as what I’ll call telic views—face a challenge about warranted attitudes of grievance. That dilemma between them resists any easy resolution. The question, it seems to me, is not whether, as one recent author puts it, “…systemic racism is far more than a matter of racial prejudice and individual bigotry. It is a material, social, and group reality that is well-imbedded in major U.S. institutions.” This much is, by now, as obvious as it is important. The question I pursue in this paper is not whether there is such a thing as structural injustice, but what is wrong or unjust about it.

2. Where are the culprits?
In October of 1971, The New York Times reported,

Delegates to the world Synod of Bishops are moving toward a conviction that

---


8 Without offering a precise account, for my purposes in this paper let an attitude count as warranted only if the attitude's presuppositions are true. Roughly, it is plausible that fear presupposes danger to the subject, gratitude presupposes beneficence or respect toward the subject, resentment presupposes that the subject is wronged, indignation presupposes that a third party is wronged, and so on. This leaves many questions, and it is best to leave them somewhat open as we seek a good account of the wrong of structural injustice.

9 This is not an exhaustive list of the category of attitudes that are relevant here. For additional examples see Erin Kelly. The Limits of Blame: Rethinking Punishment and Responsibility. Harvard University Press (2018), and Daniel Telech, Daniel & Katz, Leora Dahan (2022). “Condemnatory Disappointment.” Ethics 132 (4):851-880. I readily admit that I have no particular criteria for grievance attitudes, but only what I take to be a cluster of recognizable examples. This point helps illustrate how I am not assuming the culpability view by, for example, defining them as presupposing agentive wrong or blameworthiness.

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. \(^{11}\)

This, the first published appearance of the term, “structural injustice” that I have
found, comes with a surprise. Catholic Bishops were urging that structural injustice be
counted as a case of sin. The 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…”\(^{12}\) 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 themselves? This was more or less novel for the Church, and the idea of
social structural wrongs in the broader culture seems to date from around the same
time.\(^{13}\) John Paul II eventually granted that ground-breaking claim of the bishops that
some social structures are cases of sin. But he insisted, as the Bishops had not, that it
is 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.”\(^{14}\)

The philosophical issue was clear: How might a social structure be not only bad but
wrong apart from individual moral wrongs? Or can it rather be understood as
ultimately a matter of individual wrong after all? Theology aside, the same question
about structural injustice is unresolved in political thought today, even apart from any
theology. I will call this,

\textit{The culprit problem}

How can anything, such as “social injustice,” be wrong without any culprits?

The idea of structural injustice has become a prominent tool in critical political
thought, especially on the left. The very idea encounters resistance, especially but not
only, on the right. Indeed, the root of the idea’s political utility is also the source of its
contestability, namely its arm’s length from individual moral culpability. Resistance to
this stronger, culprit-independent version of the idea is understandable: The idea of
structural racism, for example, which along with structural sexism, is among the two
most common invocations of the idea of structural injustice, triggers the objection
vividly.\(^{15}\) Individual racism has long been thought of as a form of bigotry, in attitude


\(^{12}\) Justice in the World, World Synod of Catholic Bishops, 1971:

\(^{13}\) The idea of “institutional racism” had been introduced a few years earlier by Carmichael and
Hamilton, in their book, Black Power. The idea was influential and appears to have anticipated the more
general idea of structural injustice. Black Power: The Politics of Liberation in America (New York, Random
House, 1967)

\(^{14}\) Pope John Paul II. Reconciliatio et paenitentia, December 2, 1984, Libreria Editrice Vaticana, section 16.

\(^{15}\) 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,
or action, against members of other races. But structural racism, whatever exactly it should mean, is not meant as a name for a kind of personal bigotry however widespread. It means to refer to a form (or forms) of social injustice that inheres in the operation of social structures, systematically and unfairly to the detriment of members of certain races.¹⁶

Arguably, what has given rise to the need for the idea of structural racism is the persistence of troubling social conditions around race, along with enormous progress in reducing individual racial bigotry, which had been a clearer target to focus on. 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.¹⁷ The same challenge can be posed for structural sexism. And then, stepping back, there is the parallel puzzle, if less vivid at that abstract level, about the very idea of structural injustice.

Although this is not much remarked on, the idea of social injustice as a matter of social structure and not individual culprits is not uncommon in the tradition of political philosophy far outside of what has come in recent decades to be meant by structural injustice. Witness the historically far-flung cases of Plato and Rawls.¹⁸ In both cases, the justice of a society consists (roughly) in the structural matter of whether its institutions have a proper form. When they don’t, neither view supposes or implies that this must be owing to some wrong or injustice by any agent.¹⁹ The present inquiry can be seen as pushing these same challenges for any view in which social injustice is not rooted in wrongs of any culprits. Even if it is very bad, what is wrong about it?

Other examples, apart from Plato and Rawls, but still outside the space of what is usually meant by structural injustice would be theories in which justice consists in some pattern of distribution of certain goods across individuals or associations. A simple strict distributive egalitarian view would hold that one kind of injustice is any shortfall from distributive equality, even though that shortfall might not be owed to any culprits. Distributive inequality often arises through complex combinations of entirely permissible acts and choices, or even simply by natural rather than social phenomena,

¹⁶ See, for example, the New York Times Op Ed, as part of “The Stone” series, June 21, 2020, “Policing Is Doing What It Was Meant to Do. That’s the Problem.” By Todd May and George Yancey. They write, “Whether individual police officers are racist is not the fundamental issue. The fundamental issue is whether the police — the institution of policing as it exists in the United States — is racist.” They quote and endorse Iris Young to this effect, as well as Charles Lawrence, Charles Mills (objecting to “the perpetrator perspective), and Michael Eric Dyson.

¹⁷ Jorge Garcia is a leading philosophical exponent of the view that there is no racism without racism in individuals. See, for example, “The heart of racism.” (Journal of Social Philosophy 27 (1), 1996) 5-46, at 26.

¹⁸ Peter de Marneffe argues that Rawls’s understanding of injustice departs in precisely this way from the traditional concept, Rawls’s protestations to the contrary. See “The Significance of Injustice,” forthcoming in John Rawls’s “A Theory of Justice” at 50 (working title), from Cambridge University Press.

¹⁹ Rawls is explicit about this, as at, Political Liberalism, Columbia University Press (1993), p. 267, in a passage I’ll discuss further in section 7. In Republic, Plato argues that a just city is one in which the important social functions are peopled by those best suited to them. For example, “For the money-making, auxiliary, and guardian classes each to do its own work in the city, is...justice, isn’t it, and makes the city just? — I agree. Justice is that and nothing else.” Plato, Republic, Book I, 434 c-d, Translated by G.M.A. Grube, revised by C.D.C. Reeve. See, Complete Works, edited by Cooper, John M. and Hutchinson, (D. S. Hackett Publishing. Kindle Edition. Hackett Publishing 1997).
such as a hurricane (an illustrative example I’ll have much to say about). In recent years a leading version of distributive egalitarianism, Luck Egalitarianism, holds that injustice consists in some having less (of a certain subtle good, variously interpreted) than others where that is a matter of the brute luck of the parties rather than (in a certain sense) their own doing.\(^{20}\) Again, though, that obviously can arise irrespective of any culprits. The same would go for a “sufficientarian” view, according to which justice requires that everyone have enough, somehow defined, and for the “priority view,” according to which it is not equality as such that matters but the relatively greater moral importance of marginal gains to people the worse off they are, and so on.\(^{21}\)

We might seem to need an explanation of what social structure is before proceeding. But we can make headway without that complex inquiry. To see how, first note that for our purposes here we can use the three terms—“structural,” “institutional,” and “systemic injustice”—interchangeably in this paper, not because they must mean the same thing, but because the questions I’m pursuing remain the same. Insofar as structure, on some definitions, can be distinguished from the others, structure in that sense is not special for this inquiry.\(^{22}\) Next, we can take the uses of the idea of structural injustice as we find them in the idea’s deployment. So, 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 necessarily count as cases of injustice.

I will use “structural” as an umbrella term to cover more issues than it might often do, including distributive fact.\(^{23}\) Operations of institutions, a particular legal order, certain pervasive gender roles, widespread norms of family, racial demographics, extent of economic inequality, and average life expectancy are all matters of social structure as understood here. Those obviously consist ultimately of facts about individuals, but that is a different level of description, much as there are important biological facts about species as such, even though species are ultimately made up of individual organisms. The puzzles at the core of my discussion I will frame as puzzles for conceptions of justice or injustice that are essentially structural rather than agentive.

---

\(^{20}\) For detailed explanation and discussion, see Kasper Lippert-Rasmussen, “Justice and Bad Luck,” entry in the Stanford Encyclopedia of Philosophy: https://plato.stanford.edu/entries/justice-bad-luck/


\(^{23}\) My broader definition of course encompasses, among other things, the common narrower understanding of structural injustice exemplified by Ypi and Jugov, who define structural injustice as when “membership in particular groups renders members of those groups vulnerable to a particular form of disadvantage, one that is recursively implicated in a system of rules that persistently disempowers them.” Jugov, Tamara & Ypi, Lea (2019). Structural Injustice, Epistemic Opacity, and the Responsibilities of the Oppressed. Journal of Social Philosophy 50 (1):7-27, at p. 7.
in this broad sense. My points apply to structural injustice as more narrowly understood, but to the others too.

Several further points of terminological convenience: In order to connect with the term “culprit,” for an agent who commits a wrong, I will refer to an agent of wrongful conduct as culpable whether or not they are blameworthy, rather than using those as two names for the same thing as is sometimes done. If some conduct is wrong then I will assume that necessarily it is also blameworthy barring a sufficient excusing condition. Indeed, though I needn’t go this far, Stephen Darwall holds that, “it is a conceptual truth that if an act is wrong (violates moral obligation), then it is an act of a kind that would be blameworthy were it done without excuse.”

Second, for similar reasons, I will speak of something’s warranting grievance attitudes, but this is shorthand for the following: I shall mean that 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. Grievance attitudes are a subset of what are often called reactive attitudes, comprising a family of attitudes that are ubiquitous in moral interactions and relationships. The subset shall remain less than perfectly defined, but I will not assume that grievance attitudes presuppose culpability. That may turn out to be so, but I don’t need to assume it.

Third, when I speak of “conduct,” that is convenient shorthand. It should be taken to refer not only to both acts and omissions, but also certain attitudes. Indeed, the very first use of the term, “reactive attitudes,” which is in Strawson, actually emphasizes reactive attitudes toward attitudes of good will and “regard.” In the context of systemic racism, Feagin writes, “Central to the persistence of systemic racism has been the development of … an organized set of racialized ideas, stereotypes, emotions, and inclinations to discriminate.” This requires, “a breakdown of normal human empathy.” As a form of moral deficiency located at the level of an individual agent, we should count attitudinal defects as wrongs, and as deontic, for purposes of this

---


26 Smyth argues that there is a distinctive sort of grievance attitude warranted by structural injustice irrespective of culprits, namely a feeling of shame at being an operative part of the system. This could suit Young and Haslanger insofar as it doesn’t presuppose blame, and indeed isn’t directable to others at all. But these issues remain: a) If this isn’t to be a faux shame, like faux anger at the stone I stub my toe on, what is there to be properly ashamed of if I’m not at all a culprit? b) This leaves unaccounted for the other-directed grievance attitude in, or on behalf of, people against whom there is a putative injustice. See, Nicholas Smyth, “Structural Injustice and the Emotions,” _Res Publica_ (2021) 27:577–592.

27 Strawson wrote, “…we should think…of the kind of importance we attach to the attitudes and intentions towards us of those who stand in these relationships to us, and of the kinds of reactive attitudes and feelings to which we ourselves are prone. In general, we demand some degree of goodwill or regard on the part of those who stand in these relationships to us.” “Freedom,” at p. 76.

28 _Systemic Racism_, pp. 57 and 60. See also, Robin Di Angelo, emphasizing the structural causes and effects of what is still individual racism, she writes, “as a system into which I was socialized.” _White Fragility: Why It’s So Hard for White People to Talk About Racism_, p. 4.
inquiry.

The reader might expect me to rely on,

*The culpability view of wrong*

There is no wrong, including a wrong of social injustice (leaving aside telic views of injustice)—or at least there is nothing warranting grievance attitudes—except in virtue of individual culpability.

The implication that culprit-independent injustice, if injustice is wrong, is an incoherent idea would be so stark that it effectively begs one of our central questions. For that reason, nothing so far or in what follows assumes or purports to establish the culpability view that nothing can be wrong or warrant grievance attitudes except individual culprits.\(^{29}\) It may be that certain intuitions I expect most readers to share would seem to presuppose that view, but that is up to the reader.

I also leave aside terminological issues about whether violation of a culprit-independent standard should still be appropriately called a matter of “injustice.” Allowing that language safely leaves in place these questions on which I focus: If there is no culprit how does the condition warrant grievance attitudes such as resentment, offense, indignation, and certain kinds of anger? And if there is no culprit as well as no warrant for grievance attitudes, what does it mean to claim that it is wrong at all rather than only bad?

3. **Grievance and reach**

The deontic view of justice and injustice is that the wrongfulness of social injustice must be anchored in agentive wrongdoing—in culprits.\(^{30}\) A strongly deontic view would hold that there is no other kind of social injustice, but that is still compatible with there being such a things as structural injustice of a kind. Longstanding structural consequences might well be part of the wrongs committed by certain culprits long in the past. The deontic view rules out only structural injustice that is culprit-independent. Still, a challenge for a strongly deontic approach is that some things might persistently strike us as unjust irrespective of any culprits ever—I’ll call these non-agentive target cases, with more about the idea of target cases below in section 5. What is taken for structural racism, for example, may initially strike us an obvious wrong whether or not it could be traced to anyone acting wrongly. If, after our best study, we find that this must be so, then deontic approaches cannot account for all of social injustice after all. Whether there are, in the end, any such recalcitrant target cases depends in part on a survey of what I will call the reaches of culpability and the reaches of innocence also in section 5. But, as we have seen, telic (non-deontic) injustice apparently provides no warrant for grievance attitudes any more than natural disasters and their wholly unpreventable consequences do. Hurricanes can be terrible of course, but they are nothing to be angry or resentful towards, or ashamed of, and so on. But

---

\(^{29}\) Below, (see the section on what I’ll call the hurricane problem) I’ll argue against that latter possibility—of social structure itself ever warranting grievance attitudes.

\(^{30}\) Parfit distinguishes deontic forms of egalitarianism, where violations involve wrongdoing, and telic forms where that is not so but equality is a good to be promoted. I will use the same distinction among conceptions of justice more generally. Parfit, “Equality and Partiality,” p. 208, Ratio, Volume 10, Issue 3, December (1997) pp. 202-221.
then people who are on the losing side, so to speak, of telic injustice may be making an important mistake if they, or others on their behalf, have such attitudes of grievance about it. I believe many do have attitudes of grievance directed at what they regard as structural racism and sexism. Unless some explanation is forthcoming of (let’s call them) either no-agent grievance or no-grievance wrongs, then such telic injustice is evidently not wrongful, and does not warrant attitudes of grievance. That’s certainly a possible view, but many would take charges of injustice to purport to warrant grievance attitudes essentially, rendering the telic approach impossible to accept. For example, many would follow Aristotle’s view that, ‘it is apparent injustice that arouses anger.’ That implies that if the injustice is merely apparent the anger misfires—it is unwarranted in that way.

That grievance challenge might be avoided by developing, instead, a sort of hybrid view while injustice does not depend on individual wrongdoing (that widens its reach) it is nevertheless a wrong. In one way, the hybrid view is like a telic view, namely in holding that it doesn’t depend on culprits. In another way it is like a deontic view in insisting that it is nevertheless not only bad but wrong. But what needs explaining is how there can be a wrong without any culprits, and what that would mean.

Hybrid along with (wholly or partly) telic views on one hand, and strongly deontic approaches on the other, each face a horn of this reach/grievance dilemma. Neither horn of this dilemma is lethal, despite some punch. A theorist might bite the bullet to endure the blow, at least avoid the other horn, and carry on. But this depends on how sharp the horn is—how unpleasant certain implications of the limited reach and legitimacy of grievance might be. My aim in this paper is not to decide between those approaches, nor to identify a superior alternative, but to identify the dilemma and take some measure of the sharpness of its horns.

It might be wondered if it’s important whether the social conditions in question are wrong or unjust so long as it is granted that they are at least bad and important to remedy. Isn’t that what matters? However, for a victim of what is taken as injustice, such as structural racism or sexism, it normally matters a great deal that it is not only misfortune—even if profound—but also an injustice—a wrong—to them or a group to which they belong. They will properly react, in action as well as attitude, very differently from their reaction to being unpreventably harmed by a hurricane. We should assume that they would want to know if an important part of their of anger or resentment toward their fellows, or their feeling ashamed of their country could be shown to their satisfaction to be that kind of mistake. It might leave other deep wells of warranted grievance, but is the structural injustice part a mistake? We philosophers

31 Nicomachean Ethics 1135b.

32 Even anger that is warranted in this sense might still be unfortunate, or destructive, an attitude to resist, and so on, as Martha Nussbaum argues in, Anger and Forgiveness: Resentment, Generosity, Justice, Oxford University Press, 2018.

33 Young speaks of, “a specific kind of moral wrong, structural injustice, which is distinct from wrongs traceable to specific individual actions or policies.” Responsibility, p. 44. That’s the hybrid view. Likewise, Haslanger clearly states the view that structural injustice—which she interchangeably also calls “oppression,” and “institutional injustice”—is a wrong, though “not an individual wrong but a social/political wrong.” See p. 314 of See Haslanger, “Oppressions,” lightly revised as Ch. 11 of Resisting Reality: Social Construction and Social Critique. Oxford University Press. (2012) (a lightly revised version of her much earlier paper, Racism in Mind (Cornell University Press, 2004) Editors: M. Levine & T. Pataki.
shouldn’t accept with equanimity that structural injustices properly conceived don’t, after all, really warrant anger, resentment, and so on, without due attention to whether warranted grievance is as optional as that for the people who are its victims. Moreover, in addition to the importance of that question for those inclined to having grievance attitudes toward such things as structural racism or sexism, the texture and facility, even the stability of social life is also profoundly affected if large numbers of people feel aggrieved at what is taken to be their society’s injustice. If that kind of grievance should turn out to be a kind of misfire—rather like fear in the absence of danger—there would be much to gain by “clearing it up.” This is not to declare a verdict, but only to answer the thought that there is nothing much at stake in whether structural injustice is bad or wrong, rather than simply very bad.

4. The Hurricane Problem
The hybrid view of structural injustice (wrong even without culprits) might hope to avoid the grievance challenge for telic views, by insisting there is still a wrong, albeit irrespective of any culprits. The problem I wish to press now for the hybrid view is that, so I will argue, social structure itself (that is, apart from its causes) does not warrant grievance attitudes, and this makes it doubtful that it should be counted as wrong (a bullet simpler telic views simply bite).

I will not assume, to the detriment of hybrid injustice, either that there must be culprits, or even that there must be wronged parties in order for there to be wrong or even for there to be warranted grievance—there might be the structural equivalent of individual imperfect duties, wrongs that don’t wrong anyone. I do assume, however, that there must be one or the other. Wrongs, I assume, require wronged parties except in the cases of imperfect duties that are violated by some culprit. I propose,

The disjunctive criterion of wrongness
There is no wrong unless there are either culprits or someone with warranted grievance on some other basis.34

With that in place I now offer an argument that grievance is never warranted wholly in virtue of social structure itself. In a helpful background example, Iris Young takes the case of Sandy, a hard-working single mother whose apartment building is about to be sold for condos with very little affordable housing remaining, as a target case of structural injustice, a wrong whether or not there are culprits. 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.”35 Fate aside, Young’s point appears to be that unlike much hurricane damage, Sandy’s conditions are produced by the operations of social structure, and not essentially by wrongdoing. She conducts a short but illuminating innocence exercise, as I’ll call it for later reference: none of the

34 The term, “injustice,” in particular, is often used traditionally to imply that someone has a grievance, as de Marneffe explains (op. cit.). But it’s clear from imperfect duties that there can be wrong without grievance even if it should not be called injustice. My arguments focus on wrong, one subspecies being injustice.

agents one might suspect need be guilty of any wrongdoing. She happens to argue at length in an earlier piece that many of the ravages of hurricane Katrina in 2005 were indeed socially caused and certain agents were wrong and to blame. But here she is licensing the reader to concentrate on hurricane consequences that are not socially caused.\(^{36}\) Insofar as they result wholly from a natural disaster, she sensibly implies here, they would not be unjust, and would be no appropriate occasion for the grievance attitudes.\(^{37}\)

In some way not yet specified, their being socially caused is meant to be what exposes such consequences to the charge of structural injustice. How so? Structural injustice would, indeed, normally be socially produced, but hybrid injustice would involve no culprits, by definition. As Young implicitly invites us to ask, what if a given structural condition—a condition of some given structural type or form—were produced naturally—meaning not by actions of people, alone or together. That hurricane damage would be no warrant for grievance attitudes such as resentment, umbrage, violation, or righteous. Recall, I don’t insist that this is because there is no culprit. For all I argue here, that may or may not be the only possible warrant. In any case, there is obviously also no culprit. Lacking both warranted grievance and culprits, it fails the disjunctive criterion for wrongness.

The point can then be extended to socially produced structure. Let a simple structural type be one that is defined independently of its causes.

The hurricane problem
For any simple structural type of which an instance could conceivably (and consistent with natural laws) be naturally produced, as by a hurricane, being of that form does not by itself ever warrant grievance attitudes. But all simple structural types could conceivably have instances that were naturally and not socially caused. Therefore, no simple social structural form itself warrants grievance attitudes.

We might, in addition, define complex structural types in terms of a certain simple structural type along with certain social causes. But for our purposes it is legitimate to focus, as the hurricane problem does, on simple structural types. That’s because the challenge for hybrid structural injustice presented by the hurricane problem is this: how exactly is it that introducing social causation (and which kinds?) in addition to simple structural form itself, gives rise to warranted grievance attitudes even if it does not introduce any culprits? After all, warranting grievance attitudes is its only hope for meeting the disjunctive (culprit-or-grievance) criterion.

This is not intended as a refutation by way of a merely rhetorical question, as if we were entitled to assume that this is impossible without culprits. It is simply intended as a challenge that appears difficult to answer. This might lead us to suspect that, indeed, there is no wrong without culprits, but, as I have said, my argument needn’t


\(^{37}\) *Responsibility*, pp. 43ff. 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. Contrast this with Garcia’s thought experiment (op. cit.) involving an alien attack, meant to show that there is no racism without racists.
take any stand on that. Rather, if no culprits are available to warrant grievance, and the simple structural form itself never warrants grievance, then unless something else about its being socially rather than naturally caused is shown to warrant grievance attitudes, such attitudes are not warranted. Then, by the disjunctive criterion, the structural condition is not wrong. So, for there to be culprit-independent (non-deontic) wrong in social structure an account must be forthcoming of how something about a social structural condition’s being socially rather than naturally caused warrants such attitudes as resentment or righteous anger even without any culprit to be angry at or resented. It is far from clear, to me, how this would go, but I do not prejudge the matter.

It might be complained that the disjunct about warranted grievance attitudes is a smokescreen, and that the disjunctive criterion in effect insists on the presence of culprits after all. That’s because grievance attitudes include in their content the presupposition of a culprit. Anger must be anger at a culprit, resentment must be resentment of a culprit, and so on. In reply, if that’s so of all recognizable grievance attitudes that do, let’s assume, presuppose wrong, then my argument would only be simpler: there is no wrong without warranted grievance, and that depends on culprits, so there is no wrong of hybrid structural injustice. But by not assuming it I am purposely leaving open the following possible avenue for the idea of culprit-free wrong, namely that grievance attitudes could, on some other ground, be shown sometimes to be warranted even without culprits. One way to pursue that avenue might be to describe attitudes to problematic social structure that, while they do not presuppose culprits, are similar enough to standard culprit-based grievance attitudes—call them broad grievance attitudes—to satisfy us that cases where they are warranted might be properly counted as cases of wrong after all. What kinds of attitudes, if any, should be counted for this purpose as grievance attitudes even without culprits is a difficult question. It is reasonable, though, to insist that if a given attitude could be warranted by a natural disaster, then it is disqualified as a grievance attitude. That’s because I take it to be agreed on all sides that natural disasters in themselves do not warrant grievance in the way that matters.

5. Reaches of culpability, reaches of innocence
The reach challenge for deontic views, recall, is the worry whether there are important target cases, cases often regarded as structural injustice, even though they don’t seem to depend on any wrongful conduct—any culprits. Either those supposed cases of structural injustice, or the deontic approach, must go. By target cases I have in mind cases that, for a given thinker (such as you), intuitively strike them as unjust, and so as something that must be accounted for by any good theory of injustice. The idea is not that there is an obvious list of important target cases—any such list is up to each person’s own judgment. There are, however, some familiar cases that we know many will indeed take to be important target cases, such as certain structural phenomena of racial or gender privilege, ability privilege, and class and family privilege. If one concludes that culpability can’t reach all important target cases, then this is some support for exploring non-deontic—hybrid or telic—approaches.

Sally Haslanger and Young both appear to motivate their development of a culprit-

38 For example, see Smyth, op. cit.
independent idea of wrong partly in response to the reach problem faced by a deontic view. 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 quite what is offered. Haslanger, for example, instead 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.” 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, 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 inadvertently to be left open to the culpability view—that there is no structural injustice without wrongful individual conduct or attitudes after all.

We find a similar incompleteness in Young’s arguments, especially in an essay anticipating her final treatment in the book, reflecting on responsibility for the aftermath of Hurricane Katrina. 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.

Rather than pointing out, as this might lead us to expect, that blame is perfectly appropriate for many of those latter things too, Young uses these observations instead to support a more “structural” kind of injustice analogous to the idea, as she calls it, of “institutional racism,” which does not call for blame at all. The lesson is said to be that “normal practices within which people act with good intentions continue to produce significant evil” (emphasis added). What Young doesn’t acknowledge is that even acts with good intentions can be wrong and even blameworthy. (A simple example: “I denied her the job for her own good, given all her other responsibilities as a mother and a wife.”) If it 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, in the later book any ambiguity is removed: injustice is a moral wrong that does not depend on any wrongful or blameworthy individual conduct or attitudes at all, not culpable negligence,

40 “Katrina,” op. cit.
41 p. 42.
42 Explicitly following Carmichael and Hamilton, op cit.
sloppiness, or indifference, or anything culpable at all. But culpability is not plausibly confined even to the cumulative space of willful harm, violation of accepted norms, and wrongs of interpersonal interaction, much less to any one of them. Like Haslanger, Young has not fully measured the reaches of culpability.

By briefly laying out some further reaches of culpability, familiar as they are in moral philosophy (and no doubt also to Haslanger and Young even if they didn’t exploit them), we can set the stage for the question whether all the main target cases of structural injustice can be grounded in individual culpability after all. I will mention four dichotomies in the space of culpability. In each pair, the first element is often informally thought of as part of the core of culpability, whereas the second element may be often neglected. At any rate, cases of all eight kinds can be culpable:

- Acts vs. omissions
- Intentional vs. negligent conduct
- Conduct vs attitudes
- Contemporaneous vs. legacy wrongs

The first three pairs are sufficiently self-explanatory. To explain the last: some harm or other condition can be culpable now even if there is no one around or alive now who 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, which would have averted a disastrous collapse which occurred years later. Likewise, long-standing social structural patterns and practices produced by clear culprits in the past cannot always be eradicated quickly even if all agents were, now, properly vigilant and motivated. For these and other reasons, the conditions that we might wish to regard as structurally unjust can, in principle, coexist temporally 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, often more active, in the past.

Just as the reaches of culpability have not always been fully exploited—meaning that more target cases might be covered by culpability—further exploration of Young’s innocence exercise (around the story of Sandy discussed above) is a

---

43 See citations at note Error! Bookmark not defined..
44 Responsibility, at p. 52.
45 Responsibility, at p. 71.
46 Catherine Lu explores the relation between individual wrong and structural injustice in the context of the Korean “comfort system” of compelled sexual favors for soldiers. Her discussion doesn’t, I believe, take a position on whether the structural injustice internal to Korea at the time might well be traceable to individual wrongs. See, “Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress.” (Journal of Political Philosophy 19 (3) 2011) 261-281.
47 David Atenasio persuasively argues that duties to remediate cases that Young calls structural injustice can be tied to the agents’ culpability more often than she thinks, and gives several useful examples. See, “Blameless Participation in Structural Injustice.” (Social Theory and Practice,” Vol. 45, No. 2, April 2019): 149–177.
48 Garcia, (op. cit., p. 33) takes a deontic view of racism, and acknowledges this kind of reach of culpability for institutions and social structure.
counterpart pushing in the opposite direction—emphasizing limits of culpability that are easily neglected in thoughts about injustice. These reaches of innocence—constraints on reaches of culpability—are as applicable to duties of prevention and remedy as they are to duties not to produce or commit injustice. Again, the category reaches beyond those she exploited.

First, there are limitations placed on duty by inability. For example, the needed actions might be out of financial reach for some, or might be actions that are only possible in institutional forms that no longer exist, or might depend on a level of easy communication that is not available. Second, duties to work toward preventing orremedying injustice are in large part “imperfect duties,” meaning here that the required person has some discretion as to which of all the possible avenues of effort to exert.\(^{49}\) Everyone might have exercised their discretion permissibly. A third extension of the reaches of innocence lies in the possibility that morality’s demandingness is limited—that a person need not devote all of her life and energy to enormous costs and losses for the sake of matters that, but for this proviso, do make a pro tanto claim on her morally.\(^{50}\) So, in yet this third way, the persistence of such conditions is not a sure sign of anyone’s moral shortfall.\(^{51}\)

The general upshot of these points about reaches of culpability and of innocence is that while the reach challenge for deontic views is mitigated by, among other things, especially legacy culpability, there are also easily neglected reaches of innocence as well. Neither set of considerations alone seems enough to render a verdict on the challenge of reach.

6. *Culpable group agents?*

Social structures and their operations are inseparable from individual behavior, of course, so many agents will tend to have together brought about any problematic social condition at least in that weak sense. But the idea of committing a wrong together isn’t just the idea of producing a troubling condition together. The question for a deontic view is what agent has committed any wrong. After all, some conditions that might seem to present as wrongful can arise from combinations of entirely permissible individual behavior. For example, each bystander to a drowning might refrain from the burden and risk of assisting, knowing full well that not enough others would help anyway. If they are all correct about this, it’s hard to see how any was required to pointlessly go through the motions as if they would be helpful.\(^{52}\)

---

\(^{49}\) I treat “imperfect” duties as about discretion, not about what is “enough.” The reason is that the latter is more like a demandingness limit which I discuss separately. I’m grateful to Alyssa Bernstein for helpful discussion of imperfect duties in this context.

\(^{50}\) For much more on that issue see, Timothy Chappell (ed.), *The Problem of Moral Demandingness: New Philosophical Essays*, (New York: Palgrave Macmillan 2009).

\(^{51}\) Robin Zheng responds, in effect, to the reaches of supposed innocence by finding less standard kinds of individual moral shortfall, even for failures necessitated by factors outside of their control, which serve as an indicator of an unachieved individual moral ideal. See, “Moral Criticism and Structural Injustice,” (*Mind*, Volume 130, Issue 518, April 2021) 503–535.) But (not that this is Zheng’s topic) in at least many target cases of structural injustice no agent has fallen short of any moral ideal. What is criticized, instead, is the social structure itself.

\(^{52}\) I discuss such cases and some implications in detail in *Utopophobia: On the Limits (If Any) of Political Philosophy*, Princeton University Press (2019), Chapter 11.
It is often assumed that the agents who make up a given troubling social structural condition constitute one or more genuine group agents, “agents” in a sufficiently robust sense to count as moral agents, and then often as group-culprits. This strategy directly eschews the hybrid view’s idea of non-agentive wrong rather than in any way vindicating it, but that is no defect if the strategy can succeed. It refers only to agentive wrong, but allows that some groups are themselves agents. For a typical example, Thomas Scanlon considers what he calls failures of a “requirement of equal concern,” which “applies only to the provision of goods by a single agent.” “Objections to inequality of this kind presuppose an obligation on the part of some agent to provide benefits to everyone in a certain group.” In the case of the “racial disparity of health conditions,” as indicated by differential life expectancy in the U. S.—certainly a structural matter in our sense here—he says, “what is objectionable about this disparity is not the bare fact of inequality but the factor that causes it, namely a violation of a requirement of equal concern.” So, who or what might be the relevant “single agent?” He says, “…the difference in life expectancy is due to the failure of important institutions to meet a requirement of equal concern.” At one point he says that what is presupposed is “some agent or agency” with such obligations, confirming that the culprit, in his view, while it must be an agent, needn’t be any individual, but might be an institution instead.

Scanlon is hardly unusual in treating an institution or other social entity or structure as a moral agent with duties of its own, and perhaps there are such cases. But group agency is probably not available in that way in enough cases to solve the culprit problem. Where it is casually assumed that some group is a culprit, and so an agent in its own right, there is a risk of engaging in what I’ll call specious agentification of group. If appeal to a group agent is to be legitimate, it is crucial that it be agency of a sufficiently rich kind that the group agent not only could engage in action—which arguably squirrels can do—but could also be subject to grievance attitudes for some of its actions—which squirrels plausibly are not. We (or at least I) do sometimes get angry at them, as we sometimes get angry at the stones on which we stub our toes—that is, a kind of faux anger.

---

53 As we have seen, Haslanger explicitly rejects this move, understanding structural injustice (or “oppression”) as something that does, “not imply an oppressing agent (group or individual).” “Oppressions,” p. 313. The import for her is partly that the standard deontic concepts are therefore not applicable.

54 Pp. 18-19. All the quotations from Scanlon occur at pp. 11-20.

55 Scanlon here refers to what is a structural kind of injustice: differential life spans across race. Relatedly, see, “Mechanisms of injustice: what we (do not) know about racialized disparities in pain,” Mathur, Vani A.a.; Trost, Zinab; Ezenwa, Miriam O.c; Sturgeon, John A.d; Hood, Anna M.e, PAIN: June 2022 Volume 163, Issue 6, p. 999-1005. They write, “To date, research has focused on the injustice experiences of individuals. However, overlooking the systems that maintain and perpetuate injustice has limited our understanding of disparity mechanisms and slowed paths toward intervention.”

56 P. 13. In one further example, he writes about “unequal funding for public education,” that, “it would violate a requirement of equal concern if the state itself were to provide education above this minimum level for some children but not for all. (p. 15, emphasis added)

The difficulty is that at least some of the salient target cases of structural injustice, such as structural sexism, are not cases where the contributing agents together plausibly count as a group agent. There are different accounts of how multiple individuals can together form an agent. However, unless it is implausibly stipulated that just any collection of agents is itself an agent, an array of disconnected plans and acts is unlikely to meet appropriate criteria for a group agent who can count as morally culpable. The many instances of individual behavior that together produce a patriarchal social structure, for example, are, in large part even if not entirely, acts that are uncoordinated across strangers. Group moral agency might be possible in principle, but presumably not without, perhaps among other things, quite specific coordinate relations between the acts and attitudes of the individual members. It’s a hard question just what relations would be enough, but it’s clear that cases can easily fail by being disorganized on one hand, or too much in the hands of one or a few individual agents on the other (as in a dictatorship).

Suppose, though, that one or another kind of legally constituted political community could, in principle, be a group agent that is itself responsible for much of patriarchal social structure. Could this still be so even in an oligarchic, or highly racially or gender stratified political community in which large sectors of the membership have little or no chance to influence laws and policy? Does the group agent comprise them too? It might be suggested that the relatively enfranchised portion of the membership in that society could itself be a group agent. But could this be so even if many dissident members of that privileged portion disavow any such status or authority for the subgroup under such hierarchical social conditions? That plausibly stands for a significant category of target cases, but it’s hard to see how group agency can reach it. Even if there might be relatively contained agencies within such a society that might meet the more demanding criteria for a group agent—a legislative assembly, for example—any wrongs attributed to that agency make up only a fraction of the intuitively unjust social structure of patriarchy. For these reasons, applied to other


59 It would not count on List and Pettit’s important account. In List and Pettit’s important treatment, intricate interrelations of attitudes are central to their own account of group agency. See, Christian List & Philip Pettit. Group Agency: The Possibility, Design, and Status of Corporate Agents. (Oxford University Press, 2011) See also, Deborah Tollefsen, “Participant Reactive Attitudes and Collective Responsibility,” (Philosophical Explorations 6 (3) 2003):218-234. Some accounts understand the obligation of a collective reductively in terms of the obligations of members, thus avoiding difficulties about a collective agent that is morally responsible in its own right. See, for example, Sean Aas, “Distributing Collective Obligation,” (Journal of Ethics and Social Philosophy 9 (3) 2015), pp. 1-23. Such accounts aren’t relevant here, however, because we are asking whether there could be a culpable collective agent even if no member has violated any relevant obligation.

60 In List and Pettit’s important treatment, intricate interrelations of attitudes are central to their own account of group agency. See, Christian List & Philip Pettit. Group Agency: The Possibility, Design, and Status of Corporate Agents. (Oxford University Press, 2011)

61 Moreover, even if various smaller groups in a society might themselves be agents they would seem to be as susceptible as individuals to Young’s emphasis on the reaches of innocence (see above at section 5).
target cases of structural injustice, even if there are such things as groups with agency and responsibility, the idea of group agency will not solve the culpability problem.

In cases where neither any individuals nor any group-agents are available as appropriate objects of grievance attitudes it’s hard to see what could warrant grievance attitudes there at all, though perhaps there is some answer. If no adequate account of wrong can be found where there are no culprits, then even if the insupportable impression of wrong tends to persist, it might need to be debunked. That might be a punchier thesis, but in my view, it is too soon in the investigation of this topic to know whether it will come to that.

7. Rawlsian Structural Injustice

I noted earlier that it is not only the more recent understandings of “structural injustice” that are susceptible to the reach and grievance challenges, and I now return to that theme. In particular, the most influential and thoroughly elaborated theory of social justice we have is that of John Rawls, who stipulated some fifty years ago that the “subject of justice,” in his view, is the “basic structure of society.” The reach/grievance dilemma rears its head. If (which I doubt, as I’ll explain) his theory is meant to be wholly deontic, resting all social injustice on injustices or wrongs by moral agents, we want to know how it can reach all the matters of structure that it purports to. Alternatively, if its reach comes from its being wholly or partly telic we should consider whether and how those disadvantaged by social injustice are warranted in attitudes of grievance rather than only, say, disappointment or frustration however profound.

No detailed study of these questions for the Rawlsian theory is possible here, but one step can be taken by interrogating Elizabeth Anderson’s association of her own deontic view with Rawls’s views. The case illustrates a larger philosophical and political dynamic. The deontic view has, in effect, been held or suggested by some who in some respects are notably on the right—F. H. Hayek, Robert Nozick, Margaret Thatcher, Pope John Paul II—against some characteristic views on the left. Anderson, however, is clearly on the left, and yet embraces the deontic view explicitly. But she doesn’t discuss the reach challenge and seems to think that a deontic view can cover all that a Rawlsian view can—contrary, in effect, to critics of Rawls like Hayek and Nozick. It’s doubtful, though, that it can, and doubtful that Rawls took a wholly


[63] “Justice, Hayek claims, applies only to situations that are the product of someone’s will.” John Tomasi, Free Market Fairness. Princeton University Press (2012), at p. 150.

[64] The deontic view is at least suggested by a number of passages in Nozick, such as, “There is no more a distributing or distribution of shares than there is a distributing of mates in a society in which persons choose whom they shall marry. The total result is the product of many individual decisions which the different individuals involved are entitled to make.” Nozick, Robert (p. 150). Basic Books.

[65] “They are casting their problems at society. And, you know, there’s no such thing as society. There are individual men and women and there are families. And no government can do anything except through people, and people must look after themselves first. It is our duty to look after ourselves and then, also, to look after our neighbours.” From in an interview in Women’s Own in 1987.

[66] See the discussion above around, “The real responsibility…lies with individuals…”
deontic view, as I will argue. So Anderson may not yet be an example of how a genuinely deontic view could have adequate reach.

Anderson writes, “Once everyone has done everything justice requires of them, the world is just.” She does not, however, directly address the apparent severity of the reach challenge. But if, as she suggests, Rawls’s view of injustice were deontic that might provide a way of mitigating the challenge, since that theory counts, as unjust structural social conditions: “the basic structure of society.” For example, even if a certain set of equal basic liberties are guaranteed, if the life prospects of certain sets of people are significantly determined by the social position into which they are born, then whether or not there are any individuals guilty of any pertinent injustice or wrong, this violates Rawls’s principle of justice requiring “fair equality of opportunity.”

But how can the theory both reach that structural question of equality of opportunity and also remain wholly deontic? While Rawls takes all individuals to be under a “natural duty of justice,” an individual duty that is clearly deontic in our sense, it is a duty oriented toward promoting and protecting just—structural—arrangements. What is not yet explained is how injustice of the kind that individuals are thereby required to help prevent or remedy is itself a matter of any wrongdoing.

Rawls does say, “The problem of distribution falls under the concept of right [DE: rather than the good] as one intuitively understands it.” This might seem to suggest that distribution is a deontic standard, not telic, but how so? Rawls doesn’t say. For there to be culprits, as the deontic view says there must be, it is not enough for some agent to be under some duty of remediation. After all, they might not violate that duty, and so not be culprits. So, how are distribution or other structural matters considerations of right and not only of good? Some target cases of structural injustice might be deontically wrong from the start, as in the case of the massive slaughter of native people by soldiers of the U. S. government, under the direction of U. S. leaders. But others needn’t begin in deontic wrong, such as some kinds of class stratification. Even if that were to give rise to individual duties to contribute to remedy or alleviation, a deontic view can’t explain how what needs remediation is a wrong of injustice, one that would warrant agents to feel resentful, or disrespected, or ashamed of their country. How is that, so to speak, unjust already?

For our purposes, the issue is not linguistic. Whatever sense of “right” might be at play, it does not evidently have the deontic view’s ready ability to explain how injustice

---

67 Anderson also has much to say about what a “relational” theory of justice, and a “second-personal” conception of justification are like, closely involving ideas about what individuals owe to each other. But one person’s being in a position to blame another or to have attitudes such as resentment or righteous anger toward them is one very specific family of interpersonal relations. It is different, for example, from the view that injustice can consist in some people not having (materially, or socially) what is, in a broad sense, “rightfully” other people’s, since that doesn’t imply that anyone has done anything wrong.

68 Namely, “that those with similar abilities and skills should have similar life chances.” Theory, section 12.

69 Theory, p. 22.

70 As de Marneffe (op. cit.) observes, Samuel Fleischacker suggests that Rawls sees it as a violation by the state of its duties, but he provides no citation showing Rawls saying so. A Short History of Distributive Justice (Cambridge, MA: Harvard University Press, 2004), p. 119. De Marneffe doubts that this is Rawls’s view, as do I.
warrants attitudes of grievance. As cited earlier, Rawls also importantly writes (making a claim that Anderson’s deontic view must apparently reject), “The tendency is for background justice to be eroded even when individuals act fairly. The overall result of separate and independent transactions [DE: even when perfectly fair] is away from not toward background justice.”

Young herself cites that passage, and understandably so, since it seems to imply that background justice—justice of the basic social structure—can disintegrate even without any culprits. It looks like what she would recognize (in form at least) as a structural—culprit-independent—kind of injustice.

Rawls does appear occasionally to speak of some violations of the principles of social justice as “wrongs.” For example, “Justice as fairness will prove a worthwhile theory if [DE: among other things]… it singles out with greater sharpness the graver wrongs a society should avoid.” This seems, perhaps, again to suggest wrongs—matters of right in that way—that are purely structural in some sense, wrongs without culprits. Still, what is wrong rather than only bad about them is far from clear. Even if in some way amounts to some having obligations toward others, while that makes it individualistic in a way, it does not yet point to any agentive wrong. Whether there might be wrongs of that kind on the horizon, that doesn’t explain how it is unjust already.

8. Conclusion: Is an extended deontic view enough?

Several important examples of ostensible target cases of structural injustice can be viewed as forms of inequitable privilege, such as those accompanying race, gender, class, family, and ability. Insofar as there is injustice, where exactly is it? What kind of account of structural injustice can give satisfactory results in light of (whatever you take to be) important target cases that must be covered? Must we choose between very narrow reach on one hand, and the absence of any warrant for grievance on the other? Or, to briefly venture one possible route, might the right combination of deontic matters and intuitive compromises suffice?

We have seen that, since so much that is counted as structural injustice in the broad sense can apparently be traced to culprits great in number and in wickedness—the reaches of culpability are long—there is little question that much of the ostensibly structural pathology is indeed unjust and wrong, at least owing to that. And even if in some cases there is no (or not enough) individual culpability in the condition’s history to explain the wrongness or its magnitude—recall, the reaches of innocence are considerable—some conditions and processes that are inequitable in a simply descriptive sense obligate individuals to do something about it. So, at least in many

---


72 Young, Responsibility, p. 73.

73 Theory, p. 76, sec. 31. A few other texts also suggest that for Rawls injustice is a wrong: Also, he speaks of “the kinds of wrongs [such as substantial and clear injustice] that are appropriate objects of civil disobedience.” (p. 326, sec. 57). And, “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)

74 Thanks to Peter de Marneffe for pointing out that those might not fully establish a non-deontic reading, but refer only to certain aspects or consequences of the unjust structure which are indeed wrongs by agents.
cases, there will be individual culpability in failures to contribute to its remedy, reparation, etc. (though keep an eye on reaches of innocence here too).

Here, then, is a possible wholly deontic conception of structural injustice as wrongful—an extended deontic view: Combine the reaches of culpability, perhaps especially in its long legacy, of certain existing structural problems, along with, in cases that aren’t adequately reached by culpability, widespread wrongful failures of individuals each to act as she should to contribute to solutions. Add to this, if there is still some question of reach, an appeal to kinds of structural pathology that are not themselves wrongful and don’t warrant grievance attitudes, but which are still bad, even very bad. Moreover, there will often be wrong even in that last part of the picture, if there are wrongful failures to prevent contribute to solutions.

This suggestion is not particularly esoteric and might even strike some as a natural way to think about structural injustice even without complicated philosophical discussion. But its importance here—with our (complicated) discussions in mind of telic vs deontic conceptions of injustice, the reach and grievance problems, the unjust-already problem, the hurricane problem, specious agentification, and the reaches of culpability and innocence—is this: unless there remain compelling target cases of structural injustice that escape that composite deontic net the reach challenge for a wholly deontic approach—among the most important reasons for exploring culprit-independent approaches—would seem to be met. I do not yet know whether there are such recalcitrant target cases remaining. If so, the reach/grievance dilemma endures.