

What's Unjust about Structural Injustice?*

David Estlund

Structural injustice is either wrong or not. A deontic view, on which there is no injustice except agents' wrongdoing, may have trouble reaching such intuitive cases as structural sexism, and especially structural class inequality. An alternative telic approach, on which injustice is bad but not wrong, can reach those cases. But how could injustice in that telic sense warrant resentment or righteous anger, as it seems injustice must? I press the dilemma to scrutinize not only the current idea of structural injustice but also a wider swath of views about justice, and I critically consider possible ways out of it.

I. INTRODUCTION

In a recent article for *BBC Future* provocatively titled “Why Climate Change Is Inherently Racist,” Jeremy Williams writes, “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.”¹ As my title suggests, the focus here will

* This article is a much-altered successor to a draft discussed at, and posted by, the Colloquium in Moral and Political Philosophy at New York University, November 2020 (online), where I received much helpful discussion. My thinking has also been greatly aided by Nomy Arpaly, Zach Barnett, Peter de Marneffe, Sally Haslanger, Sharon Krause, Paul Weithman, and Leif Wenar; by online audiences at Hebrew University, Columbia University, Freie Universität in Berlin, and my graduate seminar on structural injustice at Brown in fall 2020; and by anonymous readers for this journal.

1. Jeremy Williams, “Why Climate Change Is Inherently Racist,” *BBC Future*, January 26, 2022, <https://www.bbc.com/future/article/20220125-why-climate-change-is-inherently-racist>.

Ethics, volume 134, number 3, April 2024.

© 2024 The University of Chicago. All rights reserved. Published by The University of Chicago Press. <https://doi.org/10.1086/728634>

be not on race but on the general idea of structural injustice. I will take this to mean, 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, which is increasingly familiar both in lay public discourse and in academic writing across many fields, 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, even though it 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 past 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 and questionably, thereby depriving it of power it might otherwise have.

Consider five categories, each with a concrete example, in which structural injustice is often thought to be present:

1. 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.”²
2. 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.”³
3. 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.”⁴

2. Neil Bhutta et al., “Disparities in Wealth by Race and Ethnicity in the 2019 Survey of Consumer Finances,” *FEDS Notes*, September 28, 2020, <https://www.federalreserve.gov/econres/notes/feds-notes/default.htm>.

3. Ruth Macklin, “Global Inequalities in Women’s Health: Who Is Responsible for Doing What?,” *Philosophical Topics* 37 (2009): 93–108, 99. Citing Rebecca J. Cook, Bernard M. Dickens, and Mahmoud F. Fathalla, *Reproductive Health and Human Rights* (New York: Oxford University Press, 2003).

4. Allison C. Carey, “Disability, Ableism, and the Production of Inequality,” in *On Inequality and Freedom*, ed. Lawrence M. Eppard and Henry A. Giroux (New York: Oxford University Press, 2022), 367–86. Citing Steven L. West, Carolyn W. Graham, and David X Cifu, “Rates of Alcohol/Other Drug Treatment Denials to Persons with Physical Disabilities: Accessibility Concerns,” *Alcohol Treatment Quarterly* 27 (2009): 305–16.

4. 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."⁵
5. 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."⁶

My argument will revolve around a core dilemma about structural injustice, what I'll call the reach/grievance dilemma: If for there to be injustice there must necessarily be individual culprits, then the idea of injustice can't reach cases we might think it must. If there is no injustice except the work (by act or omission) of culprits, then much that is often called unjust, but having nothing necessarily to do with individual wrongdoing, would not be unjust after all—notably including much that gets called structural injustice. For example, no distribution of goods or opportunities would, in itself, count as unjust. Institutional operations that systematically work to the disadvantage of Blacks, or women, would not in themselves be unjust. And so on. That's the reach challenge. As for the grievance challenge: 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 of grievance naturally felt in response to injustice. As fear is warranted if there is danger, certain attitudes of grievance are *prima facie* warranted (at least) if there has been wrongdoing.⁷ But what warrant is there if there is no wrongdoing, or at least none that is blameworthy? If structural injustice doesn't imply any culprits, then what basis would there be 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?⁸

5. Daniel Halliday, *Inheritance of Wealth: Justice, Equality, and the Right to Bequeath* (Oxford: Oxford University Press, 2018), chap. 6. Citing Gregory Clark, *The Son Also Rises: Surnames and the History of Social Mobility* (Princeton, NJ: Princeton University Press, 2014).

6. A. H. Halsey, A. F. Heath, and J. M. Ridge, *Origins and Destinations: Family, Class, and Education in Modern Britain* (Oxford: Clarendon, 1980).

7. For my purposes in this article let an attitude count as warranted only if the attitude's presuppositions (not necessarily believed) are true. Graham defines "appropriateness" of a blame emotion in a similar way; see Peter A. Graham, "A Sketch of a Theory of Moral Blameworthiness," *Philosophy and Phenomenological Research* 88 (2014): 388–409.

8. 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* (Cambridge, MA: Harvard University Press, 2018); and Daniel Telech and Leora Dahan Katz, "Condemnatory Disappointment," *Ethics* 132 (2022): 851–80. 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 deontic

Certainly, there might yet be grievance toward people who violate their duties of superintendence: requirements to help prevent or remedy the conditions in question.⁹ Still, 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 nondeontic views (such as what I'll call telic views) face a challenge about warranted attitudes of grievance. (To be precise, as understood here, a deontic conception of justice holds that injustice is, at root, a matter of individual wrongdoing. A telic view holds that injustice is bad but not, as such, wrong.¹⁰)

That dilemma 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."¹¹ This much is, by now, as obvious as it is important. The question I pursue in this article is not whether there is such a thing as structural injustice but what is wrong or unjust about it.¹²

II. 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 the Roman Catholic Church must broaden its understanding of sin to include the 'structural' injustice of major social institutions that many people assume to

view by, for example, defining them as presupposing agentive wrong or blameworthiness, especially on attitudes of resentment, indignation, and guilt.

9. I borrow the language of superintendence with this meaning from Martha Nussbaum, foreword to *Responsibility for Justice*, by Iris Marion Young (Oxford: Oxford University Press, 2011), ix–xxv, xix.

10. Parfit distinguishes deontic forms of egalitarianism, where violations involve wrongdoing, from 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. See Derek Parfit, "Equality and Partiality," *Ratio* 10 (1997): 202–21, 209. A deontic view of wrong or injustice is thinner than, but compatible with, what is often called the second-personal view (following Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* [Cambridge, MA: Harvard University Press, 1996]) or bipolar view (following Michael Thompson, "What Is It to Wrong Someone? A Puzzle about Justice," in *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, ed. R. Jay Wallace et al. [Oxford: Clarendon, 2004], 333–84). That view holds that wrong or injustice is not only wrongdoing by someone but also the wronging of someone. So, a second-person view implies a deontic view, but not vice versa.

11. Joe Feagin, *Systemic Racism: A Theory of Oppression* (New York: Routledge, 2006), 24.

12. In *Analyzing Oppression*, Ann Cudd develops an elaborate theory of "oppression," which is structural injustice in the broad sense I use here. She is explicit that it is "always wrong" and involves "unjustly inflicted harm," but her explicit analysis of oppression does not obviously require culprits. Ann Cudd, *Analyzing Oppression* (Oxford: Oxford University Press, 2006), 23.

be morally neutral.”¹³ 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” but also spoke of “the present-day situation of the world, marked as it is by the grave sin of injustice.”¹⁴ 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.¹⁵ John Paul II eventually granted that groundbreaking 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.”¹⁶

The philosophical issue was clear: How might a social structure be not only bad but also 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

The Culprit Problem: How can anything, such as “social injustice,” be wrong irrespective of 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—that extends its reach. Resistance to this stronger, culprit-independent version of the idea is understandable: The idea of structural racism, for example, which along with structural sexism are among the two most common invocations of the idea of structural injustice, triggers the objection vividly.¹⁷ Individual racism has long been

13. Edward B. Fiske, “Synod Weighing a Wider View of Sin,” *New York Times*, October 28, 1971.

14. “Justice in the World,” World Synod of Catholic Bishops, 1971, <https://www.cctwincities.org/wp-content/uploads/2015/10/Justicia-in-Mundo.pdf>.

15. The idea of “institutional racism” had been introduced a few years earlier; see Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in America* (New York: Random House, 1967). The idea was influential and appears to have anticipated the more general idea of structural injustice.

16. Pope John Paul II, *Reconciliatio et paenitentia*, December 2, 1984, Libreria Editrice Vaticana, sec. 16.

17. Recently, see Heather Mac Donald, “Conformity to a Lie: Academia’s Monolithic Belief in Systemic Racism Will Further Erode American Institutions and the Principles of

thought of as a form of bigotry, in attitude 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 of social injustice that inheres in the operation of social structures systematically and unfairly to the detriment of members of certain races.¹⁸

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. That bigotry 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.¹⁹ The same challenge can be posed for structural sexism. And then, stepping back, there is the parallel puzzle 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.²⁰ 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 due to some wrong or injustice by any agent.²¹ The present inquiry

Our Civilization," *City Journal*, Summer 2020; Andrew C. McCarthy, "Systemic Racism? Make Them Prove It," *National Review*, September 19, 2020; Harvey Mansfield, "The 'Systemic Racism' Dodge," *Wall Street Journal*, September 18, 2020.

18. See, e.g., Todd May and George Yancy, "Policing Is Doing What It Was Meant to Do. That's the Problem," *New York Times*, June 21, 2020: "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.

19. Jorge Garcia is a leading philosophical exponent of the view that there is no racism without racism in individuals. See, e.g., Jorge Garcia, "The Heart of Racism," *Journal of Social Philosophy* 27 (1996): 5–46, 26.

20. 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 Peter de Marneffe, "The Significance of Injustice," in *Rawls's "A Theory of Justice" at 50*, ed. Paul Weithman (Cambridge: Cambridge University Press, 2023), 95–106.

21. Rawls is explicit about this; see John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 267 (I'll discuss this passage further in Sec. VII). In the *Republic*, Plato argues that a just city is one in which the important social functions are peopled by those best suited to them: "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* 1.434c–d, trans. G. M. A. Grube, rev. C. D. C. Reeve;

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 due 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, 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 than others (of a certain subtle good, variously interpreted) where that is a matter of the brute luck of the parties rather than (in a certain sense) their own doing.²² 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.²³

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 article. This is 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.²⁴ 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

see *Plato: Complete Works*, ed. John M. Cooper and D. S. Hutchinson [Indianapolis: Hackett, 1997]). A society's failing to meet that does not entail that it is anyone's fault.

22. For detailed explanation and discussion, see Kasper Lippert-Rasmussen, "Justice and Bad Luck," in *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford, CA: Stanford University, 2023), <https://plato.stanford.edu/entries/justice-bad-luck/>.

23. For sources and explanation of sufficiency and priority, see Stefan Gosepath, "Equality," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Stanford, CA: Stanford University, 2021), sec. 6.2, <https://plato.stanford.edu/archives/sum2021/entries/equality/>.

24. Young (*Responsibility for Justice*, 52) and Johan Galtung ("Violence, Peace, and Peace Research," *Journal of Peace Research* 6 [1969]: 167–91) imply that they use 'structural' to mean what Carmichael and Hamilton (*Black Power*) meant by "institutional" when they coined the term 'institutional racism'. Feagin (*Systemic Racism*, 32) explains what he means by "systemic racism," and it falls easily in our scope here.

the term or idea 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 facts.²⁵ 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 in this broad sense. My points apply to structural injustice as more narrowly understood as well.

If some conduct is wrong, then I will assume that necessarily it is also blameworthy barring a sufficient excusing condition.²⁶ By culprits and their culpability I mean to refer to agents and their blameworthy wrongful conduct.²⁷ The focus includes blameworthiness because the grievance challenge would not be answered by the presence of wrongdoing unless it were also blameworthy. Perhaps there can also be blameworthiness without wrongdoing, as in the case of some failed attempts at wrongdoing. For simplicity I put those aside and consider blameworthiness only for wrongful conduct.²⁸ 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.²⁹ The subset shall remain

25. My broader definition encompasses the common understanding that, as Jugov and Ypi formulate it, structural injustice is 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." Tamara Jugov and Lea Ypi, "Structural Injustice, Epistemic Opacity, and the Responsibilities of the Oppressed," *Journal of Social Philosophy* 50 (2019): 7–27, 7.

26. Here I follow, among others, Stephen Darwall, who states, "It is a conceptual truth, I claim, that actions are obligatory or wrong not to do if, and only if, omitting them would be blameworthy lacking excuse, where blame is a Strawsonian reactive attitude through [which] we hold people accountable." Stephen Darwall, "On Being a 'Self-Originating Source of Valid Claims,'" in *Rawls's "A Theory of Justice" at 50*, ed. Paul Weithman (Cambridge: Cambridge University Press, 2023), 109–20, 113.

27. I will not always add the point about blameworthiness when speaking of wrongful conduct, but unless context implies otherwise, it should be assumed.

28. Perhaps there can also be blameworthiness without wrongdoing, as in the case of some failed attempts at wrongdoing. For a recent defense of this view, see Graham, "Sketch of a Theory."

29. The term 'reactive attitudes' was influentially coined by P. F. Strawson in "Freedom and Resentment," *Proceedings of the British Academy* 48 (1962): 1–25, repr. in *Free Will*,

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.³⁰

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 to 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” rather than toward behavior.³¹ 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.”³² As a form of moral deficiency located at the level of an individual agent, we should count such attitudinal defects as wrongs, and as deontic, for the purposes of this inquiry.³³

The reader might expect me to rely on

The Deontic View of Wrong (or of Injustice): There is no wrong, or no wrong of social injustice—or at least there is nothing warranting grievance attitudes—except in virtue of individual culpability.

The implication that culprit-independent injustice (at least if it is wrong) is an incoherent idea would be so stark that it effectively begs one of our

2nd ed., ed. Gary Watson (New York: Oxford University Press, 2003), 72–93. R. Jay Wallace argues that a narrower focus on “especially . . . attitudes of resentment, indignation, and guilt” strengthens the broadly Strawsonian argument about responsibility. Those are at least at the core of grievance attitudes as understood here. But my argument can proceed without assuming that only those could be grievance attitudes that can be warranted by social injustice. See R. Jay Wallace, *Responsibility and the Moral Sentiments* (Cambridge, MA: Harvard University Press, 1994), 12.

30. 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. But this leaves unaccounted for the other-directed grievance attitudes in, or on behalf of, people against whom there is a putative injustice. See Nicholas Smyth, “Structural Injustice and the Emotions,” *Res Publica* 27 (2021): 577–92.

31. 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” (Strawson, “Freedom and Resentment,” 76).

32. Feagin, *Systemic Racism*, 57, 60. See also Robin Di Angelo, *White Fragility: Why It's So Hard for White People to Talk about Racism* (Boston: Beacon, 2018), 4; Di Angelo emphasizes the structural causes and effects of what is still individual racism, referring to it “as a system into which I was socialized.”

33. Graham even argues that attitudes, and not conduct, are indeed the fundamental objects of moral blame; see Graham, “Sketch of a Theory.” Here I only stipulate that attitudes are included.

central questions. For that reason, nothing so far or in what follows assumes or purports to establish the deontic view. 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 the word for present purposes 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?

III. GRIEVANCE AND REACH

Recall that the deontic conception of justice and injustice is that the wrongfulness of social injustice is, at root, agentive wrongdoing. But that is still compatible with there being such a thing as structural social injustice of a kind. Long-standing structural consequences might well be part of the wrongs committed by certain deontic culprits long in the past. The deontic view rules out only structural injustice that is culprit independent. Still, a challenge for a deontic approach is that some things might strike us as unjust irrespective of any culprits ever—I’ll call these *non-agentive target cases* (for more about the idea of target cases, see Sec. V). What is taken for structural racism or sexism, for example, may initially strike us as an obvious wrong whether or not it could be traced to anyone acting wrongly. If, even after fully grappling with the culprit problem, 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 discussed in Section V. But, as we have seen, telic 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 toward, or ashamed of, and so on. But 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 that 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-culprit grievance* or *no-grievance wrongs*,³⁴ such telic injustice is evidently not wrongful and does not warrant

34. This refers, more specifically, to wrongs even where there would be no blameworthiness in the absence of an excuse.

attitudes of grievance after all. 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."³⁵ The emotion presupposes injustice. If the injustice is merely apparent (which the angry person might even realize), the anger misfires—it is unwarranted in that way.³⁶

The grievance challenge might be avoided by developing, instead of a telic view, a sort of *hybrid view* that while injustice does not depend on individual wrongdoing (that widens its reach), it is nevertheless a wrong (that suggests that grievance attitudes are warranted).³⁷ 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 also 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 the reach/grievance dilemma. Neither horn of the dilemma is lethal, despite some punch. A theorist might bite a bullet to endure the blow, at least avoid the other horn, and carry on. But this depends on how sharp the horn is—how unpalatable certain implications of the limited reach and legitimacy of grievance might be. My aim in this article 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.

Does it matter 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? 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 anger or resentment toward their fellows, or their country,

35. Aristotle, *Nicomachean Ethics* 1135b.

36. Even anger that is warranted in this sense might still be unfortunate, or destructive, an attitude to resist, and so on.

37. Young (*Responsibility for Justice*, 44) speaks of "a specific kind of moral wrong, structural injustice, which is distinct from wrongs traceable to specific individual actions or policies." That's the hybrid view. Likewise, Sally 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 Sally Haslanger, "Oppressions: Racial and Other," in *Resisting Reality: Social Construction and Social Critique* (Oxford: Oxford University Press, 2012), 311–38, 314 (a lightly revised version of her much earlier essay, "Oppressions: Racial and Other," in *Racism in Mind*, ed. M. Levine and T. Pataki [Ithaca, NY: Cornell University Press, 2004], 97–123).

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 portion a mistake? We philosophers 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 suggests 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, facility, and even stability of social life are 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 that up. This is not to declare a verdict but only to answer the suggestion that there is nothing much at stake in whether structural injustice is wrong rather than simply very bad.

IV. 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 that there is still a wrong, albeit irrespective of any culprits. The problem I wish to press now for the hybrid view is that, as 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 that 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.³⁸ 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.³⁹

38. I'm grateful to Alyssa Bernstein for helpful discussion of imperfect duties in this context.

39. The term 'injustice', in particular, is often used traditionally to imply that someone has a grievance, as de Marneffe ("Significance of Injustice") explains. 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, and one subspecies might be injustice.

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 as a target case of structural injustice 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, a wrong, Young thinks, 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."⁴⁰ 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 agents one might suspect need be guilty (even *prima facie* pending excusing conditions, I would add) 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 that certain agents were wrong and to blame. But here she is licensing the reader to concentrate on hurricane consequences that are not socially caused.⁴¹ Insofar as they result wholly from a natural disaster, she sensibly implies here, they would not be unjust, and there would be no appropriate occasion for the grievance attitudes.⁴²

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? Unpreventable hurricane damage would be no injustice and no warrant for grievance attitudes such as resentment, umbrage, violation, or righteous anger. Lacking both warranted grievance and culprits, it fails the disjunctive criterion for wrongness. But for Young's (and Sally Haslanger's, as we'll see) hybrid view, there needn't be any culprits for there to be wrongs of injustice. So, in some way not yet specified, the conditions being socially caused is meant to be what exposes them to the charge of structural injustice. How so?

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

40. Young, *Responsibility for Justice*, 47.

41. Iris Young, "Katrina: Too Much Blame, Not Enough Responsibility," *Dissent*, Winter 2006.

42. Young, *Responsibility for Justice*, 43ff. David Atenasio takes a similar view: "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 David Atenasio, "Blameless Participation in Structural Injustice," *Social Theory and Practice* 45 (2019): 149–77, 160.

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, again, my argument needn't take any stand on that. Rather, if no culprits are available to warrant grievance, and if 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 (nondeontic) 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, it might be complained, 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 presuppose wrong, then my argument would only be simpler: there is no wrong without warranted grievance, and that depends on culprits. Therefore, there is no wrong of hybrid structural injustice. But by not assuming this about grievance attitudes I am purposely leaving open the following possible avenue for the idea of culprit-free wrong: that grievance attitudes could, on some other ground, be shown

sometimes to be warranted even without wrongful or blameworthy agents. Here would be one way to pursue that avenue: describe attitudes toward problematic social structure which, while they do not presuppose culprits, are similar enough to standard culprit-based grievance attitudes. This might satisfy us that cases where they are warranted might be properly counted as cases of wrong after all.⁴³ 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 an unpreventable 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.

V. REACHES OF CULPABILITY, REACHES OF INNOCENCE

The reach challenge for deontic views, recall, is the worry that 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 intuitively strike a given thinker (such as you) 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 other approaches, including nondeontic—hybrid or telic—approaches.

Haslanger and Young both appear to motivate their development of a culprit-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 argues that oppression of a structural kind is possible without any agent oppressing anyone, that

43. See, e.g., Smyth, "Structural Injustice." See also Lucas A. Swaine, "Blameless, Constructive, and Political Anger," *Journal for the Theory of Social Behaviour* 26 (1996): 257–74. When Swaine speaks of "situational anger," anger not at a person or object but at a situation, he mainly explains how the disposition to such feelings might be useful. That doesn't affect the question whether it is fitting or warranted, a point made well by Justin D'Arms and Daniel Jacobson in "The Moralistic Fallacy: On the 'Appropriateness' of Emotions," *Philosophy and Phenomenological Research* 61 (2000): 65–90.

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. Those might not themselves count as their individually oppressing anyone. And 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."⁴⁴ With "simply," this stops short of saying that there can be structural injustice irrespective of any agent's wrongful acts or attitudes, saying only that this is not all there is to it. And 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.⁴⁵ But an agent's conduct or attitudes can be wrongful without being malicious, hostile, or intended to produce the structures in question. The door appears inadvertently to be left open to the deontic 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 the essay mentioned earlier, anticipating her final treatment in the book, reflecting on responsibility for the aftermath of Hurricane Katrina.⁴⁶ 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."⁴⁷ Rather than pointing out, as this might lead us to expect, that blame is perfectly appropriate for many of the 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.⁴⁸ The lesson is said to be that "normal practices within which people act with *good intentions* continue to produce significant evil."⁴⁹ 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.") So far, she might seem to mean 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, sloppiness, or indifference, or anything culpable

44. Haslanger, "Oppressions," 320.

45. *Ibid.*, 317.

46. Young, "Katrina."

47. *Ibid.*, 42.

48. Explicitly following Carmichael and Hamilton, *Black Power*.

49. Young, "Katrina," 42; emphasis added.

at all.⁵⁰ But culpability is not plausibly confined even to the cumulative space of willful harm, violation of accepted norms,⁵¹ and wrongs of interpersonal interaction,⁵² much less to any one of them. Like Haslanger, Young has not fully measured the reaches of culpability.⁵³

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.⁵⁴ I 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 versus omissions;
- intentional versus negligent conduct;
- conduct versus attitudes;
- contemporaneous versus legacy wrongs.

The first three pairs are sufficiently self-explanatory. To explain the last: people can be culpable now for some harm or other condition even if there are no living culprits. There might be no one around or alive now who is culpable for it, but only agents who are long gone or even dead. For example, it's possible that 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 properly vigilant and motivated.⁵⁵ For these and other reasons, the conditions that

50. Young writes, "Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state" (ibid., 52). She continues, "We ought to reserve the concept of justice and injustice for more systematic [moral] wrongs" (ibid., 71). See also citations in n. 37 of this article.

51. Young, *Responsibility for Justice*, 52.

52. Ibid., 71.

53. 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. See Catherine Lu, "Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress," *Journal of Political Philosophy* 19 (2011): 261–81.

54. Atenasio ("Blameless Participation") 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 he gives several useful examples.

55. Alasia Nuti, for different purposes, emphasizes how present structures are often the very same structures from long in the past. That helps us to see how structural features that are certain persons' fault can remain their fault long after they (the culprits) are gone. (In principle, it could even emerge only after they are gone and still be their fault.) See Alasia Nuti, *Injustice and the Reproduction of History: Structural Inequalities, Gender and Redress* (Cambridge: Cambridge University Press, 2019).

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.⁵⁶ The only culprits might be the dead ones.

Just as the reaches of culpability have not always been fully exploited—meaning that more target cases might be covered by culpability than is claimed—further exploration of Young’s innocence exercise (around the story of Sandy discussed above) is a counterpart pushing in the opposite direction. The reaches of innocence emphasize limits of culpability that are easily neglected in thoughts about injustice. These are as applicable to duties of prevention and remedy—duties of superintendence—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 of superintendence 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.⁵⁷ 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.⁵⁸ So, in yet this third way, the persistence of such conditions is not a sure sign of anyone’s moral shortfall.⁵⁹

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 easily neglected reaches of innocence as well. Neither set of considerations alone seems enough to render a verdict on the challenge of reach.

56. Garcia (“Heart of Racism,” 33) takes a deontic view of racism and acknowledges this kind of reach of culpability for institutions and social structure.

57. 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.

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

59. Robin Zheng responds, in effect, to the reaches of supposed innocence by finding fewer 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 Robin Zheng, “Moral Criticism and Structural Injustice,” *Mind* 130 (2021): 503–35. 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.

VI. CULPABLE GROUP AGENTS?

Social structures and their operations are inseparable from individual behavior, of course, so for any problematic social condition many agents will tend to have together brought it about 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. One set of target cases that poses the reach/grievance dilemma crisply, and which I discuss in detail elsewhere,⁶⁰ takes this form: Suppose that a certain medical patient will die unless he is surgically cut and stitched today. If surgery occurs but without stitching of the wound, the death will be agonizing. Ought the surgeon, Dr. Slice, to perform the surgery, even if she is incapable of stitching up afterward? This depends on whether someone will stitch up the wound. Dr. Patch could do it. But suppose that neither Slice nor Patch will, in fact, attend to the patient even if the other one were to do so. In that unfortunate circumstance, surely, Slice does nothing wrong by not cutting (when no one is on hand to stitch). But just as surely Patch does nothing wrong by not stitching (where there is no incision). Add, now, that the doctors' absence is explained by the patient's being Black and by their anti-Black racist attitudes. If it wasn't already, it's now highly intuitive that the doctors perpetrate a grave, indeed lethal, injustice on the patient. But how can that be so, since neither of them behaves wrongly? It's true that each doctor's racist attitudes are wrongful, but those are pre-existing conditions unable to explain what is especially wrong today. And, anyway, racist at heart or not, Slice still ought not to cut, and Patch ought not to stitch. How has any wrong been done to the patient if no wrong has been done by anyone? The tension is familiar, by now, from the reach/grievance puzzle: if there is no injustice without wrongdoing, then injustice doesn't reach this case. But if, instead, even without wrongdoing, the patient's death is held to be an injustice, that wouldn't warrant the attitudes of blame, grievance, or righteous anger that are so tempting in this case, and which motivate us to try to identify the wrong that warrants them. I don't contend that target cases of injustice that can't be reached if there must be culprits always have this structure, but it does put the puzzle in stark terms.

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

60. See David Estlund, *Utopophobia: On the Limits (If Any) of Political Philosophy* (Princeton, NJ: Princeton University Press, 2019), chap. 11.

often as group-culprits. This strategy directly eschews, rather than in any way vindicating, the hybrid view's idea of non-agentive wrong. But that is no defect if the strategy can succeed. It refers only to agentive wrong, but it allows that some groups are themselves agents.⁶¹ 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."⁶² "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 United States—certainly a structural matter in our sense here⁶³—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" that he insists on earlier? He says that this is a "failure of important institutions."⁶⁴ At one point he says that what is presupposed is "some agent *or agency*" with such obligations,⁶⁵ 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 too casually assumed that some group is a culprit, and so an agent in its own right, this is a specious agentification of groups. 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)⁶⁶ but also could be subject to grievance attitudes for some of its actions (which squirrels plausibly are not). While we (or at least I) do sometimes get angry at squirrels, as we sometimes get angry at the

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

62. T. M. Scanlon, *Why Does Inequality Matter?* (Oxford: Oxford University Press, 2018), 18–19.

63. *Ibid.*, 13. Scanlon here refers to what is a structural kind of injustice: differential life spans across race. Relatedly, see Vani A. Mathur et al., "Mechanisms of Injustice: What We (Do Not) Know about Racialized Disparities in Pain," *Pain* 163 (2022): 999–1005.

64. Scanlon, *Why Does Inequality Matter?*, 13. In one further example, he writes that "unequal funding for public education . . . 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" (*ibid.*, 15; emphasis added).

65. *Ibid.*, 9.

66. Hans-Johann Glock, "Agency, Intelligence and Reasons in Animals," *Philosophy* 94 (2019): 645–71.

stones on which we stub our toes, it is, I think, a kind of faux anger, misplaced and unwarranted, however understandable.

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,⁶⁷ an array of disconnected plans and acts is unlikely to meet appropriate criteria for a group agent who can count as morally culpable.⁶⁸ 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 some cases, but presumably not without, at least, 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 too disorganized, on one hand, or too much in the hands of one or a few individual agents, on the other (as in a dictatorship).

To illustrate the latter case, that of too few controlling individuals, suppose 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. Still, could this 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

67. I critique Frank Jackson's suggestion of this kind in Estlund, *Utopophobia*, 218. See Frank Jackson, "Group Morality," in *Metaphysics and Morality: Essays in Honour of J. J. C. Smart*, ed. J. J. C. Smart et al. (Oxford: Blackwell, 1987), 91–110.

68. It would not count on List and Pettit's important account. Intricate interrelations of attitudes are central to their own account of group agency. See Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford: Oxford University Press, 2011). See also Deborah Tollefsen, "Participant Reactive Attitudes and Collective Responsibility," *Philosophical Explorations* 6 (2003): 218–34. 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, e.g., Sean Aas, "Distributing Collective Obligation," *Journal of Ethics and Social Philosophy* 9 (2015): 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.

group agent—a highly functioning legislative assembly, for example—any wrongs attributed to that agency make up only a fraction of the intuitively unjust social structure of patriarchy.⁶⁹ For these reasons, the idea of group agency will not solve the culprit 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.

VII. 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.”⁷⁰ 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 it 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.⁷¹ 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

69. 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 Sec. V).

70. See John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Belknap, 1999), 3 passim.

71. Elizabeth Anderson, “The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians,” *Canadian Journal of Philosophy* 40 (2010): 1–23. Anderson subscribes to a “second-personal” view of justice and injustice, which she takes to be similar to Darwall's in *The Second-Person Standpoint*. Our concern in this article is with only one part of that view, the deontic part. A deontic view is implied by a second-personal view as I noted earlier.

on the political right—F. H. Hayek,⁷² Robert Nozick,⁷³ Margaret Thatcher,⁷⁴ Pope John Paul II⁷⁵—against some characteristic views on the left. Conservative Catholic thinker Michael Novak amplified this purported lesson following Hayek (as perhaps were Nozick and Thatcher on this point) thus: “Social justice is a virtue, an attribute of individuals, or it is a fraud.”⁷⁶

Anderson, however, is clearly on the left, and yet she embraces the deontic view explicitly. She writes, “Once everyone has done everything justice requires of them, the world is just.”⁷⁷ 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 it’s doubtful that Rawls took a wholly deontic view, as I will argue.

If, as Anderson seems to suggest, Rawls’s view of justice and injustice were deontic (because second-personal in Darwall’s sense),⁷⁸ that might provide a way of mitigating the reach challenge, since Rawls’s theory counts, as unjust structural social conditions (and indeed, “the primary subject of justice”), “the basic structure of society,” as noted above.⁷⁹ 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 this violates Rawls’s principle of justice requiring fair equality of opportunity,⁸⁰ whether or not there are any individuals guilty of any pertinent injustice or wrong.

72. “Justice, Hayek claims, applies only to situations that are the product of someone’s will.” John Tomasi, *Free Market Fairness* (Princeton, NJ: Princeton University Press, 2012), 150. Hayek wrote that “one of my chief preoccupations for more than 10 years” has been coming to terms with the idea that social justice is a mirage. See F. H. Hayek, *New Studies in Philosophy, Politics, Economics, and the History of Ideas* (London: Routledge, 1978), 57.

73. The deontic view is at least suggested by a number of passages in Nozick; see, e.g., Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic, 1974), 150.

74. “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.” Margaret Thatcher, interview, *Woman’s Own*, October 1, 1987.

75. See n. 16 and corresponding quote.

76. Michael Novak, “Defining Social Justice,” *First Things* 108 (2000): 11–13, 13.

77. Anderson, “Fundamental Disagreement,” 22. Ben Laurence implies the same deontic view: “Wherever there is injustice, some have a legitimate grievance against others.” He sometimes speaks weaker of injustice meaning that some have “claims” on others, but that’s not enough to warrant grievance. See Ben Laurence, *Agents of Change* (Cambridge, MA: Harvard University Press, 2021), 21.

78. Darwall, *Second-Person Standpoint*.

79. Rawls, *Theory of Justice*, 3 passim.

80. Namely, “that those with similar abilities and skills should have similar life chances” (*ibid.*, sec. 12 passim).

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 social—structural—arrangements.⁸¹ 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 deontic wrongdoing. Nor is it somehow guaranteed that if everyone meets those duties the problematic social structure will be avoided or remedied.

Rawls does say, “The problem of distribution falls under the concept of right [rather than the good] as one intuitively understands it.”⁸² 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 still not be culprits. So, how are distributional 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 US government, under the direction of US 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 unjust already?⁸³

For our purposes, the issue is not linguistic. Whatever sense of “right” might be at play in Rawls here, it does not evidently have the deontic view’s ready ability to explain how injustice 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 [even when perfectly fair] is away from not toward background justice.”⁸⁴ Young herself cites that passage,⁸⁵ and

81. “This duty requires us to support and to comply with just institutions that exist and apply to us. It also constrains us to further just arrangements not yet established, at least when this can be done without too much cost to ourselves” (ibid., 99).

82. Ibid., 22.

83. As de Marneffe (“Significance of Injustice”) observes, Samuel Fleischacker suggests that Rawls sees it as a violation by the state of its duties (which suggests a group agent as a solution to the culprit problem), but he provides no citation from Rawls supporting this. See Samuel Fleischacker, *A Short History of Distributive Justice* (Cambridge, MA: Harvard University Press, 2004), 119. De Marneffe doubts that this is Rawls’s view, as do I.

84. Rawls, *Political Liberalism*, 267.

85. Young, *Responsibility for Justice*, 73.

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

Rawls does appear occasionally, if rarely, to speak of some violations of the principles of social justice as “wrongs.” For example, he writes, “Justice as fairness will prove a worthwhile theory if [among other things] . . . it singles out with greater sharpness the graver wrongs a society should avoid.”⁸⁶ 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 it 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. It’s doubtful, then, that Rawls’s view of justice is wholly deontic, and so nor is it second-personal as Anderson understands that idea. The natural duty of justice is apparently deontic, but it appears to be oriented toward promoting and preserving the telic good of social institutions meeting the principles of “justice”—justice of a telic kind.⁸⁷

Darwall is aware of this “gap” in Rawls’s view in *A Theory of Justice*.⁸⁸ He argues that Rawls closed the gap when, starting with the Dewey Lectures, he held that individuals are “self-originating sources of valid claims.”⁸⁹ It would be true, then, that “failing to respond adequately to others’ legitimate claims . . . is to fail to respect them as moral equals as morality and justice require.”⁹⁰ What Darwall does not address, as far as I can tell, is who is the object of these valid claims in the case of justice. He says that

86. Rawls, *Theory of Justice*, 76, sec. 31. A few other passages also suggest that for Rawls injustice is a wrong. For example, he speaks of “the kinds of wrongs [such as substantial and clear injustice] that are appropriate objects of civil disobedience” (*ibid.*, 326, sec. 57). Further, “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” (*ibid.*, 327).

87. Even if telic, Rawls’s standard of justice would be notably different from what we might call static distributive principles of telic justice, as seen in luck (or other simple forms of distributive) egalitarianism (see Lippert-Rasmussen, “Justice and Bad Luck”). Rawls’s principles may be nothing but those that qualify the basic social structure as a “fair system of cooperation,” in which case the laws, distributions, etc., that are its outcomes are just in a purely procedural sense. That would not imply that the just basic structure is fair or just also in some nonprocedural way. This difference from static distributive standards, however, still doesn’t explain how injustice warrants grievance attitudes even though it doesn’t depend on culprits.

88. Darwall, “Self-Originating Source,” 112.

89. John Rawls, “Kantian Constructivism in Moral Theory,” *Journal of Philosophy* 77 (1980): 515–72, 544.

90. Darwall, “Self-Originating Source,” 113.

Rawls's device of the Original Position "allows us to view principles that would be chosen from that perspective as principles that specify more determinately what people are entitled to expect from one another (principle of right) and *from their political order (principles of justice)*."⁹¹ But who is the "political order?" Obviously, no person is. But then the claims of justice have not been shown to be claims against any other person.⁹² Each has a moral claim against other persons that they act as required to support and maintain just institutions according to Rawls's "natural duty of justice." But, as I have argued, all could satisfy that claim and yet the principles of justice for the basic social structure might be violated. I agree with Weithman in the introduction to that volume that Darwall's essay "does not . . . have implications for the most fundamental worry de Marneffe raised,"⁹³ which is, in Darwall's terminology, that Rawlsian injustice does not entail that anyone has violated anyone else's valid claims. How, then, are Rawls's principles of justice matters of right after all?

VIII. CONCLUSION: IS AN EXTENDED DEONTIC VIEW ENOUGH?

As I illustrated early on, 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 there, 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 narrow reach, on one hand, and the absence of any warrant for grievance, on the other? Or, instead, might the right combination of deontic matters and intuitive compromises suffice?

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

91. *Ibid.*, 115; emphasis added.

92. Darwall also says there that parties to the (hypothetical) original position represent persons conceived as having "authority to make claims and demands of one another" (*ibid.*, 115). This still doesn't explain what person these are claims against.

93. Paul Weithman, introduction to *Rawls's "A Theory of Justice" at 50*, ed. Paul Weithman (Cambridge: Cambridge University Press, 2023), 1–14, 6.

in many cases, there will be individual culpability in failures to contribute to its remedy, reparation, and so on (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, with, in cases that aren't adequately reached by culpability, widespread 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. (Call them "unjust" or not.) Even if this extended deontic view sufficed all things considered, one still may have been helped to see its merits by our treatment here of the reach/grievance dilemma and its implication. Does it suffice? It is something of a mishmash of disparate ingredients, seemingly cobbled together ad hoc. In particular, its loose linkage between social structure and wrong leaves the resulting idea of structural injustice rough and disunified. And nothing we have seen proves that a more unified and deeply structural account is impossible even if it hasn't been developed yet. If it is possible, appreciation of the grievance/reach dilemma may help to point the way.