

Responsibility Without
Guilt: A Youngian
Approach to Responsibility
for Global Injustice

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Declaration

I, **Maeve McKeown** confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

A handwritten signature in black ink, appearing to read 'Maeve McKeown', written in a cursive style.

Abstract

What responsibilities do individuals have in relation to global injustice? Iris Young argues that all agents “connected” to global structural injustice bear political responsibility, rather than moral responsibility; the difference being that political responsibility is non-blameworthy, shared and forward-looking, whereas moral responsibility entails blameworthiness, isolates particular agents for censure and is backward-looking. Thus, individuals are not *guilty* of wrongdoing but they bear *responsibility* for global injustice. Young’s argument is intuitively appealing and influential, however it is underdeveloped. In this thesis, I aim to develop Young’s account into a coherent theory of individuals’ responsibilities for global injustice, by reconstructing her core insights and critically developing the aspects that lack clarity and coherence.

Young does not sufficiently distinguish political from moral responsibility. In Part One, I argue that there are two kinds of moral responsibility: relational moral responsibility, which refers to the traditional account of directly causing harm with intent and knowledge – what Young calls the “liability model” of responsibility; and moral responsibility as virtue, of which political responsibility is a particular kind. I strengthen Young’s argument that ordinary individuals cannot bear relational moral responsibility for global injustice, because they perpetuate structural injustice inadvertently, unintentionally or unavoidably, but that they should cultivate the virtue of political responsibility to participate in collective action for change.

Young conceives of political responsibility as a responsibility for justice. In Part Two, I assess this claim. For Young, individuals’ behaviour reproduces unjust social-structural processes, thus individuals have a responsibility for justice. I contrast this to Rawlsian “dualism”, whereby responsibility for justice is institutional. I characterize sweatshop labour as a form of global structural exploitation. Political responsibility is triggered by “connection” to such an injustice, which I define as the reproduction of unjust structures or dependency on oppression.

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Chapter 1 Introduction

Iris Marion Young posed the question, ‘how should we as individuals think about our own responsibility in relation to social injustice?’¹ Young’s intuition was that individuals who participate in unjust political, social and economic processes by virtue of their everyday activities *share responsibility* for the unjust processes and yet *should not be blamed* of wrongdoing. Instead, individuals have a “political responsibility” to engage in collective action to struggle against “structural injustice” to which they are “connected.” This is the “social connection model” of responsibility.

Young’s approach is an increasingly popular conceptual model for thinking about responsibilities for global injustice.² However, Young’s model was relatively under-developed before her untimely death in 2006. She never finished her book on the subject – *Responsibility for Justice*. We have an unfinished book, two journal articles and two magazine articles of varying depth on the topic.³ Moreover, because of her critical methodology and the audience Young hopes to address – the “citizen-activist” – her insights are often overlooked or misunderstood by analytic political philosophers.⁴

¹ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 15.

² At the time of writing Young’s 2006 article on the topic has been cited 305 times - "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006). And her 2004 article has been cited 241 times - "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004). While not all of these citations will be favourable to the approach, they suggest the wide reach and influence Young’s work currently has on the discipline.

³ The acknowledgements page of *Responsibility for Justice*, written by Iris Young’s partner, discloses that she planned to spend six weeks editing the manuscript, making it more consistent, toning down her challenges to other theorists, and developing and reworking certain sections. The journal articles are "Responsibility and Global Labor Justice; "Responsibility and Global Justice: A Social Connection Model." The magazine articles are "From Guilt to Solidarity: Sweatshops and Political Responsibility," *Dissent* 2003; "Katrina: Too Much Blame, Not Enough Responsibility," *Dissent* 2006. There is also an earlier lecture "Political Responsibility and Structural Injustice," in *The Lindley Lecture* (University of Kansas 2003). And a book chapter *Global Challenges: War, Self-Determination and Responsibility for Justice* (Cambridge: Polity Press, 2010), Chapter 9.

⁴ As Mathias Risse argues in his review of Young’s final book, "Review: Iris Marion Young's Responsibility for Justice," (Philosophical Reviews, 2011).

In this thesis, I aim to develop Young's account of responsibility into a coherent political theory of individuals' responsibilities for global injustice. I will do this through conceptual analysis of the concept of responsibility, and using the method of reflective equilibrium to compare her considered judgments with existing theories of responsibility. In critically developing Young's theory, I hope to provide a new normative framework for thinking about individuals' responsibilities in relation to global injustice, making an original contribution to the literature.

This introductory chapter is divided into two sections. In section 1.1, I give a brief overview of Young's approach and contextualise it in relation to the most influential accounts of responsibility for global justice. In section 1.2 I outline the structure of this thesis and how I will develop the social connection model of responsibility.

1.1 Responsibility for Global Injustice

1.1.1 *The Youngian Approach*

Young focuses on injustice and asks what responsibilities individuals have in relation to global injustice. She took the anti-sweatshop movement as her starting point. These activists claimed that individual consumers have a responsibility towards exploited garment workers in developing countries, despite the fact that consumers are not directly harming workers and have no control over the situation. The claims of this social movement 'struck a chord' with many individuals, in Young's view, and inspired her to think about what kind of responsibility they were invoking.⁵

Young argues that when we ordinarily think about responsibility we assume a "liability model". On this model, specific individuals or collectivities are identified as legally or morally responsible for an isolated instance of wrongdoing. This model of responsibility cannot make sense of the anti-sweatshop movement's

⁵ Young, *Responsibility for Justice*, 126.

claims, however. This social movement does seek to pinpoint particular individuals or collectivities and to hold them legally or morally responsible for the harms involved in sweatshop labour, e.g. pressuring multinational corporations (MNCs) to pay better wages to workers; however, they also enjoin consumers to take responsibility for on-going structural processes in which they participate, to transform these processes for the better. From this, Young infers that there is a different kind of responsibility at play in the claims of global justice social movements. She calls this the “social connection model” of responsibility, which generates a forward-looking, non-blameworthy responsibility to participate in collective action for change.

Young argues that individuals have a political responsibility for “structural injustice” to which they are connected. She uses the term structural injustice to distinguish the kinds of problems she has in mind from both individual and institutional wrongdoing.⁶ Structural injustice is not a wrong perpetrated with intent, rather it is the harmful, unintended, cumulative outcome of agents’ normal behaviour and activities.⁷

The social connection model does not replace the liability model; it supplements it.⁸ Young is advocating a two-tiered approach to thinking about responsibility:⁹ the first involves our legal and moral responsibilities for specific acts or omissions that have harmed identifiable others, the second refers to our on-going responsibility for unjust structures.

If we want to overcome a particular structural injustice, such as sweatshop labour, we need to use both models of responsibility. The liability model alone is not sufficient. Sanctioning particular agents within these processes, such as factory owners, MNCs or states, will not solve the problem of sweatshop labour, ‘so long as that incentive structure is in place and sanction is not routine.’¹⁰

⁶ Responsibility for Justice, 45.

⁷ Responsibility for Justice, 52.

⁸ "Responsibility and Global Labor Justice," 368; "Responsibility and Global Justice: A Social Connection Model," 118.

⁹ "Responsibility and Global Labor Justice," 382.

¹⁰ "Responsibility and Global Labor Justice," 375.

The problem is with the background conditions. Young writes, ‘When we judge that structural injustice exists, we are saying precisely that at least some of the normal and accepted background conditions of action are not morally acceptable.’¹¹ The social connection model denotes the responsibility we have towards unjust structures in which we act. It entails engaging in collective political action to change the structures.¹² It is a new and distinct kind of responsibility; it is a political responsibility for justice.

One further distinct element of the social connection model is that individuals have political responsibility to different degrees. The extent of an individual’s political responsibility depends upon their social position and on how much power, privilege, interest, or collective ability they have in relation to a particular structural injustice.¹³

1.1.2 *Comparison to Mainstream Approaches*

The Youngian approach diverges from several of the leading theories of responsibility for global justice. The aim of this thesis is to critically develop Young’s approach; in this section I merely seek to situate Young’s approach in relation to the more well-known approaches of Peter Singer, Thomas Pogge and Christopher Kutz, to establish some points of difference.¹⁴

Peter Singer’s seminal 1972 article “Famine, Affluence and Morality” focuses on the injustice of global poverty. He argues that suffering and death from lack of food, medical care or shelter is bad and, ‘if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.’¹⁵ The weaker version of this principle is that if it is in our power to prevent anything of comparable moral *significance* from

¹¹ "Responsibility and Global Labor Justice," 378.

¹² Responsibility for Justice, 111-13.

¹³ Responsibility for Justice, 142-51.

¹⁴ A decision was made to focus on the Youngian approach in this thesis rather than to systematically compare and contrast her theory to other approaches in the literature. The points of difference I raise here could potentially be rejected by the authors; my aim, however, is not to provide a nuanced and thorough appraisal of these theories in relation to Young’s, but simply to highlight where they appear to diverge.

¹⁵ Peter Singer, "Famine, Affluence and Morality," in *The Global Justice Reader*, ed. Thom Brooks (Oxford: Blackwell Publishing, 2008), 388.

happening, we ought morally to do it. Singer argues by analogy that if an individual is walking past a shallow pond in which a small child is drowning, they ought to save the child, as they will not sacrifice anything of comparable moral significance by doing so. This principle determines that individuals should donate any spare money they have to save the lives of those living in absolute poverty.

Singer's approach does not take into account the causes and background conditions that give rise to poverty. Singer's pond example presents a dis-analogy with chronic poverty because it implies there is a straightforward relationship between the victim and rescuer. The duty to rescue the child makes sense in an emergency situation where there is a direct link between that particular victim and that particular rescuer, but this is not the case in an on-going structural problem with complex causes involving multiple agents with varying degrees of power and responsibility in relation to the problem. Singer's argument is that individuals' moral duty in relation to global poverty is to donate to aid agencies; but as Andrew Kuper points out it is not really appropriate to 'leave it to Oxfam', because Oxfam and other non-governmental organisations (NGOs) cannot address the structural causes of poverty.¹⁶ The Singer approach lacks an account of *structure*. By contrast, Young's approach is necessarily structural. For Young, it is connection to unjust structures that generates political responsibility, not the capacity to alleviate suffering.

Samuel Scheffler has criticized Singer's theory on the grounds that a plausible ethical theory needs 'at a minimum, to be capable of being internalized and of coming to function as a guide to everyday thought and action.'¹⁷ Singer's consequentialist approach fails to meet this standard, as it is "non-restrictive"; it doesn't seek to limit our moral duties. In the context of the contemporary globalized economy, Scheffler argues that this non-restrictive theory 'seems to many people to make wildly excessive demands on the capacity of agents to amass information about the global impact of the different courses of action available to

¹⁶ Andrew Kuper, "More Than Charity: Cosmopolitan Alternatives to the "Singer Solution",
Ethics and International Affairs 16, no. 2 (2002): 110. See also, Paul Gomberg, "The Fallacy of
Philanthropy," *Canadian Journal of Philosophy* 32, no. 1 (2002): 61.

¹⁷ Samuel Scheffler, "Individual Responsibility in a Global Age," in *Boundaries and Allegiances:
Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001), 43.

them'.¹⁸ Not only is it too demanding on the individual, but it also jars deeply with our "common-sense" conception of morality, which is premised upon roles and relationships rather than the overall good.¹⁹ There is a phenomenological aspect to common-sense morality; we see and experience the near-effects of our actions, they seem real to us, whereas the remote effects of our actions are intangible and unknown.²⁰ The over-demandingness and the inability to know the consequences of all our actions in the contemporary world, render Singer's theory *non-internalizable*.

Scheffler also argues, however, that the common-sense approach to ethics is 'anachronistic' and increasingly indefensible.²¹ It may feel 'natural' to base ethical theories on specific actions or webs of close relationships, but due to advances in science and technology, communication, travel, and economic and political interdependence, it is 'more difficult than ever to sustain the conception of human social relations as consisting primarily in small-scale interactions among single individuals'.²² Scheffler concludes 'the net effects of these developments may be, not to encourage the substitution of a non-restrictive conception of responsibility for more restrictive ideas, but rather to leave our thinking about responsibility in some disarray'.²³

Young thinks that Scheffler has 'identified a key problem in contemporary moral theory and practice',²⁴ but she disagrees that our ethics are left in disarray. Instead, she argues that 'we need a plausible way of conceiving responsibility that connects individual agency to structural processes'.²⁵ She aims to work towards this with the social connection model of responsibility.²⁶ Moreover, she thinks that the social connection model is internalizable because people are already acting on it; she drew the theory from the already existing anti-sweatshop movement. She writes, 'If we listen, I think that we can hear appeals to

¹⁸ Ibid.

¹⁹ "Individual Responsibility in a Global Age," 42.

²⁰ "Individual Responsibility in a Global Age," 43.

²¹ "Individual Responsibility in a Global Age," 45.

²² Ibid.

²³ "Individual Responsibility in a Global Age," 46.

²⁴ Young, "Responsibility and Global Labor Justice," 374.

²⁵ "Political Responsibility and Structural Injustice," 7.

²⁶ Ibid.

something like such a conception of responsibility voiced in political contexts even now... in the anti-sweatshop movement.²⁷

Thomas Pogge offers a structural account of global poverty. According to Pogge, absolute poverty is caused by the coercive imposition of the 'Global Economic Order' (GEO) on the world's poorest people. The institutions of the GEO are made up of representatives of governments, and so the responsibility for poverty devolves to the citizens of the countries that make up the GEO. This is because 'these governments are elected by us, responsive to our interests and preferences, acting in our name and in ways that benefit us. This buck stops with us'.²⁸

Pogge's argument is that there is a negative moral duty not to participate in institutions that cause harm.²⁹ The institutions of the Global Economic Order harm the world's poorest people by imposing upon them rules and regimes that they cannot control, and which deprive them of access to the fulfilment of their basic needs, thus violating their human rights. Because citizens in affluent countries are participating in and upholding the governments that maintain the unjust GEO we are violating this negative moral duty; therefore 'we share causal and moral responsibility' for global poverty.³⁰ The responsibility of citizens in Western countries is to work to reform these coercive institutions or to compensate the victims of poverty.³¹

Pogge's argument potentially has counter-intuitive implications. While all citizens of industrialised countries benefit from the opportunities provided by those states, citizens have access to these opportunities to varying degrees depending on their position in social structures. It is not the case that all citizens of affluent countries are themselves affluent. Indeed the poorest members of these states are victims of unjust global economic processes. There are also rich citizens within developing countries who are causally implicated in the perpetuation of the GEO in more direct ways than poor citizens in affluent countries. As Debra Satz puts

²⁷ Responsibility for Justice, 118.

²⁸ Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2005), 21.

²⁹ *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2005), 64.

³⁰ *World Poverty and Human Rights*, 116.

³¹ *World Poverty and Human Rights*, 170.

it, 'Is a laid-off American steelworker, for example, really more responsible for global poverty than a rich citizen of a poor country?'³²

The elision of citizenship in affluent countries with moral responsibility for global injustice is problematic. Why are poor people in Western countries guilty in relation to global poverty but rich people in the global South are not? It could be argued that the rich/poor country dichotomy obscures the complexity of power relations at the intra-state, inter-state and trans-state levels in the contemporary global economy. This approach has the potential to unfairly impose the burden of guilt on many individuals in Western countries who are powerless in relation to global processes, and to infantilize the citizens of poor countries, either by assuming they are all poor or by assuming they are all powerless. The problem with Pogge's account is that it lacks a systematic analysis of *kinds and degrees of responsibility*.

On what Young calls "the liability model" of responsibility, we seek guilty parties to pay for harms that have already occurred. Pogge seems to argue that the guilty parties in the case of global poverty are the citizens of Western countries. Young does not come to this conclusion. Young thinks that ordinary individuals in Western countries are not guilty of wrongdoing for three reasons: because they do not intend to cause unjust structures, because they are acting within accepted rules and norms when they participate within these structures, and because these individuals are constrained by the system in which they act.³³

Young recognises that particular agents will bear responsibility on the liability model for particular wrongdoings within unjust structures; however, all agents connected to unjust structures bear political responsibility to struggle against those structures. Ordinary Western individuals do not bear causal and moral responsibility for a structural injustice such as global poverty, but they do bear a different *kind* of responsibility – political responsibility – to challenge the unjust structures. Young also differentiates *degrees* of political responsibility, arguing that individuals' responsibilities vary according to their social position within unjust

³² Debra Satz, "What Do We Owe the Global Poor?," *Ethics and International Affairs* 19, no. 1 (2005): 51.

³³ Young, *Responsibility for Justice*, 170.

structures, and how much power, privilege, interest or collective ability they have in relation to unjust structural processes.³⁴ Furthermore, Young does not tie responsibility to nationality. If the degree of responsibility depends upon an agent's social position, a rich citizen in a poor country may well be better placed to alleviate poverty than a poor citizen in a rich country, and would thus bear more political responsibility in relation to that structural injustice.

Christopher Kutz has a more subtle understanding of degrees of responsibility than Pogge. He argues for a principle of 'complicitous accountability: individual, intentional participation in a collective act warrants individual accountability for the consequences of that act.'³⁵ For Kutz, individuals who participate in a collective action are accountable for the harm done by virtue of the fact that they have intended to participate in the group.³⁶ They may not have intended the outcome of the action, but by participating in the group they have demonstrated "participatory intent" and this grounds accountability. For example, a pacifist who takes a job in a nuclear plant, when there are no other jobs available, does not intend to contribute to the collective's ends, but does nevertheless participate in the group.³⁷ This intentional participation grounds accountability, not because of the difference the individual makes to the harm done, but because their intention to participate in the group links them to the consequences of the group's activities.³⁸

Kutz acknowledges that in the contemporary world, many harms are not caused by the concerted acts of collectivities, rather they result from the confluence of individuals' behaviour.³⁹ He gives the example of pollution – 'individual polluters are not intentional participants in a collective act of pollution. So the usual basis for applying the Complicity Principle does not obtain.'⁴⁰ In the cases of "unstructured collective harms", we must take a holistic approach to the problem,

³⁴ Responsibility for Justice, 142-51.

³⁵ Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000), 15.

³⁶ *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000), 122.

³⁷ Complicity, 102.

³⁸ Complicity, 138.

³⁹ Complicity, 166.

⁴⁰ *Complicity*, 166-67.

while also recognising that the units of accountability and recompense are ultimately individuals. He writes,

Each participant individually, and all participants together, must deliberate about what they owe in virtue of what they have done. From the point of view of victims, the obligations are the source of claims against individuals, but claims whose basis likewise reflects the structure of participation. Responses of accountability, are owed ultimately by and to individuals, but the content of those claims is irreducibly collective. Complicity is a property of agents, linking them to one another and to their victims.⁴¹

According to Young, Kutz is relying on the liability model of responsibility because complicity theory seeks to assign responsibility as *accountability for wrongdoing*; Young thinks that Kutz's is the best attempt to extend the liability model to global injustice, but that ultimately it fails.⁴² In the context of unstructured collective harms – which many global injustices are – we cannot isolate particular perpetrators. As Young puts it, 'Because the causal connection of particular individuals or even organisations to the harmful structural outcomes is often impossible to trace, there is no point in seeking to exact compensation or redress from some isolatable perpetrators.'⁴³ Furthermore, the focus on individuals' complicity in causing harm obscures the role of the background structures in which the harm occurred.⁴⁴ The social connection model places the focus on the background conditions. Finally, parcelling out blame for wrongdoing may distract us from focusing on forward-looking change, creating division where we need unity.⁴⁵ Young wants us to conceptualise individuals' responsibilities for global injustice in a different way to the liability model. She

⁴¹ Complicity, 202.

⁴² Young, *Responsibility for Justice*, 101.

⁴³ "From Guilt to Solidarity: Sweatshops and Political Responsibility."

⁴⁴ *Responsibility for Justice*, 105.

⁴⁵ *Responsibility for Justice*, 116. In making this point, Young is assuming that complicity entails blame. I do not think this is an unreasonable assumption, and Kutz himself is not very clear about what complicity does entail. It might be objected, however, that there are nonblameworthy forms of complicity, in which case Young's point would fail.

writes, ‘What we should seek is not a variation on a weaker form of liability, but rather a different conception of responsibility altogether.’⁴⁶

Young’s social connection model of responsibility aims to address some of these perceived problems: it places the emphasis on *structure*, it aims to be *internalizable*, it differentiates *degrees* of individuals’ responsibilities according to social position, it removes *blame* from the equation, and it focuses on how to *improve the situation* rather than apportioning blame for past wrongs. I think she is right to make these moves. A theory of responsibility for contemporary global injustice should incorporate political, social and economic structures and how these condition individuals’ actions and the outcomes of those actions. It seems prudent to distinguish kinds and degrees of responsibility. It is desirable to try to establish when guilt and blame are appropriate, and when they are not.

1.2 Thesis Outline

I have suggested that Young’s approach to responsibility for global injustice is original and important, and that it departs from the more well-known theories of responsibility for global injustice in several potentially illuminating ways. The identification of a different *kind* of responsibility that relates individual responsibility to structural injustice is, I think, imperative. However, there remains much developmental work to do on the social connection model.

Young was a philosophical magpie. She found the shiny bits in a diverse range of theories from analytic to continental philosophy, sociology and political science, and arranged them to create a fascinating picture, showing us new ways of looking at problems we thought we understood or finding problems we previously failed to see. This was her greatest strength as a theorist; however, this strength is also a weakness. For while she arrives at unique and illuminating insights, her theories can lack consistency and coherence. This problem is exemplified in the social connection model of responsibility.

⁴⁶ Responsibility for Justice, 104.

The social connection model, in my view, hinges on the distinction between moral and political responsibility. If the claim is that individuals are politically but not morally responsible for global injustice, we have to precisely distinguish these two concepts. Young, unfortunately, did not do this. She posits a traditional account of moral responsibility – that to be morally responsible an individual has to have directly caused harm, with knowledge and intent.⁴⁷ Yet she does not elaborate on this idea or defend it. In the first half of this thesis, I do this clarificatory work.

In Chapter 2, I consider the idea that there can be responsibility without guilt. I outline the background of this theory in Hannah Arendt's distinction between legal, moral and political responsibility. I show how Young adapts this distinction for her purposes. I show how appropriating Arendt's distinction has created problems for Young's social connection model, the most difficult being the distinction between the moral and the political.

In Chapter 3, I argue that there are two concepts of moral responsibility at play for Young – moral responsibility as virtue (being a moral person) and relational moral responsibility (the appropriate conditions for praise and blame). I suggest that political responsibility is a form of moral responsibility as virtue – it is a forward-looking and non-blameworthy form of moral responsibility aimed towards structures. It is a way of being that ought to be cultivated in order to be a moral person in our complex, corrupted world.

Young's interest is in accounting for responsibility for "structural injustice". She argues that within unjust structures that all agents are "objectively constrained". This is one of the reasons why individuals are not morally responsible for global injustice – because their involvement is to a large extent unavoidable. But Young thinks this applies to almost all agents involved in social-structural processes. In Chapter 4, I argue against this by developing a Youngian conception of power. I argue that agents with sufficient power to be able to change unjust structures ought to do so, and bear relational moral responsibility – they are blameworthy – if they fail to do so.

⁴⁷ Responsibility for Justice, 97.

By the end of the first half of this thesis, I hope to have established that there is a plausible and meaningful way in which we can distinguish moral from political responsibility. Relational moral responsibility applies to what agents have done, and powerful agents can bear relational moral responsibility for structural injustice. Political responsibility, by contrast, is a kind of moral responsibility as virtue; it is forward-looking and does not entail praise or blame.

Further problems remain, however. If political responsibility is construed as a responsibility for injustice, we need to be clear about what we mean by injustice and responsibility for it. Part Two of this thesis focuses on these questions.

In Chapter 5, I look at how individuals can bear responsibility for injustice. I situate Young's work in relation to the debate on monism and dualism, which asks whether responsibilities for justice are institutional, or whether they apply to individuals. I compare Young's understanding of structural injustice and individuals' responsibilities in relation to it, to Rawls's understanding of the basic structure as the subject of justice, for which only institutions bear responsibility. I argue that Young does not separate out a sphere of justice in the same way as Rawls. For Young, social-structural processes are all encompassing, and are constituted by the attitudes, habits and norms of individuals, as well as institutional rules and practices. To understand individuals' responsibilities in relation to structure, Young adopts a unique understanding of dualism: individuals have to reason from two moral points of view – the interactional (how we treat others) and the structural (how our actions and attitudes contribute to the reproduction of unjust structures).

The social connection model generates political responsibility for global structural injustice, so in Chapter 6, I construct a Youngian account of global injustice. Young uses sweatshop labour as an example throughout her work on the social connection model, but she does not explain why it constitutes a structural injustice. I argue this is a form of global “structural exploitation”. I use Young's discussion of exploitation in *Justice and the Politics of Difference* and contrast this with Marxian and liberal/libertarian accounts of exploitation. I argue that structural

exploitation is a form of oppression because it inhibits the self-development of some social groups while enabling and enhancing the status of other social groups.

Young's claim for the social connection model is that "connection" to an injustice, such as global structural exploitation in the form of sweatshop labour, generates political responsibility for that injustice. Yet she does not define and defend a conception of connection. In the final substantive chapter, Chapter 7, I identify three potential forms of connection in Young's work – existential, causal and dependent connection. I argue that by virtue of *acting* within unjust structures we cannot help but reproduce them or avoid *dependency on the oppression* of others. These are the forms of connection that generate political responsibility for structural injustice.

*

This thesis involves much reconstructive and developmental work on the social connection model of responsibility. The aim is to not simply shore up the theory, but to improve it by drawing on Young's body of work and other relevant literature. It may be that Young would not accept the direction that I have taken with the social connection model, but I will show why I think my conclusions follow logically from Young's initial work on the model.

Part One: Moral Responsibility

Chapter 2 *Responsibility Without Guilt*

Iris Marion Young takes the distinction between “responsibility” and “guilt” from Hannah Arendt.¹ Arendt argues that “political responsibility” is collective responsibility for a political community, but this is distinct from “guilt” which applies to individuals for their particular wrongful deeds. Guilt is a function of legal and moral responsibility; political responsibility is something distinct. Young adopts this distinction, with significant revisions, to develop her own distinction between the “liability model” of responsibility and the “social connection model”.

In the first section of this chapter, I look at the distinction as argued for by Arendt. I show how Young criticises Arendt’s distinction and seeks to change it for her own purposes, and I highlight the challenges this raises. In sections 2 and 3, I look in more detail at Young’s distinction between the liability model (legal and moral responsibility) and the social connection model (political responsibility). Young argues that the liability model is *isolating* and *backward-looking*. This conception of responsibility cannot capture individuals’ responsibilities for on-going structural injustice. Young argues that we need a new model of responsibility – the social connection model – that generates a *shared, forward-looking, political responsibility* to engage in collective action to change unjust structures.

I raise four problems with the model as it currently stands, that I seek to remedy in the rest of the thesis. Firstly, the distinction between the liability model and social connection model cannot hinge on the backward-lookingness of legal and moral responsibility, compared to the forward-lookingness of political responsibility, because some forms of moral responsibility are forward-looking. Secondly, we can use the liability model in conjunction with the social connection model when attributing responsibility for structural injustice. Thirdly, Young

¹Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), Chapter 3.

needs to justify the idea that individuals can bear responsibility for justice, and fourthly, she needs to define connection.

2.1 Arendt on “Responsibility” and “Guilt”

In 1961 Arendt covered the trial of Adolf Eichmann for *The New Yorker*. Her reflections on the case provoked widespread indignation and controversy, and Eichmann’s personality left a profound impression on her. She spent much of the rest of her life grappling with ideas about responsibility and judgment. One problem that occupied Arendt was to clarify how we could think about responsibility for the crimes of the Nazi regime.

She faced an extremely difficult task, because potentially millions of people bore responsibility towards the atrocities; indeed, it was commonly held that *all* the German people were guilty. However, could an average German citizen, who probably knew about the concentration camps but did not know the extent of the killing, really be said to be guilty in the same way that Eichmann was guilty – the man who orchestrated the transport of millions of people to the camps and without whom the ‘final solution’ may not have been carried out with such ruthless efficiency? Arendt thought not.

Arendt was not the only post-war philosopher who thought that attributing guilt to the “German people” was unwise. Karl Jaspers also made the distinction between “criminal guilt” which applied to the perpetrators of actual crimes related to the genocide, and “political liability” which extended to German citizens – a responsibility to pay for the crimes of the regime under which they were governed.²

According to Jaspers ‘there can be no collective guilt of a people or a group within a people – except for political liability. To pronounce a group criminally,

² Jaspers unhelpfully uses the terms “political guilt” and “political liability” interchangeably. But he makes it clear that when liability is “political” it is different in kind to moral or criminal guilt. He writes, ‘Guilt... is necessarily collective as the political liability of nationals, but not in the same sense as moral and metaphysical, and never as criminal guilt’ Karl Jaspers, *The Question of German Guilt* (New York: Dial Press, 2000), 55-56.

morally or metaphysically guilty is an error akin to the laziness and arrogance of average, uncritical thinking.’³ This need to distinguish guilt from political responsibility is a task that Young takes up for the contemporary world. In order to understand the distinction, however, it is useful to look at its origins.

2.1.1 *Legal, Moral and Political Responsibility*

Arendt distinguishes between legal, moral and political responsibility in a response to Joel Feinberg’s essay “Collective Responsibility”. Feinberg argues that, ‘Guilt consists in the intentional transgression of a prohibition.’⁴ Thus ‘*there can be no such thing as vicarious guilt.*’⁵ Only the individual who intentionally transgressed a prohibition (be it legal or moral) can be said to be “guilty”. Arendt agrees with Feinberg, that legal and moral standards hold this criterion in common, that is, ‘they always relate to the person and what the person has done.’⁶

Given the personal responsibility condition for legal and moral responsibility, Arendt believed that “ordinary Germans” were not legally or morally responsible for the Holocaust unless they themselves committed a crime. Singling out particular Nazi officials and holding them legally responsible for the crimes was extremely important; however, this approach misses the ways in which many more people were involved in perpetuating the Nazi regime. In what way can these others be said to have been responsible? What can we say about responsibility for the extraordinary circumstances in which Nazi crimes occurred?

According to Arendt, Feinberg assumes that all issues can be subjected to moral or legal judgments rendering political issues no more than a ‘special case’ that can be judged according to these standards; Arendt, by contrast, argues that the term “collective responsibility” always refers to ‘political predicaments’, not legal and moral problems as these standards can only apply to individual conduct.⁷ Arendt further points out that Feinberg assumes a hierarchy of values in his analysis –

³ *The Question of German Guilt* (New York: Dial Press, 2000), 36.

⁴ Joel Feinberg, "Collective Responsibility," *The Journal of Philosophy* 65, no. 21 (1968): 676.

⁵ *Ibid.*

⁶ Hannah Arendt, "Collective Responsibility," in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. James W. Bernauer (Dordrecht: Martinus Nijhoff Publishers, 1987), 44.

⁷ *Ibid.*

that the strictest standards are moral, then legal standards are next, with ‘customs and manners’ coming in last.⁸ In her writing on political responsibility, Arendt aims to rehabilitate the concept of political responsibility as a separate and distinct kind of responsibility from legal and moral responsibility – it is a collective responsibility shared by citizens.

For Arendt there are important practical reasons for clarifying the roles of legal, moral and political responsibility. Arguing that all German citizens of the time were morally responsible for the Nazis’ crimes was harmful because it obscured where guilt truly lies – with the people who actually committed immoral and illegal acts. Trying to extend the concept of moral responsibility in this way undermines its practical strength and obfuscates legal process. Arendt describes the problem thus:

Morally speaking, it is as wrong to feel guilty without having done anything specific as it is to feel free of all guilt if one actually is guilty of something. I have always regarded it as the quintessence of moral confusion that during the postwar period in Germany those who personally were completely innocent assured each other and the world at large how guilty they felt, while very few of the criminals were prepared to admit even the slightest remorse. The result of this spontaneous admission of collective guilt was of course a very effective, though unintended, white-wash of those who *had* done something: as we have already seen, where all are guilty, no one is.⁹

This obfuscation of legal process is troubling for Arendt. The aim of practicing legal responsibility is to protect the political community. When assigning legal responsibility Arendt thinks that ‘it is irrelevant who is better off, the wrongdoer or the wrong-sufferer. As citizens we must prevent wrongdoing since the world we all share, wrongdoer, sufferer, and spectator, is at stake; the City has been wronged.’¹⁰ The idea that legal responsibility should preserve the political

⁸ "Collective Responsibility," 47.

⁹ "Personal Responsibility under Dictatorship," in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken Books, 2003), 28.

¹⁰ "Thinking and Moral Considerations," in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken Books, 2003), 182.

community is not particularly controversial. H.L.A. Hart has a similar understanding of the function of the law: we punish ‘to protect society from the harm that crime does and not to pay back the harm that they have done.’¹¹ Arendt’s conception of moral responsibility, by contrast, is highly idiosyncratic.

Arendt considers moral responsibility to be self-regarding. We normally think of morality as referring to how our actions affect others; however Arendt argues that the most influential moral principles are self-referential – “love thy neighbour as *thyself*”, “Don’t do unto others what you don’t want to be done to *yourself*,” and Kant’s maxim, “Act in such a way that the maxim of your action can become a general law for all intelligible beings.”¹² All of these rules, she writes, ‘take as their standard the Self and hence the intercourse of man with himself.’¹³

Arendt thinks that individuals who retained their moral integrity under Nazism acted according to Socrates’ famous declaration: “It is better to suffer wrong than to do wrong.”¹⁴ It is worse to do wrong because a person is in constant dialogue with oneself; they are ‘two-in-one’.¹⁵ She interprets Socrates as implying that, ‘If I disagree with other people, I can walk away; but I cannot walk away from myself, and therefore I better first try to be in agreement with myself before I take all others into consideration.’¹⁶ The ability to think for oneself and judge oneself is a non-technical, pre-philosophic ability, which all people possess, and is practiced in solitude.¹⁷ The moral person is the person who learns to think for themselves.

We tend to think that morality imposes a set of obligations, as does the law; but Arendt claims that, ‘The problem of making moral propositions obligatory has plagued moral philosophy since its beginning with Socrates.’¹⁸ This is because, unlike with legal responsibility, moral responsibility imposes no real-world sanctions, and the threat of ‘future rewards and punishments’ in the afterlife is no

¹¹ HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 2nd ed. (Oxford: Oxford University Press, 2008), 201.

¹² Arendt, "Some Questions of Moral Philosophy," 76.

¹³ Ibid.

¹⁴ "Some Questions of Moral Philosophy," 78.

¹⁵ "Some Questions of Moral Philosophy," 92.

¹⁶ "Some Questions of Moral Philosophy," 90.

¹⁷ "Some Questions of Moral Philosophy," 93.

¹⁸ "Some Questions of Moral Philosophy," 72.

longer a plausible philosophical foundation for moral theory, nor a motivation for moral action for many individuals.¹⁹

Arendt rejects thinking about morality in terms of obligations because she claims that one set of obligations can easily be exchanged for another. This is how she interprets the collapse of morality in Nazi Germany. She came to this conclusion in witnessing Eichmann's trial. She writes of this revelation:

It was as though morality, at the very moment of its total collapse within an old and highly civilized nation, stood revealed in the original meaning of the word, as a set of *mores*, of customs and manners, which could be exchanged for another set with no more trouble than it would take to change the table manners of a whole people.²⁰

Persons who hold fast to moral principles are not really to be trusted, according to Arendt, because they accept rules that are given to them; it is 'the doubters and the skeptics' who will constantly ask themselves whether they can live with what they are doing.²¹ Arendt was galvanized in this opinion by the fact that after the fall of the Third Reich there was a 'return to "normality"' – 'this must reinforce our doubts' because the collapse of moral norms was witnessed twice.²²

Arendt's account of moral responsibility poses many problems.²³ Peter Steinberger considers it nihilistic, creating 'a certain kind of intellectual anarchy' by undermining our categories of coherence and knowledge.²⁴ Whatever the validity or otherwise of Arendt's position on moral responsibility, we need to understand it to consider her position on political responsibility.

Arendt is arguing that moral responsibility is not the definitive kind of responsibility that we often take it to be. She is challenging Feinberg's hierarchy of responsibility: moral responsibility, legal responsibility, customs and mores.

¹⁹ "Collective Responsibility," 47.

²⁰ "Personal Responsibility under Dictatorship," 43.

²¹ "Personal Responsibility under Dictatorship," 45.

²² "Some Questions of Moral Philosophy," 54-55.

²³ Peter J. Steinberger, "Hannah Arendt on Judgment," *American Journal of Political Science* 34, no. 3 (1990).

²⁴ "Hannah Arendt on Judgment," *American Journal of Political Science* 34, no. 3 (1990): 819.

For Arendt, moral responsibility is not necessarily the highest form. In her view, it is a matter of conscience, and those in possession of a conscience will act according to it.²⁵

Arendt argues that there is another kind of responsibility that has been largely neglected in modern political philosophy – “political responsibility”. This is a responsibility for the “world”. For Arendt, ‘In the centre of moral considerations of human conduct stands the self; in the centre of political considerations of conduct stands the world.’²⁶

The “world” means something specific to Arendt; it constitutes the humanly constructed public sphere, which makes political action possible; as opposed to the earth which is the realm of survival and necessity. Only in the world can individuals make their particular views known through speech, and realize themselves through political action, and humans can work collectively to create new political beginnings. Arendt likens the world to a table – it separates individuals from each other, yet allows them to communicate about common themes and to consider common concerns from each other’s point of view.²⁷ The world precedes our birth and outlasts our death.²⁸ It must be maintained in order that a space in which individuals can communicate continues to exist:

Only the existence of a public realm and the world’s subsequent transformation into a community of things which gathers men together and relates them to each other depends entirely on permanence. If the world is to contain a public space, it cannot be erected for one generation and planned for the living only; it must transcend the life-span of mortal men.²⁹

What Arendt hoped to encourage by identifying the concept of political responsibility, was that all individuals would take up their responsibility for the

²⁵ Arendt, "Some Questions of Moral Philosophy," 78.

²⁶ "Collective Responsibility," 47.

²⁷ *The Human Condition*, 2nd ed. (London: University of Chicago Press, 1998), 52.

²⁸ Lawrence J. Biskowski, "Practical Foundations for Political Judgment: Arendt on Action and World," *The Journal of Politics* 55, no. 4 (1993): 879

²⁹ Arendt, *The Human Condition*, 55.

construction and maintenance of the world. The end of the world is when the common world is seen from one perspective, which presents itself as the *only* perspective.³⁰ Many people in Nazi Germany abdicated their political responsibility, allowing the evil of totalitarianism to take its place: dictators put their faith in absolutist ideologies that preached the inevitable outcomes of human history, people like Eichmann reduced themselves to ‘cogs in the machine’ who existed to obey orders, and, more controversially, ‘unpolitical Jews’ failed to rise up and fight the destruction of the world which would have allowed their viewpoints to be heard.³¹

As Andrew Schaap argues, the Arendtian world is a ‘contingent achievement that must be continually resought through partaking in the public business of judging, arguing and persuading over the significance of public events.’³² Arendt’s political responsibility ‘involves “calling something into being which did not exist before,” that is, constituting the ends of the new political community through spontaneously responding to the world.’³³

Political responsibility is distinct from legal responsibility, because legal responsibility entails obeying the law, regardless of whether the law is justifiable. Political responsibility enjoins individuals to remain vigilant as to the political system under which they live, and to ensure that the public/political/plural human world is maintained or reconstituted. Civil disobedience, breaking the law, or revolution, may be the *politically responsible* thing to do when the human world is threatened.

For Arendt, legal and moral responsibility attribute “guilt” to individuals for particular events and are judged according to the law or the self respectively; political “responsibility” is collective and is judged in relation to the world. The aim of conceptualizing political responsibility is to find a form of responsibility that does not imply guilt but does imply some sort of responsibility for the world.

³⁰ The Human Condition, 58.

³¹ Margaret Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought* (Cambridge: Cambridge University Press, 1994), 52.

³² Andrew Schaap, "Guilty Subjects and Political Responsibility: Arendt, Jaspers and the Resonance of the 'German Question' in Politics of Reconciliation," *Political Studies* 49, no. 4 (2001): 762.

³³ Ibid.

As Lilian Alweiss argues, Arendt ‘shows us why it is not incoherent to argue that our responsibility exceeds our own deeds and extends to events that have been neither intended nor necessarily caused by us.’³⁴ The aim is not to let ordinary individuals off the hook, but instead to more accurately determine the kind of responsibility they have. Their responsibility is not legal or moral, but it is political.

2.1.2 *Young’s Critique*

Young has a different question in mind. Arendt sought to theorise responsibility for the past crimes of the Holocaust. Young’s question is ‘how shall moral agents think about our responsibility in relation to structural social injustice?’³⁵ She writes of Arendt’s distinction:

I think that Arendt’s effort to distinguish guilt from political responsibility is important and, with several refinements, can contribute to an answer to my starting question. I find highly unsatisfying, however, the meaning she gives to political responsibility.³⁶

Young identifies two problems with Arendt’s conception of political responsibility – it is tied to citizenship and it is backward-looking. Young’s criticisms highlight the direction in which she wants to take the concept of political responsibility, but they raise challenges for the concept that she is not aware of; Arendt has her reasons for conceptualising political responsibility in this way that Young too easily discounts. For now, I merely raise these problems and seek to resolve them in other chapters. I also raise one further problem with adopting Arendt’s distinction that Young does not raise herself; that Arendt’s conception of political responsibility is amoral.

The first problem that Young identifies is that Arendt ties the conception to membership of a political community. Young writes, ‘It is a mystification to say

³⁴ Lilian Alweiss, "Collective Guilt and Responsibility: Some Reflections," *European Journal of Political Theory* 2, no. 3 (2003): 311.

³⁵ Young, *Responsibility for Justice*, 75.

³⁶ *Responsibility for Justice*, 79.

that people bear responsibility simply because they are members of a political community, and not because of anything at all that they have done or not done.³⁷

Young points out that Arendt is inconsistent on this point. In *Eichmann in Jerusalem*, Arendt attributes political responsibility for the Holocaust not only to Germans, but also to the actions of supportive nation-states, to foreign nationals who facilitated deportations, and persons or groups who funded the Nazis or were sympathetic to their aims.³⁸ Thus Young thinks that political responsibility ‘derives from something more specific and more active than mere membership.’³⁹ She writes that, ‘On this interpretation, political responsibility entails *doing* things (and perhaps not doing things), but doing things that indirectly contribute to the enactment of crimes or wrongs.’⁴⁰

Arendt, however, has good reasons for tying political responsibility to membership of a political community. Political responsibility, for Arendt, is a responsibility to maintain the “world”. The world is something that *citizens* have in common – it is the public sphere which allows them to voice their plural perspectives on common affairs and provides a space for enacting new beginnings. An individual can avoid legal and moral responsibility, but political responsibility is unavoidable. The only way in which we can avoid political responsibility is to leave a political community.⁴¹ But for Arendt, leaving a political community means no longer being able to participate in a public sphere, thus engaging in political action and realizing oneself as an individual. Refugees and stateless people are the only persons who can avoid political responsibility, but this ‘innocence’ is completely undesirable: ‘it is precisely this absolute innocence that condemns them to a position outside, as it were, of mankind as a whole.’⁴² Tying political responsibility to membership is consistent with Arendt’s conception of political action in the world.

³⁷ Ibid.

³⁸ Responsibility for Justice, 87.

³⁹ Responsibility for Justice, 86.

⁴⁰ Responsibility for Justice, 80.

⁴¹ Arendt, "Collective Responsibility," 45.

⁴² Ibid.

In transitioning from the Arendtian conception of political responsibility, which is tied to a conception of the “world”, Young needs to provide a new grounding for political responsibility. She argues that political responsibility is grounded in “connection” to structural injustice. But Young never gives a clear definition of connection. She vacillates between the terms “participation”, “contribution” and “causation” as the relevant form of connection to unjust structures. In Chapter 7, I take up this problem.

The second issue Young has with the Arendtian conception of political responsibility is that it is “backward-looking”. She writes, ‘In Arendt’s discussion, political responsibility seems to be a concept just as backward-looking as guilt. Her primary case is the Nazi Holocaust, whose events are in the past.’⁴³ Young wants to conceptualise political responsibility as “forward-looking”, in contrast to legal and moral responsibility which are backward-looking. She writes, ‘One *has* the responsibility always *now*, in relation to current events and in relation to their future consequences.’⁴⁴

Arendt was asking what responsibility ordinary Germans bore for the Holocaust, so she was necessarily considering responsibility for the past. However, as I have argued, Arendt’s political responsibility is an on-going responsibility for the world and entails the constitution of a new world should the current world be under threat or corrupted. Thus, Arendt’s conception, while founded in concern with responsibility for the past, is on-going and forward-looking. Moreover, if we were to look back on the contemporary world in fifty years time, would we not say that people now *had* a political responsibility for contemporary structural injustice? It is not contradictory to say that people bore political responsibility in the past, and claim that the orientation of that political responsibility ought to be the present and future. This criticism, then, falls short.

Arendt’s conception of political responsibility is embedded in her overall, very particular and idiosyncratic, philosophical project. As Margaret Canovan points out, despite the fact that Arendt was against systematic thinking about politics, her political thought displays a remarkable consistency and internal coherence – it is

⁴³ Young, *Responsibility for Justice*, 92.

⁴⁴ *Ibid.*

‘an elaborate spider’s web of concepts’ – and it is difficult to understand one concept without relating it to the rest.⁴⁵ And there is one particular aspect of Arendt’s distinction between moral and political responsibility that Young has failed to engage with, but which poses serious problems for her own use of it.

Political responsibility is sharply distinguished from moral responsibility in Arendtian thought. The morally responsible person will not do wrong, but the politically responsible person might have to. Arendt often quotes Machiavelli who enjoined the Florentine Prince to learn “how not to be good” – to place the city’s needs above his own clean conscience. She writes:

The political answer to the Socratic proposition would be: What is important in the world is that there be no wrong; suffering wrong and doing wrong are equally bad. Never mind who suffers it; your duty is to prevent it.⁴⁶

Morality has no place in politics because the self is irrelevant, what matters is the world. The morally responsible person may have to set aside their conscience in order to protect the world. Moreover, permitting morality, in the form of moral emotions, into the political sphere is dangerous. Arendt attributes the terror after the French revolution to the entrance of “pity”, a non-political emotion, into the public sphere.⁴⁷ As Lawrence Biskowski writes, ‘When our actions are inspired by pity or some other emotion, we begin to lose our bearings, precisely because such emotions take no account of, and are harmful to, the “in-between” that separates and relates human beings.’⁴⁸ The compassion or pity felt for others’ suffering pushes individuals to act directly on their emotions, rather than to discuss it and come to a political solution with others.⁴⁹

Arendt recognised that there are ‘extreme situations’ in which political responsibility cannot be taken up.⁵⁰ This is because, ‘political responsibility always

⁴⁵ Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought*, 5-6.

⁴⁶ Arendt, "Collective Responsibility," 47.

⁴⁷ Lawrence J. Biskowski, "Practical Foundations for Political Judgment: Arendt on Action and World," *The Journal of Politics* 55, no. 4 (1993): 883.

⁴⁸ *Ibid.*

⁴⁹ Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought*, 170.

⁵⁰ Arendt, "Personal Responsibility under Dictatorship," 45.

presupposes at least a minimum of political power. Impotence or complete powerlessness is, I think, a valid excuse.⁵¹ In this state of emergency, morality is finally admitted into politics. When action in the world is no longer possible, the self becomes the final reference point for political thinking and judgment.⁵² The moral person retreats from the public sphere and no longer participates in public life, if participation entails committing acts which their conscience will not permit them to do.⁵³

This sharp Machiavellian distinction between the moral and the political has been heavily criticised.⁵⁴ But the point is that within Arendtian thought, the distinction is crucial. Morality is self-regarding and political responsibility relates to the world. Young, on the other hand, does not want to make such a distinction. Young's starting question was how we, as 'moral agents', should conceptualise our responsibilities for justice, not how we as 'political agents' ought to relate to the world.

Young explicitly cautions against a self-regarding interpretation of morality. She argues that ordinary individuals who admit that they are to blame for their role in perpetuating injustice 'become more focused on themselves, their past actions, the state of their souls and their character, than on the structures that require change.'⁵⁵ This 'self-indulgence' is a distraction from the real task of getting involved in collective political action for change.⁵⁶

Morality, for Young, concerns others. She writes,

a responsible person tries to deliberate about options before acting, makes choices that seem to be the best for all affected, and worries about how the consequences of his or her action may adversely affect others.⁵⁷

⁵¹ Ibid.

⁵² "Some Questions of Moral Philosophy," 104.

⁵³ "Some Questions of Moral Philosophy," 78-79.

⁵⁴ Francis X. Winters, "The Banality of Virtue: Reflections on Hannah Arendt's Reinterpretation of Political Ethics," in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. James W. Bernauer (Dordrecht: Martinus Nijhoff Publishers, 1987), 192.

⁵⁵ Young, *Responsibility for Justice*, 118.

⁵⁶ Ibid.

⁵⁷ *Responsibility for Justice*, 25.

Arendt can make a sharp distinction between moral and political responsibility, but Young cannot help herself to such a conclusion. Both moral and political responsibility are other-regarding in Young's thought. She needs an explanation, then, as to why political responsibility is not simply a form of moral responsibility. Young hinges this distinction on the backward-lookingness of moral responsibility compared to the forward-lookingness of political responsibility. This way of framing the distinction, however, is questionable; there can be forward-looking varieties of moral responsibility, as we shall see.

Arendt has a clear explanation of the distinction between moral and political responsibility; the latter is necessarily tied to political community – the world – and is amoral. In divorcing political responsibility from the Arendtian world, Young loses the grounding of the concept. In moralising political responsibility, she loses its sharp distinction from moral responsibility. There is considerable work to do, then, in developing the Youngian conception of political responsibility. In the following sections I explain how Young herself understands the distinction.

2.2 The Liability Model

Young's distinction between the "liability model" and the "social connection model" is inspired by Arendt's distinction between legal and moral responsibility, which imply guilt, and political responsibility, which is collective. Young sets up the liability model as the standard way in which we conceive of legal and moral responsibility, and the social connection model as something new, which we need to understand responsibility for structural injustice. I think Young's distinction is plausible but with significant revisions.

Young argues that, 'Practices of assigning responsibility in law and everyday moral life first try to locate "who dunnit"; for a person to be held responsible for a harm, we must be able to say that he or she caused it.'⁵⁸ She acknowledges that there are exceptions; for instance Eichmann was more blameworthy than

⁵⁸ Responsibility for Justice, 95.

individuals who directly caused harm to others, because he ordered and enabled the harm.⁵⁹ She claims, however, “This class of exceptions only proves the rule: it is necessary to connect a person’s deeds linearly to the harm for which we seek to assign responsibility.”⁶⁰

Young claims that this model is inadequate to discuss responsibility for structural injustice because we cannot identify all the contributors and how much they have contributed.⁶¹ Individuals’ or groups’ activities do not contribute directly to structural injustice, ‘but rather indirectly, collectively, and cumulatively.’⁶² This necessitates a new understanding of responsibility.

Is Young’s characterisation of the liability model correct, however? In this section I suggest that grouping together legal and moral responsibility under the “liability model” is plausible to a certain extent, but that not all forms of moral responsibility will fit in this model.

I look, firstly, at legal responsibility. Young argues that a person can be held legally responsible when a) their conduct has been faulty, b) the agent is causally connected to the harm and c) their actions were voluntary with adequate knowledge of the situation.⁶³ This description coheres well with the concept of criminal responsibility. It is a necessary condition for a criminal offence for there to have been fault.⁶⁴ Legal fault implies either that the individual failed to comply with a specified standard of conduct (negligence) or they did so with a certain state of mind (criminal responsibility).⁶⁵

This assumes that the accused has certain *capacities*. For an individual to be held criminally responsible, they must meet the conditions for achieving “*mens rea*” in the case of intentional acts, or for meeting the “reasonable person” test in the case of negligence. This capacity can be reduced in several ways. Firstly, the

⁵⁹ Responsibility for Justice, 96.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ *Responsibility for Justice*, 97. “Political Responsibility and Structural Injustice,” in *The Lindley Lecture* (University of Kansas 2003), 9.

⁶⁴ Tony Honoré, *Responsibility and Fault* (Oxford: Hart Publishing, 1999), 82.

⁶⁵ Peter Cane, *Responsibility in Law and Morality* (Oxford: Hart Publishing, 2002), 78.

defendant must have ‘certain normal capacities,’ including reasoning, control of conduct and the ability to understand legal and moral rules.⁶⁶ Thus mental illness can ground claims of “diminished responsibility” and certain types of persons are excluded from criminal responsibility altogether, such as children. Secondly, responsibility can be mitigated due to “abnormality of mind”; circumstantial factors such as emotional stress, financial pressure or addiction, ‘are thought to impair rational judgment and to affect self-control’.⁶⁷ Thirdly, unconsciousness or failure of muscular control can render a person incapable of meeting the conditions for criminal responsibility.⁶⁸

This link between capacity, blame and punishment underlies UK criminal law.⁶⁹ If a person does not have the relevant capacities, they cannot be punished. The standards are high because a) the sanctions are serious and b) a criminal conviction carries significant social stigma.⁷⁰

However, there does not have to be a direct link between an individual’s actions, fault and capacity, in order for an individual to be held legally responsible. There is another concept of legal responsibility – liability – responsibility without, or regardless of, fault. Peter Cane suggests that it is a common mistake among philosophers to ignore this aspect of legal responsibility, the reason being that they take an agent-focused approach to thinking about responsibility.⁷¹ In criminal law, the focus is on the agent – their acts or omissions and their state of mind. In civil law, however, where the concept of liability is the core form of responsibility invoked, the focus is on both the agent who is liable *and* on the victims.

The difference between criminal and civil law is that criminal law seeks to punish an agent for wrongdoings, whereas civil law focuses on achieving redress for the

⁶⁶ Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 227.

⁶⁷ Honoré, *Responsibility and Fault*, 123.

⁶⁸ Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 94-96. Examples of physical incapability to control actions while conscious include another person physically compelling an agent to do something or instances where muscular control is impaired by disease, or reflex action. Unconscious forms of physical incapacity include being asleep, loss of consciousness through collapsing, such as having an epileptic seizure or a stroke, or automatism.

⁶⁹ Honoré, *Responsibility and Fault*, 123.

⁷⁰ Cane, *Responsibility in Law and Morality*, 46.

⁷¹ *Responsibility in Law and Morality*, 65.

victims.⁷² So where criminal law placed the emphasis on “fault”, civil law is interested in harm done whether or not there was fault. Fault functions in civil law to determine the scope of the remedies, but does not determine whether or not remedies are justified.⁷³ The purpose of civil law is to protect individuals’ rights and to compensate for rights-infringements.⁷⁴

Liability to pay damages in civil cases generally hinges on either negligence or strict liability.⁷⁵ The person liable to pay for the harm could be the person who caused the harm, even if they intended no wrongdoing in the case of negligence or recklessness. Or liability can attach to a person or group that is legally liable for the harms done even if they didn’t commit them – this is strict liability. Under strict liability laws, individuals can be held legally responsible for the activities of other human agents (employers’ bearing responsibility for an employee’s actions); the actions of animals (e.g. a dangerous dog); inanimate objects (a building collapsing); or processes (fire).⁷⁶

Some legal theorists argue that the difference between moral and legal responsibility hinges on liability. Legal liability does not require fault; liability can be strict.⁷⁷ But, some argue that moral responsibility depends upon fault. Consider Feinberg’s argument that Arendt drew on: ‘even when it is reasonable to separate liability from fault, it is only the liability that can be passed from one party to another. In particular, *there can be no such thing as vicarious guilt.*⁷⁸ Liability to pay for a harm can be transferable, but guilt implies culpability or blame and is inherently non-transferable.⁷⁹

H.L.A. Hart argues that moral responsibility is narrower than legal responsibility, because in law a person can be held responsible for things they did by accident

⁷²Responsibility in Law and Morality, 49.

⁷³ Honoré, Responsibility and Fault, 76.

⁷⁴ Cane, Responsibility in Law and Morality, 87; Honoré, Responsibility and Fault, 73.

⁷⁵ Cane, Responsibility in Law and Morality, 85.

⁷⁶ Tony Honoré, "Causation in the Law," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2010).

⁷⁷ Cane, Responsibility in Law and Morality, 65.

⁷⁸ Feinberg, "Collective Responsibility," 676.

⁷⁹ There can be vicarious criminal liability. This can occur through authorization, hierarchy, mastership, or suretyship, and applies only if the agent performs the act at the direction of the principal, or with the principal’s ratification, not for actions done *entirely* by the agent. Ibid.

(negligence) or that other persons connected to them had done (strict liability).⁸⁰ Holding individuals *morally* blameworthy in these instances, ‘for doing things which they could not have avoided doing, or for the things done by others over whom they had no control, conflicts with too many of the central features of the idea of morality.’⁸¹

On this view, blame is integral to moral responsibility, but not to legal responsibility. To be held morally responsible the agent must be *blameworthy* – the agent must have done something wrong. As with legal responsibility, moral responsibility is also intrinsically linked to the question of capacity. As Hart points out, the debate about the compatibility of moral responsibility and determinism points to the core of this problem: it asks whether the capacities that human beings are assumed to have in order to control their conduct would still exist and, thus, whether we could still blame them for their actions.⁸²

Peter Strawson highlights the importance of capacity in the “reactive attitudes” we have towards others when we think they have done something morally wrong (or right). There are two sets of cases in which resentment towards the wrongdoer could be mitigated or dissolved. In the first instance, if a person had no alternative – “He couldn’t help it” because he didn’t know or had to do it – then we continue to see the agent as someone capable of being responsible for harm, but in this situation blame would be inappropriate, and the agent is excused.⁸³ In the second case, the agent either was “not himself” for some reason, which is similar to the “abnormality of mind” criteria in legal responsibility; or the agent is “morally undeveloped” due to mental illness or because they are a child.⁸⁴ In these cases the individual is exempt from moral responsibility. In both cases, it is argued that the agent has not actually done something wrong, they are not blameworthy, because they did not have the capacity at that moment in time to make a moral decision (excuse) or they do not have that capacity in general (exemption).

⁸⁰ Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 226.

⁸¹ *Ibid.*

⁸² *Punishment and Responsibility: Essays in the Philosophy of Law*, 227.

⁸³ Peter Strawson, "Freedom and Resentment," <http://www.ucl.ac.uk/~uctytho/dfwstrawson1.htm>.

⁸⁴ "Freedom and Resentment," <http://www.ucl.ac.uk/~uctytho/dfwstrawson1.htm>.

Young accepts the blameworthiness criterion for moral responsibility. She writes,

To say that an agent is responsible means that they are blameworthy for an act or its outcome. The conditions for holding an agent morally responsible are similar to those of legal responsibility: we must be able to show that they are causally connected to the harm in question and that they acted voluntarily and with sufficient knowledge of the consequences.⁸⁵

For Young, the difference between moral and legal responsibility, then, is the requirement of blameworthiness. Young also acknowledges that there are different kinds of legal responsibility, including culpable negligence and strict liability.⁸⁶ Despite the differences, she groups all of these kinds of responsibility under the liability model. She writes,

Under what I call the liability model of responsibility, I include all such practices of assigning responsibility under the law and in moral judgment that seek to identify liable parties for the purposes of sanctioning, punishing, or exacting compensation or redress. Despite their differences, these practices share an interest in identifying particular agents as the liable ones and are generally backward-looking in their purpose.⁸⁷

For Young, moral and legal responsibility are *backward-looking* and *isolating*.⁸⁸ Legal responsibility is attributed to individuals for something that *has happened* and for which they *personally* bear responsibility, regardless of whether a person is being held criminally responsible or liable.⁸⁹ Moral responsibility applies to what a particular person has or has not done in the past, and the action or omission is blameworthy. In both cases, a capacity condition must be met. In law, a person must have certain capacities, which mean that they achieve the legal status of

⁸⁵ Young, *Responsibility for Justice*, 98.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ More than one person can be held criminally responsible in relation to a crime, but the point is that they are held responsible as an individual.

being a person.⁹⁰ In morality, a person must meet the standard of being blameworthy, which again will depend upon the individual's capacities and the circumstances in which they acted. In short, the core concept underlying conceptions of legal and moral responsibility is *personal responsibility*.⁹¹ The aim is to isolate an agent and to attribute to that agent fault, liability or blame for something that has already occurred.

For Young, the significance of this is that other questions pertaining to responsibility, such as assessing the role of background conditions in which the harm occurred, or making future changes, are of secondary relevance.⁹² For this reason, she thinks that we need the "social connection model" to deal with background conditions and forward-looking responsibility for their improvement.

I think Young is correct in arguing that legal and moral responsibility are isolating. As she points out, there is good reason for this; 'A concept of responsibility as guilt, blame, or liability is indispensable for a legal system and for a sense of moral right that respects agents as individuals and expects them to behave in respectful ways toward others.'⁹³ Arendt highlighted the importance of individualising guilt; the trial of Eichmann, she argues, 'transformed the cog... into a man.'⁹⁴

The idea that all forms of legal and moral responsibility are backward-looking, however, is more problematic. It is a more fitting description of legal than moral responsibility. The law has a forward-looking element – deterrence.⁹⁵ However, the primary purpose of legal responsibility is to attribute fault or liability for past actions. As Cane argues, the law generates some prospective responsibilities, however, 'the concern with historic responsibility is ineradicably built into the substance and structure of the common law; and so there is a limit to the extent to which legal liability rules can be used to achieve forward-looking goals.'⁹⁶

⁹⁰ Cane, *Responsibility in Law and Morality*, 40.

⁹¹ Arendt, "Personal Responsibility under Dictatorship," 27.

⁹² Young, *Responsibility for Justice*, 99-100.

⁹³ *Responsibility for Justice*, 98.

⁹⁴ Arendt, "Personal Responsibility under Dictatorship," 31-32.

⁹⁵ Young, *Responsibility for Justice*, 108.

⁹⁶ Cane, *Responsibility in Law and Morality*, 62.

If we understand moral responsibility to mean direct causation of harm with intent and knowledge, then the assumption is that the harm has already occurred. As George Sher argues, blaming an individual refers to a wish that, ‘the person *not have done* what he in fact did.’⁹⁷ However, not all forms of moral responsibility are backward-looking in this sense. Parental responsibility towards children is an ongoing moral responsibility. Our moral responsibilities for future generations are future-oriented. These examples suggest that it is too quick to lump together moral responsibility with legal responsibility in the catchall idea of the liability model. Moreover, as I suggested in the previous section, Youngian political responsibility is a moralised form of responsibility; it is not the amoral political responsibility advocated by Arendt. So it is not clear that she needs to exclude all forms of moral responsibility in formulating the social connection model; indeed the relationship between moral responsibility and the social connection model needs to be more clearly defined.

In the next chapter I frame the distinction differently to Young. I argue that there are two concepts of moral responsibility in Young’s work: relational moral responsibility (the appropriate conditions for praise and blame) and moral responsibility as virtue (being a morally responsible person). Relational moral responsibility *is* backward-looking, but moral responsibility as virtue is forward-looking. I suggest that political responsibility is a kind of moral responsibility as virtue. I surmise, then, that the liability model does capture the essence of legal responsibility and *relational* moral responsibility, but that moral responsibility as *virtue* does not fall within the scope of the liability model.

2.3 The Social Connection Model

In this chapter, I have shown the derivation of the distinction between responsibility and guilt. Arendt sought to distinguish between the perpetrators of Nazi crimes and citizens who had a responsibility to maintain the world. Young wants to use the distinction to contrast the legal and moral guilt of isolated

⁹⁷ George Sher, *In Praise of Blame* (Oxford Oxford University Press, 2006), 102.

individuals for backward-looking wrongdoings; in comparison to the non-blameworthy responsibility individuals have for structural injustice.

As we have seen, Young does not fully endorse the Arendtian distinction. She divorces political responsibility from membership of a political community, emphasises that it is a forward-looking responsibility, and rejects amorality in politics. She also conceptualises the social connection model in relation to the limitations of the liability model. In this section, I outline Young's positive understanding of the social connection model.

I begin with a description of the distinction between "responsibility" and "duty". Young argues that responsibility is *discretionary*; it does not specify particular actions.⁹⁸ Young argues that there are four further features of the social connection model: it is a *shared* responsibility, it can only be discharged through *collective action*, it is *forward-looking* and is a responsibility for *background conditions*.⁹⁹ I outline and problematize each aspect of the model.

a) Responsibility not duty

Young uses the term political *responsibility* for a specific purpose. She wants to distinguish "responsibility" from "duty". A duty requires that agents fulfil specific requirements, whereas responsibility is *discretionary*. Young writes, 'It is up to the agents who have a responsibility to decide what to do to discharge it within the limits of other moral considerations.'¹⁰⁰ In the contemporary world, if individuals had *duties* in relation to all unjust structural processes to which they were connected, this would be overwhelming.¹⁰¹ Arguing that individuals bear *responsibility* for structural injustice allows flexibility. This distinction is not widely adopted in political theory; however, Young draws on several theorists who use it – Joel Feinberg, Robert Goodin and Henry Richardson.

⁹⁸ Young, "Political Responsibility and Structural Injustice," 13-14; "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004): 379-80; "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 125-26; *Responsibility for Justice*, 142-44.

⁹⁹ *Responsibility for Justice*, 104-13.

¹⁰⁰ *Responsibility for Justice*, 143.

¹⁰¹ *Ibid.*

The distinction first appeared in Joel Feinberg's 1966 essay "Duties, Rights, and Claims," where he argues 'we should take care' to distinguish responsibility from duty.¹⁰²

A responsibility, like a duty, is both a burden and a liability; but unlike a duty it carries considerable discretion (sometimes called "authority") along with it. A goal is assigned and the means of achieving it are left to the independent judgment of the responsible party.¹⁰³

H.L.A. Hart argues that responsibilities are tied to roles, which can be formally or informally assigned: "role' in my classification is extended to include a task assigned to any person by agreement or otherwise."¹⁰⁴ Within a role, an individual will have both duties and responsibilities, but these are distinct:

what distinguishes those duties of a role which are singled out as responsibilities is that they are duties of a relatively complex or extensive kind, defining a 'sphere of responsibility' requiring care and attention over a protracted period of time, while short-lived duties of a very simple kind, to do or not to do some specific act on a particular occasion, are not termed responsibilities.¹⁰⁵

Hart's example is a soldier who is detailed to keep the camp clean for the general's inspection – this is his 'sphere of responsibility'. If, however, he was asked to remove a piece of paper from the approaching general's path, this would be a duty.¹⁰⁶

Both Feinberg and Hart express the idea that fulfilling a responsibility is obligatory but discretionary, whereas fulfilling a duty is obligatory but non-discretionary. Robert Goodin analyses this idea in more detail. Both a responsibility and a duty imply that A (agent) 'ought to see to it' that X (some

¹⁰² Joel Feinberg, "Duties, Rights, and Claims," *American Philosophical Quarterly* 3, no. 2 (1966): 141.

¹⁰³ Ibid.

¹⁰⁴ Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 213.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

state of affairs).¹⁰⁷ A duty makes a further specification: 'A does or refrains from doing Φ '.¹⁰⁸

In the case of a duty, A has to do or not do a specific act (Φ) in order that some state of affairs, X, obtains. In the case of a responsibility, A can use various means so long as they see to it that X occurs; the relevant actions are not specified. Both responsibilities and duties constrain the agent, but the key difference is that responsibility is discretionary.¹⁰⁹ Goodin uses the example of the responsibility to feed the dog. I can give the dog whatever food is available in the cupboards, or I can delegate the task to a child or neighbour; either way I am seeing to it that the dog is fed, thus fulfilling my responsibility.

Furthermore, when it comes to responsibilities, the emphasis is on 'the outcome and not the activity producing it.'¹¹⁰ Goodin claims that, 'Responsibilities are to consequentialist ethics what duties are to deontological ones. Duties dictate actions. Responsibilities dictate results.'¹¹¹ The deontological concept of imperfect duties (as opposed to perfect duties) might imply a degree of discretion, which could render it indistinguishable from the concept of responsibility outlined here. However, the emphasis is still on the agent and whether or not the agent fulfils their duty. Goodin argues that in the case of duties, 'A must Φ or refrain from Φ ing consciously, intentionally and purposively in order to have truly done his duty.'¹¹² The focus is on character.¹¹³ When talking about responsibilities, the emphasis is on the outcome. So long as the relevant outcome obtains, the agent can still be said to have fulfilled that responsibility, even if they have delegated tasks to others. By contrast, if an agent passes a duty to another agent, then they as an individual have failed to fulfil that duty.

Young takes up each of the ideas discussed so far. She claims that she has role responsibility in mind for her conception of political responsibility, with its

¹⁰⁷ Robert E. Goodin, "Responsibilities," *The Philosophical Quarterly* 36, no. 142 (1986): 50.

¹⁰⁸ Ibid.

¹⁰⁹ "Responsibilities," 51.

¹¹⁰ "Responsibilities," 52.

¹¹¹ "Responsibilities," 50.

¹¹² "Responsibilities," 52.

¹¹³ "Apportioning Responsibilities," *Law and Philosophy* 6, no. 2 (1987): 168.

emphasis on discretion.¹¹⁴ She argues that ‘responsibilities carry considerable discretion; one *must* carry out one’s responsibilities, but how one does so is a matter of judgment according to what the responsibilities are for, the capabilities of agents, and the content of action’.¹¹⁵ She also emphasises outcomes. For Young, role responsibilities imply ‘carrying out activities in a morally appropriate way and seeing to it that certain outcomes obtain.’¹¹⁶ On the social connection model of responsibility we are concerned with the *consequences* of overcoming structural injustice. An agent’s state of mind when enacting their political responsibility is not important. The specific acts that an agent does to contribute to overcoming structural injustice are also not particularly important. What matters is achieving the goals, and the means are variable and contestable.

Goodin identifies further differences between responsibilities and duties. He argues that ‘the discharge of a duty is a binary variable, whereas the discharge of a responsibility is a scalar one.’¹¹⁷ If a duty involves doing or not doing a specific act, then A either does what is required or not: ‘there is simply no scope for saying that A could ever have “more-or-less” discharged his duty.’¹¹⁸ By contrast, if A achieves results similar to those specified, ‘Then he can be said to have discharged his responsibility more or less completely, depending on the extent of the similarity between the results produced and those mandated.’¹¹⁹ Goodin accounts for this difference by arguing that in consequentialist ethics outcomes can be substitutable, whereas from a deontological perspective there is no substitute for fulfilling one’s duty.¹²⁰

Furthermore, some responsibilities can be fully discharged, while others are not fixed. The dog example is a ‘fixed-target responsibility’; it discharged fully when the dog is fed.¹²¹ Other responsibilities are ‘receding-target responsibilities’; A

¹¹⁴ Young, "Political Responsibility and Structural Injustice," 13; "Responsibility and Global Labor Justice," 379; *Global Challenges: War, Self-Determination and Responsibility for Justice* (Cambridge: Polity Press, 2010), 182; *Responsibility for Justice*, 143.

¹¹⁵ "Responsibility and Global Labor Justice," 379.

¹¹⁶ *Responsibility for Justice*, 104.

¹¹⁷ Goodin, "Responsibilities," 53.

¹¹⁸ "Responsibilities," 54.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

ought to see to it that X, where X is an ideal situation, which may not be fully attainable but can be approximated.¹²² Goodin writes,

Were responsibilities all-or-nothing propositions like duties, it would make no sense to enjoin the impossible. But since responsibilities admit of more or less complete fulfilment, it makes perfectly good sense to describe our responsibilities by reference to some impossible ideal, and then to ask not *whether* A has discharged his responsibilities but rather *to what extent* he has done so.¹²³

For Goodin, then, responsibilities are scalar and potentially unfulfillable. This applies to Young's conception of political responsibility because political responsibility is scalar – it can be fulfilled to a greater or lesser extent. Ending structural injustice is a *receding-target responsibility* – it may not be fully achievable but we can aim towards its realisation.

Goodin argues further that not only can individuals fulfil responsibilities to varying degrees, but individuals *have* responsibilities to different degrees. Within a group it is common for individuals to share responsibility differentially: "There are ordinarily some people who are thought to bear rather more responsibility, and others who are thought to bear rather less, for one and the same state of affairs."¹²⁴

Goodin uses the example of a terrorist plot to bomb a shop. Different agents in this enterprise have different *tasks*.¹²⁵ The significance of an *ex-ante* task will determine the degree of that individual's *ex-post* responsibility. For example, a decoy played a relatively inconsequential role in the attack; if the decoy failed to show up the operation would not have been severely affected. The person who masterminded the plot, however, is more responsible, because without them the attack would not have occurred.¹²⁶ According to Goodin, we need a conception

¹²² "Responsibilities," 55.

¹²³ Ibid.

¹²⁴ "Apportioning Responsibilities," 167.

¹²⁵ "Apportioning Responsibilities," 169. The idea of "task responsibility" is taken from Kurt Baier, "Responsibility and Action", *The Nature of Human Action*, Myles Brand ed.

¹²⁶ "Apportioning Responsibilities," 171.

of ‘task-responsibility’ to make these fine-grained *ex-post* responsibility assignments.

On the social connection model of responsibility we are able to make these fine-grained distinctions. Young argues that the degree of an individual’s political responsibility will ‘derive in large measure from the social *positions* agents occupy in relation to one another within the structural processes they are trying to change in order to make them less unjust.’¹²⁷ Because individuals are situated in different positions in relation to structural outcomes, this affords them ‘different opportunities and capacities for influencing those outcomes.’¹²⁸ Individuals have political responsibility in varying degrees depending on their position within social structures.

Goodin is talking about responsibility for past events. Young, on the other hand, is thinking in terms of forward-looking responsibility. She thinks Goodin’s concept of task-responsibility is helpful in this respect:

A concept of task responsibility highlights the fact that many people share responsibility for producing acceptable outcomes. There is thus a division of labour in political responsibility; each of us must look to our own institutional positions, skills and capacities, and the other responsibilities that come to us, to assess our tasks that will most effectively coordinate with others to help bring about more just outcomes.¹²⁹

Henry Richardson develops the concept of ‘forward-looking responsibility’. He claims it is commonly used in everyday parlance. If, for example, he says he will watch his nieces while they swim, he is ‘taking on’ a forward-looking responsibility for the care of his nieces.¹³⁰

Richardson argues that thinking about responsibility in a prospective sense adds two elements to the concept: ‘first, orientation to a specific range of concerns (the

¹²⁷ Young, *Responsibility for Justice*, 144.

¹²⁸ "Responsibility and Global Labor Justice," 385.

¹²⁹ "Responsibility and Global Labor Justice," 384.

¹³⁰ Henry S. Richardson, "Institutionally Divided Moral Responsibility," *Social Philosophy and Policy* 16, no. 2 (1999): 218.

basic welfare, safety, and health of the children); and, second, an authorization of some kind to depart from stated rules in order to serve those concerns.¹³¹ For example, a babysitter has a specific range of concerns – to look after the children’s welfare for the evening – but this does not include the parent’s more extensive responsibilities in cultivating the child’s talents. The parents ask the babysitter to ensure the children stay indoors. Say, however, there is a fire; in these circumstances the babysitter will have to break the rules. The person with forward-looking responsibility for care of the children is authorized to change the terms of their responsibilities should the circumstances require it. Richardson writes,

The language of responsibility, here, is not a lazy shorthand that could be replaced by a fuller spelling out of duties. Because the future always surprises us, and because concerns and rules end up clashing and harmonizing in ever-novel ways, it can be appropriate for the individual agent to revise his or her understanding of the pre-existing rules relevant to his or her responsibility.¹³²

By focusing on forward-looking responsibilities, Richardson takes the concept a step further than Goodin. Because the future is unknown the “responsible” person may have to revise commonly held rules in certain circumstances. If I tell the babysitter never to take the children outside, if there is a fire, the responsible babysitter would take them outside. This goes beyond making sure one sees to it that X, to being able to critically respond to circumstances. Responsibility implies not merely navigating options within a range of alternatives to see to it that X, but to be prepared to change the rules of the game should circumstances significantly change.

Young incorporates this idea into her conception of political responsibility. She argues that forward-looking task-responsibilities should not derive from existing formally designated institutional roles.¹³³ This is because structural injustice is partly the outcome of the way institutions are designed, and because there are

¹³¹ "Institutionally Divided Moral Responsibility," *Social Philosophy and Policy* 16, no. 2 (1999): 222.

¹³² "Institutionally Divided Moral Responsibility," 221.

¹³³ Young, "Responsibility and Global Labor Justice," 382.

tasks that may need to be filled that are not yet established.¹³⁴ Individuals have to take up their political responsibility creatively, creating new task-responsibilities, or revising existing ones, when necessary. Politically responsible persons stay alert to changing circumstances and revise tasks accordingly.

In sum, Young's conception of political *responsibility* is discretionary, outcome-oriented, scalar, forward-looking and revisable. Individuals acquire political responsibility by virtue of connection to unjust social-structural processes and the degree of an individual's political responsibility depends upon their social position within these processes. Unlike laws and moral duties, political responsibility is not prescriptive. Instead, it is an on-going role that individuals can 'take up'; it implies a 'sphere of responsibility' within which individuals can use their discretion.

The problem with leaving political responsibility so open is that individuals will be at a loss as to how to discharge it. Young introduces her "parameters of reasoning" to help with this problem. She argues that individuals can reason about the degree of their political responsibility, and how to act on it, depending on how much power, privilege, interest or collective ability they have in relation to structural injustice.¹³⁵

In Chapter 4, I challenge these parameters of reasoning. I argue that a certain kind of power – the power to change unjust structures – confers relational moral responsibility on agents who fail to use their power to promote justice; therefore, we can use the liability model to hold these agents to account. I agree with Young, however, that privilege, interest and collective ability ought to be understood as parameters of reasoning about political responsibility. One thing Young does specify about political responsibility, however, is that it can only be discharged through collective action.

b) Discharged Only Through Collective Action

I suggested in the first section of this chapter, that Young faced a problem in distinguishing political from moral responsibility in the sense that Arendt

¹³⁴ "Responsibility and Global Labor Justice," 384-85.

¹³⁵ Responsibility for Justice, 142-51.

separates the moral and political realms, but Young does not. The sense in which political responsibility is political, for Young, is that it *entails public collective action*.

Young argues, that our shared responsibility for overcoming structural injustice can only be discharged through collective action because, 'No one of us can do this on our own.'¹³⁶ Being political by oneself is not very useful; only collective action can change unjust social-structural processes. She continues:

Thus we can come around to Arendt's idea that this is a specifically *political* responsibility, as distinct from privately moral or juridical. Taking responsibility for structural injustice under this model involves joining with others to organize collective action to reform the structures. Most fundamentally, what I mean by "politics" here is public communicative engagement with others for the sake of organizing our relationships and coordinating our actions most justly.¹³⁷

Here we can see the strong Arendtian undertones in the concept. Participants in unjust social-structural processes need to '*constitute a public* for debating proposals for change and coordinating their implementation'.¹³⁸ The point of political responsibility is to constitute a public-political sphere in which all individuals can argue their points of view about what needs to be done to promote justice and to act on it.

For Arendt this ideally meant participating in a directly democratic republic. But Young takes her starting point as the contemporary world. In this context, political responsibility could be construed as the responsibility to constitute, appear in and participate in civil society. For Young, civil society is the sphere in which citizens actively engage in processes of contestation with the state and economy, in order to hold the powerful actors in these spheres to account.¹³⁹

Young argues that in the global sphere where there are no states to regulate economic activity, civil society should be strengthened to perform this function,

¹³⁶ Responsibility for Justice, 111.

¹³⁷ Responsibility for Justice, 112.

¹³⁸ Responsibility for Justice, 168, my emphasis.

¹³⁹ *Inclusion and Democracy* (Oxford: Oxford University Press, 2002), Chapter 7.

until such times as there is a stronger global regulatory framework.¹⁴⁰ All participants in unjust social-structural processes share political responsibility for them, and they must ‘take up’ this political responsibility collectively by constituting and maintaining global civil society in order to effectively promote change.

Young thinks this is already happening. She cites the global protests against the war in Iraq as demonstrating that there is now a ‘transnational public sphere’, that ‘public discourse and criticism is transnational’.¹⁴¹ She theorises the anti-sweatshop movement whose successes include raising consumer awareness of the injustice, producing a ‘sense of connection’ between workers in developing countries and consumers in Western countries, and causing extensive reputational damage to particular corporations.¹⁴² The anti-sweatshop movement is an example of people taking up their political responsibility and engaging in collective action in transnational civil society in order to promote change in unjust global social-structural processes.

Perhaps Young is correct that political responsibility can only be discharged *effectively* through collective action, but I suggest that it entails more than collective action. As Serena Parekh points out, political responsibility implies that individuals do at least three things.¹⁴³ Firstly, learning about our role in structural injustice. The second is to convince others that they share this responsibility. And the third is to act together because structural injustice can only be undone by collective action. If this is correct, the first two steps are things that individuals have to do themselves: learning about their role in perpetuating structural injustice and engaging with others. Persons who do these things, I would argue, are taking up their political responsibility, even if they do not engage in meaningful collective action.

There may be barriers to collective action that are beyond individuals’ and groups’ control, and it would be unfair to therefore say they have not taken up their

¹⁴⁰ *Inclusion and Democracy* (Oxford: Oxford University Press, 2002), 188.

¹⁴¹ *Global Challenges*, 1.

¹⁴² *Responsibility for Justice*, 133-34.

¹⁴³ Serena Parekh, "Getting to the Root of Gender Inequality: Structural Injustice and Political Responsibility," *Hypatia* 26, no. 4 (2011): 681.

political responsibility when they have done the preparatory work. In this sense, I think we can lessen the claim that political responsibility can only be discharged through collective action, to the claim that individuals should take up their political responsibility with a view to engaging in collective action.

c) Not-isolating/Shared

Young considers the liability model to be “isolating”: it picks out specific agents and holds them blameworthy or liable in relation to specific wrongs. There are two reasons why Young insists that the social connection model generates a shared responsibility rather than an isolating responsibility. The first reason is that isolating particular agents for censure has the effect of absolving all other parties in the processes.¹⁴⁴ This is unacceptable in relation to structural injustice, because it is the cumulative outcome of many agents’ actions; if we single out a few “guilty” parties, all these others will be let off the hook.

Secondly, isolating particular guilty parties is impractical: we cannot isolate specific actions as contributing in quantifiable ways to cumulative harms. She writes, ‘it is not possible for any of us to identify just what in our own actions results in which aspects of the injustice that particular individuals suffer.’¹⁴⁵

For these reasons, Young argues that we should not seek to isolate individual wrongdoers and hold them liable for structural injustice, but rather accept that all participants in the processes share the responsibility. She describes shared responsibility as follows:

As I understand it, a shared responsibility is a responsibility I *personally* bear, but I do not bear it alone. I bear it in the awareness that others bear it with me; acknowledgement of my responsibility is also acknowledgement of the inchoate collective of which I am a part, which together produces injustice.¹⁴⁶

¹⁴⁴ Young, *Responsibility for Justice*, 106.

¹⁴⁵ *Responsibility for Justice*, 110.

¹⁴⁶ *Ibid.*

Young borrows the idea of shared responsibility from Larry May. May is interested in problems such as race hate crimes, and how the racist attitudes of the surrounding community create an enabling environment for such harm to occur. May also thinks that legal and moral theory focus too much on personal responsibility and neglect the ways in which others can share responsibility for wrongdoing, even if they have no control over the event.¹⁴⁷ May describes shared responsibility as follows,

unlike full individual responsibility, shared responsibility calls attention to the way in which the actions or attitudes of a group of people resulted in a harm; that is, attention is focused on the way in which each of us interacts with others, rather than on the individual person as an isolated agent.¹⁴⁸

Young argues, however, that she and May have a different focus. May is looking at backward-looking crimes and how the surrounding community created an enabling environment. Young is not looking at past harms, but on-going injustice, where there may not be any identifiable guilty parties. In these circumstances, the liability model is not appropriate. She argues that, 'May's application of the idea of shared responsibility is more backward-looking than forward-looking.'¹⁴⁹ In the context of structural injustice, she argues that we need to accept shared responsibility for forward-looking change.

While I agree with Young that a conception of shared responsibility is necessary to understand responsibility for structural injustice, I disagree that it ought to be given absolute priority. Young argues elsewhere that the liability model and social connection model are complementary.¹⁵⁰ In Chapter 4, I argue that powerful agents who have the capacity to change unjust structures should be held responsible on the liability model for failing to do so. In the context of structural injustice, then, there is the possibility of isolating some guilty parties.

¹⁴⁷ Larry May, *Sharing Responsibility* (London: University of Chicago Press, 1992), 38-39.

¹⁴⁸ *Sharing Responsibility* (London: University of Chicago Press, 1992), 38.

¹⁴⁹ Young, *Responsibility for Justice*, 111.

¹⁵⁰ "Responsibility and Global Labor Justice," 368; "Responsibility and Global Justice: A Social Connection Model," 115; *Responsibility for Justice*, 100.

d) Forward-looking

Young rejects using the liability model in relation to structural injustice because it is backward-looking, which has four implications. Young describes these as ‘more rhetorical and practical limitations than philosophical ones.’¹⁵¹ Firstly, isolating particular agents for blame is unproductive, as this will lead to *defensiveness*.¹⁵² This is particularly salient in relation to structural injustice because so many agents are implicated in the perpetuation of structural injustice blame is easily, and often legitimately, passed from one agent to another.¹⁵³ This “*blame-switching*” paralyses efforts to make progressive changes.¹⁵⁴ The blame game also *divides* agents when they need to be united in working together for change.¹⁵⁵ Finally, it *oversimplifies* the causes of injustice, which are multiple and complex; rarely can we straightforwardly distinguish between the guilty and the innocent in relation to structural injustice.¹⁵⁶

When Young claims that political responsibility is ‘forward-looking’, then, the idea is quite simple: we should focus on the future and making changes, rather than arguing about what went on in the past. She is suggesting that the emphasis of political responsibility is the future. We have many sophisticated accounts of backward-looking responsibility, but this needs to be supplemented with a conception of responsibility that is future-orientated. Young seeks to fill this gap with political responsibility.

As important as this is, what Young is ignoring is the fact that there can be forward-looking forms of *moral* responsibility. As discussed above, responsibilities can refer to on-going role responsibilities, which are present and future-oriented, and can be moral. In the next chapter, I argue that there are two concepts of moral responsibility: relational moral responsibility, which is backward-looking, and moral responsibility as virtue, which is forward-looking. I conceive of political responsibility as a form of moral responsibility as virtue.

¹⁵¹ Responsibility for Justice, 114.

¹⁵² Responsibility for Justice, 117.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Responsibility for Justice, 116.

Thus, while Young aims to conceptualise political responsibility as forward-looking, this does not necessarily distinguish it from moral responsibility. It may distinguish political responsibility from the “liability model”; but the liability model does not encompass all the varieties of moral responsibility.

e) Judging Background Conditions

The final reason Young rejects the liability model in favour of the social connection model when thinking about responsibility for structural injustice, is that the liability model focuses on ‘specific deviation from an acceptable baseline.’¹⁵⁷ She writes,

We assume a normal set of background conditions that we consider morally acceptable, if not ideal. A crime or an actionable harm consists in a morally and often legally unacceptable deviation from this background structure. We usually conceive the process that brought about the harm as a discrete, bounded event that breaks away from the ongoing normal flow. Punishment, redress, or compensation aims to restore normality, or to “make whole,” in relation to the baseline circumstances.¹⁵⁸

The social connection model, by contrast, ‘brings into question precisely the background conditions that ascriptions of blame or fault assume to be normal.’¹⁵⁹ Individuals’ habitual and non-blameworthy behaviour generates cumulatively unjust outcomes – this is what constitutes structural injustice. We cannot pick out discrete, bounded actions that contributed to structural injustice in a quantifiable way. The social connection model, instead, argues that because we are connected to this background injustice we bear a shared, forward-looking responsibility to engage in collective action to change it.

Within contemporary political theory there is a debate as to whether individuals can bear responsibility for justice, or whether this responsibility rests exclusively with the state. For instance, John Rawls famously argues that, ‘Justice is the first

¹⁵⁷ Responsibility for Justice, 106-07.

¹⁵⁸ Responsibility for Justice, 107.

¹⁵⁹ Ibid.

virtue of social institutions.¹⁶⁰ For Rawls, individuals have responsibilities to uphold just institutions, but they themselves do not have direct responsibilities for justice. This idea has been challenged by feminist theorists and G.A. Cohen, who argues that just institutions need to be supplemented by an “egalitarian ethos”, meaning that individuals do have a direct responsibility for justice.¹⁶¹ Cohen’s is a monist view: there is no difference between individuals’ and institutions’ responsibilities for justice. Rawls’ is a dualist view: there is a division of labour between institutions’ responsibilities for justice and individuals’ responsibilities to support those institutions.

With the social connection model, Young is arguing that individuals have direct responsibilities for justice, but she does not explicitly defend this view. In Chapter 5, I place Young’s view in the context of this debate and defend it. I argue that Young has a different understanding of dualism; that individuals have two kinds of responsibilities – interactional and structural responsibilities. Political responsibility is the responsibility that individuals have for justice.

2.4 Conclusion

In this chapter I have traced the origins of the Youngian approach to Arendt’s distinction between “guilt” and “responsibility”. I have situated the distinction within Arendt’s political thought, shown how Young criticises that, and noted the problems with Young’s critique.

I then outlined Young’s distinction between the “liability model” of responsibility and the “social connection model”. I showed how Young understands the liability model as isolating and backward-looking. She develops the social connection model in response to the limitations of the liability model, which she thinks is inadequate for helping us conceptualise individuals’ responsibilities for structural injustice. The social connection model generates a shared, forward-

¹⁶⁰ John Rawls, *A Theory of Justice*, Revised Edition ed. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1999), 3.

¹⁶¹ G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26, no. 1 (1997).

looking political responsibility for justice that is discharged through collective action.

In outlining Young's approach I have raised some problems. I have highlighted the conceptual problems with Young's understanding of *moral responsibility*. I have suggested that not all forms of moral responsibility are backward-looking, and that Young has a moralised conception of political responsibility which requires further development. In Chapter 3, I take up this problem and show that Young uses two concepts of moral responsibility: relational moral responsibility and moral responsibility as virtue. I show how this distinction can support the social connection model of responsibility.

In Chapter 4, I address the problem of solely using the social connection model in relation to structural injustice. I argue that powerful agents within structural injustice – agents that have the power to change the structures – can be held responsible on the *liability model* for failing to do so. Thus I also challenge Young's idea that power is a "parameter of reasoning" about the degree of an agent's political responsibility, and argue that powerful agents bear *moral* responsibility for failing to improve unjust structures.

In Chapter 5 I situate Young's approach in relation to the debate on individuals' responsibilities for *justice*. In Chapter 7, I address the problem of the role of *connection* in the model. I suggested that in removing political responsibility from Arendt's conception of membership in a political community, and responsibility for the world, and tying it to "connection", that Young has left a void in the concept. I try to fill in what connection means in the social connection model.

Chapter 3 Constructing a Youngian Conception of Moral Responsibility

In the previous chapter, political responsibility was defined as a different kind of responsibility to legal and moral responsibility in that it is non-isolating, forward-looking and entails collective action. It is also different in kind in the sense that it does not entail *blame*. Criminal responsibility seeks fault and moral responsibility attributes blame. Living and participating in an unjust political or economic system is not a crime and it is also, arguably, not something for which one can be said to be blameworthy. Young argues that we are not guilty for structural injustice; instead we share in this non-blameworthy, forward-looking political responsibility for change. Young, however, does not expand upon the reasons why we are not guilty, and while it seems intuitive, it needs to be justified. In this chapter I analyse in depth the necessary conditions for blame and show how individuals can be excused of moral responsibility for structural injustice.

One of the main philosophical problems in Young's account of political responsibility, in my view, is that she does not provide a clear enough distinction between moral and political responsibility. This is because she does not offer a sophisticated enough description of moral responsibility against which we can posit a conception of political responsibility.

In this chapter, I construct and defend an account of moral responsibility that fits with and develops Young's claims about moral responsibility. I argue that political responsibility is, in fact, a form of moral responsibility. In constructing this account I am necessarily interpreting Young's work and it may be the case that if she had the chance to read it she would not agree with the argument. I believe, however, that we cannot proceed much further in our quest to understand political responsibility without at least some more work on the

concept of moral responsibility. My aim is to provide a plausible conception of moral responsibility grounded in the contemporary literature.

In section 3.1, I begin with Ronald Dworkin's recent discussion of moral responsibility in *Justice for Hedgehogs*. Dworkin argues that there are two kinds of moral responsibility – moral responsibility as a virtue and relational moral responsibility. Dworkin's account is illuminating for our purposes because in Young's discussions of moral responsibility we find both of these ideas in play. My interpretation of Young's distinction between moral and political responsibility is that the form of moral responsibility encompassed by the liability model refers to *relational* moral responsibility (the appropriate conditions for praise and blame) and political responsibility refers to moral responsibility as a *virtue* (being a morally responsible person within unjust structures).

After drawing out this distinction, the main focus of this chapter is on *relational moral responsibility*. We saw in Chapter 2 that Young understands the conditions for moral responsibility as causal connection to harm, voluntariness and sufficient knowledge;¹ but this conception of moral responsibility is contested. I defend this conception of relational moral responsibility. I argue that a plausible Youngian definition of relational moral responsibility is that if an agent, who has the *capacity* to form beliefs about the world, and to cohere their behaviour with those beliefs, has epistemic possibilities open to them and *chooses* the blameworthy option, then they are morally responsible. An agent can be *exempt* from moral responsibility if they do not have the capacity in general to *know* what they are doing. An agent can be *excused* from moral responsibility if they lacked knowledge or physical capacity, or their normal deliberative processes were interfered with, at the particular time of acting; in these cases the agent does not meet the condition of *voluntariness*.

The account of relational moral responsibility proposed is a *normative* one; this is to say, I do not engage debates about the truth or falsity of causal determinism, rather I engage with the literature on “reasons-responsive” accounts of moral responsibility. Reasons-responsive accounts of moral responsibility argue that

¹ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 97.

rational adults have the capacity to deliberate about their actions based on the epistemic possibilities available to them, and to coordinate their acts with these choices. I explain the reasoning behind this decision in section 3.2.1, I then argue in section 3.2.2 that to be a suitable candidate for ascriptions of relational moral responsibility, an agent must have the capacity for rational reflexive self-control. In section 3.2.3 I look at the circumstances in which an agent who possesses the capacity for rational self-control may be excused from moral responsibility, and then in section 3.2.4 I show how Young applies these excusing conditions to ordinary individuals in relation to global injustices. In section 3.3, I engage with the current debate between attributivist views of moral responsibility (those who believe moral responsibility can be attributed to an agent's character) and accountability views (that an agent ought to be held accountable for a particular act but it does not necessarily speak to their character). I argue that when constructing a Youngian perspective on moral responsibility we are interested in holding individuals *accountable* for their actions, because in the context of large-scale harms individuals may be committing wrongdoings within the context of a role that does not necessarily speak to their overall character. The attributivist view collapses the distinction between moral responsibility as virtue and relational moral responsibility, which is central to Young's account. A Youngian conception of relational moral responsibility, then, is a reasons-responsive approach that holds individuals accountable for their voluntary acts.

3.1 Two Concepts of Moral Responsibility

Moral responsibility is an “essentially contested concept.”² Some theorists argue that it has plural meanings, while others insist that a unified account is plausible and desirable.³ Throughout the long history of debate there have been two main strands of thought – one is to do with the appropriate conditions for praise and blame, and the other concerns what it is to be a morally responsible agent.⁴

² Mark Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations* (Cambridge: Cambridge University Press, 1998), 22. Taken from Gallie (1962)

³ Andrew Eshleman, "Moral Responsibility," in *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2009).

⁴ Garrath Williams, "Responsibility as a Virtue," *Ethical Theory and Moral Practice* 11, no. 4 (2008): 455.

Traditionally, legal theorists and jurists have been concerned with the former question, and philosophers and theologians with the latter.⁵ An increasingly popular view is that these two approaches are indicative of the fact that there are *two types* of moral responsibility.⁶ This is the approach that I will adopt here. Moreover, it can be argued that the two types of moral responsibility are not mutually exclusive, but rather are interdependent and reinforce one another. This view coheres well with Young's perception of moral responsibility.

In his discussions of moral responsibility in *Justice for Hedgehogs*, Dworkin presents a version of the argument that moral responsibility contains two concepts. He distinguishes between moral responsibility *as a virtue*, and moral responsibility as 'a relation between people and events.'⁷ When we use the term 'moral responsibility' in the virtue sense, we are talking about whether 'someone behaved responsibly' or whether they are a 'responsible person'. When we talk about moral responsibility in a relational sense, we are interested in whether or not someone 'is responsible for some event or consequence.'⁸

Responsibility as a virtue does not have to be moral; it can apply to performing a particular role in a responsible way. For instance, a scientist who fails to check her calculations is intellectually irresponsible, and a writer who does not back up their files is practically irresponsible.⁹ To be morally irresponsible in the virtue sense, on Dworkin's account, is to lack 'moral integrity and authenticity.'¹⁰ The morally responsible person reflects on their values and ideals, and subjects them to intense scrutiny. If it turns out that one holds incoherent views, then these must be adapted, changed or thrown out, until one comes to find internal moral consistency. Someone would be morally irresponsible in the virtue sense if they were insincere, if they tried to rationalize incoherent views for poor reasons, if they hold to sincere abstract moral principles but when it comes to the crunch rely on self-interest, or if they are morally schizophrenic – picking and choosing

⁵ Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*, 32.

⁶ Eshleman, "Moral Responsibility."

⁷ Ronald Dworkin, *Justice for Hedgehogs* (London: The Belknap Press of Harvard University Press, 2011), 102.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Justice for Hedgehogs*, 109.

moral principles at random.¹¹ Of course, nobody holds entirely consistent and coherent views on all moral issues, and so ‘we must treat moral responsibility as a work always in progress: someone is responsible who accepts moral integrity and authenticity as appropriate ideals and deploys a reasonable effort toward achieving them.’¹² The reason why, for Dworkin, a person must cultivate the virtue of moral responsibility, to ‘try to act out of moral conviction in our dealings with others’, is because it is required by self-respect.¹³ It is required by self-respect because ‘we cannot consistently treat our own lives as objectively important unless we accept that everyone’s life has the same objective importance. We can – and do – expect others to accept that fundamental principle of humanity.’¹⁴ In other words, having respect for oneself by trying to be a morally responsible individual demonstrates that one has respect for others.

Mark Bovens gives a different account of the difference between moral responsibility as a virtue and relational moral responsibility as accountability. He describes this as the difference between active and passive responsibility respectively. Passive responsibility is relational moral responsibility – it demands of an agent that they account for something that has happened. Bovens writes,

In the case of passive responsibility, one is called to account after the event and either held responsible or not. It is a question of who *bears* the responsibility for a given state of affairs. The central question is: ‘Why *did* you do it?’¹⁵

Bovens contrasts this passive form of responsibility as accountability with active responsibility as virtue. He writes,

In the case of active forms, the emphasis lies much more on action in the present, on the prevention of unwanted situations and events. Above all,

¹¹ Justice for Hedgehogs, 104.

¹² Justice for Hedgehogs, 109.

¹³ Justice for Hedgehogs, 112.

¹⁴ Ibid.

¹⁵ Bovens, The Quest for Responsibility: Accountability and Citizenship in Complex Organisations, 27.

it is a question of responsible acting, of taking responsibility, of behaving responsibly. The central question here is: ‘what *is* to be done?’¹⁶

Bovens justifies his use of these two conceptions of moral responsibility because they are both crucial to his project of understanding moral responsibility in the context of complex organisations.¹⁷ Accountability is the most commonly invoked conception of responsibility when we think about the actions of corporate agents, both individual and collective. It is a *backward-looking* form of responsibility, that asks for an account of what has happened and may involve some form of retribution. Moral responsibility as virtue, however, he believes to have been neglected. It is essential, however, to include this aspect of moral responsibility when we think about the actions of individuals as agents acting within complex organisations. Individuals must actively think about what they are doing in order to prevent immoral actions on their own behalf or their organisation’s behalf in the present and future. Active moral responsibility as virtue is *forward-looking*; it requires agents to think about what must be done to prevent future harm.

The distinction in this form is what we find in Young; she also considers moral responsibility as virtue to be active and forward-looking:

a responsible person tries to deliberate about options before acting, makes choices that seem to be the best for all affected, and worries about how the consequences of his or her action may adversely affect others.¹⁸

Here we see that Young thinks ‘being responsible’ in the virtue sense implies thinking about others, not oneself. Young thinks there are two forms of moral responsibility in the other-regarding sense. Firstly, interactional – do not directly harm others.¹⁹ If you do harm others you will be held morally responsible on the “liability model” of responsibility; that is, you will be held to account. Secondly,

¹⁶ Ibid.

¹⁷ *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*, 26.

¹⁸ *Responsibility for Justice*, 25.

¹⁹ *Responsibility for Justice*, 73.

structural – do not harm others through structures in which you participate.²⁰ It is the second form that constitutes “political responsibility.”

So if political responsibility is a form of moral responsibility as virtue, why is it not just moral responsibility? Why can we not say that individuals are morally responsible for harm caused by structures? The reason why Young wants to distinguish “political” from “moral” responsibility is as follows: political responsibility is a responsibility individuals have towards structures, moral responsibility is a responsibility in relation to direct interactions with others and it entails ascriptions of praise and blame.

There are three reasons why Young thinks political responsibility does not entail blame. The first reason is that we should not be blamed for the harm that we might be causing through structures, because we do not *intend* it.²¹ Secondly, we have reasons to believe that acting within the accepted rules and practices is ‘positively virtuous or useful.’²² And thirdly, our options ‘are constrained by the very same structures to which we contribute.’²³ What Young is pointing to here is that the ascription of moral responsibility by others in the form of blame is only appropriate in circumstances where the individual *intended* to cause harm, when they actually and knowingly did something wrong. Because these conditions are not present when individuals are acting normally within structures that incidentally cause harm, they should not be blamed for it. Inadvertently causing harm or acting under coercion, duress or necessity can excuse moral responsibility. I will develop this idea in Sections 2.3 and 2.4.

“Political responsibility” is a virtue that ought to be cultivated in order to ensure that the structures in which one participates are not causing harm. Political responsibility, then, has roots in moral responsibility as a virtue – it is an active form of moral responsibility and is concerned primarily with the other, but the focus is on the ways in which structures harm the other, not one’s own deliberate actions. It is forward-looking and other-regarding, but it is non-blameworthy. It is a virtue that individuals ought to cultivate so as to act responsibly within

²⁰ Ibid.

²¹ Responsibility for Justice, 107.

²² Ibid.

²³ Responsibility for Justice, 108.

structures. The *political* nature of this form of moral responsibility as virtue is that it should aim towards collective political action. It calls upon individuals ‘to take public stands about actions and events that affect broad masses of people, and to try to organize collective action to prevent massive harm or foster institutional change for the better.’²⁴

In the rest of this chapter, I focus on relational moral responsibility – the appropriate conditions for blame. Under what conditions is it appropriate to say that an individual is *blameworthy*? What does it mean when Young says that an individual is only blameworthy if they directly caused harm with intent and knowledge?

3.2 Relational Moral Responsibility

So far I have distinguished between moral responsibility as virtue (what it is to be a morally responsible agent) and relational moral responsibility (the appropriate conditions for praise and blame). I have argued that Young understands both forms of moral responsibility as other-regarding. The difference I have identified is that moral responsibility as a virtue does not necessarily entail blameworthiness, but that relational moral responsibility does. To understand this, we must look more closely at the appropriate conditions for praise and blame.

In this section, I develop an interpretation of relational moral responsibility from the contemporary literature. I defend the view that blameworthiness depends on causal connection to harm with intent and knowledge of the potential consequences. I explain the conditions in which an individual can be deemed exempt or excused from blameworthiness.

3.2.1 *Bracketing Metaphysics and Science*

Aristotle was the first person to think through the appropriate conditions for praise and blame, and his reflections have proven to be remarkably resilient to this

²⁴ Responsibility for Justice, 76.

day.²⁵ Aristotle claimed that there were two conditions that determined when we could hold an individual responsible: an *epistemic condition* and a *control condition*.²⁶ The epistemic condition holds that an agent must *know* what they are doing when they act, otherwise they cannot be held responsible for it. The control condition implies that an agent must have been able to control their action. An agent is forced if he is 'acted upon, e.g. if he were to be carried somewhere by the wind, or by men who had him in their power.'²⁷

When philosophers became interested in the issue of causal determinism, the control condition came in for heavy questioning. If control is a necessary condition for moral responsibility, and if causal determinism turned out to be true – so that causal antecedents necessarily determine all of our actions – then moral responsibility is impossible because we cannot exercise free will. This metaphysical debate has gripped moral philosophers for centuries. It continues to dominate discussions about moral responsibility today. On the one hand, there are incompatibilists (usually libertarians), who argue that moral responsibility and causal determinism are necessarily incompatible. On the other hand are compatibilists who argue that even if causal determinism were true, moral responsibility in some form would still be possible. Historically this debate has centred on theories within physics, but nowadays the focus has shifted to neuroscience, with philosophers interested in whether or not we consciously control our actions.²⁸

In 1967, Peter Strawson made a significant intervention in this debate. He claimed that what was important about moral responsibility was not the metaphysical issue as to whether or not we can control our actions, but what mattered was the social aspect of moral responsibility. We *hold* one another morally responsible for our actions when we display “reactive attitudes” towards

²⁵ Aristotle, *The Nicomachean Ethics*, Oxford World's Classics (Oxford: Oxford University Press, 2009), 38.

²⁶ Eshleman, "Moral Responsibility." John Martin Fischer and Mark Ravizza, *Responsibility and Control: A Theory of Moral Responsibility* (Cambridge: Cambridge University Press, 1998), 13.

²⁷ Aristotle, *The Nicomachean Ethics*, 38.

²⁸ Alfred Mele, "Free Will and Neuroscience: What Do Old-School and New-Wave Studies Show?," in *LSE Workshop on Free Will* (London School of Economics 2013).

them, such as blame and praise.²⁹ These practices do not depend on the truth or falsity of causal determinism; it is a fact of social life. Philosophers fixated on causal determinism are over-intellectualizing the issues of moral responsibility.³⁰ The philosophical interest lies in the ways in which we hold each other morally responsible; what are we doing this for? And when do we do it? When is it justified or not?

Out of this shift of focus in the moral responsibility debate has emerged a *normative* literature about when it is or is not appropriate to blame or praise someone for what they have or have not done. The question is: when *ought* we *hold* an agent morally responsible? When is it *fair* to do so?³¹ This normative debate is largely independent of the metaphysical one. An incompatibilist could argue that the premise of the debate is implausible, because if causal determinism turned out to be true and moral responsibility was thus rendered impossible, then the debate is pointless. But as Fischer and Ravizza have pointed out, we have strong independent reasons for wanting to develop a normative account of moral responsibility:

Whether we are persons – whether we are morally responsible agents who can have deep personal relationships, friendships, and families – should not depend on whether causal determinism is true: our most basic views about ourselves – and our most fundamental kinds of relationships – should not be held hostage to the particular features of the best theories offered by current physics.³²

Furthermore, theorists inspired by Strawson's approach have found innovative ways of grounding moral responsibility that do not rely on causal control. The guiding idea is that adult humans are "reasons-responsive"; that is they can reason about the world and base their actions on those reasons. It is on this basis that

²⁹ Peter Strawson, "Freedom and Resentment," <http://www.ucl.ac.uk/~uctytho/dfwstrawson1.htm>.

³⁰ Ibid.

³¹ R. Jay Wallace, *Responsibility and the Moral Sentiments* (London: Harvard University Press, 1994), 1., John Martin Fischer, "Recent Work on Moral Responsibility," *Ethics* 110, no. 1: 95.

³² Fischer and Ravizza, *Responsibility and Control: A Theory of Moral Responsibility*, 16.

we judge individuals to be morally responsible or not.³³ Whether or not determinism turned out to be true, the epistemic options that appear to be available to individuals will remain, and we will continue to base our responsibility practices on the decisions that individuals make on the basis of their apparent options.

Moreover, Dworkin argues that the debates about free will and determinism skip an argumentative step. He invokes Hume's principle – that facts about the world cannot determine normative principles – to suggest that whatever happens within physics and neuroscience, we will still be left with a normative debate about moral responsibility.³⁴ Facts about the world cannot tell us what we *ought* to do. It is on this territory that reasons-responsive approaches to moral responsibility operate.

I situate my Youngian conception of moral responsibility in this literature, because determinism in the sense of metaphysical or scientific causal determinism seems out of place in Young's thought. We saw in the previous chapter that central to Arendt's conception of political responsibility was the idea that human collective action has the power to transform the man-made world. Young's work on responsibility is guided by a similar idea – that collective human political action can fundamentally change social structures. She writes,

To be sure, no person's situation and action are *determined* by the past. We are radically free in the sense that alternative possibilities that we invent out of nothing are always open to us.³⁵

However, Young's thoughts on determinism are more ambiguous than this suggests. What does interest her is the relationship of structure to agency, and the ways in which structures constrain individual agency. Young is a determinist to some extent, not in the metaphysical sense, but in the sense that she thinks that

³³ The field of reasons-responsive accounts of moral responsibility is large, and I cannot cover all the approaches here. What I aim to do is simply posit this as a coherent and viable grounding for moral responsibility that accords with the ideas present in Young's work. To that extent, I assume rather a lot about the plausibility of these approaches rather than seeking to independently justify them in any real depth. For fuller and competing accounts of the approach see, Wallace, *Responsibility and the Moral Sentiments*. And T.M. Scanlon, *What We Owe to Each Other* (London: The Belknap Press of Harvard University Press, 1998).

³⁴ Dworkin, *Justice for Hedgehogs*, 17, 221-22.

³⁵ Young, *Responsibility for Justice*, 172.

our behaviour and attitudes, and the choices that we are able to make, are conditioned by the social, historical, economic and cultural circumstances in which we find ourselves. This is why Young thinks that individuals are not morally responsible for structures; because we're born into physical and social structures, and they condition our action to a large extent. But there is *a way* in which we could change them – by engaging in collective political action. Young describes this tension between individual “objective constraint” and the potential for change through collective action:

Most of us are objectively constrained by the rules, norms, and material effects of structural processes when we try to act alone. These processes can be altered only if many actors from diverse positions within the social structures work together to intervene in them to try to produce other outcomes.³⁶

If we realise the radical contingency of our circumstances, we can collectively organise to change them. Like Arendt, then, Young believes in the power of human collective political action to change the structures. The relationship between structure and agency in her thought is not static; it is dynamic. That is why she enjoins individuals to ‘take responsibility’ for structures, because they can be changed. She defines social structures not as fixed entities, but as ‘social-structural *processes*.’³⁷ The relationship between structure and agency will be discussed further in the next chapter, where I argue that theorising this relationship requires an understanding of power.

Young also is at pains throughout her work on responsibility to highlight that she does not reject the idea of moral responsibility on which she bases her “liability model” of responsibility.³⁸ It is crucial, she insists, in order to take persons seriously and to show respect for persons, and for the purposes of maintaining a legal system.³⁹ What she wants to do is to limit the use of the model. Instead of

³⁶ Responsibility for Justice, 111.

³⁷ Responsibility for Justice, 52-64.

³⁸ "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004): 368; "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 118; *Responsibility for Justice*, 100.

³⁹ Responsibility for Justice, 98.

claiming that moral responsibility in the liability sense is somehow universalisable, she wants to restrict its domain. She writes,

Responsibility in that liability sense should be reserved for persons who can be specifically identified as causing the harm, usually knowing what they are doing. I think Arendt is right that it is a bad idea to blur the conditions for saying that persons are guilty or at fault. It is often important to pin a wrong on someone who did something or was in the unique position to have prevented it.⁴⁰

Young restricts the scope of moral responsibility and guilt to what an individual actually did with intent, or at least with negligence. The appropriate conditions for praise and blame, then, are quite restricted.

I will now look, then, in more detail at a normative conception of moral responsibility which generates conditions for praise and blame, and coheres with Young thoughts on the concept. I will argue that moral responsibility applies to the acts of agents that are exercised with a certain quality of will. Certain actors can be exempted from moral responsibility because they lack the capacity to display this quality of will and under certain circumstances agents can be excused from moral responsibility.

3.2.2 *The Capacity for Control*

For Young, the conditions for moral responsibility are causal connection to a harm, voluntariness and sufficient knowledge.⁴¹ This is an Aristotelian conception of moral responsibility, dependent upon the epistemic and control conditions. This conception of moral responsibility, then, raises the kinds of metaphysical issues I highlighted above. If we focus on normative conceptions of moral responsibility, however, there are still some problems. Knowledge and voluntariness presuppose that the agent had the *capacity* to acquire knowledge and to fit their actions in accordance with that knowledge; and so we need an account

⁴⁰ Responsibility for Justice, 104.

⁴¹ Responsibility for Justice, 97.

of the capacity to behave morally. A second question is why is voluntariness important? What makes voluntariness a condition of moral responsibility?⁴² In this section, I look at the issue of capacity as Dworkin and Daniel Dennett understand it. In the following section I look at the conditions in which capable agents can be excused from moral responsibility. I argue that we exempt agents who do not have the *general* capacity for control from moral responsibility, and we excuse agents who do not have the *particular* capacity for control from moral responsibility.

Dworkin argues that accounts of moral responsibility that focus on causal control ignore the importance of ‘capacity control.’ He claims that an agent must have ‘capacity control’ in order to be a candidate for ascriptions of praise and blame. For Dworkin, instead of taking a bird’s-eye view to look at the empirical causal history that brought an act into being (‘causal control’), we should understand an individual’s decisions as originating from their internal decision-making process and hold them responsible for the outcomes of that process (‘capacity control’).⁴³

As Dworkin argues, there is a phenomenological experience with regards to decision-making. He writes:

Deliberative behaviour has an internal life: there is a way it feels deliberately to act. We intend to do something, and we do it.... That internal sense of deliberate action marks the distinction, essential to our ethical and moral experience, between acting and being acted upon: between pushing and being pushed.⁴⁴

What we are interested in when assigning moral responsibility, according to Dworkin, is not the causal question of whether or not the agent “could have done

⁴² I have resisted saying that voluntariness is a ‘necessary’ condition for moral responsibility because in the quote above Young says that, ‘Responsibility in that liability sense should be reserved for persons who can be specifically identified as causing the harm, *usually* knowing what they are doing.’ In some cases, Young acknowledges, culpable negligence would entail blameworthiness. If an individual is culpably negligent, they may not be voluntarily causing harm, but the harmful act can be traced to an earlier voluntary act. The idea of tracing raises issues, but it is beyond the scope to deal with those here. See Vargas for a good account of this problem, Manuel Vargas, “The Trouble with Tracing,” *Midwest Studies in Philosophy* XXIV (2005).

⁴³ Dworkin, *Justice for Hedgehogs*, 229.

⁴⁴ *Justice for Hedgehogs*, 226.

otherwise”, but the question as to whether or not the agent has the general capacity to engage in this internal deliberative process.

Dworkin breaks this down further and argues that internal deliberation requires two kinds of capacity. Firstly, it requires a ‘cognitive capacity’. This is the capacity to form logically coherent beliefs about the world through experience. A young child cannot do this, and this is the reason why young children are not held morally responsible for their behaviour.⁴⁵ Secondly, it requires ‘regulative capacity’. This is the capacity to conform behaviour to one’s values and preferences derived from facts learned from one’s experience of the world. For instance, someone suffering from severe mental illness, who thinks that they are God and therefore allowed to legitimately kill people, cannot do this, and it is for this reason that they would not be held morally responsible for their actions.⁴⁶ In criminal law in the UK and many other countries, the M’Naghten Rules follow this line of reasoning. This law allows a defence of insanity if it can be proved that ‘at the time of committing the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know what he was doing was wrong.’⁴⁷ The party is exempted from responsibility if there is some sort of underlying condition that prevents them from grasping moral reasons or which prevents them from grasping the nature or wrongness of their act.⁴⁸ R. Jay Wallace describes these two capacities taken together as ‘the powers of reflective self-control.’⁴⁹

Dennett makes a similar argument, that what matters for the purposes of ascriptions of moral responsibility is an agent’s *epistemic* possibilities, not their metaphysical possibilities. What we are interested in when we assess agents as candidates for moral responsibility is whether or not they have the general capacity to be able to recognise and conform their action to epistemic

⁴⁵ Justice for Hedgehogs, 238.

⁴⁶ Ibid.

⁴⁷ The M’Naghten Rules quoted in Heidi L. Maibom, "The Mad, the Bad, and the Psychopath," *Neuroethics* 1(2008): 167.

⁴⁸ "The Mad, the Bad, and the Psychopath," *Neuroethics* 1(2008): 168.

⁴⁹ Wallace, Responsibility and the Moral Sentiments, 14.

possibilities.⁵⁰ Dennett argues that the metaphysical questions about free will and determinism are unanswerable.⁵¹ But the question of whether or not an agent had epistemic possibilities, and whether or not the agent cohered their actions appropriately with their epistemic possibilities, is answerable.

Epistemic possibilities are contrasted to logical and physical possibilities. ‘Something is logically possible if it is consistently describable,’ e.g. that there is a unicorn in the garden is logically possible but not biologically or physically possible.⁵² Something is physically possible if it does not violate the laws of physics.⁵³ Something is epistemically possible if it is consistent with everything an agent already knows.⁵⁴ We can understand the difference between these types of possibilities through the example of the game of Scrabble. Scrabble is a word game, in which players pick seven letters out of a bag, find words within those letters and place them on a board. The different possibilities work as follows:

- a) Logical – I am limited to combinations of letters that correlate with words in the dictionary.
- b) Physical – My choice of words will be constrained by the other letters on the board. Factors about myself will also constrain my ability to play the game, such as my vocabulary, which will depend on things like education, background, intelligence, access to reading etc. Other physical factors that could constrain my options may include things like my level of tiredness and hydration.
- c) Epistemic – The epistemic possibilities are the possibilities that seem available *to me* e.g. I might want to play the long impressive word to show off my vocabulary and superior powers of word-finding, or I could play the short, simple word and get double or triple points.

⁵⁰ Daniel C. Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting* (Oxford: Oxford University Press, 1984), 147.

⁵¹ *Elbow Room: The Varieties of Free Will Worth Wanting* (Oxford: Oxford University Press, 1984), 136.

⁵² *Elbow Room: The Varieties of Free Will Worth Wanting*, 148.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

It is the realm of epistemic possibilities that matter on Dennett's account of moral responsibility. Perhaps my epistemic possibilities are determined by something I do not know about (the hand of God or my brain chemistry) but they seem like live choices to me. In this game, I choose the long word, leaving the triple word score open for my opponent who dually uses it and goes on to win the game. I go to bed cursing myself for choosing the impressive word for bad reasons (as far as winning the game is concerned), and my opponent believes me to have made bad choices too and that she has made better ones based on her available options. The choices we have made based on our epistemic possibilities determine praise and blame.

Dennett argues that epistemic possibilities are what agents want, and it is what we need, in order to assign moral responsibility. What we want/need is room for manoeuvre, or "elbow room". There will always be physical constraints of some sort on our actions (e.g. I only have seven letters to generate a word), but that is unimportant when considering praise and blame. What is important is that there is some room to manoeuvre within physical constraints. When considering moral responsibility, "We want a margin for error; we want to keep our options open, so that our chances of maintaining control over our operations come what may, are enhanced."⁵⁵ It is on the basis of how well we navigate these possibilities that we assign moral responsibility.

Dworkin and Dennett's assessments of moral responsibility as a form of capacity cohere with Strawson's argument about 'exempting conditions' for moral responsibility.⁵⁶ Strawson argues that individuals can be exempt from moral responsibility if the agent either was "not himself" for some reason or the agent is "morally undeveloped" due to mental illness or because they are a child.⁵⁷ In these cases, the demands of moral responsibility cannot be imposed upon that person.⁵⁸ In these cases, the agent does not have, in Dworkin's terminology,

⁵⁵ Elbow Room: The Varieties of Free Will Worth Wanting, 63.

⁵⁶ The terms "exempting" and "excusing" conditions are taken from Gary Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme," in *The Philosophy of Free Will: Essential Readings from the Contemporary Debate*, ed. Paul Russell and Oisín Deery (Oxford: Oxford University Press, 2013), 86-87.

⁵⁷ Strawson, "Freedom and Resentment".

⁵⁸ Watson, "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme," 87.

‘capacity control’: the ability either to form correct beliefs about the world or to base their actions upon those beliefs.

However, Strawson considers another class of cases in which moral responsibility is inappropriate – if there are ‘excusing conditions’. If an agent had no alternative – “He couldn’t help it” because he did not know or had to do it – then we continue to see the agent as someone capable of being responsible for harm, but in this situation blame would not be appropriate.⁵⁹ As Dworkin pointed out above, there is a difference between pushing and being pushed. And so an account that focuses exclusively on ‘capacity control’ misses a crucial piece of the puzzle. Having epistemic possibilities and having the capacity to recognise and act on these are not sufficient conditions for moral responsibility. I argue that having *the capacity to be able to form beliefs about the world and cohere actions to those beliefs* is a necessary condition for moral responsibility but it is not sufficient; moral responsibility also requires that *the agent actually did something wrong*. In some instances where it appears that an agent has done something wrong, the agent may in fact be *excused* from moral responsibility. What we now need to address, then, is the issue of voluntariness.

3.2.3 *Excusing Conditions*

Dennett claims that, when looking at one’s own deeds, ‘*Who cares* whether, in exactly the circumstances and state of mind I found myself, I could have done something else? I did not do something else, and it is too late to undo what I did.’⁶⁰ He argues further that,

Some people will look for excuses like, “Can I help it what occurs to me and what does not?”, ‘but healthy self-controllers shun this path. They *take* responsibility for what might be, very likely is, just an “accident,” just one of those things. That way, they make themselves less likely to be “accident” victims in the future.’⁶¹

⁵⁹ Strawson, "Freedom and Resentment".

⁶⁰ Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting*, 142.

⁶¹ *Elbow Room: The Varieties of Free Will Worth Wanting*, 143.

Is this really true? Do we think there are no such things as accidents that can excuse an agent from moral responsibility? As Aristotle was pointing out in his comment about force – ‘e.g. if he were to be carried somewhere by the wind, or by men who had him in their power’⁶² – we *do care* about whether or not an agent actually did something wrong, or whether they were compelled or coerced into doing it. In these circumstances, an otherwise capable individual can be excused from moral responsibility. The reason why, is because there is a lack of voluntariness.

Let’s take a case of an “accident”; a scenario which Dennett thinks a ‘healthy self-controller’ would take responsibility for. Say I am driving home late at night on country roads in the winter. It is icy, but I take all the relevant and reasonable precautions that I can. Despite my efforts, I swerve on a patch of black ice and hit a cyclist coming up behind my car, who was not clearly visible. In this situation would it really be ‘healthy’, as Dennett suggests, to take responsibility for this accident? I think it would be the opposite of healthy.

In the first place, what we have here is an instance of causal but not moral responsibility. As H.L.A. Hart points out, my car hitting the cyclist may be causally responsible for her death, in the same way that lack of rain is causally responsible for the drought.⁶³ But moral responsibility requires something more. In this particular instance, if I had not taken the reasonable precautions then I may have been reckless or negligent and this decision not to take precautions would have been culpable. But when the necessary precautions were taken, it is not clear that I actually did anything wrong.

Secondly, as Bernard Williams argues, this scenario inspires the emotion of ‘agent-regret’ rather than remorse. If I were remorseful, feeling myself to be blameworthy, I would never do the same thing again.⁶⁴ However, in this kind of situation, I would probably do exactly the same thing in future because I did ‘all

⁶² Aristotle, *The Nicomachean Ethics*, 38.

⁶³ HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law*, 2nd ed. (Oxford: Oxford University Press, 2008), 214.

⁶⁴ Bernard Williams, "Moral Luck," in *Moral Luck: Philosophical Papers 1973-1980* (Cambridge: Cambridge University Press, 1981), 28.

the right things'. The death of the cyclist was an accident, and while I may feel a special kind of regret because of my casual implication in the accident ('agent-regret'), I have not actually done anything wrong. Contra-Dennett, blaming myself in this situation would more likely be the path to madness than the path to healthy self-control.

Joel Feinberg describes this kind of situation as compulsion. He defines compulsion as follows:

A person is sent reeling or flying by a hurricane wind or an explosion, or he is pushed off a cliff and falls to his death on the rocks below, or a more powerful person compels him to drop a knife by pulling his fingers apart and forcing open his grip on it. In all these examples, either another person or an impersonal force makes one's body move directly, without the cooperation, grudging or approving, of one's own will. One does not *choose* or *decide* or *elect*, in these cases, to move one's own body; rather one's body is moved for one, and there is no role whatever for one's will, whether resistant or acquiescent.⁶⁵

If one is compelled to act in a certain way, this can excuse moral responsibility, as Aristotle observed all those centuries ago. Another example that I think undermines Dennett's claim that we should only be concerned with 'capacity control' is Sophie's Choice. In William Styron's novel, Sophie, a Polish-Catholic survivor of a concentration camp, is confronted with a tragic choice that shapes the rest of her life. Upon arrival at the camp she is told that she must give either one or both of her children over to the camp doctor to be immediately gassed. Sophie decides to give up her younger daughter, in the hope that the older child will have more chance of survival in the camp.

Is Sophie morally responsible for the death of her child? She is wracked with guilt for the rest of her life until she finally decides to commit suicide. But from an outside perspective, do we find her guilty? Sophie's choice is a clear instance of

⁶⁵ Joel Feinberg, "Failures of Consent: Coercive Force," in *The Moral Limits of the Criminal Law* ed. Joel Feinberg (Oxford Scholarship Online: Oxford University Press, 1989), 190.

coercion, which Feinberg describes as the use of a threat backed up by credible evidence. In cases of coercion he writes,

You may choose X or you may choose Y, the coercer tells you, but you cannot choose the conjunction of X and Y. The coercer has closed the conjunctive option by forcibly manipulating your alternatives.⁶⁶

Sophie could choose to hand over one child or the other, but she could not choose to save them both. The coercer closed off this option. Wallace argues that in these cases the agent is not merely excused from moral responsibility but is exempt.⁶⁷ The agent cannot be considered a consenting, deliberating adult, which is a necessary condition to be held morally responsible, because of the threat that is held over their decision-making process. This is because the agent's powers of reflective self-control may well be impaired: 'One's ability to appreciate and focus on the moral reasons in favour of an obligatory course of action may be reduced (either in general, or for a limited period of time); or internal conditions of emotion and desire may render it difficult to translate one's moral choices effectively into action.'⁶⁸

Historically it has been argued that what matters in these cases is that the agent "could not have done otherwise". It is the lack of "alternate possibilities" that excuses the agent from responsibility, because if there are no other options available to the agent, they lacked "freedom" or "control".⁶⁹ Incompatibilists argue that if determinism is true, then we can *never* act otherwise, and so we can never be held morally responsible for anything that we do. However, Wallace argues that what matters in these kinds of cases is not the ability to do otherwise, but the fact that the agents have not actually done anything wrong.⁷⁰ What he means by this is that there is not a moral obligation that we would expect the

⁶⁶ "Failures of Consent: Coercive Force," in *The Moral Limits of the Criminal Law* ed. Joel Feinberg (Oxford Scholarship Online: Oxford University Press, 1989), 192.

⁶⁷ Wallace, *Responsibility and the Moral Sentiments*, 147.

⁶⁸ *Responsibility and the Moral Sentiments*, 160.

⁶⁹ Fischer, "Recent Work on Moral Responsibility," 99.

⁷⁰ I am favouring this approach over the principle of alternative possibilities (PAP) because I think it coheres well with Young's thoughts on moral responsibility, as I will demonstrate below. This means I am bypassing the rather enormous debate about PAP that has evolved from Harry Frankfurt's highly influential article Harry Frankfurt, "Alternate Possibilities and Moral Responsibility," *The Journal of Philosophy* 66, no. 23 (1969).

agent to fulfil that they have failed to fulfil or actively violated in some way. In the ice example, I have not deliberately harmed the cyclist thereby violating the duty of non-maleficence. In *Sophie's Choice*, Sophie did chose to give up one of her children to certain death, but under conditions that forced her to do so. The agents have not done anything wrong in these examples because there is a lack of *voluntariness*. Only if an agent voluntarily does something wrong do they *deserve* to be held morally responsible;⁷¹ only then is the ascription of moral responsibility fair. The agent must demonstrate a faulty 'quality of will.' Wallace calls this 'the principle of no blameworthiness without fault.'⁷²

Wallace broadens the scope of the excuses, arguing that there are four classes of excusing conditions. Firstly, *inadvertence, mistake or accident*. In these cases the agent does something of kind *x*, however it turns out that the agent does not know they were doing *x*.⁷³ This is important, because as Wallace argues, 'Intentions are sensitive to beliefs. To do something of a certain kind intentionally, one must know that one is doing something of that kind.'⁷⁴ For example, I go to the fridge to get a beer not knowing that I have stepped on someone's hand.⁷⁵ In this case, I am responsible for my movements towards the fridge, but stepping on a person's hand was not part of my intentional plan and I was not aware I was doing it: I was not doing something of the kind *x* that is knowingly wrong. Although, if it was obvious that there were lots of people sitting on the floor and I should have looked and treaded carefully when going to the fridge, my ignorance and lack of care may have been culpable. Recklessness can be a culpable quality of will, because it demonstrates a cavalier attitude to risk, and this is a choice controlled by reasons.⁷⁶ But if I have not been reckless, my inadvertent stepping on the hand would be excusable. As Wallace writes, an excuse of the first kind 'defeats a presumption that I did *x* intentionally, by showing that I did not know that I would be doing something of kind *x* at all when I chose to do whatever it was that turned out to be of kind *x*.'⁷⁷

⁷¹ For a rejection of the "desert thesis" see Scanlon, *What We Owe to Each Other*, 274-77.

⁷² Wallace, *Responsibility and the Moral Sentiments*, 135.

⁷³ *Responsibility and the Moral Sentiments*, 136.

⁷⁴ *Ibid.*

⁷⁵ *Responsibility and the Moral Sentiments*, 137.

⁷⁶ *Responsibility and the Moral Sentiments*, 138.

⁷⁷ *Responsibility and the Moral Sentiments*, 136.

The second class is *unintentional bodily movements*. In these cases, the agent does not actually *do* anything, in the sense of choosing to act.⁷⁸ Rather their body is compelled, for example by fainting. Alternatively, the body may move by way of reflex: being accosted by a swarm of bees. Bodily movements can occur while unconscious, such as sleepwalking into a neighbour's house. Or another agent can compel your body to do something, such as a crowd pushing you into another person. In these cases, the bodily movements do not result from an agent's deliberative choice.⁷⁹ However, unintentional bodily movements can also result from culpable negligence. Consider cases in which a driver with epilepsy fails to inform the relevant authorities about their condition and has a seizure at the wheel, killing pedestrians or other drivers.⁸⁰ As Dennett highlighted above, what we want is 'elbow room' within constraints, and we have to take precautions or 'meta-level control planning and activity' to maintain as much elbow room as possible.⁸¹ Persons with known medical conditions that can result in unintentional bodily movements may have obligations to control for these problems, such as not driving or taking medication correctly. If there were no precautions the agent could reasonably take, e.g. if they did not know they had a medical condition that might cause unintentional bodily movements, then they would ordinarily be excused from moral responsibility.

The third class is *physical constraint*. In these cases the agent cannot act in a morally appropriate way because of physical constraint.⁸² As Wallace argues, an omission can demonstrate a quality of will: you could choose to do x but decide to do something else instead, or you could be negligent or reckless in failing to take proper precautions.⁸³ But in cases of physical constraint 'one is physically constrained from moving one's body in the way that is necessary to fulfil the obligation.'⁸⁴ For example, I am supposed to meet my friend at the airport, but am stuck in an enormous traffic jam.⁸⁵

⁷⁸ Responsibility and the Moral Sentiments, 140.

⁷⁹ Ibid.

⁸⁰ BBC News, "Driver with Epilepsy Jailed over Death Crash," 18 November 2011; "Driver with Epilepsy Jailed for Thurrock M25 Death," 23 June 2011.

⁸¹ Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting*, 62.

⁸² Wallace, *Responsibility and the Moral Sentiments*, 141.

⁸³ Responsibility and the Moral Sentiments, 142.

⁸⁴ Responsibility and the Moral Sentiments, 141.

⁸⁵ Ibid.

The final class is *coercion, necessity and duress*. In these cases the agent does something morally wrong, but they do it because their options are constrained in such a way as to force them into making this choice. The act is intentional but it is done so as to avoid a threat.⁸⁶ The classic example is the bank teller handing over money to an armed thief.⁸⁷ In cases of coercion, Fischer and Ravizza argue that agents ‘are like marionettes and are not appropriate candidates for praise or blame. These factors issuing in behaviour are, intuitively, responsibility-undermining factors.’⁸⁸ These cases can be contrasted to those where ‘there is the “normal,” unimpaired operation of the human deliberative mechanism.’⁸⁹ As Wallace points out, these cases will be controversial, for instance it may be assumed morally permissible to steal a loaf of bread in order to prevent death by starvation, but would it be morally permissible to kill and eat another human?⁹⁰ In uncontroversial cases, he writes, ‘excuses of the fourth class function by showing that the agent’s action did not express a choice that violates our (considered) moral obligations. In these cases, doing *x* because of a choice to do *x*-rather-than-*y* is not really a case of doing anything morally impermissible at all.’⁹¹

In these cases of excuse, I would argue, the agent’s ‘capacity control’ is interfered with. In the first class of cases, the interference is caused by ignorance. In the second and third classes, it is due to lack of physical capacity for bodily control. In the fourth class, it is due to interference with the normal deliberative processes. In cases where we *exempt* individuals from moral responsibility, they lack the *general* capacity for control – they lack *knowledge* of what they are doing. But in cases where we *excuse* an agent that ordinarily does have the general capacity for control, we say that their capacity for control was *interfered with in those particular circumstances* – their act was not *voluntary*. We exempt agents who do not have the general capacity for control from moral responsibility, and we excuse agents who do not have the particular capacity for control from moral responsibility. On this

⁸⁶ Responsibility and the Moral Sentiments, 144.

⁸⁷ Responsibility and the Moral Sentiments, 143.

⁸⁸ Fischer and Ravizza, Responsibility and Control: A Theory of Moral Responsibility, 36.

⁸⁹ Ibid.

⁹⁰ Wallace, Responsibility and the Moral Sentiments, 145.

⁹¹ Ibid.

account of relational moral responsibility, then, knowledge and voluntariness are necessary conditions for blameworthiness.⁹²

As Wallace points out, agents who meet the excusing conditions may have exercised reflexive self-control on those occasions, but conditions such as physical constraint or reflex muscular movements ‘interfere with the fully *successful* exercise of the powers of reflective self-control, insofar as they may prevent the translation of an agent’s choices into actions.’⁹³ Where an agent is prevented from translating their choices into actions, the lack of voluntariness for their actions may potentially excuse them from moral responsibility.

3.2.4 *Young on Excuses and Moral Responsibility for Global Injustice*

Young argued that the conditions for moral responsibility on the liability model are voluntary causal connection to harm, with knowledge of the consequences. If these conditions are not met, then the agent is not blameworthy. I have shown that this view can be defended because there are conditions in which we excuse or exempt individuals from blameworthiness on the grounds that they did not know, could not know, or did not intend to cause harm. This helps us to contextualise Young’s arguments about individuals’ responsibilities for global injustice.

When Young argues that individuals are not morally responsible for global injustice, she is not arguing that they are exempt from responsibility. Rather, she is arguing that they are excused from responsibility. That is, these are agents that are candidates for moral responsibility – they have the capacity to reason and act on their reasons – but the conditions in which they act are such that they ought to be excused. Let’s look at the three reasons why she excuses individuals from moral responsibility for global injustice.

⁹² As acknowledged in footnote 43 of this chapter it may be too strong to suggest that voluntariness is a necessary condition for blameworthiness as culpable negligence may be grounds for blame; however owing to the complexity of this issue it is beyond the scope of this chapter to fully debate it here.

⁹³ *Responsibility and the Moral Sentiments*, 212.

Firstly, global injustices are not the intended outcomes of individuals' actions.⁹⁴ This lack of intention undermines the condition for blameworthiness. A consumer when purchasing an item from a sweatshop does not intend to perpetuate the exploitation of workers. A young couple buying a flat does not intend to contribute to an unjust property market that generates homelessness. Perhaps it could be argued that global injustices result from the recklessness of individuals – the failure to take precautions so that their actions do not cause harm to others. But this is not feasible in the context of the global capitalist economy when we usually have no idea how many processes are involved in the production of the goods and services we buy. How many precautions is it reasonable to ask an individual to take? Perhaps we could draw a line, but where would we draw it?

Secondly, individuals think they are doing the right thing when they follow accepted rules and norms.⁹⁵ It is not the case that the recent graduate who purchases a new suit for a job interview at Oxfam wants to exploit a child in a sweatshop; on the contrary, they think that by buying the suit and looking presentable in the job interview will give them the opportunity to combat injustice. By following the social convention of looking smart (usually considered the 'right' thing to do in a job interview), the graduate is inadvertently causing harm. Inadvertence is an excusing condition because the agent is not doing something of kind x , that we would ordinarily assume to be morally wrong.

Thirdly, individuals are objectively constrained by the system.⁹⁶ This excuse falls under the category of coercion, necessity or duress. And I think here it is helpful to separate these three forms of constraint. In terms of coercion, individuals may want to fight the system that perpetuates an injustice such as sweatshop labour, but oftentimes activists are arrested or imprisoned for taking direct action against corporations that use sweatshops. State coercion, in the form of the police, can directly prevent individuals from fighting injustice.⁹⁷ Duress, if understood as lesser than coercion, in the sense that coercion requires threat by an agent(s)⁹⁸,

⁹⁴ Young, *Responsibility for Justice*, 107.

⁹⁵ *Responsibility for Justice*.

⁹⁶ *Responsibility for Justice*, 108.

⁹⁷ *Inclusion and Democracy* (Oxford: Oxford University Press, 2002).

⁹⁸ Wallace, *Responsibility and the Moral Sentiments*, 146.

operates within society in the sense that individuals must conform to certain standards, e.g. working a certain number of hours in order to have enough money to make ends meet, not ‘rocking the boat’ at work in order to keep their job etc. In terms of necessity, the graduate may not want to buy the suit from a company that uses sweatshops, but if they want the job they have to look a certain way. The graduate will probably have limited funds to buy a suit, and like everybody else, needs a job in order to earn money just to survive. There are forms of participation in unjust processes that seem ‘necessary’ for participation in our current socio-economic system.

While Young thinks of these as three separate excuses, the excusing conditions from moral responsibility for global injustice can be better understood in the framework I have developed here. Individuals are excused from moral responsibility for global injustice because they do not *intend* to reproduce unjust structural processes, thereby undermining the voluntariness condition for blameworthiness (Wallace’s principle of “no blameworthiness without fault”). This lack of intent can be *demonstrated* by meeting either the excusing condition of inadvertence, or of coercion, duress or necessity. Wallace argued that the presence of either of these excusing conditions would be sufficient to excuse an individual of moral responsibility. Either excuse is sufficient to demonstrate lack of intent, which is necessary to avoid blameworthiness.⁹⁹

For Young, moral responsibility requires causal connection to harm, knowledge and voluntariness. These three conditions are necessary for blameworthiness. Ordinary individuals are not exempt from moral responsibility – they have the capacity to reason and to act according to those reasons – so they meet the knowledge condition. Rather, Young argues that they are excused because they do not meet the voluntariness condition. If it can be shown that an agent did not voluntarily cause harm, they can be excused from moral responsibility. In the case of global injustices, individuals may demonstrate lack of voluntariness on the grounds of these two excusing conditions. Inadvertently contributing to the perpetuation of unjust economic processes means that the agent is not doing

⁹⁹ As acknowledged above, blameworthiness may be traced to an earlier act in cases of culpable negligence. This problematizes the voluntariness condition in that the faulty behavior might have occurred earlier. This is the problem of tracing which I have not dealt with here.

something of kind x that we consider to be morally wrong.¹⁰⁰ External constraints, or what Young calls “objective constraint”, mean that agents may be forced due to coercion, duress or necessity into participation.¹⁰¹ These excuses do not exculpate individuals from all forms of responsibility – their connection to the unjust processes generates political responsibility – but they can excuse individuals from moral responsibility.

There is a potential flaw in this line of reasoning, however, which has been highlighted by Arendt’s work on Eichmann. Consider that Eichmann claimed he was not anti-Semitic and he did not *want* to kill Jews. It seems that Eichmann lacks the relevant ‘quality of will’ that is necessary on this account to be found morally responsible. Indeed, in the trial it was difficult to prove that Eichmann displayed *mens rea*, which was necessary in order to find him criminally responsible.¹⁰² So now we find ourselves in hot water, because we want to find Eichmann morally responsible for his acts but it appears to not be possible on this account of moral responsibility. It is for this reason that Arendt argues we should not bother worrying about an agent’s quality of will when they acted; all that matters is what they *did*.¹⁰³

I think, however, the Youngian account of moral responsibility can be rescued from Arendt’s powerful objection. Consider first that Eichmann certainly does not meet the exempting conditions for moral responsibility: he was a normal adult with fully functioning mental capacities, as confirmed by several psychiatrists.¹⁰⁴ So Eichmann cannot be *exempted* from moral responsibility. Can he be excused?

¹⁰⁰ As suggested above, one could make the lesser claim that individuals are reckless in failing to take the relevant precautions to avoid perpetuating unjust structural processes, so the fault can be traced to earlier blameworthy behaviour. But I suggested that is difficult to sustain given the complexity of structural injustice in the global capitalist economy, which raises the problem of where to draw the line in terms of how many precautions individuals should take and what the content of those precautions would be. Perhaps these are not insurmountable problems, but they require significant research in themselves that I cannot undertake here.

¹⁰¹ Individuals are not excused from moral responsibility on the principle of alternate possibilities – that they cannot act otherwise – but because if either of these excusing conditions is present, it suggests that agents are not intentionally doing anything morally wrong.

¹⁰² Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Fifth ed. (London: Penguin Books, 2006), 17.

¹⁰³ “Collective Responsibility,” in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. James W. Bernauer (Dordrecht: Martinus Nijhoff Publishers, 1987), 44.

¹⁰⁴ *Eichmann in Jerusalem: A Report on the Banality of Evil*, 25.

Eichmann claimed that he did not *intend* to cause the suffering and deaths of millions of victims in the Holocaust. Does this claim undermine the necessary condition for blameworthiness? If Eichmann's supposed lack of intention could be backed up by one of the excusing conditions then possibly it would. The first kind of excusing condition is inadvertence, mistake or accident. Eichmann did not organise transportation to concentration camps inadvertently, by mistake or by accident; rather it was a methodical, highly organised process that extended over many years, so this excuse is not open to him. The second is unintentional bodily movements. Again, as his work was methodical and long-term, it cannot be explained by momentary physical incapacity. The third excuse is physical constraint. Eichmann was not physically constrained in any way or physically forced into carrying out his work.

The final excuse that might prove lack of intent is the class of coercion, necessity or duress. This may plausibly seem available to Eichmann. He argued, for example, that he had to do what he did. But we know this to be false. As Arendt argued, there was not a single case in which a member of the SS who refused to take part in an execution was himself executed.¹⁰⁵ Eichmann was able to ask for a transfer to a different job or department. There was never a threat of death or physical harm to Eichmann. And as he could simply have transferred to another 'well-paying job' there is no excuse from necessity.¹⁰⁶

Arendt's objection to our interest in the quality of an agent's will seems powerful. However, as I have been arguing it does seem that in ordinary circumstances, we are interested in whether someone *meant* to cause harm or not. We care about whether or not an individual can be exempted or excused for what they did. Eichmann may have claimed to not intend what he did, but on closer inspection this claim seems utterly disingenuous. None of the excusing conditions are available to him and so we can reject his claim to be excused. Thus, this Youngian approach to moral responsibility that I have constructed still stands.

On my Youngian definition of relational moral responsibility, if an agent, who has the *capacity* to form beliefs about the world and to act on those beliefs, has a range

¹⁰⁵ Eichmann in Jerusalem: A Report on the Banality of Evil, 91.

¹⁰⁶ Eichmann in Jerusalem: A Report on the Banality of Evil, 92.

of epistemic possibilities available and chooses the blameworthy option, then they are blameworthy. An agent can be exempted from moral responsibility if they do not have capacity in the two senses described; if they do not *know* what they are doing. An agent can be excused from moral responsibility on the basis of lack of knowledge about the consequences of their acts, physical incapacity, or interference with their normal deliberative processes; in these cases they did not meet the condition of *voluntariness*.

Doubtless there are many objections to such a construction of moral responsibility and the ways in which it can excuse individuals of moral responsibility for global injustice. In particular, it may be objected that demonstrating individuals' lack of intent to perpetuate global structural injustice because they contribute inadvertently, or out of coercion, duress or necessity, is letting ordinary individuals off the hook too easily. Also, more investigation is required into whether either excuse is really sufficient in itself to demonstrate lack of intent and thus to excuse moral responsibility.¹⁰⁷ However, I think this reconstruction of Young's account of moral responsibility will suffice for our purposes in that it coheres well with Young's sketchy view of moral responsibility, as requiring causal connection to harm, voluntariness and sufficient knowledge, while cashing it out in more detail and situating it within the existing literature. I want, however, to make one further step in the argument. Within reasons-responsive accounts of moral responsibility there is a contemporary debate over the question of whether moral responsibility can be attributed to an agent's character, or is a form of accountability for what they have done. I want to suggest that, from a Youngian perspective, moral responsibility should be understood as accountability for an act or omission, rather than as attributability. This is important for understanding Young's account, I suggest, because attributivist views collapse the distinction between relational moral responsibility and moral responsibility as virtue.

¹⁰⁷ I have also raised an additional problem in footnotes 43, 93 and 100 as to whether voluntariness can in fact be considered a necessary condition for blameworthiness, given that in cases of culpable negligence the fault can be traced to an earlier act or omission. This problem of 'tracing' requires a separate and thorough conceptual analysis of its own; as such I decided merely to raise this problem here but not to engage with it, as it is beyond the scope of this chapter. I acknowledge, however, that further development of the Youngian conception of moral responsibility will require engagement with this problem.

3.3 Accountability

Bovens writes that, ‘The term ‘to be responsible’ suggests, both in its Germanic as in its Romance origin, the notion of giving an answer, *respondere*.’¹⁰⁸ It is not a request for information, ‘but an answer in the sense of giving account, justifying oneself, or defending oneself against an accusation.’¹⁰⁹ Graham Haydon argues similarly, that ‘the root notion is that of answering, in the sense of rebutting charges... to be responsible is to be, *in one way or another*, in a position to give an account of one’s conduct.’¹¹⁰

This sense of responsibility as accountability, however, has been forcefully challenged in recent years. Gary Watson argues that there are two kinds of reasons-responsive accounts of moral responsibility: accountability and attributivism.¹¹¹ Attributivists have a deeper understanding of moral responsibility. Rather than requiring that an agent give an account of what they did, agents are morally responsible for acts or states of mind that can be attributed to that agent, in the sense that it reflects something about their character. An agent’s acts reflect their deeply held attitudes and beliefs, and so an agent’s wrongful act can be attributed to the agent’s character. And it is not merely voluntary actions that determine moral responsibility, but an agent can be held morally responsible for non-voluntary states of mind such as beliefs and attitudes. The reason is that, in the way that our actions are responsive to reasons, so too are attitudes and beliefs. If attitudes and beliefs are morally objectionable, and they could be changed if the agent reflected on them, then the agent is morally responsible for those beliefs. As Angela Smith puts it, attributivists ‘attempt to ground an agent’s responsibility for her actions and attitudes in the fact (when it is a fact) that they express *who she is* as a moral agent.’¹¹²

The Youngian account of moral responsibility that I have developed here is clearly on the accountability side of this debate. Agents only have to answer for

¹⁰⁸ Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*, 23.

¹⁰⁹ *Ibid.*

¹¹⁰ Graham Haydon, "On Being Responsible," *The Philosophical Quarterly* 28, no. 110 (1978): 55.

¹¹¹ Gary Watson, "Two Faces of Responsibility," *Philosophical Topics* 24, no. 2 (1996).

¹¹² Angela M. Smith, "Control, Responsibility, and Moral Assessment," *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 138, no. 3 (2008): 368.

acts that have caused harm, which they did intentionally and with knowledge of what they were doing. But a discussion of this debate, I think, will help to clarify her views on moral responsibility more fully. Specifically, attributivists collapse the distinction between the ‘bad’ and the ‘blameworthy’ and in so doing they collapse the distinction between relational moral responsibility and moral responsibility as virtue, which is integral to Young’s account.

3.3.1 *Bad and Blameworthy*

One of the objections to attributivism is that it collapses the distinction between “bad” and “blameworthy”. Neil Levy describes this problem as follows:

That people’s actions are typically expressions of their judgments and commitments ought to be common ground. Equally, we ought to agree that some of these attitudes are bad – contemptible, abhorrent, malevolent and so on – and others good. But it neither is, nor ought to be, common ground that we are responsible for everything that can be attributed to us. There is, after all, a natural alternative. We can hold that assessment of attitudes is simply that: the attribution of qualities to the agent that are good or bad, admirable or repugnant. After all, *prima facie* there ought to be conceptual space for such assessment. We ought to be able to say that something is *bad* without saying that it is *blameworthy*.¹¹³

On this view, we can describe people as “bad” without considering them to be “blameworthy”. The idea is that there can be criticism without blame. J.J.C. Smart describes this as ‘grading.’ In the same way that we grade a footballer’s abilities, we can grade an individual’s moral attributes. He writes that, ‘Praise and dispraise, in this sense, is simply grading a person as good or bad in some way.’¹¹⁴ Michael Slote argues that in the same way that we might criticize a painting for not being very good, which does not imply any moral fault, we can criticize a person without implying that they are blameworthy.¹¹⁵

¹¹³ Neil Levy, "The Good, the Bad and the Blameworthy," *Journal of Ethics and Social Philosophy* 1, no. 2 (2005): 5.

¹¹⁴ J. J. C. Smart, "Free-Will, Praise and Blame," *Mind* 70, no. 279 (1961): 303.

¹¹⁵ Michael Slote, *From Morality to Virtue* (Oxford: Oxford University Press, 1995), 120-24.

T.M. Scanlon, however, thinks that this view denies the fact that moral criticism has a ‘special force.’¹¹⁶ He claims that his account of moral responsibility as attributability can account for this special force by doing two things. Firstly, it differs from an assessment of a person’s personal attributes by questioning their ‘judgement-sensitive attitudes and calls for possible revision of them.’¹¹⁷ And secondly, ‘moral criticism differs from other criticism of judgment-sensitive attitudes because of the particular significance that this form of justifiability has for an agent’s relations with others.’¹¹⁸ And so, what matters is that a person’s attitudes and beliefs are sensitive to reasoning, and if those beliefs impinge negatively upon their relations with others, we blame them in order to persuade the agent to change their attitudes and beliefs.

Wallace argues, however, that there is more to moral blame than the connection between a person’s views and the fact that these are open to reasoning. This is because an individual’s aesthetic or scientific views are also open to reasons, and criticism might influence a person to change those views.¹¹⁹ He writes that,

criticism of a person’s opinions in terms of reasons is normally very different from moral blame for a person’s *action* and *decisions*... the difference seems to consist in the fact that moral blame has a quality of opprobrium that is lacking in criticism of beliefs or opinions. Hence we cannot hope to account for this special force solely in terms of the connection of moral blame and responsibility with justification.¹²⁰

Wallace is arguing that moral responsibility only manifests itself in relation to acts and decisions, and that the connection between moral views and justification cannot account for the special force of moral blame because there is a connection between other types of views and justification. What Wallace misses in this criticism is Scanlon’s second point – that moral justification applies to beliefs and attitudes that affect relations with others. However, I would argue that Scanlon’s

¹¹⁶ Scanlon, *What We Owe to Each Other*, 287.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ Wallace, *Responsibility and the Moral Sentiments*, 80.

¹²⁰ *Responsibility and the Moral Sentiments*, 80-81, my emphasis.

second point still does not hold, because a person's scientific or aesthetic judgments can affect their relations with others too; for instance, a person may believe that climate change has not been sufficiently scientifically proven or may believe that all non-European art is necessarily aesthetically inferior. These views, considered as scientific or aesthetic, may well affect relations with others in potentially significant ways. And so it cannot be that *moral* judgment-sensitive attitudes affect relations with others and that is what gives them their special force, when other kinds of judgment-sensitive attitudes (scientific or aesthetic) can affect relations with others too. The facts of justification and affecting relations with others, then, do not lend moral views their special force.

Smith thinks that Wallace's association of moral responsibility and blame with actions is misguided, and that Scanlon is right – we can be blamed for anything for which a justification is owed, including beliefs and attitudes. Smith's concern is that considering a person to be “bad” but not “blameworthy” is to somehow objectify that agent, to treat them as a thing to be managed and controlled. She writes, that if I assess an otherwise normal adult as “cruel”,

I am (in part) making a demand of him, a demand that he justify the objectionable judgments his actions and attitudes express concerning the moral status of others. This demand *by its very nature* implies responsibility, for it is directed at his judgmental activity, activity for which we must regard him as responsible if we are to regard him as a moral agent in any sense. To say that a person's judgmental activity is bad but that he is not responsible for it is, in effect, to say that he is not to be regarded as someone to be reasoned with, but merely as someone to be understood, treated, managed, or controlled.¹²¹

I have the opposite worry to Smith. She is concerned that saying an agent has done something bad but that they are not blameworthy is to treat them as an object rather than a moral agent. However, we also have circumstances in which “good people do bad things”. We might want to say that what an agent did was wrong and blameworthy, and that they ought to be held to account for it, but they

¹²¹ Smith, "Control, Responsibility, and Moral Assessment," 388.

are not *necessarily* a bad person. For example, are all soldiers blameworthy people or do they do blameworthy acts (e.g. killing people) as part of their role? Conceivably a soldier could act out of honourable motives (wanting to facilitate peace by ousting corrupt and brutal dictators, for instance), whilst doing blameworthy acts to achieve that goal (killing other humans).

The attributivist view is too strong. If someone does something morally wrong as part of their job, it would not necessarily be indicative of their character. A “good person” might do “bad things” because of the role they are in. There are many “bad” roles in the world but they are not necessarily filled by “bad” people. This is how a non-bad person can carry out a blameworthy act, which is why the distinction between being bad and blameworthy is a useful one. It might indicate weakness of will to be doing such a job, but that is a different kind of flaw to the moral fault being attributed to that person. It may be that the agent can be *excused* for taking that role; for instance, they may have taken it out of necessity if there are no other jobs available to them. We would still want to hold the agent accountable for particular wrongful acts or omissions committed within that role, however. So making the distinction between bad and blameworthy is not about seeing someone as needing to be ‘treated, managed or controlled’, but about understanding the context and circumstances of the act; understanding that the person is not necessarily of a blameworthy character because of what they did.

Another reason for maintaining this distinction is that the blameworthiness of a person’s character is a different question as to whether or not the agent did blameworthy acts. This problem can be brought out in the comments of another attributivist, Robert Adams. He rejects the view that ignorance is culpable only if it arises from negligence, e.g. a graduate of Sandhurst or West Point who did not realise the duty to non-combatants as humans would be negligent, but an officer brought up on Hitler’s *Jugend* would not be.¹²² He thinks this view is wrong for the following reason:

The beliefs ascribed to the graduate of the Hitler *Jugend* are heinous, and it is morally reprehensible to hold them (even if one has no opportunity to

¹²² Robert Adams, "Involuntary Sins," *The philosophical Review* 94, no. 1 (1985): 19.

act on them). No matter how he came by them, his evil beliefs are a part of who he is, morally, and make him a fitting object of reproach. He may also be a victim of his education; and if he is, that gives him a particular claim to be regarded and treated with mercy – but not an exemption from blame.¹²³

This directly contradicts what Arendt has to say about moral responsibility. Arendt was not interested in who an individual was as a person – she was interested in what they *did*. Whether or not it is expressive of a person's character is not pertinent to the question of whether or not they are morally responsible for that act. This gets to the heart of Arendt's point that an ordinary German citizen during the Nazi era bore a different *kind* of responsibility to someone like Eichmann. Consider this: do we really want to argue that a German citizen, who internalized Nazi anti-Semitic attitudes but who did not actually harm any Jews, was morally responsible *in the same way* as Eichmann, a person whose acts facilitated the murder of millions of Jews? We might think that the anti-Semitic German citizen was a *bad* person, but we think that Eichmann was *blameworthy*.

As Levy has pointed out, this distinction is fundamental and is lost in the attributability account of moral responsibility. What was wrong with the German citizen's attitudes, according to Arendt, was that it contributed to an environment that made the evil acts of others possible, but as that person did not commit evil acts themselves, then the attribution of moral responsibility to that person is unjustified. What kind of responsibility that individual bears is a different question to the one of what constitutes moral responsibility. Relational moral responsibility applies to what someone *did*, and so it is Eichmann and others like him, not ordinary Germans, who were morally responsible for the crimes of the Holocaust. The German soldier, in Adams' case, is probably both "bad" and "blameworthy" – bad in the sense of having a poor character, and blameworthy in the sense of acting on it. However it is not his character that makes him blameworthy, but his acts.

¹²³ Ibid.

The motivation for Arendt's argument that moral responsibility applies to what a person actually did, is to undermine the excuse "I was just doing my job." The attributivist view cannot give a good account of this problematic. Here the agent is arguing, "I'm not a bad person, but I did something blameworthy as part of my job, for which I should not be held responsible." Arendt is arguing that the agent is accountable for that wrongdoing, regardless of whether or not it was committed as part of the agent's job. But as for the question of whether or not that agent is a "bad" person, she does not care. That is not what we are interested in when assessing whether an agent bears relational moral responsibility for an act, but it is something on which the agent can reflect on in private.

3.3.2 Two Concepts of Moral Responsibility

Young picks up on this idea by agreeing that we should only hold agents responsible (in the sense of being accountable) for their blameworthy acts and omissions. The question of being a "bad" person is separate. However, this brings us full circle to the start of this chapter, when I argued that there are two concepts of moral responsibility in Young's account – relational moral responsibility and moral responsibility as virtue. Attributivists not only collapse the distinction between the bad and the blameworthy, but they also collapse the distinction between relational moral responsibility (accountability for harm to others) and moral responsibility as virtue (character).

This distinction is crucial to Young's account. Consider one aspect of Young's distinction between moral responsibility and political responsibility: that moral responsibility is 'backward-looking' and political responsibility is 'forward-looking.' For attributivists, moral responsibility is forward-looking. The aim in holding someone morally responsible for their attitudes or beliefs is to get them to change them. On the accountability view, which Young adopts, moral responsibility is backward-looking. The aim is to be held to account, which may include the further step of being made to pay or being punished, for something that has happened.

As Bovens argues, however, if we accept that there are two forms of moral responsibility – accountability and virtue – then the relationship between the two is dynamic. Accountability can be reformist; it goes hand-in-hand with moral responsibility as virtue, because it encourages the cultivation of virtue in the future.¹²⁴ In the Nuremberg trials, new norms were created in terms of functionaries having to take responsibility for their wrongdoings within complex organisations instead of citing the excuse “I was just doing my job.” In the process of holding individuals to account for past acts:

Active notions of responsibility are thus created, made explicit, or discarded in the process of calling someone to account. These notions, however, also cast their shadows ahead, they set the norms for future conduct and can thus play an independent role in the control of conduct. The knowledge (or probability) that we shall be held to account for things that go wrong often forces us to seek new ways of preventing such a situation from arising.¹²⁵

Recall that Young argues that moral and legal responsibility are “primarily backward-looking”. She acknowledges the forward-looking elements (e.g. deterrence and reform) but she is *describing* the fact that they are primarily backward-looking, which on the accountability view of moral responsibility is true. The forward-looking/backward-looking distinction is not a sharp normative dichotomy, but a description of how these practices function and interact with each other. This claim can be made sense of once we understand the two forms of moral responsibility as accountability (primarily backward-looking) impacting on moral responsibility as virtue (forward-looking).

The attributivist can respond that it is the virtue notion that is core to moral responsibility, in the sense that it is a protection against blameworthy behaviour. Adams writes,

¹²⁴ Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*, 38.

¹²⁵ *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations*, 39.

The ever present possibility of internal conflict is not only a vexation and a potential hindrance to resolute action; it is also a wellspring of vitality and sensitivity, and a check against one-sidedness and fanaticism.¹²⁶

As Arendt argues, however, this is not pertinent to relational moral responsibility and what individuals ought to be held accountable for. What matters for relational moral responsibility is how our voluntary acts affect others. Internal conflict is pertinent to the question of virtuous character, which is not within the realm of appropriate moral criticism by others. And as we have already seen, Young agrees with Arendt on this, when she writes:

Responsibility in that liability sense should be reserved for persons who can be specifically identified as causing the harm, usually knowing what they are doing. I think Arendt is right that it is a bad idea to blur the conditions for saying that persons are guilty or at fault. It is often important to pin a wrong on someone who did something or was in the unique position to have prevented it.¹²⁷

There is a further concern here in collapsing relational and virtue moral responsibility. Adams argues further, ‘We ought not only to *try* to have good motives and other good states of mind rather than bad ones; we ought to *have* good ones and not bad ones.’¹²⁸ So if we do not have good states of mind, we are blameworthy. However, who is the judge of what constitutes a good or bad state of mind? Consider, for example, that for centuries in the UK homosexuality was outlawed and considered to be a “bad” thing. If homosexuality was considered to be bad by society, a homosexual person, even if they did not act on their desires, would have been considered blameworthy on this view. A retort could be that homosexuality is like height or hair colour – something outside the realm of judgment-sensitive attitudes.¹²⁹ But this was not the prevailing view; it was considered to be something that could be reflected on and changed, and indeed in

¹²⁶ Adams, "Involuntary Sins," 11.

¹²⁷ Responsibility For Justice, p.104

¹²⁸ Adams, "Involuntary Sins," 12.

¹²⁹ See Smith's comments on the difference between being called “ugly” and “selfish”; the latter implies there is something wrong with the moral agent, whereas the former does not warrant justification. Smith, "Control, Responsibility, and Moral Assessment," 381.

some parts of the world still is considered that way. The accountability view has better resources here; it can simply say that unless a blameworthy act was committed (something that was actually wrong) then the individual is not blameworthy. In short, the attributivist approach is too contingent on social context; it can render people blameworthy when their only fault is to have some sort of disposition that is considered to be bad by that particular society.

Young's understanding of virtue is other-regarding. So can we *blame* each other on her view for having a certain character? Let's consider a harder case, where the attributivist view of moral responsibility seems appealing, and one which Young would be sensitive to – a misogynist in a misogynistic society. We might find the misogynist's belief that women are second-class citizens, objects for his amusement, and objects of justifiable hatred, contemptible. We might think he is a "bad person". But on this accountability view, that I am proposing is Young's view of moral responsibility, it is only when the misogynist acts on these views is he blameworthy. Say, for example, the misogynist is an employer who consistently hires men over women, or that he commits rape. In these instances, we can say that he has actually done something wrong and is morally responsible, and therefore he ought to be held to account.

Even though the misogynist's beliefs are embedded in a wider misogynistic society, the attributivist can say that the misogynist's views themselves are blameworthy. This seems appealing from a feminist perspective. Do not we want to be able to say that his views are blameworthy, despite the fact that they are characteristic of the society he lives in, and even if he fails to act on them? Young's approach has the resources to deal with this objection. On Young's view, individuals bear a political responsibility to ensure that their actions and *attitudes* are such so as not to perpetuate injustice in society. So, while the misogynist is only morally responsible, i.e. guilty and blameworthy, when he commits a harmful act; he is failing in his political responsibility for justice when he holds these kinds of beliefs. The politically responsible person would reflect on their attitudes and beliefs, and on how these reflect and affect wider society, and change those beliefs should they be perpetuating injustice. An individual who adopts and accepts their moral responsibility as virtue, as political responsibility to

the world around them, would reflect on these views and change them once they realise that they contribute to structural injustice in the form of gender inequality.

The misogynist is not morally responsible for his beliefs; he should not be blamed because he has not acted on them, and his views are indicative of the society he lives in as much as his character. But he can be criticised. Political responsibility, remember, is a form of moral responsibility as virtue and it is non-blameworthy. We can, however, have criticism without blame.¹³⁰ We can criticize the misogynist's beliefs, arguing that they are reprehensible; this criticism, however, falls short of blame, which should be reserved for cases where he has actually done something wrong. Moreover, political responsibility has a social element. Criticising and holding one another to account when we have done something wrong, is one way to discharge political responsibility and to generate recognition of it in others. Taking up political responsibility is a social process and part of that process involves enjoining others to recognise their responsibilities. We can criticize others until they begin to understand that they have this responsibility. As Young argues, we have 'a right and an obligation to criticize the others with whom we share responsibility.'¹³¹

In sum, relational moral responsibility on the Youngian approach ought to be interpreted as accountability for past wrongful acts or omissions, which were committed with knowledge and voluntariness. The agent has to give an account of what they did, and if no exemptions or excuses are available, the agent is blameworthy and morally responsible. The Youngian approach resists the attributivist challenge, which argues that non-voluntary states of mind are blameworthy and that a wrongful act is indicative of a blameworthy character, because this cannot account for how otherwise 'good' people can do blameworthy acts as part of their job. It also is too contingent on social circumstances, with the potential to blame individuals for states of mind that are not blameworthy. Rather, on the Youngian approach, there is a separate category – moral responsibility as virtue – which as a political responsibility enjoins individuals to constantly reflect on how their actions and views affect wider society. This active form of responsibility can be encouraged by holding people to account for their

¹³⁰ Young, *Responsibility for Justice*, 165.

¹³¹ *Responsibility for Justice*, 144.

blameworthy acts. It can also be fostered by criticising, but not blaming, those who hold views that are disrespectful of others. This distinction between the two concepts of moral responsibility is fundamental to Young's approach.

3.4 Conclusion

In this chapter I have attempted to flesh out and, to some extent, construct a Youngian account of moral responsibility. I argued firstly that Young acknowledges two types of moral responsibility – relational moral responsibility and moral responsibility as virtue. I then focused on relational moral responsibility. I have argued that Young's comments on moral responsibility imply that she favours a normative reasons-responsive account of moral responsibility. This implies firstly, that for an agent to be a suitable candidate for ascriptions of praise and blame that they must have the capacity to form beliefs about the world and make decisions on the basis of those beliefs. Secondly, an agent can be excused from moral responsibility if they meet certain excusing conditions which imply that they did not actually do anything wrong. If the agent acted through accident, mistake or inadvertence; if the agent acted as a result of reflex bodily movements; if the agent omitted to act because of physical restraint; or if the agent acted under coercion, duress or necessity, then the agent can be excused from blame. I showed how these excusing conditions apply to individuals acting in the context of the global capitalist economy. Finally, I argued that relational moral responsibility should be understood as accountability rather than attributability, because we want to maintain both the distinction between the bad and the blameworthy, and the distinction between backward-looking moral responsibility as accountability and forward-looking moral responsibility as virtue.

What we can conclude from this is that Young's "liability model" of responsibility seems to adopt a traditional version of what it is to do something wrong (the need for intent to violate some sort of moral expectation) and thus for an agent to be an appropriate candidate for an ascription of blame. From this starting point evolves a traditional Aristotelian account of the appropriate conditions for praise and blame: lack of voluntariness in doing something wrong can excuse the agent from moral responsibility. This traditional understanding of moral responsibility

is perhaps surprising given Young's status as a critical theorist. But I think what Young is arguing is that this Aristotelian story plays a significant role in our everyday moral lives. As a critical theorist, Young starts from what *is*, in order to theorize what *could be* from this starting point.¹³² The view of moral responsibility outlined here is the dominant one in contemporary Western societies; it is a common-sense understanding of moral responsibility.

It is, however, only one part of a much bigger picture. In this bigger picture we contribute to the harming of social groups, or masses of distant people, or to the background harm that disadvantages certain people and privileges others; but we contribute unintentionally and in a causally indirect or negligible way. Nonetheless, we are somehow connected to and involved in this harm. As Young writes,

If social philosophy assumes that intended and deliberate action is the primary focus of moral judgment, it risks ignoring or even excusing some of the most important sources of oppression. Only moral judgment that extends to habitual interaction, bodily reactions, unthinking speech, feelings, and symbolic associations can capture much about such oppression.¹³³

However, the lack of direct causal connection, knowledge of what we are doing, and lack of intent, means that holding each other blameworthy or accountable for this kind of harm is inappropriate. This does not deny the fact that there is harm that needs to be acknowledged and remedied; rather, it shows that the common-sense framework is not equipped to deal with forms of harm or oppression that arise through unintentional actions or attitudes. And so, it is essential to create a supplementary framework that can deal with these kinds of harm. That is what Young seeks to achieve with her "social connection model" of responsibility and the political responsibility that it generates. She distinguishes between blaming and holding responsible. She writes,

¹³² *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 5.

¹³³ *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 150.

It is inappropriate to blame people for actions they are unaware of and do not intend. People and institutions nevertheless can and should be held responsible for unconscious and unintended behaviour, actions, or attitudes that contribute to oppression... Calling on agents to take responsibility for their actions, habits, feelings, attitudes, images, and associations... is forward-looking; it asks the persons “from here on out” to submit such unconscious behaviour to reflection, to work to change habits and attitudes.¹³⁴

And so we arrive at Young’s conception of political responsibility – a forward-looking responsibility to think about how one’s actions, attitudes and habits can contribute to structural injustice and to engage in collective action for change. In the next chapter I question Young’s assumption that political responsibility applies to all agents within unjust structures and argue that powerful agents may in fact bear relational moral responsibility on the liability model for structural injustice.

¹³⁴ Justice and the Politics of Difference, 151.

Chapter 4 Moral Responsibility, Power and the “Parameters of Reasoning”

In the previous chapter I argued that there are two conceptions of moral responsibility in Young’s theory – relational moral responsibility (the appropriate conditions for praise and blame) and moral responsibility as virtue (being a morally responsible person). I have suggested that political responsibility is a form of moral responsibility as virtue. In the context of the contemporary world where individuals are embedded in multiple forms of what Young calls “structural injustice”, such as sweatshop labour or extreme poverty, we can excuse individuals of relational moral responsibility on the grounds that they are inadvertently, unintentionally or unavoidably connected to these structural processes. However this does not let individuals off the hook. To be morally responsible in the virtue sense, individuals ought to cultivate a sense of political responsibility; individuals ought to be politically responsible persons who engage in collective action to challenge unjust structural processes.

I suggested that Young is a determinist about moral responsibility to some extent. This is because one reason why Young argues that individuals are not morally responsible for global injustice is that individuals are “objectively constrained” within structures. Young argues that *all* agents within structural processes are objectively constrained and so do not bear moral responsibility for the structures. She has been criticised for this argument, on the grounds that it not only lets *individuals* off the hook of moral responsibility,¹ but also *powerful* agents within structures, such as multinational or transnational corporations (MNCs/TNCs).² In this chapter, I take up this critique.

¹ Martha C. Nussbaum, "Foreward," in *Responsibility for Justice*, ed. Iris Marion Young (Oxford: Oxford University Press, 2011), xxi.

² Carol C. Gould, "Varieties of Global Responsibility: Social Connection, Human Rights, and Transnational Solidarity," in *Dancing with Iris: The Philosophy of Iris Marion Young*, ed. Ann Ferguson and Mechthild Nagel (Oxford: Oxford University Press, 2009), 206.

I critique Young by arguing that powerful agents – agents with the capacity to effect structural change – can bear relational moral responsibility on the liability model for failing to do so. I show this through a conceptual analysis of power. I briefly sketch Young’s understanding of structural injustice, then I analyse Young’s use of the term “power”, and I develop an account of the role of powerful agents within structures. Drawing on the conception of relational moral responsibility that I developed in Chapter 3, I claim that powerful agents with dispositional capacity within structures have the “elbow room” to be able to make choices that affect the structures, and if they actively and with intent and knowledge choose to perpetuate unjust structural processes, they are doing something wrong. Thus, these agents can bear relational moral responsibility for structural processes on the liability model – they are blameworthy.

My argument departs from Young, because she argues that power ought to be a “parameter of reasoning” to help individuals decide how to discharge their political responsibility. On my account, power can change the *kind* and not merely the degree of an agents’ responsibility for structural injustice. However, I defend and develop Young’s other “parameters of reasoning” – collective ability, privilege and interest. I do this by critically engaging with the literature on each of these topics.

In the literature on collective ability, Virginia Held and Larry May argue that if individuals could become collectively organised in relation to an injustice then they bear *moral* responsibility for that injustice; meaning that they are blameworthy if they fail to organise. I distinguish collective ability from dispositional power, arguing that agents with collective ability have the capacity to *influence* powerful actors to change structural processes, but that they themselves do not have the dispositional power to effect structural change. It is this difference that means agents with collective ability bear political responsibility for structural injustice; they bear a responsibility to try to change it but they are not blameworthy.

In the literature on benefit, Robert Goodin and Christian Barry, and Daniel Butt, argue that individuals who benefit from injustice bear a *moral* responsibility to remedy it or to compensate the victims, and are blameworthy if they fail to do so.

I argue that privileged agents bear political responsibility for injustice in that they do not have the dispositional power to effect structural change. The fact that privileged agents benefit from certain structural injustices provides a decision method for determining which injustice to focus on, rather than conferring blameworthiness on these agents.

Finally, the victims are agents that are positioned so as to be powerless in relation to structural injustice and they do not benefit from structural injustice; to the contrary, they are disadvantaged. It is usually assumed that victims bear no responsibility for injustice. I argue, in support of Young, that they bear political responsibility to collectively organize in relation to structural injustice. I draw on literature from what Angela Davis calls ‘The Black Freedom Movement.’³ Following Frederick Douglass and bell hooks in particular, I argue that there is a pragmatic reason for victims to take up political responsibility for structural injustice – because their involvement will be the most effective in pressuring the powerful for structural change; and a normative reason – they have a responsibility to stand up for themselves.

In this chapter, then, I both support and challenge Young. I challenge her on the grounds that I think there are agents who can bear relational moral responsibility for unjust background conditions, an argument which hinges on power. And I support her in arguing against those who think that collective ability or privilege within structures confers relational moral responsibility upon agents, arguing instead that these social-structural positions confer political responsibility because these agents do not have the capacity to effect structural change, so should not be blamed for failing to do so.

4.1 Responsibility Within Structures

Young argues that individuals have a political responsibility for “structural injustice” to which they are connected. Structural injustice is distinct from

³ Angela Davis, "Freedom Is a Constant Struggle: 'Closures and Continuities'," in *Birkbeck Annual Law Lecture* (Birkbeck University, London 2013).

intentional individual and institutional wrongdoing.⁴ Structural injustice is not a wrong perpetrated with intent; rather it is the outcome of multiple actions and processes, enacted by diverse agents, occurring at different times, in different places, all for the most part acting within accepted rules and norms.⁵ Structural injustice is the unintended, cumulative result of ordinary and accepted behaviour.

Structural injustice is the outcome of what Young calls “social-structural processes”. These have four features. Firstly, we experience the circumstances we live in as “objectively constraining”; that is, the material circumstances (buildings, infrastructure), the institutional set-up (laws, government), and the social norms into which we are born or live, constrain our options.⁶ Secondly, these processes situate individuals in different social positions, higher or lower in the social hierarchy, and thus more or less susceptible to domination or oppression.⁷ Thirdly, these structural processes are reproduced through individuals’ actions; we act as though social structures exist thus perpetuating them.⁸ Finally, the structures resulting from these processes often run counter to the intentions of any of the individual participants.⁹ The cumulative outcomes of individuals pursuing their own ends create unintended structures. The resulting structures are unjust if they constrain the options of many, while enabling some individuals or groups to benefit from their constraint.¹⁰

The example of structural injustice that Young uses throughout her work on the social connection model of responsibility is sweatshop labour. Nobody intends sweatshop labour. It exists because of a range of circumstances and behaviours that enable it to occur. All the participants in the process are *objectively constrained* (although in different ways and to different degrees): the garment workers often face the choice between gruelling subsistence living in the countryside or a salaried job in a garment factory under terrible working conditions; the factory owners keep wages low to compete with other local factories; governments fail to enforce labour standards to compete with other countries where labour is cheaper

⁴ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 45.

⁵ *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 52.

⁶ *Responsibility for Justice*, 53-55.

⁷ *Responsibility for Justice*, 57.

⁸ *Responsibility for Justice*, 59-60.

⁹ *Responsibility for Justice*, 62-63.

¹⁰ *Responsibility for Justice*, 52.

and because they lack the public sector infrastructure;¹¹ and consumers of “fast fashion” feel that they “need” a range of clothing in order to present themselves in a socially acceptable way in their societies.¹² The process is enabled because of different *social positions*: there are billions of people in the world living in poverty, desperate for secure employment, large corporations who are able to exploit their vulnerability, and consumer demand for cheap clothing. The processes are *reproduced* by consumers continually demanding new clothes, transnational clothing companies profiting and expanding, governments failing to implement labour standards, and the constant need for employment in developing countries. Finally, the cumulative outcome of all of these processes and behaviours is the perpetual exploitation of garment workers in diverse geographical locations.¹³

To be sure, Young argues that there are agents acting in ways that ought to be subject to legal and moral sanction. For instance, factory owners and managers can and ought to be held legally responsible for human rights violations.¹⁴ States ought to be blamed for failing to maintain a human rights floor.¹⁵ However, sanctioning a few factory owners or blaming states will not solve the problem of sweatshop labour, ‘so long as that incentive structure is in place and sanction is not routine.’¹⁶ The point of talking about structural injustice as opposed to the wrongdoings committed by particular individual or institutional agents is to highlight a problem with the background conditions. Young writes, ‘When we judge that structural injustice exists, we are saying precisely that at least some of the normal and accepted background conditions of action are not morally acceptable.’¹⁷ Her aim is to work out how we can be judged responsible for these background conditions.

In Chapter 6 I show how sweatshop labour constitutes a form of “structural exploitation.” In *Justice and the Politics of Difference*, Young defines exploitation as the transfer of energies from disadvantaged groups to advantaged groups in a way

¹¹ "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004): 370.

¹² "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 113.

¹³ I discuss “structural exploitation” and why it constitutes an injustice in Chapter 6.

¹⁴ Young, "Responsibility and Global Justice: A Social Connection Model," 116-17.

¹⁵ "Responsibility and Global Justice: A Social Connection Model," 117.

¹⁶ "Responsibility and Global Labor Justice," 375.

¹⁷ Responsibility for Justice, 107.

that inhibits the self-development of the former and enhances the status of the latter. The inhibition of self-development is what Young argues constitutes oppression, and so sweatshop labour is a form of oppression.

We saw in the previous chapter the reasons why ordinary individuals can be *excused* from relational moral responsibility for structural injustice like sweatshop labour: they do not *intend* to cause it, they are *inadvertently* implicated in the causal perpetuation of sweatshop labour, and they are *objectively constrained* by the system. The problem of sweatshop labour is a problem of unjust background conditions, which are not directly caused with intent or knowledge by individuals. Indeed, individuals are themselves constrained by the system. Individuals cannot be blamed for structural exploitation.

There is an element of determinism in this argument – individuals cannot be blamed because they cannot freely choose their actions due to the fact that they are ‘objectively constrained’. Young defines objective constraint as the accumulation of material infrastructure and resources, and institutional and social norms that create the circumstances in which we act.¹⁸ Objective constraint does not ‘eliminate freedom,’ but it does generate a range of options for action.¹⁹ It will be often be experienced, however, as constraining:

Individuals experience social structures as constraining, objectified, thing-like. Even relatively privileged individuals will often say that they “have no choice” about doing or not doing certain things because of the way that they experience structural processes.²⁰

Young thinks that collective agents, including powerful collective agents, can also experience social-structural processes as objectively constraining. In the context of sweatshop labour, she argues that even though factory owners can and ought to be blamed and held liable for egregious working conditions that they will try to mitigate their responsibility by arguing that there are ‘factors outside their

¹⁸ Responsibility for Justice, 53-56.

¹⁹ Responsibility for Justice, 55.

²⁰ Responsibility for Justice, 56.

control.²¹ She agrees that ‘there is a good measure of truth to the claim that the employers themselves operate under serious structural constraints.’²² Employers would be forced to comply with human rights standards if these were enforced by the state. However, states in developing countries argue that they operate under constraints preventing the improvement of working conditions; such as the need to create jobs, lack of a strong public sector, inability to strengthen the public sector because of the low tax base, and because of pressures for reduced public spending from the IMF.²³ She writes,

When these agents claim that they operate under constraints beyond their control and must submit to the pressures of more powerful institutions, and that these leave them few options to operate factories differently, there is some basis for their excuses.²⁴

Young, however does not tell us what the responsibilities are of these ‘more powerful institutions.’ She also seems inclined to lessen the responsibilities of *individuals within* powerful organisations. For instance, she claims that corporate executives become indignant and ‘scoff at the absurd extremism’²⁵ of the anti-sweatshop movement, because they think it misunderstands how structural processes work. The concept of political responsibility removes rhetorics of blame and finger-pointing, thus making it more likely that corporate executives will get on board.²⁶

It is my view, however, that Young is too quick to let certain agents off the hook of moral responsibility by invoking the concept of objective constraint. All actors may be objectively constrained by the processes of the global capitalist economic system; structural exploitation is built into global capitalism. And yet, I contend that some agents still have sufficient room to manoeuvre within those constraints to be held morally responsible on the liability model for the perpetuation of unjust background conditions. In the previous chapter I argued, following Daniel

²¹ Responsibility for Justice, 131.

²² Responsibility for Justice, 132.

²³ Ibid.

²⁴ Responsibility for Justice, 132-33.

²⁵ "Responsibility and Global Labor Justice," 381.

²⁶ Ibid.

Dennett, that agents need “elbow room” to make decisions based on a range of options, which will always occur within some constraints. We can hold agents morally responsible on the basis of how well they navigate these options for action, provided the agents are not either exempt or excused from moral responsibility. I argue in this chapter that within unjust social-structural processes, some agents have more elbow room than others – powerful agents, defined as agents with the dispositional power to effect structural change – and it is on that basis that they can be held morally responsible for a structural injustice like sweatshop labour.

Indeed, Steven Lukes argues that we are interested in understanding how power is exercised within structures precisely for the purposes of assigning (moral) responsibility within structures: “The point... of locating power is to fix responsibility for consequences held to flow from the action, or inaction, of certain specifiable agents”²⁷ He argues that,

although the agents operate within structurally determined limits, they none the less have a certain relative autonomy and could have acted differently. The future, though it is not entirely open, is not entirely closed either (and, indeed, the degree of its openness is itself structurally determined). In short, within a system characterized by total structural determinism, there would be no place for power.²⁸

As Young herself argues, objective constraint is not a theory of ‘total structural determinism’; it does not eliminate freedom – it creates a range of options for action. Powerful agents presumably have a wider range of options than less powerful or powerless agents. I argue that this will change not only the degree of their responsibility, but the *kind* of responsibility. This may continue to raise the problem of pointing-the-finger and blaming certain individuals or institutions for structural injustice; but if the blame is appropriately assigned then I do not take this to be a problem. We certainly should not remove blame, if it is appropriate, merely for the purposes of making powerful agents feel less guilty and thus more

²⁷ Steven Lukes, *Power: A Radical View* Second Edition ed. (London: Palgrave MacMillan, 2005), 58.

²⁸ *Power: A Radical View* Second Edition ed. (London: Palgrave MacMillan, 2005), 56.

amenable to changing the situation. The argument that certain powerful agents can bear moral responsibility for structural injustice hinges on a) how we understand power, and b) how much we take structures to constrain agents’ options.

4.1.1 *What is Power?*

Young suggests power as a parameter of reasoning for thinking about how to discharge political responsibility, for the following reason:

An agent’s position in structural processes usually carries with it a specific degree of potential or actual power or influence over processes that produce the outcomes. Where individuals and organizations do not have sufficient energy and resources to respond to all of the structural injustices to which they are connected, they should focus on those where they have a greater capacity to influence structural processes.²⁹

Power here is equated with ‘capacity to influence structural processes.’ Because Young considers power as a way of parcelling out political responsibility, as opposed to relational moral responsibility, having the capacity to influence structural processes is considered as one way of thinking about where to direct individual or organizational energy to combat structural injustice.

Of course, power is a deeply contested – potentially “essentially contested”³⁰ – concept. It is far beyond the scope of this chapter to cover all the various and competing theories of power in normative political theory. However, we do not need to go so far. There is ambiguity in Young’s work in her use of power, which I will explore here.

Young’s brief comment that power is the ‘capacity to influence structural processes’ is a *capacity* definition of power, or in commonly used terminology in power debates it is a conception of ‘power to’ (as opposed to ‘power over’). One

²⁹ Young, *Responsibility for Justice*, 144.

³⁰ Lukes, *Power: A Radical View* 29.

of the most influential capacity theories of power is Arendt’s. She defines power as follows:

Power corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together.³¹

Young describes Arendt’s conception of power as ‘the capacity for collective action.’³² While Young admires Arendt’s discussion of power, she thinks it is ‘incomplete’ because it ‘tends to ignore structural social relations, and their manner of channeling power to the systematic advantage of some and the disadvantage of others.’³³

Another capacity theory of power that does just that is C. Wright Mills’ *The Power Elite*. Unlike Arendt, Mills does not think that power depends on numbers. He argues that power is a capacity that individuals have because of their social position within institutions, specifically within the government, military and big business. For Mills, social structures determine who has got power as capacity and who does not.

Mills does not see those individuals in positions of power – the leadership in government, corporations or the military – as objectively constrained. Rather, they are the ones doing the objective constraining. We can see the distinction between those individuals who are objectively constrained by the system, and those who do the constraining, in Mills’ enigmatic opening paragraph:

The powers of ordinary men are circumscribed by the everyday worlds in which they live, yet even in these rounds of job, family, and neighbourhood they often seem driven by forces they can neither understand nor govern... But not all men are in this sense ordinary. As the means of information and of power are centralized, some men come

³¹ Hannah Arendt, *On Violence* (London: Harcourt, 1970), 44.

³² Iris Marion Young, *Global Challenges: War, Self-Determination and Responsibility for Justice* (Cambridge: Polity Press, 2010), 84.

³³ *Global Challenges: War, Self-Determination and Responsibility for Justice* (Cambridge: Polity Press, 2010), 91.

to occupy positions in American society from which they can look down upon, so to speak, and by their decisions mightily affect, the everyday worlds of ordinary men and women.³⁴

The power elite are the decision-makers in society, who are positioned to be able to determine the options of ordinary people: “The power elite is composed of men whose positions enable them to transcend the ordinary environments of ordinary men and women; they are in positions to make decisions having major consequences.”³⁵

Moreover, what is unique and distinct about the position of the power elite is their ability to *change* structures and their positions within structures:

It is also true that if most men and women take whatever roles are permitted to them and enact them as they are expected to by virtue of their position, this is precisely what the elite need not do, and often do not do. *They may call into question the structure, their position within it, or the way in which they are to enact that position.*³⁶

For Mills, the power elite are ‘role-determining’, determining the options of ordinary people and choosing their own roles.³⁷ In other words, individuals who are positioned in social structures in positions of power have the capacity to be able to shape social structures. Mills argues that we need to understand where power lies in order to understand responsibility for social structures. He argues,

To pretend that ‘we’ are all history-makers is politically irresponsible because it obfuscates any attempt to locate responsibility for the consequential decisions of men who do have access to the means of power.³⁸

³⁴ C. Wright Mills, *The Power Elite* (Oxford: Oxford University Press, 2000), 3.

³⁵ *Ibid.*

³⁶ *The Power Elite*, 24. (my emphasis)

³⁷ *The Power Elite*, 25.

³⁸ *The Power Elite*, 22.

The politically responsible person will try to ascertain where power lies and hold those individuals to account.³⁹ To argue that social structures are necessarily beyond any individuals’ or groups’ control, ‘is largely a fatalist projection of one’s own feeling of impotence and perhaps, if one has ever been active politically in a principled way, a salve of one’s guilt.’⁴⁰

There are, of course, problems with Mills’ account of power, which I will come to in a moment. But what is illustrative for our purposes is the idea that a) there are individuals or collectivities with the power to change structures and affect the lives of millions of people, and that b) these agents can bear relational moral responsibility for their decisions in this respect. Indeed, part of being a politically responsible individual is to try to work out where power actually lies within structures in order to be able to hold these agents to account.

In *Justice and the Politics of Difference*, Young critiques ‘distributive’ theories of power, such as Mills’, from a feminist and anti-racist perspective. A capacity theory of power, like Mills’, assumes that ‘power, like wealth, is concentrated in the hands of a few.’⁴¹ This is an inadequate understanding of power in contemporary welfare-industrialised societies where ‘many widely dispersed persons are agents of power without “having” it, or even being privileged.’⁴²

In *Justice and the Politics of Difference*, Young adopts a Foucauldian conception of power – that power is diffused across society, that it is everywhere, it is relational and is productive.⁴³ She argues that ‘power is a relation rather than a thing.’⁴⁴ It is not ‘a kind of stuff possessed by individual agents in greater or lesser amounts.’⁴⁵ Rather, power is a relationship between the exerciser and others upon whom it is exercised,⁴⁶ and it ‘exists only in action.’⁴⁷ Moreover, power does not have to be a

³⁹ The Power Elite, 26.

⁴⁰ The Power Elite, 27.

⁴¹ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 32.

⁴² *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 33.

⁴³ Ibid; Jana Sawicki, "Foucault and Feminism: Towards a Politics of Difference," *Hypatia* 1, no. 2 (1986).

⁴⁴ Young, *Justice and the Politics of Difference*, 31.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ *Justice and the Politics of Difference*, 32.

dyadic relationship between ruler and subject.⁴⁸ An agent can have institutionalized power over another only with the support of the actions of many third parties. For example, a judge has power over a prisoner only insofar as the prison wardens, lawyers, and parole officers support them. Young equates power with domination and conceives of domination as structural.⁴⁹

This conception of power would seem to clash with Young’s understanding of power as the ‘capacity to influence structural processes’ in her work on the social connection model of responsibility, because in this instance Young thinks of power as a *capacity* for ‘power to’ that can influence structural processes for the good. The implication is that power is not always equivalent to domination (‘power over’); it can be used for positive change. It also changes the meaning of power from its association with exercise to a capacity.

These different conceptions of power need not be contradictory if, following Mark Haugaard, we understand power as a “family resemblance concept” rather than an “essentially contested concept”.⁵⁰ Given these competing views of power that Young seems to subscribe to, it makes sense to assume that she thinks there are different, non-exclusive conceptions of power, rather than one definitive conception. Haugaard distinguishes at least three members of the conceptual family:

Episodic power refers to the exercise of power that is linked to agency. *Dispositional* power signifies the inherent capacities of an agent that the agent may have, irrespective of whether or not they exercise this capacity. *Systemic* power refers to the ways in which given social systems confer differentials or dispositional power on agents, thus structuring possibilities for action.⁵¹

⁴⁸ Justice and the Politics of Difference, 31.

⁴⁹ Justice and the Politics of Difference, 32.

⁵⁰ Mark Haugaard, "Power: A 'Family Resemblance' Concept," *European Journal of Cultural Studies* 13, no. 4 (2010): 149.

⁵¹ "Power: A 'Family Resemblance' Concept," *European Journal of Cultural Studies* 13, no. 4 (2010): 425.

Such a typology is implicit in Young’s discussions of power. In *Justice and the Politics of Difference* she writes:

Domination must be understood as structural precisely because the constraints that people experience are usually the intended or unintended product of the actions of many people, like the actions that enable the judge’s power. In saying that power and domination have a structural basis, I do not deny that it is individuals who are powerful and who dominate. Within a system of domination some people can be identified as more powerful and others as relatively powerless. Nevertheless a distributive understanding misses the way in which the powerful enact and reproduce their power.⁵²

Here there is a conception of systemic domination – the structuring of possibilities for action. There is also a conception of episodic power – individuals do the dominating. And a conception of dispositional domination – agents are situated within social structures so as to have the capacity for domination whether or not they act on it.

In her work on the social connection model, when Young describes power as the ‘capacity to influence structural processes’, Young is emphasising *dispositional* power – the capacities that agents have to change structures whether or not they use this capacity. This is the power emphasised by C. Wright Mills – the ‘power elite’ are structurally positioned to have the capacity to question and change the structures or their position within structures. The problem with Mills’ account is not that he was wrong, but that he restricted his conception of power to dispositional power. Young does not need to do that. But the problem is that Young does not fully acknowledge the *significance* of dispositional power. What is also missing from Young’s account is a discussion of the *episodic* power exercised by the agents that have *dispositional* power within structures. That is, she does not tell us what it means when powerful agents exercise their power within structures. We need to know whether agents can exercise episodic power within structures and what it means when they do.

⁵² Young, *Justice and the Politics of Difference*, 32.

4.1.2 *Power and Responsibility within Structures*

Structure and responsibility are often opposed. It is assumed that if there are structures that determine power relations then the actors are constrained to the extent that they cannot bear responsibility within those structures. As Haugaard writes,

In the normative language game, power is seen in evaluative terms. Thus, for instance, it can be argued that in opposing power to structure, the former entails responsibility, while the latter does not. In many normative language games, structure entails an inability to do otherwise. At trial, a Nazi may wish to plead that they had no power to do otherwise, that the *structures* of the situation made any other action impossible and, thus, they were *powerless*. Hence, *power* and *structure* are opposites divided from each other based on responsibility.⁵³

Here Haugaard is arguing that responsibility within structures depends upon an ability ‘to do otherwise.’ I argued in Chapter 3 when discussing relational moral responsibility, that it is not the *ability to do otherwise* that determines whether or not an agent has done something wrong. What is required is that the agent have “elbow room”, or a range of options within constraints, and the ability to choose within those options; if they choose to do something wrong and are not exempt from moral responsibility, or they do not meet any of the excusing conditions for moral responsibility, then that agent is blameworthy. The reason why *ordinary individuals* are excused from moral responsibility for structural injustice is because they are *not doing anything wrong*. I outlined R. Jay Wallace’s excusing conditions and showed how they applied to ordinary individuals. In going about their daily business ordinary individuals a) do not *intend* to contribute to unjust background conditions, they do so *inadvertently*; b) they think they are doing the right thing by following *accepted rules and norms*, so are not doing something of kind *x* that we take to be morally wrong, and c) they are *constrained* by the system in which they participate, often acting out of *necessity* or *duress*.

⁵³ Haugaard, "Power: A 'Family Resemblance' Concept," 432.

It is not the case, however, that all agents are so constrained. As C. Wright Mills has suggested, some agents create the structures, or at least have the power to change the structures. These agents have *dispositional power* within structures. These agents are not objectively constrained, because agents with dispositional power within structures, in relation to the structures, have the elbow room to make decisions that could change unjust structural processes for the better. The fact that they *choose* not to act to change the structures for the better, I suggest, is an exercise of *episodic* power and confers relational moral responsibility on these agents for these unjust structures.

For instance, we saw in the previous chapter how a powerful individual – Eichmann – claimed that he did not intend to cause harm and so should not have been held morally responsible for the Holocaust. Yet, on closer examination, we found this claim to be disingenuous. None of the excusing conditions were available to Eichmann – he did not organise transportation to concentration camps through inadvertence, mistake or accident; he did not do so out of unintentional bodily movements, physical constraint, or due to coercion, necessity or duress.

In the context of structural injustice, like sweatshop labour, we should be critical of claims to excuse, and reluctant to take them at face value; because while these excusing conditions may be available to ordinary individuals, they are not necessarily available to powerful collectivities or powerful individuals. For example, TNCs or MNCs may argue that they do not intend to exploit garment workers, but they cannot be said to meet the excusing conditions for relational moral responsibility in the way that ordinary individuals can.

Consider the first excusing condition for moral responsibility – *inadvertence, mistake or accident*. In these cases the agent does something of kind x that we consider to be morally impermissible, but it turns out they did not know they were doing something of kind x . If an agent does not know they are doing something of kind x , then they are not acting intentionally. Wallace’s example is I walk to the fridge and accidentally step on someone’s hand – I wasn’t aware I was doing something

wrong. The idea that large transnational or multi-national corporations are engaged in exploitative working practices due to inadvertence, mistake or accident is disingenuous. These corporations are aware of the conditions in the factories that produce their products but they choose to ignore it. Or if they are not aware, presumably it is within the realm of responsibility of certain agents within these organisations to be aware or become aware of where their goods are being produced – the ignorance is not excusable. In fact, corporations actively seek out countries and factories with the lowest wages and lowest overheads in order to increase profits. They are not employing workers in sweatshop conditions inadvertently, accidentally or mistakenly; they do so with intent.

The next two excusing conditions are *physical incapacity* or *physical constraint*; neither of which apply to corporate agents. The final excusing condition is *coercion, necessity or duress*. The excuse from coercion is not available because TNCs and MNCs are not acting so as to avoid a physical threat. The excuse from duress – that society is organised so that there is no option but to participate – is more plausible. Robert Mayer argues that businesses in the competitive global garment industry are avoiding the threat of going bust; that they must participate in sweatshop labour for this reason.⁵⁴ I argue that this depends on the size of the corporation. There is no need for a corporation like Nike to pay Michael Jordan more than the income of 30,000 Indonesian workers to advertise their shoes, or to pay their CEO \$35.2 million in 2012.⁵⁵ The role of business is to maximise profit, and they owe this to their shareholders; but profligate spending on individuals is not part of that role – that money could be redirected to workers (more on these arguments in Chapter 6). The same applies to the excuse from necessity – whether this excuse is available will depend on the size of the corporation and how they are spending their money. In the case of TNCs or MNCs, this excuse will rarely be available.

What we are talking about here, however, is whether or not these powerful agents can bear relational moral responsibility for unjust background conditions, not specific transgressions of moral principles or specific transactions between

⁵⁴ Robert Mayer, "Sweatshops, Exploitation and Moral Responsibility," *Journal of Social Philosophy* 38, no. 4 (2007): 612.

⁵⁵ Chris Meyers, "Wrongful Beneficence: Exploitation and Third World Sweatshops," *ibid.* 35, no. 3 (2004): 331; Gary Strauss, "Nike Ceo Parker's 2013 Compensation," *USA Today*, 30 July 2013.

corporations and workers. According to Young, structural injustice is not caused by particular agents; rather it is the cumulative outcome of multiple agents' actions within accepted rules and norms. No agent can be held blameworthy for structural injustice because no agents directly cause it with intent and knowledge. But I suggest that agents with dispositional power within structures can bear relational moral responsibility on the liability model for the background conditions; they are blameworthy. This is because they are positioned within the system to be able to change the background conditions if they wanted, as Mills pointed out.

There are examples of this happening in practice. The Ethical Trading Initiative (ETI) is a consortium of corporations, NGOs and trade unions that works to improve labour standards in global supply chains.⁵⁶ Members sign up to a labour code of practice, committing them to improving wages and working conditions across their supply chain. The problem with the ETI is that it is not legally binding; signing up to it can be a PR exercise for corporations.

Following a factory collapse in Dhaka, Bangladesh in 2013 in which over 1,100 people died, 150 corporations from 20 countries have signed up to the Bangladesh Accord on Fire and Building Safety.⁵⁷ This is a legally binding agreement over five years, which requires signatories to agree to independent inspections of factories, to remedy any faults that have been found, and to provide fire and building safety training to staff.⁵⁸ Such an agreement costs large corporations very little. Allowing for inspections, making one-off investments in building infrastructure in developing countries, and giving staff basic fire safety training are not financially onerous tasks. So the question is why has this not happened sooner? Also why does this agreement only apply in Bangladesh and not other countries with high numbers of sweatshops? And why does it only apply for five years? It is not threatening to the existence of global corporations to sign up to agreements such as this, yet if there were fire and building safety agreements that were legally binding and applied globally, it would effect structural change insofar as it improves worker safety across the board.

⁵⁶ Ethical Trading Initiative, "About Eti," <http://www.ethicaltrade.org/about-eti>.

⁵⁷ Bangladesh Accord Foundation, "Accord on Fire and Building Safety in Bangladesh," <http://www.bangladeshaccord.org/>.

⁵⁸ "Accord on Fire and Building Safety in Bangladesh," (2013).

By reaching joint, binding, global agreements on working conditions, and also on wages, TNCs and MNCs have the capacity to alleviate the worst aspects of sweatshop labour – the race to the bottom that sacrifices workers’ wages and safety for the sake of increased profits. This is what I mean by saying that they have the dispositional power to effect structural change. These agents have the power to change the rules of the game. The large TNCs and MNCs always had the capacity to implement these sorts of changes, but until 2013 when they were forced by the worst industrial disaster in the history of the apparel industry, and the subsequent media attention and consumer pressure, they failed to do so. They are continuing to fail to implement these basic structural changes in all countries apart from Bangladesh. And there are global corporations operating in Bangladesh who have still failed to sign the Accord.⁵⁹

Omitting to make these basic changes is an exercise of episodic power; corporations with the capacity to be able to effect structural change are *choosing* not to do so and this choice is inexcusable according to the excusing conditions for moral responsibility outlined here. Thus, large corporations are doing something morally wrong and it follows that they ought to be found blameworthy. It is too weak, and an inadequate assessment of the power structures involved in structural injustice, to claim that they merely bear political responsibility. That claim is only available to agents who do not have the dispositional power to change the structures. Those agents who have dispositional power within structures have the required elbow room to choose whether or not to act morally and change the structures.

I suggest, then, that there may be many more instances of backward-looking liability in relation to background conditions, where powerful agents had options and *could have* improved the structures, but chose not to. These agents with dispositional power within structures are exercising episodic power for ill. These choices are made intentionally and knowingly; therefore these agents are blameworthy and ought to be held to account. Thus, there are potentially more

⁵⁹ Jasmin Malik Chua, "15 Major Retailers That Haven't Signed the Bangladesh Safety Agreement," Ecouterre, <http://www.ecouterre.com/15-major-retailers-that-havent-signed-the-bangladesh-safety-agreement/>.

instances where responsibility can be assigned on the liability model, and more agents to whom it can be assigned, than Young admits to.

Note that it is not only collective or corporate agents that will be held morally responsible on my account. There will be powerful individuals within organisational structures who are the decision-makers with the capacity to effect change in the structures. As Mills pointed out, part of the task of the politically responsible person is to work out which agents are exercising power and to hold them to account.

In some cases it may be appropriate to hold a corporate entity responsible. Peter French distinguishes between an “aggregate” and a “conglomerate” collectivity. An aggregate collectivity is, ‘merely a collection of people’ – the identity of the group changes when individuals join or leave.⁶⁰ A conglomerate collectivity is an organisation that will not be affected by changes in specific personnel; it also has an internal decision-making structure and an enforced standard of conduct for its members.⁶¹ French argues that conglomerates can be organized so that responsibility for the failure of projects does not fall on individual members.⁶² We can ascribe responsibility to a conglomerate collectivity *qua* collectivity, rather than as applying to individual members of the group; for instance when it is argued that Nike is responsible for sweatshop labour, the responsibility is not necessarily distributed or distributable among the individual members of the group. As Virginia Held argues, when a person decides to boycott a company for moral reasons, they may make the judgment “Corporation Z should not have done A”.⁶³

From the perspective of the corporation’s employees, however, they may want to know who made the relevant decisions. We then find ourselves in a “Many Hands” situation. Dennis Thompson coined this phrase in relation to political decision-making: when ‘many different officials contribute in many ways to

⁶⁰ Peter A. French, "Types of Collectivities: A Preliminary Sorting," in *Collective and Corporate Responsibility*, ed. Peter A. French (New York: Columbia University Press, 1984), 5.

⁶¹ "Types of Collectivities: A Preliminary Sorting," in *Collective and Corporate Responsibility*, ed. Peter A. French (New York: Columbia University Press, 1984), 13.

⁶² "Types of Collectivities," 15.

⁶³ Virginia Held, "Can a Random Collection of Individuals Be Morally Responsible?," *The Journal of Philosophy* 67, no. 14 (1970): 474.

decisions and policies of government, it is difficult even in principle to identify who is morally responsible for political outcomes.⁶⁴ Therein follows an assessment of the different *ex ante* task responsibilities of different agents within the organisation to determine their degree of responsibility. As interesting as it would be to pursue this topic here, it is beyond the scope of this chapter. What it serves to highlight, however is that even within the “Chinese box”⁶⁵ of a corporation or government – complex institutions that contain many internal decision-making units – we can differentiate kinds and degrees of responsibility. An analysis using both the liability model and the social connection model would be appropriate.

My view deals with the objection that Young fails to take seriously the role of corporations in actively, intentionally and knowingly perpetuating unjust background conditions. As Gould points out, this is surprising given Young’s earlier work.⁶⁶ And it is a clear omission in her account given that she criticizes Thomas Pogge for failing to give a sufficient account of the role of corporations.⁶⁷ I have shown that an analysis of power within Young’s writing can demonstrate how agents positioned so as to be powerful within structures and who are exercising power for ill ought to be held blameworthy even if they are operating within constraints. Drawing on my construction of a Youngian conception of relational moral responsibility, I have used this to show that agents such as global corporations can bear moral responsibility on the liability model for unjust background conditions in the global garment industry, because they have the elbow room to be able to make moral decisions to change unjust structures and none of the excusing conditions for moral responsibility are available to them.⁶⁸ These agents can be blamed.

Young does not want to go down the route of blaming powerful agents for structural injustice on the grounds that it creates a division between ‘powerful

⁶⁴ Dennis Thompson, "Moral Responsibility of Public Officials: The Problem of Many Hands," *The American Political Science Review* 74, no. 4 (1980): 905.

⁶⁵ Mark Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations* (Cambridge: Cambridge University Press, 1998), 19.

⁶⁶ Gould, "Varieties of Global Responsibility: Social Connection, Human Rights, and Transnational Solidarity," 206.

⁶⁷ Young, *Responsibility for Justice*, 142.

⁶⁸ I look at objections to these arguments in Chapter 6 when discussing global structural exploitation.

wrongdoers and those who are innocent’, which in the case of structural injustice is disingenuous because all are implicated in the processes that reproduce injustice.⁶⁹ However, I think we can maintain that powerful agents who can change structures are morally responsible for failing to do so, while also arguing that individuals have a political responsibility in relation to structural injustice to try to improve it. In the framework I have developed, agents that have the dispositional capacity to effect structural change can bear (relational) moral responsibility on the liability model for failing to do so; agents lacking dispositional power can bear political responsibility (moral responsibility as virtue) to work collectively for structural change. Young always intended the liability model and social connection models to be complementary.⁷⁰ And as Young herself points out, the powerful cannot be trusted to fulfil their responsibilities of their own accord.⁷¹ It is up to other agents connected to injustice to pressure them to do so. Part of what political responsibility entails is individuals engaging in collective action to pressure the powerful to act in the interests of justice. Agents with collective ability, privilege or interest in overcoming structural injustice, need to push the powerful for change.

4.2 “Parameters of Reasoning”

Young’s “parameters of reasoning” are designed to help individuals think about how to discharge their political responsibility for structural injustice in practice. Young considers power to be one of the parameters of reasoning, but in this chapter I have shown that power is more significant than that; agents with dispositional power within structures can be held morally responsible for structural processes on the liability model if they have the capacity to change the structures and fail to do so. The analysis of power developed in the previous section will be threaded through the discussion of the other three parameters of reasoning – collective ability, privilege and interest. I outline how Young understands these three parameters of reasoning and then I develop each concept more fully, comparing it to the existing literature. In so doing, I consolidate the

⁶⁹ Young, *Responsibility for Justice*, 116.

⁷⁰ “Responsibility and Global Labor Justice,” 368; “Responsibility and Global Justice: A Social Connection Model,” 118; *Responsibility for Justice*, 98.

⁷¹ *Responsibility for Justice*, 147-51.

idea that each parameter is a way for discerning how to discharge political responsibility, as opposed to a way of generating moral responsibility for structural injustice in the case of collective ability and privilege, or no responsibility at all in the case of victims.

4.2.1 *Collective Ability*

Young argues that collective ability ought to be a parameter of reasoning about political responsibility because,

I have asserted that the shared responsibility for undermining injustice can be discharged only through collective action. Agents who participate in processes that produce injustice often need to reorganize their activities and relationships to coordinate their action or coordinate it differently. Getting individuals and institutions organized in a new way, however, is often rather difficult. When I name “collective ability” as a parameter that agents might use to think about what to do about a structural injustice, I have the following in mind. Some agents are in positions where they can draw on the resources of already organized entities and use them in new ways for trying to promote change. Unions, church groups, and stockholder organizations, to name just a few, sometimes can exercise significant power not because they can coerce others to do what they decide, but because they have many members who act together.⁷²

There are three separate claims here. One is a pragmatic argument that it makes sense to use *pre-existing organisations* to promote structural change because they are already organised and have resources. The second claim is that taking up political responsibility requires *collective action*. And the third claim is that collectivities with collective ability are only powerful in the sense that they have large numbers of people; they do not necessarily have the *capacity for coercion*. Each of these claims needs to be assessed separately.

⁷² Responsibility for Justice, 146-47.

The pragmatic argument makes sense insofar as Young wants time- and resource-poor individuals to act on their political responsibility. Joining or becoming more active within pre-existing organisations is a convenient way of doing this. It can also be effective. Young cites student anti-sweatshop activists who target their universities.⁷³ As bulk buyers of clothing for sports teams or for sale, getting universities to buy fair trade clothing has made an impact. These campaigns also raised awareness of the issue on campuses, including among students and staff who may not otherwise have been aware, interested, or supportive. As a result of these campaigns, many universities have pledged support to the Fair Labor Association or the Workers Rights Consortium.⁷⁴ Student anti-sweatshop groups now are pressuring universities to cancel contracts with corporations that have not signed the Bangladesh Accord.⁷⁵

Utilizing pre-existing collectivities as a way of discharging political responsibility is convenient and can also be effective. However, as Young herself has pointed out, there are issues with this approach. Convenience, ‘is not always a reason to give priority to that issue, for such ease of organization may be a sign that the action makes little structural change.’⁷⁶ If an organisation already exists and has collective ability in relation to a particular structural injustice, it may indicate that participating in that organisation is not a way to effect structural change. As Young also points out, the existing institutional set-up may be the thing that needs to change.⁷⁷

Sometimes, then, taking up political responsibility will involve creating new collectivities. This leads us to Young’s second claim that challenging structural injustice requires collective action. This raises the question as to whether or not a “putative group” can bear responsibilities, and what kinds of responsibilities individuals will have when they are organised into groups. The dominant argument in the literature is that putative groups can bear *moral* responsibility for injustice.

⁷³ "Responsibility and Global Justice: A Social Connection Model," 129; *Responsibility for Justice*, 147.

⁷⁴ *Responsibility for Justice*, 147.

⁷⁵ United Students Against Sweatshops, "University of Minnesota: Take a Stand for Bangladesh Worker Safety Now!," <http://usas.org/tag/end-deathtraps/>.

⁷⁶ Young, "Responsibility and Global Justice: A Social Connection Model," 129.

⁷⁷ "Responsibility and Global Labour Justice," *The Journal of Political Philosophy* 12, no. 4 (2004): 384-5.

Larry May describes a “putative group” as a group of people who are capable of acting in concert, but currently lack decision-making apparatus or a formal institutional structure.⁷⁸ A putative group can be found guilty of “collective inaction”: this ‘refers to the failure to act of a collection of people that did not choose as a group to remain inactive but that could have acted as a group.’⁷⁹

Virginia Held gives the example of three pedestrians walking down a street when a building collapses, trapping a man’s leg. The three people know that they need to apply a tourniquet to the man’s leg but they disagree over how to move the debris. They also know that any of the suggested actions would be better than no action yet they fail to come to a decision. She argues that, ‘the random collection can be held morally responsible for failing to make a decision on which action to take – for failing, that is, to adopt a decision method.’⁸⁰ She claims that moral responsibility can be ascribed to this group of individuals, ‘when it is obvious to the *reasonable person* that action rather than inaction by the collection is called for.’⁸¹

Joel Feinberg offers the beach example. A man is swimming by a public beach where there is no lifeguard. He gets into difficulty and shouts for help. There are one thousand capable swimmers lying on the beach and nobody attempts to rescue him. In this case, common law would not impose any kind of liability (neither criminal nor civil) on the group. The common reasoning is that liability will be imposed on the whole group which causes complications: either everyone will try to rescue the man creating chaos, or everyone will try to avoid the chaos leading to tragic omission.⁸² Feinberg rejects this traditional rationale, however, claiming that the group should be blamed and liability distributed:

everyone should use his eyes and his common sense and cooperate as best he can. If no one makes any motion at all, it follows that no one has done his best within the limits imposed by the situation, and *all* are subject at least to blame. Since all could have rescued the swimmer, it is true of each

⁷⁸ Larry May, *Sharing Responsibility* (London: University of Chicago Press, 1992), 109.

⁷⁹ *Sharing Responsibility* (London: University of Chicago Press, 1992), 107.

⁸⁰ Held, "Can a Random Collection of Individuals Be Morally Responsible?," 479. (my emphasis)

⁸¹ *Ibid.*

⁸² Joel Feinberg, "Collective Responsibility," *ibid.* 65, no. 21 (1968): 683.

of them that but for *his* failure to attempt rescue in the circumstances that in fact obtained, the harm would not have occurred.⁸³

For Feinberg, then, like Held, the failure to cooperate is what generates the group's liability. May takes a different view about the distribution of liability. He argues in relation to the beach example that an individual's share of responsibility will depend upon the role that they *could have* played in the rescue. An individual with leadership or persuasion skills could have organised the group sufficiently to act. He argues, 'When collective inaction occurs, responsibility will vary based on the roles people could, counterfactually, have played in bringing the putative group to act.'⁸⁴

Feinberg discussed the beach example to highlight a flaw in the law. But Held and May are interested in these arguments in relation to global moral and political problems. Held argues,

If a reasonable person judges that the overthrow of an existing political system is an action that is obviously called for, he may perhaps consider himself *morally responsible* for the failure of the random collection of which he is a member to perform this action. If he thinks some action to change an existing political system is called for, but is not clear about which action, he may consider himself morally responsible for the failure of the random collection of which he is a member to perform the quite different action of transforming itself into a group capable of arriving at decisions on such questions.⁸⁵

Held argues that individuals are morally responsible for failing to create a group decision-making procedure for deciding how to deal with systemic political problems. Larry May argues in relation to the beach example that in this instance there may not have been any of the necessary features of a putative group that would render it capable of action, such as leadership, solidarity or

⁸³ "Collective Responsibility," *The Journal of Philosophy* 65, no. 21 (1968): 683-84.

⁸⁴ May, *Sharing Responsibility*, 116.

⁸⁵ Held, "Can a Random Collection of Individuals Be Morally Responsible?," 480. (my emphasis)

communication.⁸⁶ So while there may have been culpable individual omissions, (on the part of individuals who could have taken a leadership role) the beach example does not necessarily constitute collective inaction.⁸⁷ In relation to something like a famine, however, which is an on-going situation, where there is the time to get organised, where there are people who know how to take on leadership roles, and there is a precedent for how to organise, then the putative group would be morally responsible for failing to act.⁸⁸

Peter French thinks that, whatever the merits of the small-scale emergency examples, of the collapsed building or the beach, that these are simply not analogous to global problems. He asks, ‘Could some group, if only they would organize, control an African famine in the way the sunbathers could rescue the child?’⁸⁹ How could we apply Held’s reasonable person test in relation to global problems, or how do we know that there are individuals with May’s leadership or persuasion skills on the global stage?⁹⁰ He asks us to suppose that Upper- and Middle- Class People from the Western Industrial Democracies (UMCPWIDs) are morally responsible for world hunger:

To be held morally responsible for it, however, the UMCPWIDs must be in a position to override the actual causal factors and either perpetuate the hunger or relieve it. And how is so nebulous a group as the UMCPWIDs to do anything like what is required? It makes little sense to say that they can unless they are transformed radically. But transformed into what? The UMCPWIDs must be turned into a corporation-like entity (or entities) in the fullest sense of the term, with vast powers on the global scene. But is such a corporate entity actually formable? What would it look like? How would it function? As these questions become more and more intractable, the sense of the original responsibility ascription fades. In their disorganized states, fictive inaction groups certainly do not have

⁸⁶ May, *Sharing Responsibility*, 110.

⁸⁷ *Sharing Responsibility*, 111.

⁸⁸ *Ibid.*

⁸⁹ Peter A. French, "The Responsibility of Inactive Fictive Groups for Great Social Problems," in *Individual and Collective Responsibility*, ed. Peter A. French (Rochester, Vermont: Schenkman Books, 1998), 255.

⁹⁰ *Ibid.*

the requisite control for moral responsibility. Inaction is all one can expect from a group gathered only in the moralist’s imagination.⁹¹

From the Youngian perspective, putative groups do not bear relational moral responsibility for global structural injustice, but *political* responsibility; she is not suggesting that they are blameworthy. This seems to me to be a more plausible suggestion than Held or May’s argument that in these global cases individuals who fail to organise are blameworthy for situations that could have been alleviated had they collectively organised, and this is precisely for the reason that French points out – even if individuals do collectively organise they do not have the dispositional power to effect the required structural change. Martha Nussbaum draws attention to the problem in Young’s solution, that if individuals are never held morally responsible for failing to organise ‘they get a free pass indefinitely, since no task they have failed to shoulder ever goes onto the debit or guilt side of their ledger.’⁹²

Young’s response is that individuals cannot be blamed for failing to act collectively to challenge structural injustice, but they can be criticised for failing to act or for taking inappropriate action.⁹³ In Chapter 3, following J.J.C Smart and Michael Slote, I argued that criticism does not necessarily invoke blame but can be a form of ‘grading’; it can entail non-moral judgment. Part of being a politically responsible, politically engaged person, involves working together to improve collective action so that it is more effective. This could involve calling out other individuals on their failure to act or drawing attention to how the group action could be improved. It is a process of constructive criticism rather than moral chastisement. Perhaps there are individuals who will take advantage of this and not engage. In this case, however, these individuals will be free-riders. In Arendtian terms, they may want to think for themselves about whether or not their actions are moral; but it is not up to the group to blame them for their lack of political action.

⁹¹ “The Responsibility of Inactive Fictive Groups for Great Social Problems,” 254-55.

⁹² Nussbaum, “Foreward,” xxi.

⁹³ Young, *Responsibility for Justice*, 144.

But French’s comment raises another issue. He asks what would happen if the UMCPWIDs turned into ‘a corporation-like entity... with vast powers on the global scene.’ What happens when individuals take up their political responsibility and form into groups? Would this kind of collectivity be blameworthy for failing to remedy global structural injustice? This is where my distinction between agents with the dispositional power to affect structures, and agents lacking this kind of power comes into play. The reality is that if UMCPWIDs did organise, they would not have dispositional power on the global scene. It is more likely that they will organise into a social movement, which is a group that has collective ability, which is a form of power, but it is not the same as dispositional power to change social structures. Perhaps if the group was sufficiently large it could become a revolutionary group, in which case it could have the power to effect structural change. But most such groups will not grow to this size and capacity. And even if individuals did organise into a global revolutionary force, they would not bear backward-looking moral responsibility for structural injustice on the liability model, because there was nothing they could have done about it until that point.

We arrive, then, at the third issue with Young’s opening paragraph about collective ability. She suggested that there is a difference between groups with collective ability and groups with the potential for coercive power. But she says nothing more about this. Young is unreflectively hinting at the distinction I have developed and that I think is very important for the social connection model. As I have been arguing, groups with the dispositional power to effect change in structures bear relational moral responsibility for failing to make changes. But I suggest further that groups with collective ability but not dispositional power, only bear political responsibility for change.

To return to the debates around power, I am suggesting the Arendtian definition of power – a capacity that depends on numbers – accords with “collective ability”. Some groups may have collective ability but not dispositional power within structures. This would render them politically responsible but not blameworthy for structural injustice. Consider trade unions, for example. Trade unions are organisations of workers. They do not have the power in the sense of the

dispositional capacity conferred by structural position to change the rules of the game, but they have the numbers to be able to bargain with employers, through the use of threats like withdrawal of labour, to be able to pressure the powerful. Collective ability is distinguished from dispositional power, in that dispositional power implies a structural position that confers the capacity to change the structures, whereas collective ability generates the capacity to pressure or influence the powerful. Influence can coincide with dispositional power (e.g. business lobbies), but there are many agents with collective ability but not dispositional power (e.g. trade unions, social movements).

This distinction is latent and implicit in Young’s writing. She suggests that,

The problem with power as a parameter of responsibility in relation to structural injustice is that those agents with significant power in relation to the unjust structures usually have an interest in their perpetuation.⁹⁴

Here she hints that there is something different about agents that have power within structures – they have an interest in perpetuating those structures. In my schema, the reason why powerful agents have an interest in perpetuating the *status quo* is because the existing structures position them to have the dispositional capacity for power to change structures and power over other agents. This is something they want to maintain because it is a means to achieving their ends and, perhaps for some agents, being powerful is an end in itself.

I am less squeamish than Young about suggesting that these agents bear moral responsibility for structural injustice. As I have argued, if an agent has the dispositional capacity to effect change in unjust structures because of their position within the structure, they are morally responsible for failing to do so. Agents with collective ability, but not dispositional power, have a political responsibility to pressure powerful agents to do more.

⁹⁴ Responsibility for Justice, 148.

4.2.2 *Privilege*

The third parameter of reasoning about political responsibility is privilege. Young writes:

Where there are structural injustices, these usually produce not only victims, but also persons with relative privilege in relation to the structures. *Most agents who occupy positions of power with respect to unjust structures also have privilege that coincides with this power.* In most situations of structural injustice, however, there are *relatively privileged persons who have relatively little power* as individuals or in their institutional positions, at least with respect to that issue of justice.⁹⁵

Young argues that privilege is distinct from power in the sense that it refers to agents who occupy privileged positions within social structures with respect to a particular structural injustice; nevertheless they are relatively powerless to change the structures. Their privilege consists in the fact that they *benefit* from the injustice in some sense. Young’s argument is that if an agent benefits from a structural injustice, this could be the structural injustice towards which the agent should direct their political responsibility.

In the context of sweatshop labour, she claims that middle-class clothing consumers ‘benefit from the large selection and affordable prices that retailers offer them.’⁹⁶ And ‘As beneficiaries of the process, they have responsibilities.’⁹⁷ Privilege as benefit is also significant because agents in positions of privilege are more able to resist structural injustice than less privileged agents. So while low-income shoppers also benefit from this structural injustice, they are positioned so as to not have the resources to be able to pay more for their clothing. This greater capacity, in terms of resources or time, is not the same as power to effect structural change, but it does give these agents more scope to struggle against structural injustice. Young writes,

⁹⁵ Responsibility for Justice, 145. (my emphasis)

⁹⁶ Ibid.

⁹⁷ Ibid.

Their being privileged usually means, moreover, that they are able to change their habits or make extra efforts without suffering serious deprivation. Lower-income clothing consumers, for example, whether in the developed or the developing world, may be less able than more affluent consumers to spend more for clothing in order to ensure that the workers who make it are fairly treated.⁹⁸

In terms of thinking about degrees of political responsibility, then, privileged agents have a greater degree of responsibility to resist structural injustice because a) they benefit from it and b) they have more capacity to engage because they do not suffer the risk of deprivation from so doing.

Young departs from the literature on benefit in making this argument. There has been a recent resurgence of interest in the topic of benefiting from injustice in relation to global and historic injustice. Several authors argue that benefit generates moral responsibility to make amends rather than political responsibility.⁹⁹

Goodin and Barry try to establish the responsibilities that an individual who has benefited from a wrongdoing has towards the victim. They offer the example of an individual who was admitted to Harvard because his father bribed an admissions officer, and his life turns out significantly better for it.¹⁰⁰ The man discovers evidence of the bribe fifty years later when clearing out his father's estate. He tracks down the person who lost their place at Harvard, who it turns out was distraught at his rejection, became a car mechanic, has been in and out of jail ever since, and has generally led an unhappy life. As Goodin and Barry point out, the innocent beneficiary in this case cannot simply 'give back' thirty years of life.¹⁰¹ But they argue that the beneficiary should 'make up' the loss, and that this person has more reason to do so than someone who was an innocent beneficiary

⁹⁸ Ibid.

⁹⁹ Robert E. Goodin and Christian Barry, "Benefiting from the Wrong-Doing of Others," *Journal of Applied Philosophy* (2014); Daniel Butt, "On Benefiting from Injustice," *Canadian Journal of Philosophy* 37, no. 1 (2007); Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2005).

¹⁰⁰ Goodin and Barry, "Benefiting from the Wrong-Doing of Others," 5.

¹⁰¹ Ibid.

of a clerical error. It is the fact of benefitting from wrongdoing that generates the obligation. They write,

Even innocent beneficiaries of wrongdoing should therefore disgorge what they have wrongly received. They have committed no wrong themselves, to be sure. Nonetheless, they have what they have as a result of a wrong. They are wrongly enriched, and it would be wrong for them to keep those riches.¹⁰²

They argue that the cost to the beneficiary should be no more than the benefit they have received.¹⁰³ If the victim incurred further costs, these will have to be covered by some other mechanism – perhaps out of the public purse.¹⁰⁴ If the innocent beneficiary fails to disgorge the benefits, then they are doing something wrong.¹⁰⁵

The aim of establishing what in principle an innocent beneficiary has a responsibility to do, is to be able to scale this up to questions of historic injustice. They argue that many people today are innocent beneficiaries (or victims) from the lingering, on-going effects of historic injustice. They suggest, ‘If we can figure out, through far-fetched stories about Harvard admissions, what the right response is to benefitting from wrong-doing, then we will have a better grip on what morally we ought to do about wrongs of much greater moment.’¹⁰⁶

My concern, however, is that it is not possible to scale up from an example of a discrete, bounded wrongdoing (a one-off bribe) to cases of structural injustice, whether it be historical or contemporary. In the case of sweatshop labour, it could be argued that clothing consumers are beneficiaries of the injustice, but I would suggest that this does not mean that they should disgorge the benefits derived from the practice. Scaling up from the Harvard example cannot help us understand the responsibilities that derive from benefitting from a structural injustice for the following reasons.

¹⁰² "Benefiting from the Wrong-Doing of Others," 6.

¹⁰³ "Benefiting from the Wrong-Doing of Others," 2.

¹⁰⁴ "Benefiting from the Wrong-Doing of Others," 19-20.

¹⁰⁵ "Benefiting from the Wrong-Doing of Others," 19.

¹⁰⁶ "Benefiting from the Wrong-Doing of Others," 22.

The first difference is that structural injustice is on-going, whereas the Harvard bribe is a past, bounded event. In the Harvard example, the wrongdoer and the bribed officer are no longer around. In the case of sweatshop labour, there are agents who could be considered wrongdoers and, therefore, they should be the first point of compensation. I take this to be uncontroversial – Goodin and Barry agree that if the wrongdoer is around, they should compensate the victim.¹⁰⁷ Multi-national clothing corporations are not only benefiting from the practice of sweatshop labour, but perpetuate it and enable it by continuing to support sweatshops through the purchasing of goods. Governments are at fault for failing to implement labour standards.¹⁰⁸ By contrast, consumers are not doing anything wrong by buying clothes; they are benefiting from the unjust practices of more powerful agents and it is these powerful agents who ought to do the compensating. The question is, then, if there are wrongdoers around who bear primary responsibility to compensate the victims, do beneficiaries still bear responsibility to disgorge their benefits? Or if there is an agency that bears primary responsibility for compensating victims of injustice, such as the state, do innocent beneficiaries still bear any responsibilities? Do innocent beneficiaries have a moral responsibility to disgorge their benefits if the victims have been compensated by either of these parties? If not, perhaps benefit only becomes morally relevant if there are no other agents around to do the compensating.

The second difference is a question of scale. In the Harvard example, there are identifiable perpetrators, victims and beneficiaries (even if we raise the number of victims or beneficiaries). In relation to structural injustice there is a mass of disorganised beneficiaries and a mass of disorganised victims. And they benefit and are victimised to different degrees. On the beneficiary side, some consumers buy large amounts of cheap clothing even when they could afford to buy fair-trade clothing, thus taking advantage of the situation, while other consumers infrequently buy clothing but are still benefiting. How do we work out how much

¹⁰⁷ "Benefiting from the Wrong-Doing of Others," 16.

¹⁰⁸ I would argue in the case of historic injustice that there may still be perpetrators around in the form of states, and so they should be the first point of contact for compensation claims rather than ordinary individuals as beneficiaries, although this is a controversial claim and one that I cannot defend here. I make this argument in my MA dissertation, Maeve McKeown, "Who Bears Responsibility for Post-Colonial Poverty?," in *Princeton Graduate Political Theory Conference* (Princeton, New Jersey 2011).

any individual beneficiary owes? Also, there is not a 'thing' that has been given to the consumers instead of the garment workers; I assume the garment workers do not want consumers to return the clothes to them. Goodin and Barry argue that when there is no 'thing' to give back, that the beneficiary should give 'the cash equivalent of the subjective value of the thing they received.'¹⁰⁹ But even if we could work out what that cash equivalent is given the different degrees of benefit, we are still left with the question of to whom would it be given?

There is a high turnover of staff in sweatshops – some will have worked for short periods of time, others for years. Perhaps the fact that some people cannot get long-term jobs is part of the injustice and they should be compensated more. Or should those who have worked more be compensated more because they have suffered this particular injustice for longer? How do we work out what each victim is entitled to? How do we know who the victims are if staff records are not routinely kept? If the consumers do not know who the victims are and the victims do not know who the beneficiaries are, can the claim to disgorge the benefits be enforceable? The scale of the problem means that cash transfers directly from beneficiaries to victims is not plausible.

A third difference between the example of benefiting from a discrete wrongdoing and from structural injustice is that in the latter case there is a chain of beneficiaries. MNCs benefit to a much greater extent from sweatshop labour than do consumers. By charging large sums of money for clothing that cost very little to produce, or selling vast amounts of cheap clothing, they amass millions of dollars in profit. Another actor in the chain of benefit are governments that benefit from increased employment and economic growth. Even if consumers can be said to benefit from sweatshop labour in the sense of having a range of clothing at affordable prices, this is a marginal benefit compared to the macro gains of MNCs and governments. We can ask, then, do the agents that benefit most bear the responsibility to disgorge the benefits, or do all beneficiaries have to disgorge their benefits even if they only benefit in marginal ways? What difference does it make that there are intermediary beneficiaries, and agents that benefit to different degrees, and how does that change agents' responsibilities?

¹⁰⁹ Goodin and Barry, "Benefiting from the Wrong-Doing of Others," 6.

These differences of on-going harm, scale and chains of beneficiaries are not just practical difficulties. These issues point to an underlying, fundamental difference – injustice is structural and requires a structural solution, whereas a discrete wrongdoing could be remedied through compensation. Goodin and Barry are adopting the liability model to deal with the responsibility of an innocent beneficiary from a discrete wrongdoing, but the problems I have highlighted in scaling this up to structural injustice bears out Young's argument that the liability model cannot successfully deal with structural injustice.

Butt argues that there are independent moral reasons for expecting the beneficiaries to give up their benefits accrued from injustice. He argues, "They represent the 'fruits of injustice,' they may be seen as distortions within the overall scheme of distribution."¹¹⁰ If beneficiaries care about injustice, they should be prepared to rectify distortions in the scheme of fair distribution.¹¹¹ This is the fundamental reason why benefit generates a moral duty on the part of the beneficiaries. He argues, "We are right to feel guilty at benefiting from others' misfortune, precisely because this suggests that we have not fulfilled our compensatory obligations."¹¹²

My concern, however, is that the fruits of injustice – contemporary and historical – are everywhere in everything that we do. Consider the Harvard example again. The man admitted to Harvard not only benefited from the bribe, but also from structural sexism and racism that meant that the majority of those admitted were white men. Should the beneficiary then disgorge his benefits to all the women and African-Americans who might have been admitted had it not been for structural sexism and racism?

Many people are beneficiaries from multiple structural injustices. Some will benefit from some structural injustices and be victims of others. How do we determine, then, who are the victims and who are the beneficiaries? Do we find an algorithm for determining privilege in relation to structural injustice and ask

¹¹⁰ Butt, "On Benefiting from Injustice," 134.

¹¹¹ "On Benefiting from Injustice," 144.

¹¹² "On Benefiting from Injustice," 145.

people to pay in cash according to how privileged they are? Who would they pay it to? There are so many structural injustices in the world from which people benefit – and not just people in Western industrialised countries, there are historic injustices, class inequalities, sexism, racist, homophobic laws or social practices in all countries – that it would be crippling to suggest that any one individual has compensatory moral obligations in relation to all of these problems.

Moreover, whatever the validity of paying compensation to the victim of a discrete wrongdoing from which one innocently benefits, this does not apply to structural injustices because it is not a structural solution. The literature that originally raised the issue of benefit was on affirmative action in the 1970s. The affirmative action literature did not argue that individual beneficiaries of injustice had moral duties to rectify injustice or compensate the victims. For instance, Judith Jarvis Thomson claimed that affirmative action was justifiable because the political community bore a responsibility towards women and African-Americans for their structural disadvantage. Her argument was not that white men had a moral duty to accept the hiring of women and African Americans because they benefited from injustice. She writes,

Of course the white male is asked to give up his equal chance at the job. But that is not something he pays to the black or woman by way of making amends; it is something the community takes away from him in order that *it* may make amends.¹¹³

The claim is that the political community ought to revoke the privileges of some, not the ‘rights’ of some, in order to restore a balance of equal social relations among community members. This is almost an Arendtian justification as to why white men should accept affirmative action – if an individual’s political community is acting wrongfully citizens are collectively responsible for seeing to it that the wrongdoing stops. This responsibility is political, not moral, and will affect some individuals more than others – the privileged will have to relinquish some of the benefits they have come to expect. Bernard Boxhill argues from the same premise as Thomson,

¹¹³ Judith Jarvis Thomson, "Preferential Hiring," *Philosophy and Public Affairs* 2, no. 4 (1973): 383.

Preferential hiring does not require young white males to pay over, at additional costs to themselves, the price of their advantages. It proposes instead to compensate the injured with goods no one yet has established a right to and in a way, therefore, which imposes no unfair losses on anyone.¹¹⁴

It could be objected that while the white man may not have a right to a job, he does have a right to fair competition. Boxhill responds that ‘on the contrary, by refusing to allow him to get the job because of an unfair advantage, preferential hiring makes the competition fairer.’¹¹⁵ If the white male applicant cares about fairness, then, he should support the policy of preferential hiring because it levels the playing field without imposing unfair losses on him.¹¹⁶

These older arguments are closer to Young’s; we should all work to ameliorate structural injustice, which will inevitably mean that some people will lose certain privileges, but it is their political responsibility to support that in the name of justice. Burdening individuals with guilt for the benefits they receive over which they have no control is unhelpful. It makes more sense to say that we have a forward-looking political responsibility to try to improve unjust structures than that we have moral duties to make recompense for all the injustices from which we benefit. When considering benefit from structural injustice, the focus should be on structural solutions rather than individualised moral atonement.

4.2.3 *Interest*

The final and most controversial parameter of reasoning is interest. This mainly applies to the victims of structural injustice.¹¹⁷ Young argues that the victims, ‘have unique interests in undermining injustice, and they ought to take

¹¹⁴ Bernard Boxhill, "The Morality of Preferential Hiring," *ibid.* 7, no. 3 (1978): 266.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ I say mainly, because Young argues that it could apply to other agents too, e.g. if a corporation related their brand image to “quality” goods, it may be in their interests to buy fair trade clothing.

responsibility for doing so.¹¹⁸ This counteracts the tendency of the preceding parameters of reasoning to place all the responsibility for change on privileged actors within structural processes. This is important to Young because the victims are best placed to know what to do about injustice. She writes,

It is they who know the most about the harms they suffer, and thus it is up to them to broadcast their situation and call it injustice. Unless the victims themselves are involved in ameliorative efforts, well-meaning outsiders may inadvertently harm them in a different way, or set reforms going in unproductive directions.¹¹⁹

Young cites some of the ‘ineffective or paternalistic’ interventions of the anti-sweatshop movement, such as campaigning to shut down factories, or pushing for inspections of factories without guaranteeing safeguards that the workers who participate will be free from intimidation or negative repercussions.¹²⁰ Taking up political responsibility in a responsible way requires dialogue with victims; finding out what they want and need, and how those in privileged positions can support that. Throughout her career Young has stressed the necessity of inclusive decision-making procedures over paternalistic, top-down approaches. But if inclusive democracy is going to work, there’s a responsibility for everyone to participate in it; for the under-privileged to take part, no matter how hard that might be, and for the more-privileged to listen to how they can remove barriers to inclusivity.

In the framework developed here, I have suggested that the powerful be defined as the agents with the dispositional capacity to effect change in the structures. Agents with collective ability are collectivities that do not necessarily have power to effect change in the structures but can put pressure on powerful agents. Privileged agents are those that benefit in some way, but again do not have the dispositional power to effect structural change. The victims not only do not have power, they do not benefit from the injustice. They are structurally situated so as to be powerless in relation to a particular injustice – this is why they are victims.

¹¹⁸ Young, *Responsibility for Justice*, 145.

¹¹⁹ *Responsibility for Justice*, 146.

¹²⁰ *Ibid.*

They are victims only in the sense of being powerless in relation to a particular structural injustice. Victims are not just “victims” – they are agents and they could have collective ability if they organise.

It is important to note that including the victims in shared responsibility for structural injustice is not tantamount to ‘victim-blaming’. On the liability model of responsibility, including the victims would be victim-blaming, ‘because the isolating logic of liability then absolves others of responsibility.’¹²¹ On the social connection model, however, they share in the non-blameworthy political responsibility to struggle against unjust structures because of their knowledge of injustice, and in order to avoid ineffectual paternalism on the part of the privileged.

The responsibility to stand up and resist comes up time and again in the literature from, what Angela Davis calls, ‘The Black Freedom Movement’; which encompasses everything from emancipation from slavery, to reconstruction, Civil Rights, struggles against colonialism and critical race theory and practice today.¹²² The first reason why victims should get involved corresponds with Young’s idea that it will make interventions in structural injustice more effective.

In relation to feminist struggles to end structural sexism, bell hooks argues that the most marginalized women in the USA – African-American women – must make their voices heard within the movement. This is because they speak from a unique vantage point, and this means they share in responsibility to make the feminist movement stronger. She writes,

It is essential for continued feminist struggle that black women recognize the special vantage point our marginality gives us and make use of this perspective to criticize the dominant racist, classist, sexist hegemony as well as to envision and create a counter-hegemony. I am suggesting we have a central role to play in the making of feminist theory and a contribution to offer that is unique and valuable. The formation of a

¹²¹ Responsibility for Justice, 145.

¹²² Davis, "Freedom Is a Constant Struggle: 'Closures and Continuities'."

liberatory feminist theory and praxis is a collective responsibility, one that must be shared.¹²³

As hooks argues, the vantage point of those structurally positioned so as to be powerless offers unique and valuable insights into the ways in which power operates and as to how structural injustice manifests itself. The responsibility of victims, therefore, should not be perceived as the ‘reaching out’ of the privileged; it is crucial to any movement that aims to end structural injustice that the most structurally disadvantaged get involved.

The philosopher and former slave Frederick Douglass also argues that the resistance of victims of injustice is crucial to undermining injustice. He argued that, ‘Power concedes nothing without a demand. It never did and it never will.’¹²⁴ He claims that the abolition of slavery by Britain was an act of the British government, but that ‘a share of the credit of the result justly falls to the slaves themselves.’¹²⁵ By engaging in rebellions and outbreaks of violence, the rebelling slaves created fear and danger, forcing the government to act. He argues that ‘The combined action of one and the other wrought out the final result.’¹²⁶

Carol Gould, however, is wary of Young’s assertion that victims share political responsibility for justice. In relation to sweatshop labour, she argues:

The implication that the exploited workers share responsibility for the systems that oppress them seems counterintuitive, at least *from a view that takes seriously the fact of their exploitation itself*. It seems that here Young goes too far in her claim that everyone is responsible for these systems. We can grant that this might be the case on a very abstract level, and also that oppressed people have some residual freedom of choice within even dismal surroundings, and moreover, that they are participants in the systems by which they are oppressed. But *her overly broad view seems to lose the very point of the critique of oppression and domination in the first place – namely,*

¹²³ bell hooks, *Feminist Theory: From Margin to Center* (Boston: South End Press, 1984), 15.

¹²⁴ Frederick Douglass, "West India Emancipation: Speech Delivered an Canandaigua, New York, August 3, 1857" <http://www.lib.rochester.edu/index.cfm?PAGE=4398>.

¹²⁵ Ibid.

¹²⁶ Ibid.

*that those who are dominated or exploited specifically lack access to the conditions that they need and further that because of the power of these systems they cannot change them. So, holding them responsible, while perhaps not amounting to “blaming the victim” as on the liability model Young criticizes, seems unfair to them, since the systems that dominate them are not of their choosing. And they “participate” in them only in an equivocal sense of being in some sense coerced to do so.*¹²⁷

Gould highlights the lack of an analysis of power in Young’s account, which I agree with and have tried to rectify here to some extent. She is also right that within a global structural injustice like sweatshop labour that the victims do not have the capacity to effect change in the structures. However, it does not follow that they have no responsibility at all. And it is not just for the pragmatic reason discussed above.

Frederick Douglass argued further in relation to slavery that there is a normative reason for slaves to participate in struggles against slavery – they had a responsibility to stand up for themselves. He argued,

It is a natural incident of the war, and I trust I am to a certain degree prepared for it; but the stolid contentment, the listless indifference, the moral death which reigns over many of our people, we who should be all fire, beats down my little flame of enthusiasm and leaves me to labor, half robbed of my natural force. This indifference, in us, is outrageous.¹²⁸

The Black Panthers asserted in their 10-Point Program that it was a ‘duty’ for African-Americans to fight for revolution: ‘when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.’¹²⁹

¹²⁷ Gould, "Varieties of Global Responsibility: Social Connection, Human Rights, and Transnational Solidarity," 203 (my emphasis).

¹²⁸ Douglass, "West India Emancipation: Speech Delivered an Canandaigua, New York".

¹²⁹ Black Panthers, "The Ten-Point Program," <https://www.marxists.org/history/usa/workers/black-panthers/1966/10/15.htm>.

The psychiatrist and revolutionary Frantz Fanon discusses a patient who told him of a dream where he was in a room with white men and he realised that he was white too.¹³⁰ Fanon argues that the man is suffering from an ‘inferiority complex’, and that he has to do two things. One is to work on himself to overcome his internal predicament and the other is to struggle against the social structures that generate the complex in the first place. He writes,

What emerges then is the need for combined action on the individual and on the group. As a psychoanalyst, I should help my patient to become more conscious of his unconscious and abandon his attempts at hallucinatory whitening, but also to act in the direction of a change in the social structure.¹³¹

I have suggested that victims are victims in so far as they are rendered powerless by their position within social structures. But as bell hooks argues, it is a mistake to say that victims are powerless in general. She argues that women who are oppressed do not want to think of themselves as ‘victims’ because they want to focus on what they *can* do. She argues that, ‘Women, even the most oppressed among us, do exercise some power.’¹³² Marginalized women should be encouraged to exercise power that is ‘creative and life-affirming’.¹³³ She writes,

Feminist movement is not advanced if women who can never be among those who rule and exercise domination and control are encouraged to focus on these forms of power and see themselves as victims. The forms of power that these women should exercise are those that will enable them to resist exploitation and oppression and free them to work at transforming society so that political and economic structures will exist which benefit women and men equally. Feminist activists must emphasise the forms of power these women exercise and show ways they can be used for their benefit.¹³⁴

¹³⁰ Frantz Fanon, “The So-Called Dependency Complex of Colonized Peoples,” in *Black Skin, White Masks*, ed. Frantz Fanon (London: Pluto Press, 2008), 74.

¹³¹ *Ibid.*

¹³² hooks, *Feminist Theory: From Margin to Center*, 90.

¹³³ *Feminist Theory: From Margin to Center*, 84.

¹³⁴ *Feminist Theory: From Margin to Center*, 92.

The typology of power used so far in this chapter – episodic, dispositional and structural – does not take into account this more positive sense of power as ‘empowerment.’ Including individual empowerment shows how victims can be included in sharing political responsibility. Because while victims of structural injustice lack dispositional power to effect structural change, and thus do not exercise episodic power in relation to structures; they do have the capacity to become empowered. This is what Fanon was suggesting his patient do – to work on one’s internal sense of inferiority and to engage in resistance to unjust social structures. One way of becoming individually empowered is to engage in collective action – to join a collectivity with collective ability, such as the feminist movement, the Black Panthers, slave rebellions, or other movements for justice. This then also contributes to collective empowerment.

Hye-Ryoung Kang gives an account of the variety of transnational women’s collectivities that have arisen in relation to exploitative supra-national economic processes. Examples include the Coalition for Justice in the Maquiladoras with members in Mexico, the USA and Canada, and the Asian Women’s Immigrant Advocates. She argues that through engaging with others who are also experiencing oppression victims become empowered and feel more able to call their situation injustice – individual empowerment.¹³⁵ And collectivities are more able to broadcast and vocalise justice claims than isolated individuals – collective empowerment.¹³⁶

The desire to absolve victims of political responsibility to stand up for themselves and get involved in movements for justice corresponds to a tendency identified by post-colonial feminists – the tendency to ‘objectify’ victims.¹³⁷ Chandra Mohanty argues that the group ‘Third world women’ are constructed in Western feminist literature, ‘as a homogenous, ‘powerless’ group often located as implicit *victims* of particular cultural and socio-economic systems.’¹³⁸ Categorising Third World

¹³⁵ Hye-Ryoung Kang, "Transnational Women's Collectivities and Global Justice," in *Gender and Global Justice*, ed. Alison M. Jaggar (Cambridge: Polity Press, 2014), 52.

¹³⁶ Ibid.

¹³⁷ Chandra Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Feminist Review*, no. 30 (1988): 67.

¹³⁸ "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Feminist Review*, no. 30 (1988): 66.

women as inherently powerless victims ‘robs them of their historical and political agency.’¹³⁹ Valerie Amos and Pratibha Parmar argue that when feminists talk about women from ‘traditional’ cultures, they ‘portray us as politically immature women who need to be versed and schooled in the ethos of Western feminism.’¹⁴⁰ Victims tend to be seen as non-agents in need of rescue, rather than as agents who could be engaged in acts of resistance. Recognising that as agents, victims have the capacity for individual or collective empowerment, is important to overcome this pernicious tendency.

Ultimately, as bell hooks forcefully argues, oppressed people know they are oppressed and are often already engaged in resistance. She argues,

Frequently, white feminists act as if black women did not know sexist oppression existed until they voiced feminist sentiment. They believe they are providing black women with “the” analysis and “the” program for liberation. They do not understand, cannot even imagine, that black women, as well as other groups of women who live daily in oppressive situations, often acquire an awareness of patriarchal politics from their lived experience, just as they develop strategies of resistance (even though they may not resist on a sustained or organized basis).¹⁴¹

Contra Carol Gould, then, I argue that Young’s assertion of the political responsibility of victims is one of the most important and significant aspects of her work on responsibility. It is recognition of the fact that, pragmatically speaking, real structural change will be effected by mass organisation of the oppressed, rather than waiting around until the conscience of the powerful and privileged has been sufficiently pricked to take action. And normatively speaking, it is a recognition of the agency of victims; who are victims only in the sense that they are structurally positioned so as to have no dispositional power or privilege in relation to social structures.

¹³⁹ "Under Western Eyes: Feminist Scholarship and Colonial Discourses," 79.

¹⁴⁰ Valerie Amos and Pratibha Parmar, "Challenging Imperial Feminism," *ibid.*17(1984): 7.

¹⁴¹ hooks, *Feminist Theory: From Margin to Center*, 10.

Gould argued in relation to sweatshop labour, that it is precisely the exploitation of victims that makes it wrong to hold them responsible for the injustice. As I write this, however, an estimated 30,000 workers at Nike and Adidas factories in China are on strike. This sees an increase of one third in strike action in China on the previous two years.¹⁴² Garment workers in Cambodia engaged in mass protest in January this year. The government responded with a brutal crackdown and a ban on public gatherings of more than ten people.¹⁴³ The restriction on collective organising suggests that collective organising was indeed having an effect on structural injustice. Cambodian workers have responded to this prohibition on protest with stay-at-home strikes.¹⁴⁴

This wave of strike action in China and Cambodia is demonstrating that collective empowerment of victims can initiate structural change. There is only so much that consumers as beneficiaries can do – it is up to victims to organise and fight back. One of the best things the privileged can do is to support movements of the oppressed in whatever way they can (donations, writing, getting directly involved with skill-sharing or participation, giving a platform to grassroots activists, advocating on their behalf in their home countries etc.).

Demonstrations of support, however, can be fleeting and unsustainable.¹⁴⁵ Solidarity requires more sustained commitment.¹⁴⁶ One way of demonstrating solidarity with the victims of structural injustice is to stand prepared to renounce the benefits one gains from injustice, for the sake of more justice. In the same way that young, white men had a political responsibility to accept the removal of privileges in relation to job opportunities for the sake of restoring equality in their communities, if the current wave of sweatshop union organizing, protesting and rioting leads to higher prices for clothing in Western countries, consumers have a political responsibility to accept this as a renunciation of their privileges for the sake of justice for garment workers. This is going to be more useful to the goal of structural change than giving up cash equivalents of the benefits one has received

¹⁴² Didi Tang, "30,000 Strike at Nike and Adidas in China," *The Scotsman*, 18 April 2014.

¹⁴³ Michelle Tolson, "Fashion Backward: Cambodian Government Silences Garment Workers," *Inter Press Service*, January 9 2014.

¹⁴⁴ Mech Dara, "Predictions Mixed for Post-New Year Garment Strike," *The Cambodia Daily*, April 17 2014 2014.

¹⁴⁵ hooks, *Feminist Theory: From Margin to Center*, 64.

¹⁴⁶ *Ibid.*

to unspecified victims; as widespread acceptance to pay higher prices for clothing, to ensure decent wages and working conditions for garment workers, is a long-term structural solution.

4.3 Conclusion

Young argues that all agents connected to structural injustice share a non-blameworthy political responsibility to try to make the structures more just. On my understanding, there are powerful agents – defined as agents with the dispositional power to effect change in the structures – acting within structural injustice who ought to be held morally responsible for actively, knowingly and intentionally perpetuating unjust structures; that is they are morally responsible – blameworthy – on the liability model of responsibility. Here I have discussed large global corporations, but this could also apply to nation-states. Part of the role of politically responsible individuals, or collectivities that have collective ability but not the dispositional power to effect structural change, is to seek out these morally responsible agents and to hold them to account. My view is thus more confrontational than Young’s and makes more use of the liability model within structural injustice. This also means that on my view the parameters of reasoning are narrowed down to collective ability, privilege and interest. Through an analysis of power within structural injustice, I support Young’s argument that these three parameters of reasoning are ways of thinking about how to discharge political responsibility rather than ways in which relational moral responsibility can be conferred upon individuals or collectivities for structural injustice.

This concludes my discussion of moral responsibility and the liability model. In the second part of the thesis I concentrate on political responsibility and the social connection model. I look at what Young means when she says political responsibility is a responsibility for *justice*; I construct a Youngian account of *global injustice*; and I discuss how *connection* generates political responsibility.

Part Two: Political Responsibility

Chapter 5 *Individuals' Responsibilities for Injustice*

Young conceives of political responsibility as a responsibility that individuals have for *justice*; so the question I address in this chapter is what can it mean for individuals to have a responsibility for justice. To answer this, I situate Young in relation to the “division of labour” debate, in which theorists question whether responsibilities for justice fall exclusively on institutions (dualists), or on individuals too (monists). For dualists, individuals and institutions have different kinds of responsibilities in relation to justice; monists do not make this distinction, responsibility for justice is a continuum. Young’s position is unique; she agrees with monists that individuals have responsibilities for justice, but she adopts a distinct form of dualism. According to Young, *individuals’* responsibilities should be understood along dualist lines; individuals have two kinds of moral responsibility – interactional and structural. The latter constitutes political responsibility.

The most influential structural account of justice is John Rawls’ *A Theory of Justice*. Rawls argued that justice applies to the “basic structure” of society, conceived of as “the major social institutions.” The basic structure is governed by two principles of justice, and individuals’ responsibility for justice is to support the just institutions of the basic structure.

The similarity between Young and Rawls’ work on justice is that they both focus on structure: on how social structures determine people’s life chances, how they shape individuals and how they enable and constrain individuals’ options. The differences, however, are numerous, and have significant implications for how we are to conceive of individuals’ responsibilities for justice. In this chapter, I draw out the differences between Rawls and Young, and use this to construct a positive Youngian account of individuals’ responsibilities for injustice.

In the first section of this chapter, "The Basic Structure Reconsidered", I consider the idea that the basic structure contains more than "the major social institutions" of society. I do this by looking at the intra-Rawlsian debate over the position of the family in Rawls' basic structure. I argue, following G.A. Cohen and Clare Chambers, that if the family is included in the basic structure then Rawls' reasons for making the basic structure the primary subject of justice fall apart. I outline Young's understanding of "social-structural processes", which are not separate from society but in fact constitute it, and show how this understanding of structure can include justice within the family.

While Young's understanding of structure can better accommodate the family, she is engaged in a different form of critique to the internal critics of Rawls. For what these critics have in common is an assumption that justice involves the distribution of the benefits and burdens of social cooperation. One of Young's most significant contributions to justice theory is her critique of the "distributive paradigm" of justice, which, in a nutshell, is the idea that certain forms of oppression that are pervasive in late capitalist welfare societies, such as sexism and racism, cannot be solved using the logic of distribution. Theories of justice for our times must encompass distributions of resources *and* critical understandings of power relations that condition individuals' attitudes, habits and norms, and how all of this affects groups and not merely individuals. I conclude this section by taking up Susan Moller Okin and Charles Mills' points that once we include the family in discussions about justice we are no longer engaging in ideal theory.

I add to this by arguing that once we engage in critical theorising about actually existing power relations and group oppression, that we cannot be doing ideal theory. Central to the Rawlsian project is the idea that in order to work out the principles of justice for the separate sphere of the basic structure, we must engage in ideal theory that abstracts away from historical contingencies. I explore the debate between Mills and Zofia Stemplowska over the value of ideal theory, and show that Young's theorising about justice entails a rejection of ideal theorizing.

I contend that this analysis shows that Young's understanding of structure is more expansive and necessarily historically situated, compared to Rawls' restricted

scope of the basic structure, which depends on ideal theory for its elucidation. In Section 2, I show what implications this has for individuals' responsibilities for justice. Rawls adopts a "dualist" approach; institutions bear primary responsibility for justice and individuals' responsibilities are derivative of institutional responsibilities. I argue that Young's approach implies that individuals have a distinct responsibility for justice – political responsibility. As argued in Part One of this thesis, political responsibility is a non-blameworthy, forward-looking, moral responsibility as virtue, and entails engaging in collective action to challenge structural injustice.

5.1 The Basic Structure Reconsidered

Rawls' theory of justice is the most influential of our times. As both Rawls and Young adopt a structural approach to justice, I explore how they think about structure and individuals' responsibilities in relation to it. Young herself was not particularly clear on the relationship of her work to Rawls'. She veers from being stridently critical of Rawls in *Justice and the Politics of Difference* (1990), where she opposes the "distributive paradigm" of justice, arguing that it cannot include issues that involve power relations, like oppression and domination of social groups.¹ Then in her review of *Political Liberalism* (1995), she criticises Rawls for moving too far in the direction of dealing with culture to the neglect of political economy.² In one of her final essays – "Taking the Basic Structure Seriously" (2006) – Young argues that she endorses Rawls' argument that structure is the subject of justice, so long as we reconfigure the idea of the basic structure; she writes, "This work means less shifting away from Rawls' theory than deepening some of its central elements."³ In this section I argue that the differences between Rawls and Young are more significant than Young's final statement on the matter suggests, because when we take her understandings of structure, distributive justice and ideal theory seriously, we have moved away from

¹ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), Chapter 1.

² "Survey Article: Rawls's Political Liberalism," *The Journal of Political Philosophy* 3, no. 2 (1995).

³ "Taking the Basic Structure Seriously," *Perspectives on Politics* 4, no. 1 (2006): 96.

the project of Rawlsian justice. This will then have implications for how we conceptualise individuals' responsibilities for justice.

5.1.1 *Family*

What Young and Rawls agree on when it comes to structure is the issue of "counter-finality".⁴ That is, that the outcomes of many individuals' ordinary, legal and nonblameworthy activities, can result in harmful structural outcomes. For Rawls, justice means the regulation of these structural outcomes, borne out of the accumulation of private individual transactions in the economy. As Rawls writes, while the social conditions in which agreements take place initially might be fair,

the accumulated results of many separate and ostensibly fair agreements, together with social trends and historical contingencies, are likely in the course of time to alter citizens' relationships and opportunities so that the conditions for free and fair agreements no longer hold.⁵

Young also has this in mind when considering the justice or injustice of structures. She writes:

Many large-scale social processes in which masses of individuals believe they are following the rules, minding their own business, and trying to accomplish their legitimate goals can be seen to result in undesirable unintended consequences when looked at structurally.⁶

Rawls argues that this kind of structure is the "basic structure", which must be regulated by the principles of justice. The basic structure can be separated out from private associations and private transactions. It is the background pattern of institutional rules and resources against which private associations and persons act. But Young does not separate structure from the rest of society. In this

⁴ Young borrows this term from Sartre, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 96.

⁵ John Rawls, "The Basic Structure as Subject," in *Political Liberalism* (Chichester: Columbia University Press, 1993), 266.

⁶ Young, *Responsibility for Justice*, 63.

section I look at the Rawlsian debate over the place of the family in the basic structure, as this demonstrates the difficulty of conceiving of structure as separate from society. I then look at how Young conceives of structure and how this can better accommodate the family.

In *A Theory of Justice* Rawls argues that the "basic structure" is 'the primary subject of justice.'⁷ The basic structure constitutes 'the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.'⁸ The 'major social institutions' include the political constitution, the legal protection of freedom of thought and conscience, competitive markets, private property and the monogamous *family*.⁹ The reason why the principles of justice apply to the basic structure so conceived is that:

Taken together as one scheme, the major institutions define men's rights and duties and influence their life prospects, what they can expect to be and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound and present from the start.¹⁰

As Susan Moller Okin points out, including the family in the basic structure is surprising, given that the distinction between the public and private spheres has been assumed throughout the history of political thought; however, as she further points out, 'it is necessary, given Rawls' stated criteria for inclusion in the basic structure.'¹¹ Disappointingly, however, 'the family is to a large extent ignored, though assumed, in the rest of the theory.'¹² Given the ambiguity of Rawls' statements on the family, a debate over the place of the family in Rawls' basic structure has ensued.

⁷ John Rawls, *A Theory of Justice*, Revised Edition ed. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1999), 6.

⁸ Ibid.

⁹ Ibid.

¹⁰ *A Theory of Justice*, 6-7.

¹¹ Susan Moller Okin, "Justice as Fairness for Whom?" in *Justice, Gender and the Family* (USA: Basic Books, 1989), 93.

¹² Ibid.

G.A. Cohen argues that if Rawls includes the family in the basic structure, he has to abandon 'his insistence that it is to the basic structure only that the principles of distributive justice apply.'¹³ Cohen attributes the ambiguity in Rawls' conceptualisation of the basic structure to the lack of clarity over whether it only applies to coercive institutions or also to non-coercive institutions and personal choices and behaviour.¹⁴ According to Cohen, the most common understanding of the basic structure is 'the *broad coercive outline* of society.'¹⁵ The second understanding of the basic structure, 'can depend far less on law than on convention, usage, and expectation: a signal example is the family.'¹⁶ But 'once the line is crossed' from coercive to non-coercive institutions, then 'the ambit of justice can no longer exclude chosen behaviour, since the usages which constitute informal structure... are bound up with the customary actions of people.'¹⁷ So once the family is included in the basic structure, the actions of individuals are a concern for justice because, 'behaviour is *constitutive* of *non-coercive* structure.'¹⁸

Cohen focuses specifically on the application of Rawls' "difference principle."¹⁹ The difference principle is one of Rawls' principles of justice. It is the idea that economic inequality is arranged so as to advantage the most disadvantaged people in society.²⁰ Cohen argues that he too is concerned with 'the pattern of benefits and burdens in society.'²¹ This leads him to be primarily concerned neither with structure itself, nor with individuals' personal choices, 'but the upshot of structure and choices alike.'²² The interaction of structure and individuals' personal choices generates distributive outcomes. Cohen claims that, 'To the extent that we care about coercive structure because it is fateful with regard to benefits and burdens, we must care equally about the ethi that sustain gender inequality, and inegalitarian incentives.'²³ Justice requires, then, not merely a just basic structure

¹³ G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26, no. 1 (1997): 4.

¹⁴ "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26, no. 1 (1997): 11.

¹⁵ "Where the Action Is," 19.

¹⁶ *Ibid.*

¹⁷ "Where the Action Is," 20.

¹⁸ *Ibid.*

¹⁹ "Where the Action Is," 5.

²⁰ Rawls, *A Theory of Justice*, 53.

²¹ Cohen, "Where the Action Is," 12.

²² *Ibid.*

²³ "Where the Action Is," 28.

but also an egalitarian ethos, if the outcomes of the interaction of structure and personal behaviour are to result in distributive justice.

Defenders of the basic structure argue that while Cohen's critique is powerful, it is not conclusive. Samuel Scheffler argues that there are good reasons for restricting the principles of justice to the basic structure. It boils down to Rawls' 'methodological modesty.'²⁴ Rawls proposes an "institutional division of labour" between 'social forms that are required to ensure background justice and those that directly regulate individual economic transactions.'²⁵ The difference principle controls for background justice on a macro-level, whereas rules such as those relating to fraud and duress can apply to individual economic transactions.²⁶ This leaves individuals free to pursue their own ends instead of constantly trying to correct for macro-economic injustice.²⁷ As Rawls points out, this would be 'an excessive if not an impossible burden.'²⁸

Rawls also advances a "moral division of labour" between 'the principles of justice that apply to the basic structure of society and the values and principles that apply to other areas of life.'²⁹ This moral division of labour responds to Rawls' commitment to value pluralism.³⁰ The principles of justice cannot regulate individuals' choices and behaviour because this would conflict with the idea that individuals ought to pursue their own comprehensive conceptions of the good. Scheffler argues that Cohen does not speak to these important reasons for Rawls' argument that the basic structure is distinct.³¹

Clare Chambers thinks that these debates are focusing on the wrong issues, namely the coercive/non-coercive institutions distinction and an over-emphasis on the application of the difference principle. On the first issue, the textual evidence in Rawls reveals that the relevant distinction is not over whether the

²⁴ Samuel Scheffler, "Is the Basic Structure Basic?," in *The Egalitarian Conscience: Essays in Honour of G.A. Cohen*, ed. Christine Sypnowich (Oxford: Oxford Scholarship Online, 2006), 102.

²⁵ "Is the Basic Structure Basic?," in *The Egalitarian Conscience: Essays in Honour of G.A. Cohen*, ed. Christine Sypnowich (Oxford: Oxford Scholarship Online, 2006), 107.

²⁶ "Is the Basic Structure Basic?," 106.

²⁷ Ibid.

²⁸ Rawls, "The Basic Structure as Subject," 266.

²⁹ Scheffler, "Is the Basic Structure Basic?," 107.

³⁰ Ibid.

³¹ "Is the Basic Structure Basic?," 112.

basic structure institutions are coercive or not. Chambers picks up Rawls' quote in *Justice as Fairness Revisited*: "Since justice as fairness starts with the special case of the basic structure, its principles regulate this structure and *do not apply directly to or regulate internally* institutions and associations within society".³² Here there are two things that the principles of justice do to basic structure institutions – they "apply directly" and "regulate internally"– but they do not do this to non-basic structure institutions.

Chambers first looks at the claim that the principles of justice "internally regulate" the institutions of the basic structure, and how this applies to the family. She argues that while Rawls makes many references in his work to the principles applying directly to the basic structure, that she can find no other references to the idea that the principles internally regulate the basic structure institutions.³³ So when Rawls says that the principles do not apply internally to non-basic-structure institutions like churches or universities he introduces a 'red herring' because, "The principles of justice do not apply to the internal life of any institutions."³⁴

So if the fact of internal regulation of institutions is not the thing that makes basic-structure institutions unique, the alternative must be the idea that the principles "apply directly" only to these institutions. One way of interpreting this is that they apply "essential constraints" on the institutions; for instance husbands cannot prevent their wives from voting.³⁵ However, as Chambers argues, this cannot be what makes the basic structure distinct, because no institution, basic-structure or otherwise, is permitted to violate the first principle of justice – the equal basic liberties – of its members. Churches and universities cannot remove peoples' right to vote either.³⁶

The over-emphasis on the difference principle in this debate is a mistake, because the difference principle is the lowest-ranked principle of justice, preceded by the

³² John Rawls, *Justice as Fairness: A Restatement* (USA: Harvard University Press, 2001), 10. Quoted in Clare Chambers, "'The Family as a Basic Institution': A Feminist Analysis of the Basic Structure as Subject," in *Feminist Interpretations of John Rawls*, ed. Ruth Abbey (USA: The Pennsylvania State University Press, 2013), 80.

³³ Chambers, "The Family as a Basic Institution," 82.

³⁴ "'The Family as a Basic Institution," 83.

³⁵ Ibid.

³⁶ "The Family as Basic Institution," 84.

principles of equal basic liberties and equal opportunity. These principles, as argued by Rawls, must apply to all institutions.³⁷ He writes, "the principles defining the equal basic liberties and opportunities of citizens always hold in and through all so-called domains."³⁸ The equal basic liberties ought never to be violated, and the equal-opportunity principle must "apply directly" to at least some non-basic structure institutions, such as businesses.³⁹ Scheffler's moral and institutional divisions of labour break down, then, when the other principles of justice are considered. The institutional division of labour might make sense for the difference principle, but it does not apply so neatly to the equal basic liberties or equal opportunity. Scheffler contended that the moral division of labour was necessary to allow for value pluralism in people's personal lives, but Rawls argues that the principle of equal basic liberties is a fundamental constraint even in this domain.

One response to this argument is the "whole-structure view", that contends that the principles of justice do not apply directly to the particular institutions that constitute the basic structure, but to the basic structure taken as a whole. Miriam Ronzoni challenges Cohen, arguing that he misinterprets what constitutes the basic structure. Consider Cohen's claim that, 'sexist family structure is consistent with sex-neutral family law.'⁴⁰ This is only true, Ronzoni claims, if we understand the basic structure by determining which *legally coercive institutions* are part of the basic structure and making sure these institutions are constrained by the principles of justice. Once this has been achieved then the basic structure is just and hence the society is just.⁴¹

Ronzoni argues, however, that a more sophisticated understanding of the basic structure is as follows.⁴² Firstly we determine which *social conditions* need to be achieved for us to be able to claim a society is just. Then we build the institutions needed to bring about these social conditions. Once the institutional framework is such that the social conditions are achieved then the basic structure is just and

³⁷ "The Family as Basic Institution," 89.

³⁸ Rawls IPRR p.161, quoted in *ibid*.

³⁹ "The Family as Basic Institution," 90.

⁴⁰ Cohen, "Where the Action Is," 22.

⁴¹ Miriam Ronzoni, "What Makes a Basic Structure Just?," *Res Publica* 14(2008): 215.

⁴² "What Makes a Basic Structure Just?," *Res Publica* 14(2008): 209.

hence the society is just. When we adopt this understanding of the basic structure, it leaves space for considering the role of family law in the context of the whole society.⁴³ We may then discover that sex neutral family law is simply too thin an interpretation of the basic structure,⁴⁴ and that once the social conditions are taken seriously it might be decided that family law is not the right target when tackling sexist culture.⁴⁵

Chambers concedes that this is an important view when considering the difference principle, which necessitates taking a whole-structure approach, but it does not work when we consider all the principles of justice.⁴⁶ She argues, "The two more important principles are not secured by taking an overview approach that ignores the justice of individual institutions."⁴⁷ And the principle of equal basic liberties and of equal opportunity apply not only to the internal workings of basic-structure institutions but to non-basic-structure institutions also.⁴⁸

Chambers sums up by arguing that, "The basic-structure distinction is doomed because the family must be part of the basic structure, and because Rawls allows no way for the principles to apply "directly" to the family that he does not also allow for non-basic-structure institutions such as churches and universities."⁴⁹ The family must be part of the basic structure according to Rawls' own reasoning – because of its profound and pervasive effects. But when we consider in what way either the principles of justice can be said to "apply internally" to the basic structure institutions like the family, or to "apply directly" to these institutions, there is no special function of the principles when we include the principle of equal basic liberties and equal opportunity, that does not also count for non-basic-structure institutions. Thus, there is nothing distinct about the basic structure.

Rawls aimed to show, 'why the basic structure has a special role and why it is reasonable to seek special principles to regulate it.'⁵⁰ But the debate over the place

⁴³ "What Makes a Basic Structure Just?," 216.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Chambers, "The Family as Basic Institution," 88.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ "The Family as Basic Institution," 93.

⁵⁰ Rawls, "The Basic Structure as Subject," 265.

of the family in Rawls' basic structure reveals the difficulties of trying to conceptualise structure as something separate and distinct from the rest of society. As Clare Chambers puts it, 'the specific case of the family illustrates deep-seated difficulties with Rawlsian justice as a whole.'⁵¹ Young conceives of structure in such a way that she avoids these kinds of difficulties.

For Young, institutions are an important part of structure, but structure is a broader concept. What Young and Rawls have in common is the emphasis on counter-finality: the importance of institutions for redressing the unforeseeable fallout of the accumulated acts of individuals. There are three further features of Young's conception of "social-structural processes", however, that distinguish her understanding of structure from Rawls.

Young argues that structures place individuals and (importantly) groups of individuals in different social positions. Both Rawls and Young agree that the ways in which structures position individuals is the main concern of social justice. But Rawls thinks that once the basic structure is just that social positions will also be just. Young starts from the assumption that existing structures are unjust, and she wants to understand the ways in which they are unjust. Part of contemporary injustice is due institutional rules and practices, but she argues that social positions are also reproduced through the attitudes, habits and norms that govern private associations or personal transactions.

Young invokes the sociologist Pierre Bourdieu's concept of the "habitus" to describe how individuals situated in different positions in the social structure reproduce the behaviour associated with that social position, excluding those who don't embody those behavioural traits.⁵² Social markers are exploited by advertising and big business, pandering to the tastes and attitudes of various social groups; she suggests that this kind of positioning is so powerful and exploitable because it is unconscious.⁵³ She also invokes sociologist Peter Blau's analysis of social structures as a "multi-dimensional space" where individuals are placed in

⁵¹ Chambers, "The Family as Basic Institution," 76.

⁵² Young, *Responsibility for Justice*, 57.

⁵³ *Responsibility for Justice*, 61.

different positions, and their unconscious embodiment of the habitus serves to reinforce their position.

It follows from this that social structures are reproduced through individuals' actions.⁵⁴ Individuals' actions within structures that reproduce the structures are unreflexive – they are routine and habitual.⁵⁵ Drawing on Anthony Giddens' work on structuration, she argues that when individuals try to achieve a certain intention, they are at the same time reproducing the positional rules and resources upon which they draw for those actions.⁵⁶ In this way, structural inequalities of race, sex and class are reproduced.

Finally, Young argues that these structural processes that position individuals and groups in relation to one another are experienced as “objectively constraining”. It is not just the institutions of the basic structure – the major social institutions – that constrain or enable individuals' action, but social norms and practices too. These are experienced as constraining because ‘others behave as though they are.’⁵⁷ Added to the constraints imposed by institutional rules and practices, and social norms, habits and attitudes, is the material context in which individuals act, which will determine what they can or cannot do.⁵⁸ To take an obvious example, country-dwellers are likely to be excluded from participation in municipal decision-making.⁵⁹ These material constraints are borne out of a particular socio-historical context. For instance, the history of racial segregation in America has led to ghettoization of African-Americans today.⁶⁰

The basic structure, then according to Young, should not be conceptualized as a separate sphere that we can understand once we abstract away from the complexities of the real world. Instead, we should start from the real world and conceptualize all the different and complicated manifestations of structure, part of which will of course be institutional; but if we focus solely on institutions we will

⁵⁴ Responsibility for Justice, 60.

⁵⁵ Responsibility for Justice, 61.

⁵⁶ Responsibility for Justice, 60.

⁵⁷ Responsibility for Justice, 55.

⁵⁸ Responsibility for Justice, 54.

⁵⁹ "Equality of Whom? Social Groups and Judgments of Injustice," *The Journal of Political Philosophy* 9, no. 1 (2001): 8.

⁶⁰ Responsibility for Justice, 54.

fail to understand how social positions are reproduced through the unconscious behaviour of individuals, and we will miss other obvious forms of structure like material infrastructure, which have arisen out of specific socio-historical circumstances. In my view, then, the most significant difference between Rawls and Young over the question of the basic structure is that Young rejects the idea that the basic structure can be identified and separated out from the operations of the rest of society.

When we apply the Youngian account of structure to the family, we can understand more clearly how some families may be considered unjust and what responsibilities individuals might have to make them more just. The issue of *counter-finality* is perhaps only relevant when we take a macro-view of the role of the family in society – how the repetition of the traditional nuclear family, predicated upon the gendered division of labour, perpetuates gender inequality in terms of resources and in the workplace. But when we consider the other forms of social-structural processes we can look inside the family unit.

Social positions are reproduced within the family through the habitus. Parents inhabit different gender roles – wife as primary caregiver and domestic labourer, husband as breadwinner. The daily reconstruction of these roles, and the attendant attitudes and habits that accompany them, will be perceived and internalized by the children within the family. Okin cites a sociological study of the gender division of labour within the household. It found that in traditional families – with a male wage-earner and female housewife – that boy and girl children do approximately the same amount of household chores, but the chores are divided according to gender roles. In “drudge wife” households, where women work but also do twice as much domestic labour as their husbands, that girl children do 25% more housework than their brothers, and the boys do a third less of the chores of boys in traditional families. In this way, she argues, ‘the boys are learning the pattern of family injustice established by their own fathers... And the daughters are falling, at a young age, into an even more exaggerated version of the “drudge-wife” model established by their mothers.’⁶¹

⁶¹ Susan Moller Okin, "Political Liberalism, Justice, and Gender," *Ethics* 105, no. 1 (1994): 36.

These social positions, then, are *reproduced through the actions of individuals* within the family, rather than the institutional framework in which the family exists. Persons within the family experience familial attitudes and behaviours as *objectively constraining* – determining their ranges of options for action. If the range of options is more restricted for girls than for boys, or if the options are gender stereotyped for any children resulting in unfairly limited choices, then this is what constitutes the injustice within the family. Or if the options of women are restricted because of the unequal share of domestic and childcare commitments, then this also constitutes injustice.

Moreover, these structural processes cannot be understood in abstraction. They are the product of social and historical circumstances. The downgrading of women to second-class citizens, relegated to the private sphere, is an historical fact that continues to be played out in the gendered division of labour today. The material circumstances that have built-up cities in Western industrialised countries around these gender norms make it difficult to overcome the gendered division of labour. Young discusses the American suburbs where women stay and take care of the household, and men vacate to go to work. This makes it difficult for women to enter the workplace because of the time it takes to travel and the inaccessibility of childcare.⁶²

The special status of women within the family, or the material constraints that have arisen through this structural positioning of women, will depend on the socio-historical context; so the constraints imposed on the suburban housewife in the United States will be different to the constraints that apply in other cultural contexts. This includes working-class women within the US, who are more likely to be African-American adding further considerations of structural inequality related to race and the history of racial oppression.

To understand injustice within the family then, we do not need to apply abstract principles of justice to the family and to question whether or not various families live up to these standards. Instead, we look at patterns of behaviour predicated on gendered social relations that exist in wider society, and how these play out in

⁶² Young, "Equality of Whom?," 14.

different family set-ups, to assess whether or not practices within the family are unjust.

The drawback of Young's account of structure is that it is rather sketchy and perhaps too vague. It is worth pointing out, however, that the reason why there has been so much controversy over Rawls' conception of the basic structure is that he was never completely candid and clear about what actually constitutes the basic structure. It is also worth mentioning that Young's *Responsibility for Justice* was never completed, and so perhaps she would have refined her approach had she had the opportunity. Aside from this speculation, Young suggests, following William Sewell, that theorising about social structure will perhaps be a never-ending process as it is something of a metaphorical concept.⁶³ She quotes: "no formal definition can succeed in fixing the term's meaning: the metaphor of structure continues its essential if somewhat mysterious work in the constitutions of social scientific knowledge despite theorists' definitional efforts."⁶⁴

The advantage of Young's approach is that it moves away from the understanding of structure as 'a part of society' and reconceptualises it as 'a way of looking at society.'⁶⁵ Looking at society in a structural way enables the theorist to see 'patterns in relations among people and the positions they occupy relative to one another.'⁶⁶ Even if Young's characterization of structure is incomplete, therefore, it is this insight that is of value. As the discussion of the family has demonstrated, trying to separate out particular institutions as "basic" and as embodying different principles to the rest of society is a doomed project. This more complex Youngian picture, which draws on sociological influences as well as political theory, is more persuasive and can better account for the kind of "structure" embodied in the power relations within the family. Once we conceive of structure in this way, we have moved away from the idea that the basic structure is something distinct. It provides us with the resources for conceptualizing structural injustice within the family and across other domains of society.

⁶³ *Responsibility for Justice*, 52-53.

⁶⁴ William Sewell quoted in *ibid.*

⁶⁵ *Responsibility for Justice*, 70.

⁶⁶ *Ibid.*

5.1.2 *The Distributive Paradigm*

I have argued that Young's account of structure is different to Rawls in that it encompasses a way of looking at a society, rather than identifying a set of relevant institutions to which the principles of justice ought to apply. This account of structure can better accommodate claims about injustice within the family – a problem that has dogged Rawlsian justice. However, there is a background assumption within these debates about the family and the basic structure, which pertains to another element of Young's account of injustice. All of the critiques of Rawls based on the inadequacy of his account of the basic structure to deal with the family assume, with Rawls, that the point of justice is to achieve just distributions across individuals in society. Defences of the basic structure argue that this can best be achieved by an institutional division of labour where just institutions regulate the background justice of society, correcting for the accumulated economic fallout of individual or private transactions.

In *Political Liberalism*, Rawls discusses four reasons why he emphasises the role of the basic structure in correcting for background injustice and why this involves a set of rules – the principles of justice – that apply to the basic structure. He argues, firstly, that we cannot look at the actions of individuals in the immediate timeframe to know if the agreements are fair, 'For this assessment depends importantly on the features of the basic structure, on whether it succeeds in maintaining background justice.'⁶⁷

Secondly, even if all individuals believe they are acting fairly in making agreements, this is not sufficient to preserve background justice because, 'the tendency is rather for background justice to be eroded even when individuals act fairly: the overall result of separate and independent transactions is away from and not toward background justice.'⁶⁸ Because of this tendency, 'we require special institutions to preserve background justice, and a special conception of justice to define how these institutions are to be set up.'⁶⁹

⁶⁷ Rawls, "The Basic Structure as Subject," 266-67.

⁶⁸ "The Basic Structure as Subject," 267.

⁶⁹ Ibid.

Thirdly, Rawls argues that 'there are no feasible and practicable rules that it is sensible to impose on individuals that can prevent the erosion of background justice.'⁷⁰ Rules that apply to individuals' transactions 'will not exceed the capacity of individuals to grasp and follow them with sufficient ease, nor will it burden citizens with requirements of knowledge and foresight that they cannot normally meet.'⁷¹

Finally, Rawls emphasises the 'division of labour between two kinds of social rules.'⁷² The rules of the basic structure apply to the basic structure institutions, 'as well as those operations that continually adjust and compensate for the inevitable tendencies away from background fairness, for example, such operations as income and inheritance taxation designed to even out the ownership of property.'⁷³ The legal system generates another set of rules that apply to individual transactions or between private associations, '(the law of contract, and so on). The rules relating to fraud and duress, and the like, belong to these rules, and satisfy the requirements of simplicity and practicality.'⁷⁴ The aim of this division of labour, as Scheffler emphasised, is 'to leave individuals and associations free to act effectively in pursuit of their ends and without excessive constraints.'⁷⁵

To summarise, Rawls' reasons for specifying principles that apply to the basic structure are as follows. We cannot know whether individuals' transactions are fair without an assessment of background justice. Even if all transactions are fair, background justice can still be eroded and we need institutions to correct for that. The mechanisms and rules for achieving this are beyond the capacities of individuals both intellectually and in terms of being overly burdensome. Therefore, we need a set of rules for background institutions and another set for individual transactions, that allow individuals to be free to pursue their own ends against a background of just institutions.

⁷⁰ Ibid.

⁷¹ "The Basic Structure as Subject," 268.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

Underlying this argument is the assumption that justice entails the regulation of the distributions of the benefits and burdens of economic transactions. This assumption is carried through the debate that we just discussed on the role of the family. For instance, Cohen, Rawls' most famous critic on this, is concerned about non-coercive structure and personal behaviour insofar as they affect the distribution of benefits and burdens across society. The content of his critique of Rawls is that if Rawls is genuinely concerned with justice so understood, then he too must be concerned with informal structures.

Defenders of the basic structure distinction also maintain this background assumption. For instance, when Okin discusses Rawls' take on gender equality, she shows that he appeals to Lincoln's principle of equality used to condemn slavery. She claims that this is ambiguous because it can be interpreted in two ways – as formal equality or as an anti-caste principle. The latter involved the substantive project of Reconstruction, which was abandoned by Lincoln's successor after his death. Okin argues that gender equality has to be understood in the latter sense because even when legal subordination of women has ended, 'the social structures based on them have remained,' including the gendered division of labour in the household, and women's primary responsibility for care and dependency work.⁷⁶ She argues,

Some of what women need, beyond formal equality, in order to overcome a castelike history, has parallels in what the freed slaves needed (but did not get, except sporadically and temporarily) after abolition. For example, just as they needed the material provision of land if they were not to be forced from a barbaric form of exploitation – slavery – into a somewhat less barbaric one – unregulated wage labour under racist conditions – so do we now need the material provision of parental leave and subsidized child care so that women, like men, can work for pay without being exploited because they are parents.⁷⁷

Here Okin is suggesting that substantive equality for women requires a better distribution of the benefits of economic accumulation – provision of childcare

⁷⁶ Okin, "Political Liberalism, Justice, and Gender," 42.

⁷⁷ "Political Liberalism, Justice, and Gender," 42-43.

and parental leave. Ronzoni similarly argues that if a society exhibits sexist social conditions, then we should design institutions so as to ameliorate that: 'in a sexist society, institutions take *extra care* to ensure to the needs of women, and gives them special protections and resources to counteract society's sexist threats.'⁷⁸

In *Justice and the Politics of Difference*, Young started with the claims of the new left social movements of the 1960s-80s. These movements did argue for better provision of resources for disadvantaged social groups. But they argued for more than that – they demanded the equal status of previously subordinated groups, including an end to violence against women, people of colour, non-heterosexual people, and end to cultural imperialism of white, heterosexual men, and a recognition of their differences but also their inherent equality. Young opens the book with the question, 'What are the implications for political philosophy of the claims of new group-based social movements associated with left politics – such movements as feminism, Black liberation, American Indian movements, and gay and lesbian liberation?'⁷⁹ She argues not that their claims are wrong because they do not fit in with the "distributive paradigm" of justice, but that contemporary conceptions of justice are wrong because they cannot accommodate these non-distributive claims.

The content of the critique of the distributive paradigm of justice is that the injustice of oppression cannot be overcome by distributions of any particular resource – there is no *thing* that can be distributed that can undermine sexism, racism or other forms of status inequality. Distributions help, and are important, in the sense that if oppressed groups have equal shares of material resources they will be more able to be fully self-determining agents. However, forms of oppression like violence or cultural imperialism may remain. The structural power relations that maintain these forms of oppression cannot be fully dealt with and captured by better distributions of resources. Young argues that, 'The concepts of *domination* and *oppression*, rather than the concept of distribution, should be the starting point for a conception of social justice.'⁸⁰

⁷⁸ Ronzoni, "What Makes a Basic Structure Just?," 215.

⁷⁹ Young, *Justice and the Politics of Difference*, 3.

⁸⁰ *Justice and the Politics of Difference*, 16. (my emphasis)

The distributive paradigm has created two problems in justice theory, according to Young. Firstly, it 'reifies social relations and institutional rules'⁸¹ and secondly, it 'must conceptualize all issues of justice in terms of patterns.'⁸² Young thinks that the distributive paradigm fails to critique the institutional context in which distributions take place, reifying these institutions. And that it looks at patterns of distributions at any given time, rather than looking at how these patterns are reproduced over time.⁸³ Now Rawls is not necessarily guilty of these criticisms. The point of Rawlsian justice is precisely to critique the institutional context in which distributions take place. The Rawlsian principles of justice are rules to govern the institutional processes that correct for unjust distributions of resources over time. So however much other theorists might commit these sins, Rawls himself has an institutional, rule-oriented approach to justice. So the difference between Rawls and Young lies elsewhere. Young argues that:

many aspects of social structure and institutional context cannot be brought into view without examining social processes and the unintended cumulative consequences of individual actions.⁸⁴

This is reminiscent of Rawls' claim that the basic structure corrects for the accumulated outcomes of private economic transactions, which no matter how fair in and of themselves, may nevertheless accumulate to cause background injustice. But what Young is arguing is that it is not exclusively economic transactions that have this effect. The accumulation of *social* processes also contributes to a form of background injustice that leads to the oppression of social groups. And these social processes must be foregrounded if we are to understand the kinds of oppression experienced by social groups that are not the result of economic processes.

If we continue with the example of the family, we need not only ensure that resources and opportunities are evenly distributed across family members, or that social institutions distribute resources to women – like childcare or parental leave, or exit options from marriage. Enablement and constraint of women within the

⁸¹ Justice and the Politics of Difference, 27.

⁸² Justice and the Politics of Difference, 28.

⁸³ Justice and the Politics of Difference, 29.

⁸⁴ Justice and the Politics of Difference, 30.

family refers also to damaging stereotypes that maintain women's subordinate status; achieving gender justice within the family requires that *attitudes* towards women change.⁸⁵ As Young writes,

A person has opportunities if he or she is not constrained from doing things, and lives under the enabling conditions for doing them. Having opportunities in this sense certainly does often entail having material possessions, such as food, clothing, tools, land, or materials. Being enabled or constrained refers more directly, however, to the rules and practices that govern one's action, the way other people treat one in the context of specific social relations, and the broader structural possibilities produced by the confluence of a multitude of actions and practices.⁸⁶

It might be argued that once the correct rules are established to govern a just basic structure and resources are justly distributed, then changes in attitudes will follow. Rawls argues this point: 'once suitable principles are found to govern them and the requisite institutions are established, the problem of how to regulate other inequalities can be much more easily resolved.'⁸⁷

Scheffler also presses this point against Cohen. He argues against Cohen's point that sex-neutral family law can co-exist with sexist family structure: 'the extent to which the two can in fact coexist is an empirical issue, which Cohen does not investigate.'⁸⁸ But he then goes on to argue that the chances are that if there was a just basic structure, then sexism would not persist in the way Cohen imagines:

If family law were thoroughly egalitarian, and if norms of gender equality pervaded other areas of the law that have served to enforce gender

⁸⁵ Young's critique of the distributive paradigm is more expansive than just the idea that the perpetuation of discriminatory attitudes needs to be included in a theory of justice. This comes under the realm of what she calls "normativity" – 'processes that normalize behavior and attributes of persons' "Taking the Basic Structure Seriously," 91. She also highlights the issues of the division of labour and decision-making power as problem areas for the distributive paradigm. But for the sake of clarity of purpose, in terms of finding the differences between Rawls and Young that pertain to individuals' responsibilities for justice, I am focusing on attitudes. Also, this is one way in which Young's work on justice is distinct, because she highlights the importance of attitudes towards social groups in the practice of distributing resources – the two cannot be separated.

⁸⁶ Justice and the Politics of Difference, 26.

⁸⁷ Rawls, "The Basic Structure as Subject," 271.

⁸⁸ Scheffler, "Is the Basic Structure Basic?," 125.

differences, it is far from obvious to me that the egregious sexist patterns that Cohen cites could indeed survive and flourish.⁸⁹

The evidence, however, points more in Cohen's direction. The World Economic Forum's Global Gender Gap Report 2013, assesses the level of gender equality attained by a country according to four indicators: economic participation and opportunity, educational attainment, health and survival, and political empowerment.⁹⁰ According to this report, Denmark ranks eighth in the world.⁹¹ And yet, the European Agency for Fundamental Rights 2014 Report on gender-based violence, found that 'in Denmark 55% of women have experienced physical and/or sexual violence or threat from a partner or a non-partner since the age of 15.'⁹²

Thus, I would suggest that it is not sufficient for those who espouse the distributive paradigm of justice to respond that *if* there were just distributions *then* these issues will be resolved, because this is based upon a questionable empirical assumption, and as I have suggested, there is evidence to the contrary, considering that one of the most institutionally gender-equal countries in the world experiences high levels of violence against women. And contra-Cohen, we are not concerned with gender inequality insofar as it results in unjust distribution of the benefits and burdens of economic cooperation, we are concerned with gender inequality as an injustice in and of itself. Gender inequality is an injustice because it signals relations of oppression and/or domination. These are functions of power rather than of distributions of resources. A lack of resources may leave an individual or social group vulnerable to oppression and domination, but it does not in itself constitute oppression or domination.

Rainer Forst argues that theories of justice have evolved along two broad lines. The first looks at the goods people receive in a distributive scheme compared with what others have, or what they need or deserve. In this distributive

⁸⁹ "Is the Basic Structure Basic?" 126.

⁹⁰ World Economic Forum, "The Global Gender Gap Report 2013," (Geneva: World Economic Forum, 2013), 4.

⁹¹ "The Global Gender Gap Report 2013," (Geneva: World Economic Forum, 2013), 8.

⁹² This report was based upon interviews with 42,000 women across twenty-eight European countries, FRA - European Union Agency for Fundamental Rights, "Violence against Women: An Eu-Wide Survey," (Luxembourg: Publications Office of the European Union, 2014).

paradigm, the focus is on end-state patterns and the material well-being of individuals. In the second, justice attends to the relationships between the people involved and their standing in the scheme of exercising power. In this political justice paradigm, the focus is on the legal, political or social standing of individuals or groups in a legitimate political community.⁹³ The danger of the first approach is that it neglects the issue, 'not of *what you have* but of *how you are treated*.'⁹⁴ Young's 'deepest and most productive thought' was to critique the distributive paradigm along these lines.⁹⁵

If we return to Rawls' reasons for finding principles that apply to the basic structure to regulate background injustice, and keep Young's criticisms in mind, we can see why Rawls is mistaken about the division of labour. The governing idea for Rawls is that background injustice refers to the correction of accumulated economic transactions and that it would be too difficult and burdensome for individuals to correct for that. But according to Young, justice should be concerned with not just what individuals have but how they are treated. So justice goes beyond the correction of accumulated economic transactions to dealing with attitudes, habits and norms that lead to the unequal and unjust treatment of people from oppressed social groups.

This will affect individuals' responsibilities for injustice in the following ways. Firstly, it is not clear that the problem of unjust or unequal treatment can be resolved by remedying economic injustice alone; thus it is not clear that the problem can be solved by background institutions alone. It is more likely that individuals' behaviour will enter the realm of what we are concerned with when we talk about justice. We can still say that when talking about justice we are concerned with structure, but in the previous section we saw that institutional structure cannot capture the whole of social structure, and thus cannot capture all we are talking about when we are talking about social structural injustice.

Secondly, it is not clear that it would be overly burdensome to expect individuals to try to correct for these kinds of injustice. Within the family, it is not overly

⁹³ Rainer Forst, "Radical Justice: On Iris Young's Critique of the "Distributive Paradigm"," *Constellations* 14, no. 2 (2007): 260.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

burdensome to expect male family members to negotiate the division of domestic labour, rather than assume it is the female's responsibility. So the idea that considerations of background injustice are too burdensome to place upon individuals is only true if the only injustice we consider is economic. It is not necessarily true if we expand what we mean by injustice to include actually existing forms of oppression within social relationships.

Finally, Rawls talks about the need for "practicable rules" and argues that there are none that can be applied to individuals to prevent background injustice. But why do there need to be "rules"? Young's argument is that individuals have a "responsibility" for justice, not a set of rules that must be strictly adhered to. A responsibility, as I have argued, is obligatory but discretionary, and is revisable to respond to ever-changing circumstances. It does seem practicable to assert that individuals should not behave in a discriminatory way (either consciously or unconsciously – so there is a responsibility to think about whether or not one's acts are in fact discriminatory), so as not to perpetuate the oppression of social groups. Political responsibility is not overly burdensome in the sense that it is up to individuals to decide how to discharge it and it does not require specialised knowledge to think about how one's actions and attitudes may be perpetuating discriminatory attitudes towards oppressed social groups.

I have argued using the example of the family, that the Rawlsian idea that there is something distinctive about the basic structure is flawed. I have suggested that Rawls' distributive understanding of justice is more complex than Young's criticisms suggest. Nevertheless, he is concerned with establishing the correct institutional framework insofar as it affects end-state patterns and material well-being; not insofar as it effectively mitigates relations of oppression or domination. Thus, on Forst's distinction, Rawls is working in the distributive paradigm of justice. When we think that justice entails status equality as well as distributive equality, then we must bring individuals' behaviour into the realm of critique. We can do this without imposing a set of rules, but by arguing that individuals have a political responsibility for justice.

The implication of this is that we have rejected another tenet of Rawlsian theory, which is that in order to theorise about injustice in the present, we must have an ideal theory of justice that we have in mind as a benchmark to which we are aiming. If we take seriously the concerns that Young has about the distributive paradigm of justice, then we find ourselves no longer in the realm of ideal theory, because in order to understand the power relations that lead to status inequality, we must consider power relations in our theorising, as they actually exist.

Note, however, that including the family in considerations of justice has already interrupted the project of ideal theory. As Okin points out, once we include sex in the Original Position as a way of including considerations of the family in the principles of justice, then the particular perspective of women will need to be included, 'since their knowledge of "the general facts about human society" must include the knowledge that women have been and continue to be the less advantaged sex in a great number of respects.'⁹⁶ This means that awareness of socio-historical conditions of the subordination of women is admitted into the original position. She argues that members of historically subordinated groups will have an, 'importantly different perspective, bearing on the questions of justice.'⁹⁷ This perspective will derive from experiences of oppression. As Charles Mills points out, once these kinds of empirical inputs are included in theorising about justice, '*the theory ceases to be ideal.*'⁹⁸ So I now look at the final difference between Rawls and Young, over the role of ideal theory.

5.1.3 *Ideal Theory*

I have suggested that once we include the family, and once we move away from the focus on distributions of resources to an assessment of the oppressive or dominating power relations between social groups, that this has implications for another feature of Rawlsian theory – the idea that in order to do non-ideal theory we must have an ideal theory in mind.

⁹⁶ Okin, "Justice as Fairness for Whom?," 102.

⁹⁷ "Political Liberalism, Justice, and Gender," 24.

⁹⁸ Charles W. Mills, "'Ideal Theory' as Ideology," *Hypatia* 20, no. 3 (2005): 178.

The relationship between ideal theory and the basic structure is crucial to Rawlsian theory. He argues that, 'the special role of the basic structure affects the conditions of the initial agreement and necessitates that this agreement be understood as hypothetical and nonhistorical.'⁹⁹ Only when we abstract away from historical contingencies and engage in the hypothetical thought experiment of the Original Position, can we work out the principles that ought to regulate a just basic structure.¹⁰⁰ Rawls asserts the importance of doing this in order to create an independent standard of justice:

In the absence of such an ideal form for background institutions, there is no rational basis for continually adjusting the social process so as to preserve background justice, nor for eliminating existing injustice. This ideal theory, which defines a perfectly just basic structure, is a necessary complement to nonideal theory without which the desire for change lacks an aim.¹⁰¹

Not only do we need an independent standard of justice, otherwise 'the desire for change lacks an aim'; but only ideal theory can provide the relevant standard. As Rawls points out, however, discussion about the principles of justice does not occur in actuality, because there is no possible scenario in which real-world individuals could sufficiently achieve the conditions imposed by the Original Position. In order to be considered as 'free and equal moral persons', participants in the original position have to reason as though they know 'very little about themselves' as per the restrictions of the 'veil of ignorance': 'For to proceed otherwise is still to allow the diverse and deep contingent effects to influence the principles that are to regulate their social relations as such persons.'¹⁰² Real individuals cannot abstract away from social and historical contingencies to agree upon the ideal principles of justice that set the independent standard. Instead, the problem is solved by the political philosopher. As Rawls writes:

There exists no practicable way to actually carry out this deliberative process and to be sure that it conforms to the conditions imposed.

⁹⁹ Rawls, "The Basic Structure as Subject," 271.

¹⁰⁰ "The Basic Structure as Subject," 275.

¹⁰¹ "The Basic Structure as Subject," 285.

¹⁰² "The Basic Structure as Subject," 272.

Therefore, the outcome cannot be ascertained by pure procedural justice as realized by deliberations of the parties on some actual occasion. Instead the outcome must be determined by reasoning analytically.¹⁰³

As A. J. Simmons argues, ideal theory is 'the political philosopher's first concern.'¹⁰⁴ Ideal theory is designed to formulate the principles of justice for the basic structure. Once the correct principles of justice have been found for the basic structure, the remaining issues of justice will be easier to identify and resolve. Simmons argues that Rawlsian non-ideal theory only makes sense in relation to ideal theory; non-ideal theory is transitional and has an integrated goal – Rawlsian ideal theory:

Because the object of Rawls' nonideal theory is the eventual achievement of the ideal of perfect justice, not simply the elimination of particular or salient injustices, I take nonideal theory's requirements of political possibility and likely effectiveness to be best understood... as requirements that policies be practically possible and likely to be effective as parts of a strategy for the complete elimination of all societal injustices. This means that we must understand Rawlsian nonideal theory as both strongly *transitional* (as opposed to simply comparative) in character and offering us an *integrated*, not a piecemeal, goal as our target (for assessing policies' possibility and effectiveness).¹⁰⁵

Charles Mills argues that this kind of ideal theorising is deeply problematic. He distinguishes two types of ideal model. Firstly, 'ideal-as-descriptive-model', which is a representation of a phenomenon in the natural or social world and makes some simplifying assumptions about its nature and how it works.¹⁰⁶ Secondly, the 'ideal-as-idealized-model', which is an exemplar of the phenomenon.¹⁰⁷ This derives from Onora O'Neill's distinction between abstraction and idealization. According to O'Neill, abstraction means 'bracketing', which is 'theoretically and

¹⁰³ "The Basic Structure as Subject," 273.

¹⁰⁴ A. John Simmons, "Ideal and Nonideal Theory," *Philosophy and Public Affairs* 38, no. 1 (2010): 10.

¹⁰⁵ "Ideal and Nonideal Theory," *Philosophy and Public Affairs* 38, no. 1 (2010): 21-22.

¹⁰⁶ Mills, "'Ideal Theory' as Ideology," 166-67.

¹⁰⁷ "'Ideal Theory' as Ideology," 167.

ethically unavoidable'.¹⁰⁸ Idealization, by contrast, means assuming rather than establishing certain ideals.¹⁰⁹ The 'free and moral persons' in the Rawlsian Original Position are an ideal-as-idealized-model of human beings, because as Rawls himself points out, there are no actual circumstances in which an individual would be able to conform to the restrictions imposed by the veil of ignorance in the original position.

Mills argues that 'what distinguishes ideal theory is not merely the use of ideals... What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual.'¹¹⁰ Idealising to the point of marginalising the actual has two implications. Firstly, that the ideal-as-idealized-model of justice will never be achieved.¹¹¹ And secondly, that it can only serve the interests of those who come close to achieving the ideal in practice. For example, the creators of the principles of justice in the Original Position – rational, autonomous, self-interested, heads of households – will come up with principles that best suit these kinds of individuals. In the real world these are most likely to be white men, people who do not experience status or identity oppression; privileged people 'have an experience that comes closest to that ideal, and so experience the least cognitive dissonance between it and reality.'¹¹² This functions to promote the interests of the privileged in the ideal-as-idealized-model of justice, and to obfuscate the needs of actually oppressed social groups. In order to include the needs of oppressed groups in theories of justice, we should use ideal-as-descriptive-models. Mills points to 'global concepts like *patriarchy* and *white supremacy*.' He argues that, 'These terms are abstractions that do reflect the specificities of group experience, thereby potentially generating categories and principles that illuminate rather than obfuscate the reality of different kinds of subordination.'¹¹³

¹⁰⁸ Onora O'Neill, *Toward Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 2002), 40.

¹⁰⁹ *Toward Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 2002), 41.

¹¹⁰ Mills, "'Ideal Theory' as Ideology," 168.

¹¹¹ "'Ideal Theory' as Ideology," 171.

¹¹² "'Ideal Theory' as Ideology," 172.

¹¹³ "'Ideal Theory' as Ideology," 173.

It has been argued, by analytic political philosophers who are sympathetic to Rawls' reasons for doing ideal theory, that Mills' argument misunderstands Rawls' reasoning. A.J. Simmons describes his critique as 'simpleminded'.¹¹⁴ However, I think that the clash between Mills and Rawlsians over the function of ideal theory is indicative of the ways in which critical theorists and analytic philosophers have difficulties talking to one another. It is worth pausing to look at this debate, because Mills articulates the critical theory critique of ideal theory in a way that maps on to Young's methodology for theorising about justice.

Zofia Stemplowska characterizes Mills' arguments as follows. Mills thinks that we engage in idealization when we build models based on 'significantly false assumptions'.¹¹⁵ She argues that 'according to Mills, ideal theory cannot illuminate normative problems precisely because it involves assuming what is significantly false'.¹¹⁶ Stemplowska argues that a theory does four things: it uses assumptions (*inputs*) to come up with principles (*outputs*), it uses a *method* for deriving outputs from inputs, and it may generate some *recommendations*.¹¹⁷ Stemplowska interprets Mills as arguing that unless a theory produces achievable and desirable recommendations ("AD-recommendations"), then it is 'useless' as a theory.¹¹⁸ Stemplowska makes three claims: that a) the main focus of Mills' critique pertains to the *lack of recommendations* from ideal theory, b) that he is against the use of *generalising inputs* and, c) he thinks that the *outputs* derived from generalising inputs will be useless. This is not what Mills is arguing, however.

The first point can be dismissed quite easily. Mills is not arguing that theory is useless unless it generates AD-recommendations. What he is arguing is that the kinds of input assumptions made by ideal theorists are problematic, thus resulting in problematic outputs. The issue of recommendations is not discussed by Mills.

If we focus on the kinds of inputs used by ideal theory, then, Stemplowska thinks that Mills takes issue with the fact that these inputs are generalizations.

¹¹⁴ Simmons, "Ideal and Nonideal Theory," 6.

¹¹⁵ Zofia Stemplowska, "What's Ideal About Ideal Theory?," *Social Theory and Practice* 34, no. 3 (2008): 321.

¹¹⁶ Ibid.

¹¹⁷ "What's Ideal About Ideal Theory?," 323.

¹¹⁸ "What's Ideal About Ideal Theory?," 324.

Stemplowska argues that we need approximations, and we need to pretend that certain difficulties do not exist; otherwise the complexity of real world problems will be too great to deal with.¹¹⁹ She thinks that the objection to this line of argument is that,

Problems that cannot be tackled in their full complexity, the objection goes, should not be tackled at all: generality and incompleteness at the expense of the specific and the concrete is not a price worth paying for gaining an overall (but necessarily skewed) sense of where we stand vis-à-vis a given problem. The plausibility of this view clearly depends on a certain picture of meta-ethical reality that denies the validity of normative generalizations.¹²⁰

Mills explicitly argues, however, that we *do* need generalizations. The issue is whether they are of the ideal-as-idealized-model, or the ideal-as-descriptive model. Generalizations such as patriarchy, white supremacy or class inequality, are of the latter kind. These concepts constitute abstractions rather than idealizations because, 'they map accurately (at least arguably) crucial realities that differentiate the statuses of the human beings within the systems they describe; so while they *abstract*, they do not *idealize*.'¹²¹

Mills is not arguing that if a theory makes 'significantly false assumptions' (a phrase he does not use himself) that it is 'useless' (also not a term that Mills uses in talking about ideal theory); rather he is arguing that ideal-as-idealizing inputs will generate problematic *status quo* reinforcing outputs. To use the Original Position again, the kinds of problems that concern critical theorists – power relations among different social groups along the lines, not only of class, but also race, gender, sexuality and ability – are not included in the deliberations and so the co-creators of the principles of justice do not come up with principles of justice that deal adequately with these sorts of inequalities. And so when translated into the real world we find that we have a set of principles that match the interests of the non-oppressed, rather than the interests of the oppressed. In order to deal

¹¹⁹ "What's Ideal About Ideal Theory?" 327.

¹²⁰ Ibid.

¹²¹ Mills, "'Ideal Theory' as Ideology," 175.

with the injustice of status inequality, lived forms of oppression, characterized in general ideal-as-descriptive models, such as patriarchy or white supremacy, must be included in deliberations about justice.

Stemplowska defends the outputs of ideal theories on two grounds. Firstly they serve an evaluative function; reflection on justice in the ideal can 'alert us to the presence of previously undiagnosed vices and virtues... This is important since there is no good reason to expect that all of the requirements of justice should present themselves to us as obvious just as soon as we correctly identify all of our constraints.'¹²² The second important function of ideal theory is that it can serve as a benchmark of justice; it 'allows us to test our grasp of values against situations in which our judgements are less fallible.'¹²³

In terms of the evaluative function, ideal theory may serve to highlight problems of injustice that we have previously failed to see. However, Mills' object was to point out that ideal theory can also work in the opposite direction – by focusing too much on the ideal we can miss real-world constraints. For instance, he argues that Rawls and Nozick, who lived in the most race-conscious society in the world, both completely ignored race as a form of oppression.¹²⁴ In terms of the benchmark of justice, a critical theorist like Mills does not have to disagree with Stemplowska. He can posit what "emancipation" looks like and judge existing situations against it. The idea that we can use counterfactuals to think about what an ideal world might look like is unproblematic for the critical theorist, who may argue, for example, that in a just society no one would hold racist attitudes. The argument is that if we are going to theorise about emancipation, however, we should start from ideal-as-descriptive-models that describe group oppression in the here and now rather than ideal-as-idealized-models that most closely resemble the dominant groups in society, in order to generate emancipatory outputs that incorporate the interests of oppressed groups.

In sum, Mills is not arguing that a theory that uses generalising inputs will generate useless outputs because it lacks recommendations. He thinks that we

¹²² Stemplowska, "What's Ideal About Ideal Theory?," 338.

¹²³ "What's Ideal About Ideal Theory?," 337.

¹²⁴ Mills, "'Ideal Theory' as Ideology," 181.

need to use abstracted, rather than idealising, inputs in order not to obfuscate real-world injustice. Whether or not the theory provides recommendations is beside the point.

This debate between Mills and Stemplowska leads us to Young, because Young's description of her method resembles Mills' arguments. In the introduction to *Justice and the Politics of Difference*, she argues that she is not going to attempt to write a theory of justice, which she describes as follows:

The theory of justice is intended to be self-standing, since it exhibits its own foundations. As a discourse it aims to be whole, and to show justice in its unity. It is detemporalized, in that nothing comes before it and future events will not affect its truth or relevance to social life.¹²⁵

I would suggest this is not a caricature of Rawlsian theory in the sense that Rawls does intend his theory to be self-standing, a unified theory, and detemporalized. But Young thinks that such theorising has two significant problems. Firstly,

If the theory is truly universal and independent, presupposing no particular social situations, institutions, or practices, then it is simply too abstract to be useful in evaluating actual institutions and practices.¹²⁶

This echoes Mills' argument that the ideal-as-idealized-model idealises to the point of abstracting away from real-world injustice, specifically group oppressions that have not been inputted into the theory in the first place. Young's second criticism of this kind of project is that it 'conflates moral reflection with scientific knowledge.'¹²⁷ The aim is to generate a theory through observation, and the problem with this, is that it precludes listening to the claims that real-world individuals are making about issues that constitute injustice. As Young argues, 'The call to "be just" is always situated in concrete social and political practices that precede and exceed the philosopher.'¹²⁸ We do not need a fully-fledged theory of justice in order to listen to and evaluate the claims of injustice that are

¹²⁵ Young, *Justice and the Politics of Difference*, 4.

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Justice and the Politics of Difference*, 5.

situated in concrete political, socio-historical circumstances: "This critical distance does not occur on the basis of some previously discovered rational ideas of the good and the just."¹²⁹

Stemplowska argued that the two things for which ideal theory is particularly valuable are that 'these theories help us to identify which goals we should set ourselves and how we should evaluate where we find ourselves.'¹³⁰ But the critical theorist does not have to abandon these functions of political theory. In terms of the *evaluative function*, the argument of critical theorists like Mills and Young is that we can produce evaluative categories without having an overarching theory of justice. The evaluative categories are more likely to be categories of *injustice* rather than categories of justice. An ideal-as-descriptive-model, such as patriarchy, can make generalizations that help us to understand present injustice more clearly.

Indeed, Young's explicit aim is to theorise *injustice* and to think about how those injustices can be remedied, not to theorise *justice* and to think about how we can work towards it. As a critic of contemporary political theory, she forces us to think about what idealized theories of justice leave out. She wants us to engage with this complexity by theorising injustice as it arises. She writes,

While I pledge loyalty to no doctrine, and expect no oaths to mine, I have tried to sort out what is right and useful about many theories and positions at the same time that I aim to expose some of their failings and limitations as tools for illuminating or promoting a liberatory politics. This is the method Claude Levi-Strauss called "bricolage".¹³¹

In engaging in "bricolage", Young looks at a problem exposed by contemporary social movements, or from an issue within political theory, and she works out what injustice constitutes from that vantage point and how political theory can develop a conceptual framework for dealing with that. In *Justice and the Politics of Difference*, she started from the new left social movements of her era and looked at

¹²⁹ Justice and the Politics of Difference, 6.

¹³⁰ Stemplowska, "What's Ideal About Ideal Theory?," 338.

¹³¹ Iris Marion Young, "Reply to Tebble," *Political Theory* 30, no. 2 (2002): 283.

what they were calling injustice. From this she established that there were *five faces of oppression* in the contemporary United States – exploitation, marginalization, powerlessness, cultural imperialism and violence.¹³² She saw her job as a theorist to clarify what these forms of oppression are, which can then inform public-political debate about how to address those problems in practice. This is, then, a different interpretation of the evaluative function that political theory can play.

This method will necessarily be more vague than the Rawlsian approach, as we cannot specify certain principles of justice, build a theory around them and then work on fine-tuning the principles into the best ideal and detemporalized theory of justice possible. As a theorist of real-world power relations and inequalities, Young's work will be vaguer and less precise because lived power relations and inequalities are necessarily deeply complex and resist perfect analytical categorisation. But this does not mean that the categories of injustice she identifies do not serve an evaluative function.

What it does mean is that Young does not have a *fixed benchmark* of ideal justice in mind. A.J. Simmons argues that we need a benchmark in mind, which has to be worked out in ideal theory; otherwise our activism in the real world to challenge injustice will be inconsistent and perhaps counter-productive:

As *activists* in the cause of justice, ideal theory may come to seem to us simply irrelevant. But it is important to remember that even most nonphilosophers who are active in the cause of justice do in fact have in mind, however vaguely, an ideal of justice toward which they take their campaigns to be ultimately directed. While some of us may become preoccupied with particular targeted injustices that seem to us especially grievous, none of us in the end forgets that justice is an integrated goal and that activism in one domain has the potential to affect adversely the achievement of justice in another. That is all, really, on which Rawls' model of the ideal-nonideal distinction insists that we focus. The political philosopher's first job, on this model, is to refine and argue for an ideal of justice, to say as clearly as possible what goal(s) we must attend to and

¹³² Justice and the Politics of Difference, Chapter 2.

how we must weigh various factors in our efforts to eventually reach that goal.¹³³

Perhaps it is true that nonphilosopher activists do have some sort of benchmark in mind, but I doubt that it is the Rawlsian basic structure.¹³⁴ It is more likely to be the elimination of the kinds of general categories of oppression that Young and Mills have identified; not least because they base their theorising on claims made by actually existing social movements. Moreover, as bell hooks argues, oppressed people know they are oppressed.¹³⁵ People experiencing injustice do not need a political philosopher to tell them what a more just scenario would look like according to a perfectly thought-through ideal theory; instead they develop strategies of resistance based upon their particular circumstances.¹³⁶ For the critical theorist or activist, the benchmark we are aiming for can be the end of particular forms of injustice, such as patriarchy or white supremacy.

Young's project was to look at the claims of injustice made by social movements in the real world, to try to clarify the injustice in question, thus giving these social movements tools to strive towards particular benchmarks of justice. Simmons' point is that this piecemeal approach can lead to conflict. But this is partly the point of the critical theorist's work – to be politicized. She describes this method as follows:

Rejecting a theory of justice does not entail eschewing rational discourse about justice. Some modes of reflection, analysis, and argument aim not at building a systematic theory, but at clarifying the meaning of concepts and issues, describing and explaining social relations, and articulating and defending ideals and principles. Reflective discourse about justice makes arguments, but these are not intended as definitive demonstrations. They

¹³³ Simmons, "Ideal and Nonideal Theory," 35-36.

¹³⁴ Interestingly, some contemporary student activists in Hong Kong argue they are inspired by Rawls – Erin Hale, "Hong Kong's Youngest Activists Draw Inspiration from Political Liberalism," *South China Morning Post*, 16 July 2014. The strangeness of this, however, only serves to emphasize the fact that Rawls is not usually an inspiration for real-world activism.

¹³⁵ bell hooks, *Feminist Theory: From Margin to Center* (Boston: South End Press, 1984), 10.

¹³⁶ *Ibid.*

are addressed to others and await their response, in a situated political dialogue.¹³⁷

The lack of a fixed benchmark in Young's work has led to confusion as to what she was aiming for, however; questions such as is she a liberal/a socialist/a radical democrat? Using Mills' idea of the ideal-as-descriptive-model, Young's method was to take a problem – be it a problem highlighted by a social movement or a problem she identified in political theory – and to develop an ideal-as-descriptive-model to try to understand the problem, which sometimes results in recommendations and sometimes does not. As I have suggested, this method will not deliver a detemporalized benchmark of ideal justice, but what Young does provide is an evaluative framework and particular benchmarks: if particular social groups in a society are experiencing domination or oppression, then there is injustice, and we need to think about what the injustice is and how it can be overcome.

To conclude, I think it would be wrong to suggest Young is doing nonideal theory, because I agree with Simmons that the ideal/nonideal distinction should be understood within the Rawlsian framework. Young is instead doing critical theory, and this will have implications for individuals' responsibilities for injustice.

5.2 Individuals' Political Responsibility for Injustice

In this chapter, I have tried to identify the ways in which Young is thinking differently about justice to Rawls in order to ascertain what it means for individuals to bear responsibility for justice. I have argued that she has a different conception of structure to Rawls; the basic structure as a separate sphere requiring special regulatory principles, to social-structural processes as constituted by a confluence of institutional rules and everyday interaction and behaviour. I have looked at Young's critique of the distributive paradigm of justice, arguing that justice is a broader area of concern than the effects of accumulated economic transactions, to also encompass the accumulated effects of social and historical

¹³⁷ Young, *Justice and the Politics of Difference*, 5.

processes and actually existing power relations. Finally, I made the link between Rawls' basic structure and ideal theory, and Young's broader conceptions of structure and justice and critical theory. Now I will outline what this means in terms of individuals' responsibilities for injustice.

I have already suggested three implications of the move from emphasising economic distributive justice to social forms of injustice; that this will necessarily bring individuals' behaviour into the realm of critique, that this will not necessarily be overly-burdensome and that it does not have to imply a set of rules for individuals' behaviour. In this section I develop these ideas a bit further, by looking at the debate over monism and dualism about justice, and then outlining what political responsibility for justice means on the Youngian approach.

5.2.1 *Monism/Dualism*

Rawls advocates a moral and institutional division of labour: in a just society, the principles of justice govern the basic structure, leaving individuals free to pursue their own ends and conceptions of the good. Individuals' responsibilities for justice consist in adhering to a principle of fairness in our voluntary interactions. Individuals also have a natural duty of justice, which requires us "to support and comply with just institutions" or to further the establishment of just institutions if they do not exist, if this is not too costly to ourselves.¹³⁸

Liam Murphy describes this as "dualism", which is 'the idea is that the existence of institutions gives rise to a special kind of normative problem, one that institutions are responsible for, but people are not.'¹³⁹ Murphy and Cohen reject this view in favour of "monism", which 'holds that people have direct responsibility for justice.'¹⁴⁰

¹³⁸ Rawls, *A Theory of Justice*, 115. Quoted in Scheffler, "Is the Basic Structure Basic?", 453.

¹³⁹ Liam B. Murphy, "Institutions and the Demands of Justice," *Philosophy and Public Affairs* 27, no. 4 (1998): 270.

¹⁴⁰ "Institutions and the Demands of Justice," *Philosophy and Public Affairs* 27, no. 4 (1998): 273.

I have argued that Young's position on structure and justice implies that individuals' have responsibilities for justice. In *Responsibility for Justice*, Young states that she agrees with Cohen and Murphy:

I think that both Cohen and Murphy are right to insist that individual actors have responsibilities in relation to justice. The central project of this book is to conceptualize such responsibilities. Cohen is completely right, moreover, to claim that many everyday social conventions, practices, and habits that individuals enact and re-enact contribute to producing and reproducing social injustice.¹⁴¹

Nevertheless, Young describes herself as a dualist. How can this be? We can make sense of this once we place the monism/dualism debate in context.

The monism/dualism debate shares certain features with the basic structure debate – an emphasis on the *difference principle* in the context of *ideal theory*. We have already seen how Rawls and Cohen are engaged in the debate on these terms. To recap, Rawls thinks that the principles of justice discovered in ideal theory ought to govern the basic structure, but that these rules would be overly-burdensome for individuals, as they cannot correct for economic background injustice. Cohen agrees with Rawls that we should be concerned about distributive injustice, so focuses on the difference principle, but he argues that this requires an egalitarian ethos, so he rejects dualism even in ideal theory.

Thomas Pogge defends Rawlsian dualism as follows. He argues that to sort out this debate, we need to imagine a society that is 'fully just by Rawlsian lights'; that is a society whose tax regime fulfils the difference principle.¹⁴² He writes:

Committed to the difference principle narrowly understood, its members are firmly disposed politically to support any adjustments of the tax regime that raise the lowest socioeconomic position. Is there reason to subject their personal economic choices and dispositions to additional

¹⁴¹ Young, *Responsibility for Justice*, 70.

¹⁴² Thomas Pogge, "On the Site of Distributive Justice: Reflections on Cohen and Murphy," *Philosophy and Public Affairs* 29, no. 2 (2000): 140.

demands of a more expansively understood difference principle, as Cohen suggests?¹⁴³

Pogge argues that it would be ineffective, unfeasible, counterproductive or morally implausible for individual behaviour to adhere to the difference principle in such a society, because it would be overly-burdensome.¹⁴⁴

As Jessica Payson points out, however, Pogge is making two mistakes. Firstly, 'He does not consider the possibility that responsibility has a different *meaning* for individuals.'¹⁴⁵ Why would the difference principle apply in exactly the same way to individuals' behaviour as to institutions? And secondly, he discusses individuals' responsibilities in a context that is already just. She writes:

Pogge has written out the urgency of responsibilities for justice by placing the individuals (whose demands of justice we are to consider) in a context that is already just. People have already done the work of creating and maintaining just institutions; they have altered current unjust structures (or perhaps have never known them?) and continue to support egalitarian policies.¹⁴⁶

The questions, then, are can responsibilities for justice be different for individuals and institutions? And what do these responsibilities entail in a situation of injustice rather than a situation of justice? Murphy argues that it is precisely the second question that is dualism's downfall, because in nonideal circumstances it provides implausible solutions. He argues:

The point is clearest in the international context. Here a dualist would believe, following Pogge, that justice requires an egalitarian set of institutions to replace the mostly informal and decidedly inegalitarian institutions that currently prevail. But it could not be right that an individual rich First Worlder is required to devote her resources to the

¹⁴³ Ibid.

¹⁴⁴ "On the Site of Distributive Justice: Reflections on Cohen and Murphy," 154.

¹⁴⁵ Jessica Payson, "Individuals, Institutions, and Structures: Agents of Political Responsibilities in Cohen, Pogge, and Young," *Social Theory and Practice* 38, no. 4 (2012): 651.

¹⁴⁶ Ibid.

Quixotic task of promoting just international institutions. Such a person could clearly do so much more to alleviate suffering or inequality by doing what she can on her own – by giving money to humanitarian aid agencies. With a stark example like this, dualism starts to seem fetishistic.¹⁴⁷

Young has a different answer to this question, however. The key lies in her understanding of structure. Murphy separates structure from the actions of individuals. When we understand structure along Youngian lines – that it is reproduced through the actions of individuals – then we can hold that individuals' have a responsibility to think about how their behaviour is reproducing unjust social structures.

If we return to the example of the family, Cohen points out that sexism has been alleviated in some family contexts because of the actions of individuals. He writes:

It is a plain empirical fact that some husbands are capable of revising their behaviour, since some husbands have done so, in response to feminist criticism. These husbands, we could say, were moral pioneers. They made a path which becomes easier and easier to follow as more and more people follow it, until social pressures are so altered that it becomes harder to stick to sexist ways than to abandon them. That is a central way in which a social ethos changes.¹⁴⁸

This echoes what Young describes as “cultural revolution” in *Justice and the Politics of Difference*:

Saying that certain habitual and unconscious actions, manners, forms of response, ways of speaking, and so on should be judged unjust means that the people who perform these actions should be asked to take responsibility, to bring to their discursive awareness the meaning and implications of these habitual actions. But why consider this an issue of

¹⁴⁷ Murphy, "Institutions and the Demands of Justice," 281.

¹⁴⁸ G. A. Cohen, "Where the Action Is: On the Site of Distributive Justice," *ibid.* 26, no. 1 (1997): 26.

social justice rather than simply of individual moral action?... The behaviour, compartments, images, and stereotypes that contribute to the oppression of bodily marked groups are pervasive, systemic, mutually generating, and mutually reinforcing. They are elements of dominant cultural practices that lie as the normal background of our liberal democratic society. Only changing the cultural habits themselves will change the oppressions they produce and reinforce, but change in cultural habits can occur only if individuals become aware of and change their individual habits. This is cultural revolution.¹⁴⁹

What is lacking in Cohen's account, which we find in Young's work, is an analysis of collective action; the social movement, which pushed for these cultural changes. Cohen suggests that male 'moral pioneers' made changes due to 'feminist criticism.' What this occludes is the mass movement of feminist organising, debating, 'conceptual labour' (as Mills describes it), and protesting that generated the feminist critique of traditional family structure. The 'feminist criticisms' emerged from a mass movement. Thus Young criticises Murphy, who in the quote above suggested that individuals can promote international justice "directly." She argues that 'the promotion of justice requires collective action, and that requires organization.'¹⁵⁰ Individuals' political responsibility for justice, then, in a context of *injustice*, involves being part of collective organising against injustice.

In focusing on individuals' responsibilities for *injustice* in the real-world context, rather than in ideal theory, Young has identified a kind of responsibility that individuals bear for justice that does not apply to institutions. Given these premises of Young's argument, she interprets dualism differently to the traditional debate, with its focus on the difference principle and ideal theory.

¹⁴⁹ Young, *Justice and the Politics of Difference*, 152.

¹⁵⁰ *Responsibility for Justice*, 69.

5.2.2 *Youngian Dualism*

For Young, dualism refers to two ways of moral thinking in which an individual must engage, rather than a division between individual and institutional moral principles. She argues,

Just as it is appropriate to distinguish moral judgment about individual interaction from moral judgment about social-structural processes and their effects, it is necessary to distinguish a conception of individual responsibility in relation to each.¹⁵¹

Young argues that, 'as individuals we should evaluate our actions from two different irreducible points of view.'¹⁵² We should think about 'how we treat the persons we deal with directly' (an interactional view), and 'how we contribute by our actions to structural processes that produce vulnerabilities to deprivation and domination for some people' (a structural view).¹⁵³ Dualism for Young, then, does not refer to one set of rules for institutions and another for individual behaviour; it refers only to individuals and to the ways in which individuals should reason morally about their actions in the context of injustice.

Young uses the example of the "family man" to bring out this difference in kind. She draws on Hannah Arendt's discussion of how the Nazis manipulated the family man mind-set to mobilize millions of men to participate in genocide.¹⁵⁴ A family man like Eichmann, according to Arendt, was concerned first and foremost with providing for his family, working conscientiously in his job, and advancing his career. He did not think about how his actions were affecting the wider world; he insulated himself from this by concentrating on his personal responsibilities. Young writes,

The "family man" is a man oriented primarily to private life and to ensuring the personal and economic security of those who depend on him

¹⁵¹ *Responsibility for Justice*, 73-74.

¹⁵² *Responsibility for Justice*, 73.

¹⁵³ *Ibid.*

¹⁵⁴ *Responsibility for Justice*, 83-84; Hannah Arendt, "Organized Guilt and Universal Responsibility," in *The Portable Hannah Arendt*, ed. Peter Baehr (London: Penguin Books, 2000).

for support. In his society, the family man is the epitome of virtue. He is concerned for his career, not so much because he is ambitious for himself, and certainly not because he is after fame or great power, but because he takes his primary duty to be to protect his family and himself from distress. People who fall into the family man type are people who do their jobs conscientiously and expect compensation for that, but otherwise mind their own business and try not to call attention to themselves. They and their families and friends keep to themselves, and on the whole are indifferent to others outside their private circle. They expect the same from others.¹⁵⁵

On the one hand, it is commonly thought that fulfilling one's social roles assiduously is the 'epitome of virtue', and this corresponds with Young's conception of interactional morality. On the other hand, from Young's perspective, it is unacceptable to exclusively focus on oneself and closest counterparts at the expense of wider society and wider relations of injustice. Instead, individuals must take a structural view when assessing their actions; that is, an individual must factor in the consequences of their actions, attitudes and habits, for society as a whole.

On Young's understanding of what it takes to be a moral person, then, merely looking out for one's own and supporting political institutions is not enough; individuals must also assess their roles and actions in society in relation to the overall justice of those structures. If an individual realises that in performing their social and institutional roles they are contributing to injustice, then the responsibility is to work with others to reform those structures. The "family man" considers morality solely from the interactional point of view. But to be a moral person in complex societies requires considering how one's behaviour reproduces structures that dominate or oppress others. Responsibility for justice, then, cannot be deferred exclusively to institutions with individuals' responsibilities derivative of institutional responsibilities; rather responsibility for justice is a virtue that ought to be cultivated by individuals.

¹⁵⁵ Young, *Responsibility for Justice*, 83.

Here we can see that Young thinks we must distinguish *moral* judgment about our behaviour in relation to others, and our behaviour in relation to structures. This is why I construe political responsibility as a form of moral responsibility as virtue. Young's conception of "political responsibility" is individuals' responsibility to think about how their behaviour affects unjust social-structural processes, to encourage others to think critically about their behaviour in relation to social structures, and to engage in collective action for change. The upshot is that when we judge our relationship to social structures from a moral perspective, we will find that change is necessary. It is not that we are to be *blamed* for our previous behaviour, because we were likely engaged in these processes unintentionally, inadvertently or unavoidably. But when we critically reflect we will find that we must collectively change these unjust structures. The politically responsible person is a morally virtuous person because they recognise their implication in the reproduction of unjust social-structural processes and, for moral reasons – for the sake of others – seek to change those structures.

It might be objected that Young's interpretation of dualism is implausible. Young argues that we require a dualist approach to morality because 'failing to distinguish a level of social structure from a level of individual interaction means that we cannot bring under normative evaluation the aggregate consequences of a combination of individual actions.'¹⁵⁶ Rawls' reason for adopting dualism, however, was that individuals cannot know what the aggregate results of all society's individual interactions are; we need the institutions of the basic structure to correct for that. Also, it would be over-burdening to expect individuals to directly engage in this corrective process – they need space to get on with their own lives. So is it plausible, as Young suggests, that individuals should consider their actions from a structural perspective?

It would be implausible if we considered the only structure that was important from the perspective of justice to be the economy, because individuals cannot correct for macro-economic harms. Indeed the point of social justice from the Rawlsian point of view is that all private transactions within the economy could be fair but they can still result in unintended, harmful structural outcomes – so

¹⁵⁶ Responsibility for Justice, 67.

there is nothing individuals could do to correct for that. It would also be overburdening to expect individuals to think about all of their economic choices in terms of how it will affect the overall economy.

However, it becomes plausible if we understand structure in the broader Youngian sense of *social* structure, which is reproduced through the actions of individuals and through their unconscious habits, attitudes and norms. Individuals' behaviour is already implicated in the reproduction of injustice, from the Youngian perspective, and so must be brought into the realm of critique when discussing responsibility for injustice.

Does this suggest that there is a set of rules that govern economic injustice, which is the responsibility of institutions, and a responsibility that individuals have for injustice in the form of status inequality? I think this would be an oversimplification. Overcoming status inequality between groups requires changes in individuals' behaviour, but also institutional reform, and economic redistribution. Economic injustice cannot be separated out from the structural inequality of social groups. As Linda Martín Alcoff argues, from the perspective of social movements, effective organising for redistribution is often, and sometimes only can be done, along identity lines because economic injustice is tied to status inequality of social groups.¹⁵⁷ The two spheres are inseparable. An adequate assessment of responsibility for *in*justice must have an account of dealing with oppressive social-structural processes as well as economic processes. Social movements must push for social and economic change.

Individuals' responsibilities for justice are burdensome – considering one's actions, habits and attitudes from a structural perspective, discussing these with others, and engaging in collective action are energy- and time-consuming activities. But taking up political responsibility is not burdensome in the way that troubles Rawls or Pogge; it does not require individuals to consider the effects of

¹⁵⁷ Linda Martín Alcoff, "Fraser on Redistribution, Recognition, and Identity," *European Journal of Political Theory* 6(2007): 260. This is obviously a very complex and contested area, which I cannot go into here. For Young's position see her debate with Nancy Fraser: Nancy Fraser, "Recognition or Redistribution? A Critical Reading of Iris Young's Justice and the Politics of Difference," *The Journal of Political Philosophy* 3, no. 2 (1995); "A Rejoinder to Iris Young," *New Left Review* (1997); Iris Marion Young, "Unruly Categories: A Critique of Nancy Fraser's Dual Systems Theory," *ibid.*

all of their economic transactions from the perspective of the difference principle. Individuals are free to live their own lives, but political responsibility requires individuals to be self-reflexive about their position in unjust social structures and how their behaviour reproduces these structures, and to take action in whatever way they can.

Finally, another worry about suggesting that individuals bear responsibilities for justice is that it will impose a set of constricting rules on their behaviour. As we have seen in this thesis, however, political *responsibility* is distinct from duty. It does not impose a list of specific actions that individuals must perform; rather it implies a sphere of responsibility, or a way of being in the world. It is a form of virtue. The morally responsible person, in the context of structural injustice, will accept and act on their political responsibility for justice in whatever way is appropriate for them given their social position and other moral demands.

5.3 Conclusion

In this chapter, I have explored the link between Rawls' conception of structure (the basic structure), the distributive paradigm of justice, and ideal theory. I have contrasted this to Young's conceptions of structure (social-structural processes), the political justice paradigm, and critical theory. I have explained the implications of these different approaches for individuals' responsibilities for justice. In ideal Rawlsian justice, there is a division of labour – the principles of justice apply to the basic structure and individuals' responsibilities are to support just institutions or work towards establishing just institutions. In Young's account of existing unjust social-structural processes, which are constituted by individuals' behaviour as well as institutional rules, individuals have a responsibility to engage in collective political action for change.

This debate has implications for *global* justice. Theorists that think that institutions bear responsibility for justice tend to argue that there are no global justice duties, because there is no global state – no 'agent of justice' – to whom those duties apply. Theorists who argue that individuals can bear responsibilities

for justice, by contrast, can claim that there are global justice duties and that these are incumbent on individuals. I have shown that Young does think that individuals can bear responsibilities for justice. In the next two chapters, I explain how Young conceptualises global injustice and individuals' responsibilities in relation to it.

Chapter 6 *Constructing a Youngian Account of Global Injustice*

Readers who have only encountered Young's essays on the "social connection model" of responsibility would be forgiven for thinking that Young had a limited contribution to make to the debates on global justice.¹ In these essays, she situates herself schematically in relation to the familiar cosmopolitan/statist debate. This, I believe, was a mistake. One of Young's major contributions to contemporary political philosophy was to focus our attention on *injustice*, as opposed to justice, specifically by focusing on relations of domination and oppression, as we saw in the previous chapter. Young's body of work has considerable resources to help us think about global injustice, as opposed to global justice, in terms of domination and oppression, which could offer a fresh and illuminating perspective on these tired debates. Indeed, Young had begun this work in other essays, namely her book *Global Challenges: War, Self-Determination and Responsibility for Justice*, and in the final chapter of *Inclusion and Democracy*. In this chapter I aim to resituate Young in the global justice debate in a way that I hope is more in-keeping with her general body of work, rather than the late global justice essays; and, more ambitiously, in a way that illuminates a new path for research into global injustice. My contribution is not only this reconfiguration of a Youngian approach to global injustice, but to develop a Youngian conception of global structural exploitation.

In the first section I outline Young's thoughts on the mainstream global justice literature, and suggest a different approach – focusing on global relations of domination and oppression. I briefly outline Young's thoughts on tackling global relations of domination via democratization in *Global Challenges*, and show how it ties in with a burgeoning critical theory literature on global democracy.

¹ Iris Marion Young, "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004); "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006); *Global Challenges: War, Self-Determination and Responsibility for Justice* (Cambridge: Polity Press, 2010), Chapter 9

The majority of this chapter focuses on relations of global oppression. I have chosen to focus on exploitation (one of the “five faces of oppression” identified by Young). I do this because the example of global injustice upon which Young focuses – sweatshop labour – can be construed as a problem of globalized exploitation. Firstly, I look at contemporary liberal definitions of exploitation. I argue that these “transactional” accounts of exploitation cannot help us understand exploitation in global context. I then offer a definition of “structural exploitation” drawing on Marxian definitions of exploitation and Young’s discussion of exploitation in *Justice and the Politics of Difference*. I argue that structural exploitation constitutes the transfer of energies from disadvantaged social groups to advantaged social groups, in a way that inhibits the self-development of the former and enhances the status of the latter. The inhibition of self-development constitutes oppression, for Young. Structural exploitation is therefore a form of oppression, which is why it is an injustice. I show why sweatshop labour is an example of structural exploitation, and briefly look at responsibility for global structural exploitation.

6.1 Young on Global Justice

6.1.1 *The Global Justice Essays*

In her essays on responsibility and global justice, Young tries to situate her understanding of global justice in relation to contemporary mainstream theories – statism and cosmopolitanism. She begins with statism and summarises the statist positions of Rawls and David Miller as follows.² Rawls argues that justice applies to closed societies and that there are duties of assistance, but not of justice, to outsiders. David Miller agrees, but thinks that state borders are becoming increasingly porous, with the potential to render distributive justice a historically specific idea whose time has passed. Young argues that the core of the statist position is that relations of justice can only be said to exist within the context of shared institutions.

² Global Challenges, 160-61.

Young criticises statism, so understood, on two grounds. The first is that ‘it is arbitrary to consider state membership as the source of obligations of justice’³; this is because states ‘have evolved in contingent and arbitrary ways more connected to power than moral right.’⁴ The second problem with the statist position is that it ‘makes prior what is posterior from a moral point of view. Ontologically and morally speaking, though not necessarily temporally, social connection is prior to political institutions.’⁵ Young thinks that social connections exist regardless of whether or not states exist. In the contemporary world, there are trans-national, inter-national and sub-national relations between agents – individuals and collectives – that are not adequately theorised in the statist model of global justice.

While Young errs towards cosmopolitanism then, she finds cosmopolitan-utilitarian theory wanting. Peter Singer and Peter Unger argue that moral agents have identical moral obligations to all other agents. She agrees with critics of this position that it is too demanding, and that it ‘flies in the face of moral intuition.’⁶ She wants to retain a space for personal relationships, and also for the idea that obligations of justice ‘require more and are based on more than common humanity.’⁷ Young argues that people can exist in relationships with others within political communities or outside of political communities, but that these relationships can produce conflict or cooperation, and thus require fair terms for adjudicating such interactions.⁸

Young is aiming, then, to establish a middle-ground between the statist and cosmopolitan positions, stressing the need for relationships to generate obligations of justice but insisting that such relationships do not have to exist within the parameters of the nation-state. She draws inspiration from social contract theory in defending this middle-ground. She writes:

³ Global Challenges, 161.

⁴ Ibid.

⁵ Global Challenges, 162.

⁶ Global Challenges, 161.

⁷ Ibid.

⁸ Global Challenges, 161-62.

A society consists in connected or mutually influencing institutions and practices through which people enact their projects and seek their happiness, and in doing so affect the conditions under which others act, often profoundly. A social contract theory like that of John Locke argues that the need and desire for political institutions arises because socially connected persons with multiple and sometimes conflicting institutional commitments recognize that their relationships are liable to conflict and inequalities of power that can lead to mistrust, violence, exploitation, and domination. The moral status of political institutions arises from the obligations of justice generated by social connection, as some of the instruments through which these obligations can be discharged.⁹

Young draws further support for the idea that social connections generate obligations of justice from Charles Beitz. In *Political Theory and International Relations*, Beitz argued that, ‘If social cooperation is the foundation of distributive justice, then one might think that international economic interdependence lends support to a principle of global distributive justice similar to that which applies within domestic society.’¹⁰ Global economic interdependence generates benefits and burdens, which requires a principle to determine a fair distribution of the products of social cooperation.¹¹ Young interprets Beitz as defending the idea that there are sufficient global relationships to generate obligations of justice, rather than supposing that the existence of institutions presupposes the generation of the obligations.¹²

Young also draws on Onora O’Neill’s argument that the scope of ethical consideration extends to all those the agent assumes in conducting their activities – ‘to the extent that our actions depend on the assumption that distant others are doing certain things, we have obligations of justice in relation to them.’¹³ She also

⁹ Global Challenges, 162.

¹⁰ Charles R. Beitz, *Political Theory and International Relations*, 2nd edition ed. (Princeton: Princeton University Press, 1999), 144.

¹¹ *Political Theory and International Relations*, 2nd edition ed. (Princeton: Princeton University Press, 1999), 152.

¹² Young, Global Challenges, 162.

¹³ Global Challenges, 163.

references Thomas Pogge as a theorist that describes 'transnational social structures' and how obligations of justice arise in relation to those structures.¹⁴

While I think Young offers a correct diagnosis of the failings of the extreme cosmopolitan and statist positions, I think she should look elsewhere for the basis of her own theory of global injustice. The problem of invoking Beitz and Pogge as supporting her position is that they are operating within the Rawlsian distributive paradigm of justice. Young acknowledges that distributive issues may be even more pressing in the international context than the domestic context; yet focusing on distributions without analysing the global institutional power relations that determine distributions, and without an analysis of the global division of labour and cultural norms, 'moral theorists fail to touch important issues of international justice.'¹⁵ Beitz and Pogge (at least in their earlier works) were arguing that to be consistent, Rawls should conceptualise a global basic structure and that the difference principle should apply globally.¹⁶ There is a literature on whether or not there is a global basic structure, or if there ought to be one,¹⁷ but as I argued in the previous chapter, Young is not working within this Rawlsian framework.

Onora O'Neill is operating within a neo-Kantian framework. While I think O'Neill has more to offer Young than Beitz and Pogge, the point is that all of these theorists are basing their claims about social connection on broader theories of justice. Drawing out the common point that connections can give rise to obligations of justice is useful, but it is not enough to ground a new theory of global justice. Developing a Youngian theory of global justice would require much deeper analysis of the similarities and differences between these different theoretical perspectives.

Moreover, I believe this would be the wrong approach because Young does not want to be tied to a particular theory of justice. Tying herself to Beitz, Pogge or

¹⁴ Ibid.

¹⁵ *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 257-58.

¹⁶ Beitz, *Political Theory and International Relations*; Thomas Pogge, *Realizing Rawls* (London: Cornell University Press, 1989).

¹⁷ See for instance Miriam Ronzoni, "The Global Order: A Case of Background Injustice? A Practice-Dependent Account," *Philosophy & Public Affairs* 37, no. 3 (2009).

O'Neill, I think, on closer inspection would prove to be a misguided project. This is because one of Young's main philosophical drives was to expose *injustice*. I interpret the social connection model of responsibility as arguing that if an individual is connected to relations of *injustice* then they have a responsibility to engage in collective action try to remedy it in some way. While I understand Young's decision to try to situate her work in relation to existing theories of global justice, I believe that it would be much more interesting and illuminating for her to stick to her critical theory roots and to theorise global *injustice*. As Amy Allen argues, the most significant contribution of Young's *Justice and the Politics of Difference* was,

to analyse justice first and foremost in terms of *injustice*. With this simple move, Young turned existing accounts of justice on their heads, and, in the process, revealed what makes them woefully inadequate: their lack of attention to extant injustices, a lack that results in their inability successfully to envision how such injustices can be ameliorated.¹⁸

Indeed, Young had already begun to do this elsewhere. In the epilogue of *Justice and the Politics of Difference* Young makes the first step toward thinking about global injustice. She argues that the aim of that book was to theorise injustice (relations of domination and oppression) within the contemporary United States and that such a theory will probably be of use to other welfare industrialised societies.¹⁹ However, she suggests that there are different axes of injustice *within* different nation-states, and different relations of injustice *between* nation-states.²⁰ Theories of injustice need to be tied to social theory and so other theories of injustice ought to be developed in other contexts including the international sphere; for instance, she claims that the "five faces of oppression" may not apply so well in the Southern Hemisphere where oppressor groups may be more overt than in welfare industrialised societies, and where one of the main oppressed group's experiences – peasants – will be different to the experiences of oppressed groups in the United States.²¹ She does suggest, however, that, "The five faces of

¹⁸ Amy Allen, "Power and the Politics of Difference: Oppression, Empowerment, and Transnational Justice," *Hypatia* 23, no. 3 (2008): 156.

¹⁹ Young, *Justice and the Politics of Difference*, 257.

²⁰ *Ibid.*

²¹ *Justice and the Politics of Difference*, 258.

oppression I have explicated may apply more easily to relations among nations in the total world context, and especially relations between advanced industrial societies and the rest of the world.²²

I would argue, then, that to give an adequate Youngian account of global injustice, we would need to look at the ways in which domination and the five faces of oppression (exploitation, marginalisation, powerlessness, violence, and cultural imperialism) – or a revised set of oppressions more suitable for the context – manifest themselves both between states and within states.

As Hye-Ryoung Kang points out, however, we need to distinguish between *international* justice, which deals with relations between nation-states, and *global* justice, which applies to global trade and other regulatory regimes coordinated by global institutions, such as the IMF, WTO and World Bank.²³ This is a sphere of activity that cannot be captured by an analysis of international dealings and agreements. Kang argues, ‘Given the institutionalized nature of globalization, discourse about the justice of global institutions and structures should be different from discourse about the justice of relationships among nations.’²⁴

If Kang is correct, there are at least three spheres of injustice: domestic, international and global. In order to construct a Youngian account of injustice we would need an analysis of domination and the different forms of oppression at the domestic, international and global levels. This is clearly far beyond the scope of this chapter (or, indeed, this thesis). To narrow it down I am going to focus on the *global* level (as opposed to the international level). In the next section I very briefly outline what Young herself has argued about global domination and how this relates to a burgeoning critical theory literature on this topic, and in the following section I develop a conceptual analysis of one form of global oppression – exploitation – using Young’s case study of sweatshop labour.

²² Ibid.

²³ Hye-Ryoung Kang, "Transnational Women's Collectivities and Global Justice," in *Gender and Global Justice*, ed. Alison M. Jaggar (Cambridge: Polity Press, 2014), 42.

²⁴ Ibid.

6.1.2 *Global Domination*

In *Justice and the Politics of Difference* and *Inclusion and Democracy*, Young argues that justice is co-extensive with democracy insofar as democracy is instrumentally the best way of preventing domination. In *Global Challenges*, she extends this argument and outlines a vision of global democracy. Using her usual method of drawing on social movements to theorise about contemporary injustice, she looks at transnational social movements of indigenous peoples, feminist and workers rights, and the global protests against the war on Iraq and assesses how they are challenging relations of domination in the global sphere.

Even though Young leans towards cosmopolitanism – the belief that justice is global in scope – she also recognises and affirms a right to the self-determination of peoples.²⁵ Self-determination is ordinarily conceived of as granting autonomous political communities sovereignty over a territory, presuming a principle of non-interference. Young looks at the claims of indigenous peoples who argue for self-determination, but not in terms of having sovereignty over a contiguous territory. Instead indigenous rights movements have argued for a principle of self-determination as non-domination – as the right not to be subject to the arbitrary interference of a dominant nation-state.²⁶ Young uses a working definition of domination taken from Philip Pettit, which she describes as follows:²⁷

An agent dominates another when he or she has power over that other and is thus able to interfere with the other *arbitrarily*. Interference is arbitrary when it is chosen or rejected without consideration of the interests or opinions of those affected. An agent may dominate another, however, without ever interfering with that person. Domination consists

²⁵ Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2002), 236-37. Young argues she shares suspicions about cosmopolitanism on the grounds that it does not take self-determination seriously enough, paving the way for cultural homogenization as well as domination.

²⁶ *Global Challenges*, Chapter 1.

²⁷ I am aware that there is a large literature on Pettit's theory of non-domination. My aim is not to engage with these debates here, but simply to outline how Young thinks about non-domination in the global context.

in standing in a set of relations which makes an agent *able* to interfere arbitrarily with the actions of others.²⁸

Young argues that this way of thinking about self-determination should help us reconceive not just the self-determination of indigenous peoples, but should make us reconsider the Westphalian state system in general.²⁹ It is no longer plausible, she argues, to conceive of nation-states as entirely separate and independent entities. The reality of contemporary global interdependence means that states can no longer be conceived of as “sovereign selves” but should be understood as “relational selves.”³⁰ Because the activities of groups within the global sphere can adversely affect others, other groups have a right to make claims on the group and negotiate the terms of their relationship.³¹ Such negotiations require settled global regulatory regimes and global institutions.³² Self-determining peoples have a right to participate in the design and implementation of these institutions aimed at minimizing global domination.³³ Young argues, ‘Just as promoting freedom for individuals involves regulating relationships in order to prevent domination, so promoting self-determination for peoples involves regulating international relations to prevent the domination of peoples.’³⁴

The vision that Young has in mind she calls “decentred diverse democratic federalism”. She writes, ‘I imagine a global system of regulatory regimes to which locales, regions, and states relate in a nested, federated system. The global level of governance is “thin,” in the sense that it only lays down rather general principles with which all jurisdictions must comply.’³⁵ The areas governed by global regulatory regimes are problems that are now necessarily global in scope: peace and security, the environment, trade and finance, investment and capital utilization, communications and transport, human rights (including socio-economic rights and workers’ rights), citizenship and migration.³⁶ Global civil

²⁸ Young, *Global Challenges*, 48.

²⁹ *Global Challenges*, 32. Young also draws on feminist arguments of relational autonomy. See p.47-48

³⁰ *Global Challenges*, 33.

³¹ *Global Challenges*, 51.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Global Challenges*, 34.

³⁶ *Global Challenges*, 34-35.

society should also be an area of political contestation,³⁷ and non-state actors such as corporations should also be subject to regulation.³⁸

It should be clear that this is not a fully developed philosophical project. I read *Global Challenges* as a series of essays for activists.³⁹ Nonetheless, this brief exegesis of Young's interpretation of the problem of global domination shows that she has a story to tell and the direction in which it was going. Her thoughts tie in with a burgeoning critical theory literature that emphasises global democracy as the counterpoint to global domination, and stresses these areas as the main concerns for global justice.

For instance, Rainer Forst criticises the global justice literature using Young's critique of the distributive paradigm of justice. He argues that theories of global justice that assume the view of justice as *suum cuique* ("To each his own") are overly concerned with who gets what.⁴⁰ This ignores the production of goods, the structures of production and distribution of goods, and obscures injustice in how inequalities in resources came about.⁴¹ Forst argues that 'the first question of justice is the question of power.'⁴² And the way of dealing with asymmetrical power relations is to provide processes of justification. He writes,

the first task of justice is to create structures of justification in which arbitrary rule is banished, even against national and international lines of force – structures in which those who are subjected to rule or domination, whether of an economic, political, or legal kind, can bring the "force

³⁷ *Global Challenges*, 10.

³⁸ *Inclusion and Democracy*, 268.

³⁹ For instance she writes in the Introduction, "The essays in this volume... are inspired by contemporary social movements that call multinational corporations to accountability and question the global military hegemony of the United States. They aim, however, not merely to applaud the anger and hope of these movements, but more importantly, to offer concepts for analyzing a range of events and issues that these movements address and to give arguments for some of their specific claims." *Global Challenges*, 2.

⁴⁰ Rainer Forst, "Transnational Justice and Democracy: Overcoming Three Dogmas of Political Theory," in *Political Equality in Transnational Democracy*, ed. Eva Erman and Sofia Nasstrom (New York: Palgrave MacMillan, 2013), 42.

⁴¹ "Transnational Justice and Democracy: Overcoming Three Dogmas of Political Theory," in *Political Equality in Transnational Democracy*, ed. Eva Erman and Sofia Nasstrom (New York: Palgrave MacMillan, 2013), 42-43. See also Young, *Justice and the Politics of Difference*, Chapter 1.

⁴² Forst, "Transnational Justice and Democracy: Overcoming Three Dogmas of Political Theory," 44.

toward the better argument” to bear against those who exercise such rule or domination.⁴³

Forst argues that the global sphere is not really one of “interdependence”, but rather ‘what emerges is a complex system of one-sided and largely coerced cooperation and dependency rather than interdependence. In other words, one sees a *context of force and domination*.’⁴⁴ From the perspective of the dominated, moreover, they are often subject to “multiple domination”, being dominated by their own governments, elites or warlords as well as global actors.⁴⁵ Women and children are further dominated within the family and community.⁴⁶ In order to counteract multiple dominations, there should be a principle of transnational “minimal justice” which requires that states have equal influence in decision-making, the realization of internal and external democratization, and redistribution in order to enable participatory parity.⁴⁷

Young argued that peoples who are affected by other peoples’ activities should have a right to negotiate the terms of their relationship. This could be interpreted as a version of the “all-affected interests” principle – the ideal that anyone affected by a decision should have the opportunity to participate in making it.⁴⁸ Nancy Fraser argues instead for the “all-subjected interests” principle. She argues that ‘what turns a collection of people into fellow members of a public is not shared citizenship, or co-imbrication in a causal matrix, but rather their joint subjection to a structure of governance that set the ground rules for their interaction.’⁴⁹ All those subjected to these governance structures should be able to participate in the corresponding public sphere, and if they cannot then these structures are illegitimate.⁵⁰

⁴³ "Transnational Justice and Democracy: Overcoming Three Dogmas of Political Theory," 52.

⁴⁴ "Towards a Critical Theory of Transnational Justice," *Metaphilosophy* 32, no. 1/2 (2001): 166.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ "Towards a Critical Theory of Transnational Justice," 174-75.

⁴⁸ Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy & Public Affairs* 35, no. 1 (2007).

⁴⁹ Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Cambridge: Polity Press, 2010), 96.

⁵⁰ Ibid.

Cécile Laborde has sketched a critical republican view of global justice. Laborde adopts a revised version of Pettit's account of domination, whereby domination means the ability of agents to arbitrarily interfere with others. She modifies Pettit's account arguing that domination can refer to systemic power structures that deny or threaten the subordinate's basic interests.⁵¹ She argues, then, that 'the priority of global justice should be to reduce forms of global domination which grant one set of agents the potential to deny basic capabilities to others.'⁵² This entails systemic change in the form of restructuring global governance institutions to give poor countries a voice and the effective means to challenge dominating powers. Because domination is systemic many agents are implicated in its perpetuation, thus, 'there is a joint political responsibility to curb the dominating impact of existing global structures.'⁵³ Moreover, republicanism has an account of citizen virtues, thus Laborde incorporates a virtue-account of individuals' political responsibility: 'civically minded citizens will be motivated to make sure that they – or their state – do not dominate others.'⁵⁴

Young then has something to say about global domination, and her thoughts tie in with a burgeoning critical theory literature in this area. Pursuing this line of inquiry, I argue, would have been a more constructive intervention in the global justice debate than working within the distributive paradigm. Moreover, in her essays on global justice, Young focuses on the problem of sweatshop labour. This, I argue, is a problem of oppression rather than domination. In particular it is a problem of exploitation, but Young does not couch it in these terms nor develop a theory of exploitation. The rest of this chapter will be devoted to developing a Youngian conception of global exploitation.

6.2 Global Exploitation

In her essays on the social connection model of responsibility, Young looks at the problem of sweatshop labour as a problem of global injustice. She argues that

⁵¹ Cecile Laborde, "Republicanism and Global Justice: A Sketch," *European Journal of Political Theory* 9, no. 1 (2010): 54.

⁵² Ibid.

⁵³ "Republicanism and Global Justice: A Sketch," 58.

⁵⁴ "Republicanism and Global Justice: A Sketch," 51.

many individuals and corporations find the claims of the anti-sweatshop movement “absurd” because they have nothing to do with the unjust processes – they are not causing harm in the way that factory owners and managers are causing harm.⁵⁵ Yet the claims of the movement have also ‘struck a chord’ with many others, and it is this realisation that they are invoking a new and relevant kind of responsibility that led Young to identify the social connection model of responsibility.⁵⁶ However, Young does not offer a thorough analytic account of what is wrong with sweatshop labour. In this section, I argue that sweatshop labour is a form of structural exploitation. Exploitation is identified by Young as a form of oppression, and oppression is a form of injustice, meaning that sweatshop labour is a form of global injustice.

The intuition in adopting this argumentative strategy is that analysing actually existing forms of exploitation in the global sphere is a better starting point for thinking about global injustice than the ideal liberal theories of distributive justice, or the utilitarian theories, that as we saw in the first section, Young takes as her starting point. Sweatshop labour is one example of a structurally exploitative process that occurs on a global scale; as such it is a useful way of thinking about what might constitute global relations of structural oppression.

Margaret Moore argues that while all global justice theorists allude to exploitation as a problem, there is no clear, independent account of what constitutes exploitation.⁵⁷ The upshot of this is that trying to tie a theory of global injustice to a theory of exploitation is a mistake.⁵⁸ Moore is right that there is no real consensus as to what constitutes exploitation in the literature. As Ruth Sample puts it, ‘It might be thought that an account of the badness of exploitation is beyond our current moral knowledge.’⁵⁹ Only Marxian literature has a highly developed account of exploitation, around which there is some consensus – at

⁵⁵ Young, *Global Challenges*, 164.

⁵⁶ *Ibid.*

⁵⁷ Margaret Moore, "Global Justice and the Connection Theory of Responsibility," in *Political Responsibility Refocused: Thinking Justice after Iris Marion Young*, ed. Genevieve Fuji Johnson and Lorlea Michaelis (London: University of Toronto Press, 2013), 36.

⁵⁸ "Global Justice and the Connection Theory of Responsibility," in *Political Responsibility Refocused: Thinking Justice after Iris Marion Young*, ed. Genevieve Fuji Johnson and Lorlea Michaelis (London: University of Toronto Press, 2013), 25.

⁵⁹ Ruth Sample, *Exploitation: What It Is and Why It's Wrong* (Oxford: Rowman and Littlefield Publishers, 2003), 3.

least on the technical meaning of exploitation (described below). But I think Moore is wrong to argue that this means there is no scope for tying a theory of global injustice to global exploitation. Indeed, we can find in *Justice and the Politics of Difference* a schematic account of exploitation, which I believe, with further development and elaboration, could provide a useful way of conceptualising what I will call “structural exploitation”.

In this section, firstly I look at contemporary efforts to define exploitation, focusing on the most influential accounts of Alan Wertheimer, Ruth Sample and Robert Goodin. I argue that these “transactional exploitation” accounts fail to acknowledge the structural dynamics of exploitation by focusing only on transactions between individual exploiting and exploitee parties. By doing this, they will necessarily fail to understand what is exploitative about sweatshop labour. In Young’s discussion of exploitation in *Justice and the Politics of Difference*, she draws on Marxian accounts of exploitation, that conceive of exploitation as a relationship between groups embedded in an economic system. I outline her account in relation to the Marxian literature. I then apply this conception of “structural exploitation” to the problem of sweatshop labour. I look at the existing normative literature on sweatshop labour and show that in using the transactional account of exploitation they will fail to uncover what is wrongfully exploitative about sweatshop labour, which I argue is necessarily a problem of structural exploitation.

6.2.1 *Defining Exploitation*

Exploitation was a key Marxian debate in the 1970s-80s, but with the decline of analytic Marxism following the fall of the Berlin Wall, and the rising hegemony of liberal political philosophy in the 1990s-2000s, the Marxian approaches have more-or-less been forgotten and theorists have started to investigate liberal and libertarian accounts of exploitation.

For Marx, exploitation is primarily a technical concept. Richard Arneson describes the technical Marxian sense of exploitation as, ‘the appropriation by a

class of nonworkers of the surplus product of a class of workers.⁶⁰ Classically, the technical Marxian conception of exploitation is tied to the labour theory of value.⁶¹ The value of a product is determined by the amount of labour that has gone into it. As workers are paid a salary, they are not properly remunerated for all of the labour that has gone into the products.⁶² The surplus-value they have created is appropriated by the capitalist class. This is what constitutes the exploitation of one class (workers) by another class (capitalists). As Arneson further points out, however, we generally think of exploitation as an evaluative concept, and even in Marx it is not clear that he was using the term in an exclusively technical sense.⁶³ The Marxian debates around exploitation in the 1970s-80s revolved around whether or not exploitation constituted a moral wrong, and if so what was wrong with it.

During this period, liberal and libertarian theorists tended to avoid discussions of exploitation. Alan Wertheimer attributes this lack of attention to Marxist domination of the territory and that non-Marxists didn't want to be associated with it.⁶⁴ He also attributes the focus among liberals on ideal theory and macro social justice as a reason for ignoring exploitation, which he characterises as 'a micro-level wrong to discrete individuals in distinct relationships and transactions.'⁶⁵

Wertheimer's 1996 book, *Exploitation*, has largely been credited with reviving the dormant liberal tradition of analysing exploitation between individuals.⁶⁶ He argues that there is a common core to all theories of exploitation, including Marxian accounts. For Wertheimer, the 'lowest common denominator'

⁶⁰ Richard J. Arneson, "What's Wrong with Exploitation?," *Ethics* 91, no. 2 (1981): 203.

⁶¹ The labour theory of value became increasingly controversial over time. Cohen attempts to explain exploitation by divesting it from the labour theory of value. G. A. Cohen, "The Labour Theory of Value and the Concept of Exploitation," *Philosophy & Public Affairs* 8, no. 4 (1979). But the feasibility of this approach has been contested. In Marx, at least, the two concepts are co-dependent, see Karl Marx, *Capital Volume I*, trans. Ben Fowkes, 3 vols., vol. 1 (London: Penguin Books, 1990), 326. – "The rate of surplus-value is therefore an exact expression for the degree of exploitation of labour-power by capital, or of the worker by the capitalist."

⁶² John E. Roemer, "Should Marxists Be Interested in Exploitation?," *Philosophy & Public Affairs* 14, no. 1 (1985): 30. See also Marx, *Capital Volume I*, 1, 325.

⁶³ Arneson, "What's Wrong with Exploitation?," 202.

⁶⁴ Alan Wertheimer, *Exploitation* (Princeton: Princeton University Press, 1996), 8.

⁶⁵ *Ibid.*

⁶⁶ Sample, *Exploitation: What It Is and Why It's Wrong*, 16; Matt Zwolinski, "Structural Exploitation," *Social Philosophy and Policy* 29, no. 1 (2012): 158.

understanding of exploitation is that ‘A exploits B when A takes unfair advantage of B.’⁶⁷

The crux of the issue for liberal and libertarian accounts of exploitation is that we need to say what is *unfair* about the transaction. It cannot simply be a case of harm, e.g. A violates B’s rights, because that is a straightforward wrong upon which theorists of all stripes can agree. *Harm* is not a necessary condition of exploitation.⁶⁸

Instead, transactional exploitation is a more subtle and complex concept. Joel Feinberg famously argues that exploitation can constitute a kind of “free-floating evil”.⁶⁹ It can constitute merely a form of “harmless parasitism”, e.g. B following A’s taillights in dense fog.⁷⁰ It might be unfair to expect A to do all the heavy-lifting in terms of careful driving in dangerous conditions, but no one is harmed and no punishment or sanction would be justifiable.

There is also the problem of mutually beneficial exploitation. Wertheimer gives the example of a snowstorm. A hardware store owner doubles the price of shovels from \$15 to \$30. B buys the shovel because he needs it – both parties gain – ‘But B feels exploited because B gains less (or pays more) than B thinks reasonable.’⁷¹

So theorists working in the transactional paradigm of exploitation have sought other sources of the unfairness. Harm is out. *Force or coercion* is also ruled out by these theorists. As Robert Goodin argues, ‘Exploitation implies some measure of co-operation, unwilling or involuntary though it may be, on the part of the exploited.’⁷² Wertheimer argues that if we focus on cases of exploitation where coercion is involved, our moral concern is with the coercion rather than the

⁶⁷ Wertheimer, *Exploitation*, 10.

⁶⁸ Robert E. Goodin, "Exploiting a Situation and Exploiting a Person," in *Modern Theories of Exploitation*, ed. Andrew Reeve (London: Sage Publications, 1987), 179; Sample, *Exploitation: What It Is and Why It's Wrong*, 9; Wertheimer, *Exploitation*, 13.

⁶⁹ Joel Feinberg, "Exploitation with and without Harm," in *The Moral Limits of the Criminal Law: Harmless Wrongdoing*, ed. Joel Feinberg (Oxford: Oxford Scholarship Online, 1990), 209.

⁷⁰ *Ibid.*

⁷¹ Wertheimer, *Exploitation*, 22.

⁷² Goodin, "Exploiting a Situation and Exploiting a Person," 175.

exploitation itself; exploitation can be consensual and that is where the real philosophical interest lies.⁷³

Another contender is the *lack of reciprocity* involved in exploitative transactions. However, as Goodin points out, giving a gift is a non-reciprocal transaction, but that does not make it exploitative.⁷⁴ *Unequal benefits* are also not sufficient, because as Sample points out, almost all transactions would be exploitative on these grounds.⁷⁵

There seems to be some consensus around the idea that *using* people is a necessary condition for exploitation.⁷⁶ Sample asserts that, 'Yes; the exploited person is in some sense a means to the exploiter's ends.'⁷⁷ But the issue is the way in which the person is being used.⁷⁸ As Goodin argues, standing in the shadow of a large spectator in a crowd to avoid the sun is using that person, but it is not unfairly using that person.⁷⁹ So what counts as unfair using?

Goodin argues that what constitutes unfair using is when the used party is already vulnerable. He argues that the concept of exploitation is parasitic upon a duty to protect the vulnerable.⁸⁰ According to Goodin, 'It is the flagrant violation of this duty – playing for advantage when morally you are bound not to do so – which we call exploitation.'⁸¹ Goodin suggests four circumstances in which this might occur: where others have renounced the opportunity to play for advantage (e.g. friends or lovers), where others are unfit to play (e.g. dealers pushing to drug addicts), where there is vastly disproportionate bargaining power (e.g. a monopoly supplier), or taking advantage of others' grave misfortunes (e.g. circuses using severely physically deformed persons as attractions).⁸²

⁷³ Wertheimer, *Exploitation*, 16.

⁷⁴ Goodin, "Exploiting a Situation and Exploiting a Person," 175.

⁷⁵ Sample, *Exploitation: What It Is and Why It's Wrong*, 13.

⁷⁶ Goodin, "Exploiting a Situation and Exploiting a Person," 180; Sample, *Exploitation: What It Is and Why It's Wrong*, 12; Wertheimer, *Exploitation*, 24.

⁷⁷ Sample, *Exploitation: What It Is and Why It's Wrong*, 12.

⁷⁸ Goodin, "Exploiting a Situation and Exploiting a Person," 180.

⁷⁹ "Exploiting a Situation and Exploiting a Person," 179.

⁸⁰ "Exploiting a Situation and Exploiting a Person," 167.

⁸¹ *Ibid.*

⁸² "Exploiting a Situation and Exploiting a Person," 184-87.

Wertheimer disagrees that the exploitee has to be vulnerable. For instance, in the snow shovel example, the customer might be much richer than the hardware store owner, yet charging twice the going rate for the shovel can still be considered exploitative.⁸³ He posits the following solution: when considering transactions between individual agents, they should refer to a “hypothetical market”. To assess whether or not a transaction is exploitative, ‘we evaluate the parties’ gains by what they would have received under relatively perfect market conditions.’⁸⁴ The normative baseline for judging whether or not specific transactions (and Wertheimer specifies that his theory is transaction-specific) are exploitative is the hypothetical market price – what the parties could be expected to gain under fair market conditions.⁸⁵

Ruth Sample criticises both solutions. Against Wertheimer, she argues that it leads to counterintuitive results. For instance, why shouldn’t a market trader in a developing country charge an affluent foreigner twice the market price for some fruit when it is pennies to the foreigner and makes a significant difference to the trader?⁸⁶ Moreover, Wertheimer’s solution is too conservative. Conceiving of the normative baseline as a fair market price relies too heavily on adherence to convention which divests exploitation of its critical bite.⁸⁷

Against both Goodin and Wertheimer, she argues that they cannot adequately account for exploitation in intimate relationships. Sample understands exploitation in a neo-Kantian sense. Instead of focusing on the unfairness of transactions, she invokes the utilization of people as means to an end in a degrading way. In exploitative transactions, ‘The badness stems from the degradation of one or more of the agents in a transaction for advantage. Degradation is, on my view, treating someone or something as having less value than that person or thing actually has.’⁸⁸

⁸³ Alan Wertheimer and Matt Zwolinski, "Exploitation," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2013).

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Sample, *Exploitation: What It Is and Why It's Wrong*, 23.

⁸⁷ *Exploitation: What It Is and Why It's Wrong*, 24.

⁸⁸ *Exploitation: What It Is and Why It's Wrong*, 4.

Defining exploitation, then, as Moore and Sample pointed out, is a tricky business. But I am not sure that constructing a Youngian account of exploitation requires solving these conceptual problems. My complaint with these “transactional” accounts of exploitation is that they focus on transactions between *individuals*. What has been lost in these accounts of exploitation is the fundamental Marxian insight that exploitation can occur between *groups*. Moreover, exploitation is not necessarily a conscious agreement between transacting parties, instead exploitation is a *structural* phenomenon *built into* the economic system. One does not have to adopt a classical Marxist understanding of exploitation in order to accept that exploitation can occur between groups and that it can be structural, as I will demonstrate shortly.

A structural account of exploitation will not deal with the kinds of concerns that liberal theorists have expressed about exploitation. It will not deal with the ‘micro-level’ transactions that Wertheimer has identified, or the problem of exploitation in intimate relationships, that motivates Sample’s theory of exploitation. I would argue that what this shows, however, is not that there is no place for a conception of structural exploitation, but that there is not one core conception of exploitation. I propose that the search for such a concept is fruitless.

Wertheimer, Goodin and Sample all agree that the core of exploitation is the idea of ‘taking advantage’ whether this involves unfairness or degradation. Goodin argues, however, that what lies at the heart of the idea of ‘taking advantage’ is ‘an abuse of *power*.’⁸⁹ In all of the examples we can see the involvement of ‘power over’ another person. In Wertheimer’s snow shovel example, the hardware store owner has power over the customer insofar as she has something he desperately needs. In Goodin’s definition of exploitation, if the potentially exploited agent is vulnerable in relation to potential exploiter, then the potential exploiter necessarily has power over them. In Sample’s example of the market trader, they have power over the customer insofar as they have something the customer wants and local knowledge, which the tourist lacks. The tourist can buy fruit from someone else

⁸⁹ Goodin, "Exploiting a Situation and Exploiting a Person," 184. (my emphasis)

and withdraw from the transaction, but in the transaction itself, the trader holds the cards.⁹⁰

Being able to ‘take advantage’ of a person or a situation means *having power to be able to take advantage*. Exploitation is related to power. Contra-Goodin, exploitation is not parasitic on the duty to protect the vulnerable but it is parasitic on power. As I argued in Chapter 4, power is a “family resemblance” concept. Allow me to quote again the three forms of power identified by Mark Haguuard:

Episodic power refers to the exercise of power that is linked to agency. *Dispositional* power signifies the inherent capacities of an agent that the agent may have, irrespective of whether or not they exercise this capacity. *Systemic* power refers to the ways in which given social systems confer differentials or dispositional power on agents, thus structuring possibilities for action.⁹¹

Just as power is a family resemblance concept, so too is exploitation. Having power as a trader, a lover or a class means different things; exploitation in those situations means different things too. I think that it is more productive to understand exploitation as a family resemblance concept, and admit that there may be different kinds of moral wrong at play when exploitation occurs in intimate relationships, market transactions or within economic, social or political systems. The need to find a “core” to exploitation that can cover all these importantly different cases seems to me a mistaken approach. Let me map a sketch of what exploitation would look like in relation to different kinds of power:

Episodic exploitation refers to taking unfair advantage of another in a transaction – it is necessarily linked to agency.

⁹⁰ It might be argued that in Feinberg’s taillights example the trailing driver does not have power over the driver in front. Perhaps this merely means that Feinberg’s example of “harmless parasitism” isn’t a case of exploitation at all.

⁹¹ Mark Haguuard, "Power: A 'Family Resemblance' Concept," *European Journal of Cultural Studies* 13, no. 4 (2010): 425.

Dispositional exploitation means having the capacity to exploit another whether or not that capacity is exercised – this means being in a position of strength in relation to another’s vulnerability.

Systemic exploitation refers to the way a social system extracts the energies of one group for the benefit of another group, thus structuring possibilities for action.

Understanding exploitation as a family resemblance concept related to power, allows us to understand and explain why exploitation can occur between individuals, why vulnerability generates the possibility for exploitation, and allows us to retain the crucial Marxist insights that exploitation can be systemic and occur between groups.

I contend that we cannot understand global exploitation – phenomena like sweatshop labour – without some understanding of systemic exploitation, or what I will call “structural exploitation.” Transactional, or micro-level exploitation, is of course of interest. But when we are considering global structural injustice, our interest should be with structural exploitation.

Clearly this is what Young has in mind when she discusses exploitation. In *Justice and the Politics of Difference*, Young considers exploitation to be a form of oppression which is necessarily structural, and when considering global issues, such as sweatshop labour, the issue is not one of transactions between particular corporations and particular workers, but the structures that constrain sweatshop workers and enable corporations and consumers. On the Youngian perspective developed in this thesis, transactional exploitation would constitute a form of interactional wrongdoing – a wrong between individuals which is a concern for interpersonal morality. But structural exploitation is a structural relationship between groups – it is a concern for justice. Thinking about sweatshop labour in terms of transactional exploitation would miss the point as to why sweatshop labour constitutes an injustice.

6.2.2 *Structural Exploitation*

I have established what kinds of accounts of exploitation will not help to construct a Youngian conception of exploitation – transactional accounts – and I have established what kind of exploitation we are interested in – structural exploitation. But I have not yet established what structural exploitation is and what’s wrong with it. In order to do this I will return to the Marxian debates around exploitation, as the Marxian approach takes it as given that exploitation is a structural relationship between groups.

We have seen that there is a technical conception of exploitation in Marxian theory – the extraction of surplus value by capitalists from workers. But there are competing theories as to why this is normatively problematic. Some theorists suggest there is, in fact, nothing normatively problematic about exploitation. It is merely a technical term without evaluative content.⁹² John Roemer has argued that once the labour theory of value has been debunked then, ‘there is no logically compelling reason to be interested in exploitation theory.’⁹³ However, many others reject that claim and maintain that from a Marxian perspective exploitation is wrongful.

Richard Arneson suggests that while Marx was inconsistent in using the term exploitation in the technical and evaluative senses, it is clear from his ‘side comments’ that he did think that exploitation was wrongful.⁹⁴ It is wrongful because nonproducers (capitalists) have power over producers (workers) that they use for the purposes of technical exploitation, which results in an unequal distribution of economic advantages that the nonproducers do not deserve.⁹⁵ The deservingness proviso in Marx is demonstrated by the principle “From each according to his ability...”, which suggests that if economic agents produce according to their ability, they ought to be remunerated equally.⁹⁶

⁹² Allen W. Wood, "Exploitation," *Social Philosophy and Policy* 12, no. 2 (1995).

⁹³ Roemer, "Should Marxists Be Interested in Exploitation?," 62.

⁹⁴ Arneson, "What's Wrong with Exploitation?," 212.

⁹⁵ Ibid.

⁹⁶ "What's Wrong with Exploitation?," 215.

Nancy Holstrom cautions against distributive understandings of wrongful exploitation. She argues that the following part of the Marxist principle, "...to each according to his needs", means that even in communist society producers will not be remunerated according to what they produce – that some of the proceeds of labour will be devoted to meeting social needs and for maintaining the collectively owned means of production.⁹⁷ Unpaid labour is not a sufficient condition for claiming that workers are wrongfully exploited.⁹⁸ Unpaid labour is a necessary condition for exploitation, but there are three further conditions – it depends on surplus labour, which is appropriated from workers and is forced.⁹⁹ Holstrom writes,

When x exploits y, y is forced to do unnecessary, unpaid labour and does not control the product of that labour. Force, domination, unequal power and control are involved in exploitation both as preconditions and as consequences. This is why Marx thinks exploitation an evil.¹⁰⁰

Jeffrey Reiman calls this a "force-inclusive" definition of exploitation and develops it further. He argues that the force involved in exploitation is structural rather than overt. He argues,

The invisibility of exploitative force in capitalism results from the fact that, in capitalism, overt force is supplanted by force built into the very structure of the system of ownership and the classes defined by that system. Because there is the human institution of private ownership of the means of production by a small class of people, the members of the class of nonowners are forced to work *for those people* – though not necessarily forced *by* those people – in order to get a crack at a living at all. Accordingly, I take it that the force in our definition must apply not only to overt violence, but to force that is "structural," both in its effects and in its origins.¹⁰¹

⁹⁷ Nancy Holstrom, "Exploitation," *Canadian Journal of Philosophy* 7, no. 2 (1977): 363.

⁹⁸ Ibid.

⁹⁹ "Exploitation," 360.

¹⁰⁰ "Exploitation," 364.

¹⁰¹ Jeffrey Reiman, "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," *Philosophy & Public Affairs* 16, no. 1 (1987): 12.

Reiman distinguishes between the effects and the origins of structural force. The effects are that it positions groups so that they ‘have an array of fates’.¹⁰² He likens this to a bottleneck in the road that forces the majority of cars to slow down, while chance and other factors may allow some cars to slip through.¹⁰³ Force is structural in origin because, “Though the force works to transfer labour from one class to another, it is not the benefiting class that forces the losing one – rather the structure of the ownership or class system itself forces the transfer.”¹⁰⁴

Structural force, according to Reiman, reflects some of the recognisable features of individual, agential force. Firstly, this limits people’s options by making the alternatives unacceptable or too costly, e.g. “your money or your life”. He argues,

With a structural force, people’s options are limited by their social position to a *range* of things they can do, with options outside this range unacceptable or prohibitively costly. So, by virtue of occupying a social position defined, say, by lack of access to means of production, a person will be limited to a range of ways in which he can achieve a living, because alternatives outside this range (such as starvation or begging or crime) are unacceptable or prohibitively costly.¹⁰⁵

The second feature is that ordinarily force is intentionally exercised by agents. The social structure, such as the property system or caste, is reproduced by the actions of individuals, ‘So, while structural force need not be exercised intentionally, there is no doubt that it is exerted by human beings.’¹⁰⁶ Structural force is not intentional, but it is something that individuals could become aware of and could change.¹⁰⁷

We can see in Reiman’s understanding of force and structural exploitation, themes that have been present in Young’s understanding of structural injustice. Social

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," 14.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

groups are positioned within structures with ranges of options for action determined by social position. However, these structures are reproduced through the actions of individuals and so could be changed. Reiman adds the important point that structural force operates to make the decisions of individuals within those structures appear rational and uncoerced. He writes, ‘a person can be said to be forced to do something even if he has rationally chosen that thing from among other acceptable alternatives, provided that the whole array of alternatives can be said to be forced upon him.’¹⁰⁸ This is why Marx argues that the wage-worker “is compelled to sell himself of his own free will”.¹⁰⁹ Force in capitalism is invisible and only becomes visible when “if, instead of taking a single capitalist and a single labourer, we take the class of capitalists and the class of labourers as a whole”.¹¹⁰

In Young’s discussion of exploitation in *Justice and the Politics of Difference*, she adopts a structural force-inclusive definition of exploitation.¹¹¹ She departs from Reiman, however, in that he retains the analytic relationship between exploitation and the labour theory of value. According to Reiman, the labour theory of value explains the ‘quasi-moral nature of the concept of exploitation.’¹¹² He argues that, ‘People give themselves in labouring; they literally use themselves up. *Labour done, however willingly or even joyously, is life itself spent.* I suspect that it is this natural fact that accounts for the lingering appeal of the labour theory of value.’¹¹³

Instead, Young bases her understanding of structural exploitation on a Marxian account that retains the structural and force-inclusive understanding of exploitation but in a way that does not rely on the labour theory of value. It depends upon the idea of forced “transfers” from exploited groups to exploiter groups, but this transfer does not have to consist in surplus value created through labour.

¹⁰⁸ "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," 16.

¹⁰⁹ Marx quoted in *ibid.*

¹¹⁰ Marx quoted in "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," 18.

¹¹¹ Young, *Justice and the Politics of Difference*, 48-53.

¹¹² Reiman, "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," 11.

¹¹³ "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," 10-11.

Young draws on C.B. Macpherson's argument that what is involved in capitalist economic relations is a transfer of power from producers to non-producers. He distinguishes between developmental power – 'a man's ability to use and develop his capacities', and extractive power – 'the ability to extract benefit from others.'¹¹⁴ In a capitalist society, non-owners have no extractive power.¹¹⁵ Non-owners have to continuously sell their productive power to owners, and their wage 'goes to replenish the energy which makes their capacities saleable next week,'¹¹⁶ which necessarily inhibits their developmental power. So having no extractive power in capitalist society necessarily inhibits developmental power.

Macpherson argues that the measurable transfer from non-owners to owners is labour-power; the work of the labourer and the product of the work are owned by the capitalist.¹¹⁷ However, the non-owners' powers 'are diminished by more than the amount of the transfer.'¹¹⁸ The use of a man's labour power ('his energies and capacities in the production of material goods') affects his "extra-productive power" – 'his ability to use his energies and capacities for all other purposes, that is, his ability to engage in activities which are simply a direct source of enjoyment and not a means of material production.'¹¹⁹ Macpherson argues that,

For the presumption is that the way one's capacities are used in the process of production will have some effect on one's ability to use and develop one's capacities outside the process of production. A man whose productive labour is out of his own control, whose work is in that sense mindless, may be expected to be somewhat mindless in the rest of his activities. He cannot even be said to retain automatically the control of whatever energies he has left over from his working time, if his control centre, so to speak, is impaired by the use that it made of him during his working time. Any such diminution of a man's control over his extra-

¹¹⁴ C. B. Macpherson, "The Problems of a Non-Market Theory of Democracy," in *Democratic Theory: Essays in Retrieval*, ed. C. B. Macpherson (Oxford: Clarendon Press, 1973), 42.

¹¹⁵ "The Problems of a Non-Market Theory of Democracy," in *Democratic Theory: Essays in Retrieval*, ed. C. B. Macpherson (Oxford: Clarendon Press, 1973), 43.

¹¹⁶ *Ibid.*

¹¹⁷ "The Problems of a Non-Market Theory of Democracy," 65.

¹¹⁸ "The Problems of a Non-Market Theory of Democracy," 64.

¹¹⁹ "The Problems of a Non-Market Theory of Democracy," 66.

productive activities is clearly a diminution of his power over and above the amount of the transfer.¹²⁰

The underlying problem for Macpherson is that the diminution of men's developmental powers, or extra-productive powers, undermines democracy. This is because 'the egalitarian principle inherent in democracy requires not only 'one man, one vote' but also 'one man, one equal effective right to live as fully humanly as he may wish.'¹²¹ As the transfer of labour power from workers to capitalists diminishes not only their ability to use their labour power for their own ends, but also their extra-productive power, to engage in whatever activities they enjoy as 'a doer, an exerter and developer and enjoyer of his human capacities, rather than merely a consumer of utilities,'¹²² capitalism impedes democracy.

For Young, oppression is defined as 'the institutional constraint of self-development'.¹²³ Justice requires that individuals have the opportunity for self-development.¹²⁴ If groups are institutionally or structurally prevented from realising self-development, they are oppressed. She infers the following from Macpherson's argument:

Justice, then, requires eliminating the institutional forms that enable and enforce this process of transference and replacing them with institutional forms that enable all to develop and use their capacities in a way that does not inhibit, but rather can enhance, similar development and use in others.¹²⁵

The injustice of structural exploitation, for Young, consists in the fact that 'the energies of the have-nots are continuously expended to maintain and augment the power, status, and wealth of the haves.'¹²⁶ Built into capitalist political economy is a continual transfer of energies from some social groups to other social groups, inhibiting the self-development of the exploited social groups and enhancing the

¹²⁰ "The Problems of a Non-Market Theory of Democracy," 69.

¹²¹ "The Problems of a Non-Market Theory of Democracy," 51.

¹²² Ibid.

¹²³ Young, *Justice and the Politics of Difference*, 37.

¹²⁴ Ibid.

¹²⁵ *Justice and the Politics of Difference*, 49.

¹²⁶ *Justice and the Politics of Difference*, 50.

status of the exploiter groups. This is why structural exploitation is oppressive and why it is unjust.

Releasing the concept of structural exploitation from the labour theory of value in this way, by conceiving of it as a transfer of energies or powers from disadvantaged groups to advantaged groups, allows us more scope to discuss exploitative relations between non-economic groups. Indeed, Young uses this idea to explain exploitation along the lines of gender and race.

Young draws on materialist feminist analyses that explain the exploitation of women as a group. She cites Ann Ferguson's concept of "sex/affective production". Ferguson challenges the traditional Marxist assumption that human need boils down to the means of subsistence, but rather includes emotional and sexual nurturance.¹²⁷ She argues that given the number of hours women expend not only in wage labour but also in sex/affective production, it is clear that 'women do more total work and receive fewer goods and less leisure than men, thus allowing men to appropriate a social surplus of goods, sex/affective labour and services from women.'¹²⁸

Indeed, we saw above that one of Macpherson's concerns with capitalism is that if a man expends all of his productive energy on work that he does not control, this impinges upon his extra-productive capacities to engage in pursuits that fulfil his developmental potential. But a materialist feminist analysis can reveal that given the "double burden" faced by the majority of the world's women, in terms of having to engage in wage labour and fulfil child-care and domestic duties, and sex/affective production responsibilities in the home, that women may indeed be "doubly exploited" – transferring their energies not only to capitalists, but to men. Young argues that 'women undergo specific forms of gender exploitation in which their energies and power are expended, often unnoticed and unacknowledged, usually to benefit men by releasing them for more important

¹²⁷ Ann Ferguson, *Blood at the Root: Motherhood, Sexuality and Male Dominance* (London: Pandora Press, 1989), 95.

¹²⁸ *Ibid.*

and creative work, enhancing their status or the environment around them, or providing them with sexual or emotional service.¹²⁹

Al Szymanski argues that class is necessarily connected to race. The capitalist mode of production reproduces “races” for three reasons: to legitimate the degrading functions of certain social groups, to create hostility among the working class deflecting it from capitalists, and to maintain the social structure by divide and rule.¹³⁰ He argues that, ‘Capitalism continually generates racism against the specially exploited menial laborers who are drawn into the lowest rungs of the economy.’¹³¹ Young draws on these arguments to suggest that, ‘Wherever there is racism, there is the assumption, more or less enforced, that members of the oppressed racial groups are or ought to be servants of those, or some of those, in the privileged group.’¹³² In the contemporary US, jobs such as chambermaids and porters, are often filled by African-American and Latino workers. Young writes, ‘These jobs entail a transfer of energies whereby the servers enhance the status of the served.’¹³³ We can add to this the role of domestic servants, the majority of whom are Asian or Latina immigrant women, which is a racialized *and* gendered form of contemporary structural exploitation.¹³⁴

The transference of energy from exploited groups to beneficiary groups can mean physical labour, as Marxian accounts would have it, but it can also mean emotional labour, and both are expended over time. If an individual spends their time doing physical labour or emotionally supporting others, they will have little time left to do the same for themselves, while enabling more time for the exploiter to pursue their own projects as they will be unburdened by the tasks fulfilled by the exploited. The transference of energies functions to enhance the status of beneficiary groups and diminish the status of exploited groups. This process is structural because the transfers occur between groups who are positioned in the social structure along the lines of class, race and gender. Young

¹²⁹ Young, *Justice and the Politics of Difference*, 51.

¹³⁰ Al Szymanski, "The Structure of Race," *Review of Radical Political Economics* 17, no. 4 (1985): 109.

¹³¹ "The Structure of Race," *Review of Radical Political Economics* 17, no. 4 (1985): 112.

¹³² Young, *Justice and the Politics of Difference*, 52.

¹³³ *Ibid.*

¹³⁴ Bridget Anderson, "A Very Private Business: Exploring the Demand for Migrant Domestic Workers," *European Journal of Women's Studies* 14, no. 3 (2007).

summarises her conception of structural exploitation, and why it constitutes an injustice, as follows:

The injustice of exploitation consists in social processes that bring about a transfer of energies from one group to another to produce unequal distributions, and in the way in which social institutions enable a few to accumulate while they constrain many more. The injustices of exploitation cannot be eliminated by redistribution of goods, for as long as institutionalized practices and structural relations remain unaltered, the process of transfer will re-create an unequal distribution of benefits. Bringing about justice where there is exploitation requires reorganization of institutions and practices of decisionmaking, alteration of the division of labour, and similar measures of institutional, structural and cultural change.¹³⁵

6.2.3 Sweatshop Labour as Structural Exploitation

Young cites sweatshop labour as an example of global structural injustice, but she does not explicitly theorise sweatshop labour as a form of global structural exploitation. I will now do this drawing on the account developed in the previous section. In doing this I am departing from the existing normative literature on sweatshop labour, which adopts the transactional account of exploitation, as I will now show and critique.

Young defines sweatshops as follows:

Conditions in such manufacturing facilities vary, of course, but the following are typical. The vast majority of workers are female, and often as young as 13 or 14. They are often treated in dominative and abusive ways by bosses, and sexual harassment is common. Typically, they work 10- to 16-hour days in peak seasons; if the manufacturer is behind on order the workers may be forced to work through the night. They have few bathroom breaks or other opportunities for rest during their long

¹³⁵ Young, *Justice and the Politics of Difference*, 53.

working day. Sick leave or vacation time are generally unavailable; a worker too ill to work is often fired. Violations of the most basic health and safety standards are normal. Factories are often excessively hot, with no ventilation, insufficient lighting, excessive noise, little fire equipment, blocked exits, poor sanitation, unhygienic canteens and bathrooms, and no access to clean drinking water. Typically, workers in these facilities have no freedom to organize unions to bargain collectively with employers. Workers who complain are blacklisted, beaten, and even killed. Local governments often actively or passively support such antiunion activity.¹³⁶

The definition of sweatshops offered here equates the problem at issue with human rights violations. She writes, "There should be little doubt that conditions such as these violate basic human rights."¹³⁷ If this is the case, however, as Margaret Moore points out, "to the extent that Young makes use of the problem of severe injustice in the global garment case, the ethical issues can be captured by the severe and egregious violations of human rights."¹³⁸

As Matt Zwolinski argues, however, anti-sweatshop activists have a broader understanding of what is wrong with sweatshop labour. Everyone can agree that human rights violations are morally wrong. But the debate between libertarians and the left hinges on whether sweatshop labour counts as wrongfully exploitative if there are no human rights violations involved. He offers the following definition instead: a sweatshop is "a place of employment in which worker compensation or safety is compromised, child labour is employed, and/or local labour regulations are routinely disregarded in a way that is *prima facie* morally objectionable."¹³⁹ Zwolinski argues that this captures the moral disapprobation of sweatshops, while leaving open the idea that they might be morally justifiable, and accommodates the fact that they exist all over the world but are primarily situated in developing countries.¹⁴⁰

¹³⁶ Global Challenges, 165.

¹³⁷ Ibid.

¹³⁸ Moore, "Global Justice and the Connection Theory of Responsibility," 36.

¹³⁹ Zwolinski, "Structural Exploitation," 162.

¹⁴⁰ Ibid.

The main claim of anti-sweatshop activists is that sweatshop labour is wrongfully exploitative. Defenders of sweatshops argue that they bring jobs, prosperity and growth to developing countries.¹⁴¹ As Zwolinski points out, a transaction can be mutually beneficial and still exploitative, but he argues that the fact that sweatshops provide jobs, pay better wages than alternative jobs, and workers voluntarily or even eagerly accept these jobs, deflates the anti-sweatshop cause.¹⁴²

Zwolinski argues that if MNCs didn't establish sweatshops in developing countries then the benefits that come with sweatshop labour, in the form of jobs, higher wages and economic growth, would not occur: 'How, then, can it be permissible to *neglect* workers in the developing world, but impermissible to *exploit* them, when exploitation is better for both parties (including the workers who are in desperate need of betterment)?'¹⁴³ This is known in the literature as the "non-worseness claim" (NWC), which can be summarised as follows: 'Interaction between *A* and *B* cannot be worse than non-interaction when *A* has a right not to interact with *B* at all, and when the interaction is mutually advantageous, consensual, and free from negative externalities.'¹⁴⁴

Zwolinski is aware of the critique that the problem with sweatshop labour is that it occurs within unjust background conditions, and so he assesses whether this makes any difference to the claim as to whether or not sweatshop labour counts as wrongful exploitation. He recognizes that 'most sweatshops operate within a social context that is plagued by longstanding, deep, and massively destructive injustice.'¹⁴⁵ He cites the examples of suppression of union organization, seizures of land and natural resources, and economic protectionism.¹⁴⁶

However, Zwolinski argues that, 'Injustice at the structural level is not necessary for particular actions to be exploitative. Nor is it sufficient.'¹⁴⁷ The reason why background structural injustice is not necessary or sufficient to argue that a transaction is exploitative is because exploitative transactions can occur in a just

¹⁴¹ Paul Krugman, "In Praise of Cheap Labour," *Slate* 1997.

¹⁴² Zwolinski, "Structural Exploitation," 162

¹⁴³ *Ibid.*

¹⁴⁴ Wertheimer and Zwolinski, "Exploitation."

¹⁴⁵ Zwolinski, "Structural Exploitation," 169.

¹⁴⁶ "Structural Exploitation," 169-70.

¹⁴⁷ "Structural Exploitation," 171.

context.¹⁴⁸ Consider Wertheimer's snow shovel example. Furthermore, agents who perform services for the victims of injustice at a fair price are not exploiting them, e.g. a contractor who rebuilds a home destroyed by arson at the normal market rate.¹⁴⁹ Zwolinski argues, then, that the presence of structural injustice 'does not typically matter for determining whether a sweatshop is acting exploitatively.'¹⁵⁰

Zwolinski's strategy is to show that the conditions in which a transaction occurs do not determine whether or not that transaction itself is exploitative on the transactional fairness account of exploitation.¹⁵¹ What matters for transactional fairness is simply whether or not a specific transaction is fair according to a hypothetical baseline. Liberal attacks on the libertarian defence of sweatshops accept this framework.

For instance, Chris Meyers has written an influential rebuttal of the libertarian case for sweatshops. He argues that the libertarian argument rests on the claims that a transaction which is a) mutually beneficial, b) consensual, and c) fulfils the preferences of the exploited, is not wrongful.¹⁵² He claims that such a transaction can be considered wrongful; he calls such transactions "wrongful beneficence".

Meyers gives the example of Jason and Carole.¹⁵³ Carole has been stranded in the desert for two days after her car broke down. She has not seen another car the whole time and is running out of water. Then Jason drives down the road. He offers to drive her to the next town on the condition that she has anal sex with him. Meyers argues that in making this offer Jason does not force or manipulate her, he has only added to her options, and Carole is grateful after having been

¹⁴⁸ Ibid.

¹⁴⁹ "Structural Exploitation," 172.

¹⁵⁰ "Structural Exploitation," 155.

¹⁵¹ Zwolinski does consider the idea of systemic exploitation of the Marxist kind, as discussed by Onora O'Neill. However he argues that the structure that is exploitative is the state (see "Structural Exploitation," 175-76.) He does not develop this theory of state exploitation and it is beyond the scope of this chapter to debate this point. Instead I focus on the way Zwolinski argues against the idea that structural injustice is a necessary condition for exploitation.

¹⁵² Chris Meyers, "Wrongful Beneficence: Exploitation and Third World Sweatshops," *Journal of Social Philosophy* 35, no. 3 (2004): 323.

¹⁵³ "Wrongful Beneficence: Exploitation and Third World Sweatshops," *Journal of Social Philosophy* 35, no. 3 (2004): 324-26.

sodomized and driven to town.¹⁵⁴ According to Meyers, this example proves that a transaction can meet the three libertarian conditions and still be wrongful. He writes,

it is an *exchange*, it is an exchange that is unfair and that no one would agree to in normal situations. The exploited only agrees to it because the one making the offer is taking advantage of the victim's desperate situation.¹⁵⁵

Meyers argues, not by analogy but by extension, that the same thing applies in the case of sweatshop labour. The workers a) benefit from the transaction, b) consent to it, and c) their preferences are fulfilled, but MNCs are preying upon their desperate situation and that is what makes the transaction wrongful – it is a form of wrongful beneficence.

Meyers' argument does not work, however. His aim is to show that a transaction can meet the three libertarian conditions and still count as wrongful. Yet the example of Jason and Carole does not involve a consensual transaction. It is wrong to argue that Carole consents to anal sex with Jason.¹⁵⁶ Carole is dying. Her options are akin to the paradigm example of force – “Your money or your life”. While Jason is not going to actively kill Carole, he can passively kill her by letting her die of dehydration. Jason could easily rescue her at no cost to himself.¹⁵⁷ But that is not really the point. Carole does not *want* to have sex with Jason (anal or otherwise). This is not consensual sex; it is rape. It would be difficult to find any grounds on which Carole's consent is meaningful – she is experiencing extreme physical discomfort through dehydration and hunger in the searing heat of the desert, she is experiencing psychological trauma – fear, anxiety, desperation – at the thought of her imminent death, and she knows that her only

¹⁵⁴ "Wrongful Beneficence: Exploitation and Third World Sweatshops," 324.

¹⁵⁵ "Wrongful Beneficence: Exploitation and Third World Sweatshops," 328.

¹⁵⁶ I did not want to repeat this rape apologist example. I only repeat it here because it has been referenced in all the other literature referred to here. Zwolinski calls it the “canonical example” used to refute the libertarian case for sweatshops Zwolinski, "Structural Exploitation," 171.

¹⁵⁷ Robert Mayer argues that Jason is a rapist on the grounds that he has a duty to rescue but instead creates this choice for Carole – he extorts sex from her. Robert Mayer, "Sweatshops, Exploitation and Moral Responsibility," *Journal of Social Philosophy* 38, no. 4 (2007): 609.

alternative is death.¹⁵⁸ We saw in Chapter 3 that according to Joel Feinberg when a person coerces someone they give the person the option of X or Y, but remove the option of the conjunction of X and Y.¹⁵⁹ Carole can choose either to have sex with Jason and not die, or to not have sex with Jason and die, but she cannot choose to not have sex with Jason and not die. Therefore, he coerces her into sex, which constitutes rape.

And it is not clear why Meyers even makes this case in the first place. As Robert Mayer points out, Meyers fails to distinguish ‘between discretionary and structural exploitation.’¹⁶⁰ Jason practices discretionary exploitation – he can easily walk away from this transaction and has a prima facie moral obligation to do so – but sweatshop labour is ‘structural in a rather pure form’.¹⁶¹ It is not possible to argue by extension from the example to sweatshop labour because the latter is an example of structural exploitation. I agree with Mayer that sweatshop labour is a form of structural exploitation, but his definition of structural exploitation takes an odd turn.

Mayer argues that, ‘Exploitation becomes unfair only when one gains *undeservedly* at the expense of others. That is the implication in sweatshop exploitation: the exploiters gain too much and thus the exploited parties receive less than they deserve.’¹⁶² He argues further that, ‘This judgment depends on some standard of fairness with which we assess transactions.’¹⁶³ Mayer then invokes Wertheimer’s argument that a ‘fairness baseline is a counterfactual transaction in which the exploitable disadvantage is removed.’¹⁶⁴ Contrary to Meyers, then, Mayer argues that what is wrongful in exploitation is not wrongful beneficence, but an unfair gain on the part of the exploiter.¹⁶⁵

¹⁵⁸ Meyers argues that we can change the example to Carole giving up the rest of her life earnings to Jason. But I would argue that even in this case that consent is not meaningful.

¹⁵⁹ Joel Feinberg, "Failures of Consent: Coercive Force," in *The Moral Limits of the Criminal Law* ed. Joel Feinberg (Oxford Scholarship Online: Oxford University Press, 1989), 192.

¹⁶⁰ Mayer, "Sweatshops, Exploitation and Moral Responsibility," 605.

¹⁶¹ Ibid.

¹⁶² "Sweatshops, Exploitation and Moral Responsibility," 606.

¹⁶³ Ibid.

¹⁶⁴ "Sweatshops, Exploitation and Moral Responsibility," 607.

¹⁶⁵ "Sweatshops, Exploitation and Moral Responsibility," 608.

Mayer argues that, ‘Structural exploitation occurs in situations where exploiting agents are locked in competition with each other. In intensely competitive markets agents cannot engage in discretionary price setting; they must take price as given.’¹⁶⁶ In the competitive global garment industry, MNCs are locked into a system whereby they must exploit garment workers or go out of business.¹⁶⁷ Jason has the choice to exploit; in his case, ‘the structural imperative of “exploit or fail” does not apply.’¹⁶⁸ By contrast, global corporations are in ‘a kind of dirty-hands dilemma’.¹⁶⁹ Structural exploitation, he argues, places capitalists in a dirty hands situation where they have to do wrong (pay low, non-living wages) in order to do right (provide jobs and stay competitive).

This account of structural exploitation argues that the capitalist structure sets up a situation where capitalists must do wrong – exploit workers, in the sense of gaining an unfair gain from their labour – in order to do right – maintain the legitimate capitalist system which benefits the workers. But this is based on a spurious empirical claim. It is quite easy to show that MNCs do not have to extract an unfair gain from the labour of garment workers in order to maintain the global garment industry.

In their study of the Indonesian Textile, Footwear and Apparel (TFA) industry from 1990-1996, Ann Harrison and Jason Scorse tested the theory that if wages were increased, employment would fall.¹⁷⁰ They found that the data did not support this claim. Due to the combined efforts of minimum wage legislation and anti-sweatshop activism, real wages for TFA workers manufacturing for export or foreign-owned plants rose by 50%.¹⁷¹ However, this did not lead to a reduction in employment. In fact, exporting and foreign-owned TFA plants ‘experienced very large increases in employment.’¹⁷² They argue that this can be

¹⁶⁶ "Sweatshops, Exploitation and Moral Responsibility," 610.

¹⁶⁷ "Sweatshops, Exploitation and Moral Responsibility," 612.

¹⁶⁸ "Sweatshops, Exploitation and Moral Responsibility," 611.

¹⁶⁹ "Sweatshops, Exploitation and Moral Responsibility," 616.

¹⁷⁰ Ann Harrison and Jason Scorse, "Improving the Conditions of Workers? Minimum Wage Legislation and Anti-Sweatshop Activism," *California Management Review* 48, no. 2 (2006).

¹⁷¹ "Improving the Conditions of Workers? Minimum Wage Legislation and Anti-Sweatshop Activism," *California Management Review* 48, no. 2 (2006): 155.

¹⁷² Ibid.

partly explained by the fact that 'labour costs only a small fraction of the total costs of production.'¹⁷³ They write,

To put things in perspective, a nominal wage increase of 100 percent implies employers would have to double wages of around 50 cents an hour to one dollar an hour. Given that Nike shoes commonly sell from 100-200 dollars, this increase in labour costs is not likely to have a large impact on profits. Labour costs typically account for less than 5 percent of the sales price of a Nike shoe.¹⁷⁴

Harrison and Scorse qualify their findings by pointing out the TFA goods produced in these factories would be sold in expensive retail markets in the US and Europe, where profit margins are large and brand identity is significant; 'In industries where more firms compete for market share, where profit margins are smaller, and there is no brand recognition, anti-sweatshop campaigns may not be as effective.'¹⁷⁵ They also suggest that the gains might have been temporary and may have occurred because wages were so low in that sector in the first place.¹⁷⁶ We would need more data on these issues, and on different countries and over different time periods, but this study is enough to cast suspicion on the libertarian claim that raising wages will necessarily lead to capital flight or businesses going bust. It is a possibility that MNCs will move elsewhere but it is not a certainty – there are many variables involved. To determine whether capital flight or bankruptcy is a real possibility will require an empirical assessment of the sector in question, the proposed increase in wages in relation to profit, the situation in other countries etc. There is not a necessary and direct correlation between wage increases and capital flight or closure.

Furthermore, as Meyers points out there are other areas where corporations can find the money to raise the wages of sweatshop workers. Young and Meyers both suggest marketing and advertising as an area where money could be redirected to

¹⁷³ "Improving the Conditions of Workers? Minimum Wage Legislation and Anti-Sweatshop Activism," 157.

¹⁷⁴ Ibid.

¹⁷⁵ "Improving the Conditions of Workers? Minimum Wage Legislation and Anti-Sweatshop Activism," 158.

¹⁷⁶ Ibid.

workers. Meyers points out that in 1992 Nike paid Michael Jordan more than the income of 30,000 Indonesian workers to advertise their shoes.¹⁷⁷ Another area is CEO salary.¹⁷⁸ Nike's CEO, Mark Parker earned \$15.4 million dollars in 2013, which is down 56% from the \$35.2 million he received in 2012 (not due to paying workers better salaries, but to a smaller award of stock).¹⁷⁹

Moreover, concerns about the exploitative nature of sweatshop labour are not just about wages, but about working conditions. And improving working conditions is potentially even less costly. As Kimberley Ann-Elliot argues, there are many simple, costless things that corporations can do to improve worker safety, like ensuring doors are not locked and putting in fire extinguishers.¹⁸⁰ Factory fires are common in sweatshops,¹⁸¹ with 412 workers dying in fires in 2012 alone.¹⁸² There are one-off investments corporations can make in improving infrastructure, and these can entail negligible costs, such as installing fire doors and smoke alarms. As discussed in Chapter 4, legally binding agreements, like the Bangladesh Fire and Building Safety Accord, can level the playing field to stop corporations undercutting each other by reducing costs through failure to implement basic fire and building safety standards.

In short, the claim that corporations are locked in to paying non-living wages in order to compete in the market is simplistic and fallacious. Mayer's definition of "structural exploitation" is a dangerous red herring. The focus of an account of structural exploitation should not be on how corporations are locked in to paying low, non-living wages and perpetuating dangerous working conditions, because this is based on a false empirical premise; instead it should be on how power relations between groups are structured so as to force the disadvantaged to work for these corporations.

¹⁷⁷ Meyers, "Wrongful Beneficence: Exploitation and Third World Sweatshops," 331.

¹⁷⁸ Ibid.

¹⁷⁹ Gary Strauss, "Nike Ceo Parker's 2013 Compensation," *USA Today*, 30 July 2013.

¹⁸⁰ Dylan Matthews and Kimberley Ann Elliot, "Poor Countries Can Keep Workers Safe and Still Escape Poverty," *The Washington Post*, 25 April 2013.

¹⁸¹ Doug Miller, *Last Nightshift in Savar: The Story of the Spectrum Sweater Factory Collapse* (Kindle Edition: McNidder and Grace).

¹⁸² Ashok Kumar and Chetan Ahisma, "Fighting Fire with Fire: Uncovering the Unglamorous Underbelly of Fashion Week," *Ceasefire*, 12 February 2013.

The upshot of this discussion so far is that the transactional fairness definition of exploitation cannot tell us what is wrongfully exploitative about sweatshop labour. Zwolinski rejects the idea that structural injustice is relevant to considerations of wrongful exploitation on the grounds that unfair transactions can take place in just conditions. Meyers aims to show that transactions can be free, consensual, mutually beneficial and yet still wrongful; but he fails to make this argument convincingly. And Mayer argues that corporations do extract an unfair gain from workers but that they are locked in to doing so in order to achieve an overall good, which I have argued is incoherent. Meyers and Mayer's attempts to show why sweatshop labour is wrongfully exploitative within the transactional fairness framework have failed.

Jeremy Snyder criticises the Wertheimer-inspired bent of these discussions of sweatshop labour. He argues that the literature needs to take seriously the fact that even if sweatshop jobs are not harmful but beneficial, 'that sweatshop labour is still one of a very bad range of options for workers.'¹⁸³ Low wages result from background contemporary and historical injustices, such as colonialism and war or unjust trade laws.¹⁸⁴ He argues that,

Whatever the cause, that an exchange is fair in the eyes of the market in no way guarantees that the resulting distribution of benefits will not leave one party without a decent minimum of well-being. Wertheimer's fairness standard will miss these background factors, and, more importantly, will miss the intuition that wage levels that fall below a decent minimum – whether "fair" or not – are morally problematic.¹⁸⁵

He advances a new concept – what he calls "needs exploitation": 'Needs exploitation takes place when an exploiter gains advantage from an exploitee while disregarding shortfalls in the basic needs of the exploitee which the exploiter has a duty to meet.'¹⁸⁶ He argues that because workers are dependent on sweatshop employers to meet their basic needs that employers have a duty to do

¹⁸³ Jeremy C. Snyder, "Needs Exploitation," *Ethical Theory and Moral Practice* 11(2008): 390.

¹⁸⁴ "Needs Exploitation," *Ethical Theory and Moral Practice* 11(2008): 392.

¹⁸⁵ Ibid.

¹⁸⁶ "Needs Exploitation," 390.

this.¹⁸⁷ The duty increases the longer workers have worked for that company.¹⁸⁸ Meeting the employees' needs does not necessarily have to be in the form of increased salaries. He cites the examples of Adidas-Saloman, which has developed the Health, Safety, and Environment program improving safety measures, such as fitting fire escapes and improving access to first aid.¹⁸⁹ Levi-Strauss offers subsidized, healthy food to employees.¹⁹⁰

Snyder's argument that corporations have a duty to meet the basic needs of dependent workers – especially if they are fulltime, long-term workers¹⁹¹ – generates an incentive for employers to only employ workers on temporary contracts and to turnover staff regularly, to avoid these duties. But the more pressing problem from our perspective is that even though he critiques the Wertheimer framework of this debate, he continues to perpetuate the transactional fairness framework of exploitation – he simply adds a duty to meet the basic needs of the vulnerable to avoid wrongful exploitation.

The terms of this debate, I argue, are all wrong. Libertarians seek to show that the transactions between sweatshop workers and employers are not wrongfully exploitative because they are freely chosen by the employees who benefit from the jobs. Liberal opponents seek to show that even if the jobs are freely chosen and mutually beneficial, that they can still count as wrongfully exploitative, either by arguing that exploitation can occur in the form of wrongful beneficence or by arguing that there are further duties that need to be met – fulfilling the basic needs of dependent staff. I would argue, however, that any attempt to explain what is wrongfully exploitative about sweatshop labour on the transactional fairness account of exploitation will fail. The explanation of the exploitative nature of sweatshop labour requires a structural analysis of power relations between groups.

On the account of structural exploitation that I have developed, what is wrongfully exploitative about sweatshop labour it is that it involves the transfer of

¹⁸⁷ "Needs Exploitation," 397.

¹⁸⁸ *Ibid.*

¹⁸⁹ "Needs Exploitation," 401.

¹⁹⁰ *Ibid.*

¹⁹¹ "Needs Exploitation," 397.

energies from workers to corporations and consumers in a way that inhibits workers' self-development. The defender of sweatshops could argue that the wages are higher in sweatshops comparative to the workers' other options, thus enabling self-development. However, they also concede that the wages are lower than a living wage.¹⁹² If the wages are lower than is needed to provide oneself with basic material needs fulfilment – food, clothing, shelter – then they do not provide the opportunity for self-development. And as Macpherson argued, even if basic needs are fulfilled, the process of continually selling one's labour-power inhibits extra-productive power, or the individuals' capacity for self-development.

In other words, sweatshop workers are oppressed. They may well be oppressed under the other options on offer (subsistence farming, employment with local businesses), but that does not stop them from being oppressed in sweatshop conditions too. As Reiman pointed out, structural exploitation works to construct options as rationally optimal for individuals, thus obscuring the reality that their options are limited by unjust, exploitative structures. The fact that the transactions between individual garment workers and individual factory owners/managers are a) mutually beneficial, b) consensual, and c) fulfil the preferences of the exploited is irrelevant. What matters is that groups of people are forced to transfer their energies at the expense of self-development, for the sake of enabling the self-development of other groups. This is a structural, not a transactional phenomenon. Indeed, while Young does not spell this out, she has something like this in mind when she writes, 'If many workers endure these [human rights] violations without complaint because they desperately need those earnings, this is a measure of the coercive pressures of their circumstances rather than of their consent.'¹⁹³

Zwolinski aimed to show that the conditions in which a transaction occurs does not determine whether or not that transaction itself is exploitative – exploitative transactions can occur in just conditions. But that misses the point of a claim about structural exploitation. My Youngian argument is that exploitation is *built into* the structure of the economic system. We can still assess discrete transactions as fair or unfair, exploitative or not exploitative, on the transactional account of

¹⁹² Zwolinski, "Structural Exploitation," 163.

¹⁹³ Young, *Global Challenges*, 165.

exploitation. For instance, (aside from the fact that it is a clear-cut instance of rape and thus harm) the Jason and Carole example could be explained as wrongfully exploitative by the fact that Jason is in a position to exploit Carole because of her vulnerability (dispositional exploitation) and he acts on it (episodic exploitation). But this says nothing about whether or not a *system* is exploitative; for that we need an account of systemic or structural exploitation. Reiman identifies the way in which libertarian and Marxian accounts of exploitation are simply talking at cross purposes: 'I contend that what Marxists call capitalist ideology boils down to little more than the invisibility of structural force. And libertarian capitalism is the theory that results when the love of freedom falls prey to that invisibility.'¹⁹⁴

On my understanding, structural exploitation consists in a transfer of energies from social groups structurally positioned so as to have few options, making their participation in these practices seem like a free choice. These groups are then constrained in their opportunities for self-development, at the same time enabling exploiter groups more opportunities for self-development.

The advantage of this understanding of structural exploitation is that it brings to light salient issues of sweatshop labour, which so far this literature has been entirely silent on. As Kang points out, in 2006 there were Export Processing Zones (EPZs) in 130 countries, employing 66 million people, 70-80% of whom were women.¹⁹⁵ As Diane Elson and Ruth Pearson point out, 'The situation of workers in world market factories cannot... be analysed simply in terms of class struggle and national struggle. It has also to be analysed in terms of gender.'¹⁹⁶

Elson and Pearson suggest that 'the capitalist exploitation of women as wage workers is parasitic upon their subordination as a gender.'¹⁹⁷ There are several reasons for this. Firstly, the gender pay gap. Women's wages are 20-50% lower than men's for comparable jobs, so employing women means capitalists increase

¹⁹⁴ Reiman, "Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen," 16.

¹⁹⁵ Kang, "Transnational Women's Collectivities and Global Justice," 43.

¹⁹⁶ Diane Elson and Ruth Pearson, "Nimble Fingers Make Cheap Workers!: An Analysis of Women's Employment in Third World Export Manufacturing," *Feminist Review* 7, no. 1: 91-92.

¹⁹⁷ "Nimble Fingers Make Cheap Workers!: An Analysis of Women's Employment in Third World Export Manufacturing," *Feminist Review* 7, no. 1: 99.

profits.¹⁹⁸ Secondly, sexist imaginaries of women's 'innate' traits lead to employment in the garment sector – the ideas that women have 'naturally nimble fingers', are more docile, are less likely to join unions, and are suited to tedious and repetitious work.¹⁹⁹ Thirdly, the fact that women bear children is an excuse to pay lower wages, hire them at a young age and provides factories the opportunity to turnover the workforce, bringing in younger and cheaper staff, as women leave for marriage or pregnancy (this is called 'natural wastage').²⁰⁰ Fourthly, because women are often trained by female family members to sew from a young age, this is seen as a suitable task for women and means they require less training.²⁰¹ The work is not 'unskilled' but it is constructed as such, due to 'the social invisibility of the training that produces these skills.'²⁰²

Race is also not considered in this literature on exploitation in sweatshops. Sweatshops mainly exist in Asian and Latin American countries. In other words, the majority of sweatshop workers are non-white. This is a case of menial labour being exported to non-white workers for whom it is deemed appropriate. Sweatshop labour depends not only on sexist imaginaries, but racialized imaginaries too. Elson and Pearson quote from a Malaysian investment brochure, aiming to attract foreign firms to Malaysia:

“The manual dexterity of the oriental female is famous the world over. Her hands are small and she works fast with extreme care. Who, therefore, could be better qualified *by nature and inheritance* to contribute to the efficiency of a bench-assembly production line than the oriental girl.”²⁰³

The injustice of sweatshop labour consists in the fact that it is a form of structural exploitation. The energies of predominantly non-white, female workers are expended to enable corporations to maximise profits and affluent consumers to live a certain lifestyle at the expense of the self-development of the workers. The

¹⁹⁸ "Nimble Fingers," 92.

¹⁹⁹ "Nimble Fingers," 93.

²⁰⁰ Ibid.

²⁰¹ "Nimble Fingers," 93-94.

²⁰² "Nimble Fingers," 94.

²⁰³ "Nimble Fingers," 93.

problem is a systemic one, not a problem of discrete transactions between particular capitalists and particular workers.

6.2.4 Responsibility for Global Structural Exploitation

The aim of this thesis is to analyse responsibility for global injustice. It might be objected that if structural exploitation is a form of global injustice and it is built into the capitalist political economy, then we cannot meaningfully attribute responsibility to various agents for structural exploitation – the problem is the system. Achieving global justice will require abolishing capitalism.

Indeed, as we have seen in Chapter 4, Young argues that all agents are “objectively constrained” by the system, including large corporations. However, as I have argued both in that chapter and in this chapter against Robert Mayer, it is disingenuous for large corporations to claim that they are objectively constrained to the point where they must exploit or go bust. Large corporations within the capitalist system have the elbow room to be able to make moral choices. They could choose to spend less on advertising or CEO salaries, and instead to spend that money on inexpensive improvements in building and fire safety. Furthermore, coordinated efforts in creating legally binding agreements would effect structural change across the board.

It could be objected that even if these improvements are made structural exploitation will continue. Even if workers have better working conditions and better salaries, this does not stop the continual transfer of energies from disadvantaged groups (predominantly Third World women) to the advantage of capitalists and consumers. All these sorts of improvements would achieve is to curtail the worst excesses of sweatshop labour. Systemic exploitation would remain in place.

Young herself could go in two directions here. She could agree that ending global injustice requires abolishing capitalism. In one of her earliest essays, in her socialist-feminist mood, she claims that, “The actual struggle has been and must be

against the integrated and virulent *capitalist* patriarchy we live in.²⁰⁴ It is only when capitalism is abolished that the injustice of structural exploitation will end. If this is the case, however, how can it be that corporations are morally responsible for structural exploitation, if overcoming it requires self-destruction?

In Young's later work, the emphasis is on radical democracy as a way of alleviating oppression. In *Justice and the Politics of Difference*, the emphasis is on workplace democracy as a means to enabling the self-development of workers.²⁰⁵ There is at least one hopeful example of this occurring in practice in the TFA sector. Following the 2013 Rana Plaza factory collapse in Bangladesh, in which over 1,100 garment workers died, some of the survivors have established a cooperative factory.²⁰⁶ The workers get paid the legal minimum wage (which doubled following the disaster), plus 50% of the factory profits are equally distributed among them.²⁰⁷ The rest of the profit goes toward educating the workers' children, providing small loans to workers, and providing physiotherapy to workers hurt during the factory collapse.

This is a very small step in a giant globalized, multi-billion dollar industry, nevertheless it suggests that the self-development of workers in the garment industry does not necessarily have to be inhibited. If the sector were structured so that factories were under worker-control, with democratic working practices and profits distributed among workers, then arguably workers could achieve self-development in these conditions. This is why some of the political responsibility to overcome global injustice falls on victims. It cannot be expected of large MNCs that they will establish these kinds of radical changes. If workers want to establish just working conditions, they will have to rise up and demand them.

I have argued that corporations are retrospectively morally responsible for unjust background conditions insofar as they could implement structural changes like agreeing to a global minimum wage and accepting fire and building safety

²⁰⁴ Iris Marion Young, "Beyond the Unhappy Marriage: A Critique of the Dual Systems Theory," in *Women and Revolution: The Unhappy Marriage of Marxism and Feminism, a Debate on Class and Patriarchy*, ed. Lydia Sargent (1984), 63.

²⁰⁵ *Justice and the Politics of Difference*, Chapter 7.

²⁰⁶ This World, *Clothes to Die For, This World* (BBC: 2014).

²⁰⁷ "Oporajeo - a Dream Factory," <http://oporajeo.com/>.

regulations universally, yet they have failed to make such changes. But the forward-looking political responsibility for justice falls on all the other agents involved in these practices – consumers, workers, citizens – to struggle for more fundamental, transformative change in the structures.

6.3 Conclusion

I began this chapter by showing how Young situates herself in the global justice literature and argued that a better approach would have been to focus on relations of global *in*justice – domination and oppression. I then outlined Young’s preliminary thoughts on alleviating global domination through global democracy.

I have begun to develop an account of global oppression, focusing on one “face” of oppression – exploitation. I outlined the recent literature on “transactional exploitation” that focuses on the unfairness of discrete transactions. I argued that a Youngian approach to “structural exploitation” is closer to the Marxian literature that focuses on power relations between groups within the structure of the political economy. I proposed the definition of structural exploitation as a transfer of energies from exploited groups to exploiter groups, inhibiting the self-development of exploited groups and enhancing the status of exploiter groups.

Finally, I applied this definition of structural exploitation to the problem of sweatshop labour. I argued that the existing normative literature on sweatshop labour is using the transactional fairness account of exploitation, which is a mistaken approach. I showed how the Youngian structural exploitation approach can better account for the wrongfulness of sweatshop labour, and can accommodate the fact that sweatshop labour is gendered and racialized. I have suggested that responsibility for overcoming structural exploitation falls not only on corporations, but also on workers and consumers if structural exploitation is to be overcome and not merely reformed.

Chapter 7 *Defining Connection*

On the social connection model of responsibility, individuals bear political responsibility for injustice to which they are connected, such as global structural exploitation in the garment industry. However, at no point in her work on responsibility is it clear what Young means by connection; more specifically, what counts as a normatively significant connection that generates political responsibility for a particular structural injustice. There are three options that arise throughout Young's writing on this topic.

The possibilities are, firstly, *existential* connection – individuals bear political responsibilities to others simply by virtue of their existence in structures with others (this is inspired by Levinas's theory of responsibility for the Other). Secondly, *causal* connection – that individuals bear political responsibility for structural injustices to which they causally contribute. Thirdly, *dependent* connection – individuals bear political responsibility towards others upon whom they depend in order to pursue their own actions (this is based on Onora O'Neill's theory of the scope of ethical consideration).

Young argues that the social connection model of responsibility can generalise to all forms of structural injustice. I start with this idea, and suggest that it depends upon how we understand connection. To test the three forms of connection I introduce a different form of structural injustice – modern slavery. Then I look at the three forms of connection to structural injustice that might ground political responsibility. I start with existential connection focusing on Levinas's theory of our responsibility for the Other. I argue that what Young has identified in Levinas, which is an important and illuminating insight, is that responsibility can exist prior to freedom. This strain of thought is also present in Derrida, Hans Jonas and Hannah Arendt, all of whom have influenced Young's theorising about the social connection model. The problem with the existential approach,

however, is that it is apolitical and Young wants to tie political responsibility to doing or not doing something.¹

So I then assess causal connection. However I raise four objections to this premise for the model: the attributive cause objection, the objection from mediated process, the falling-through-the-gaps objection and the victim-blaming objection. I argue that instead of thinking about causation of background conditions, we merely need to show that individuals reproduce background conditions through their actions, and it is this that grounds their political responsibility. I suggest, then, that there is a fourth form of connection – the reproduction of unjust structures through individuals' actions. I look, finally, at dependent connection as another form of connection to structural injustice. I argue that insofar as individuals are dependent upon the exploitation, or other forms of oppression, of others that this too can generate their political responsibility.

7.1 Connection to Structural Injustice

Young argues that individuals have a political responsibility for structural injustice to which they are connected. To recap, structural injustice is distinct from individual and institutional wrongdoing.² Structural injustice is the harmful, unintended outcome of agents' normal economic, social or political behaviour and activities. Structural injustice is not intentional; rather it is the accumulated outcome of the actions of diverse, geographically and temporally dispersed agents, acting within accepted rules and norms.³

We have also seen that structural injustice has four features. Firstly, *objective constraint* – we experience the material, institutional and social circumstances in which we live as imposing constraints on our options for action. Social structures place individuals and groups in different *positions*, generating different kinds and ranges of options for action. Social structures are *reproduced by the actions of*

¹ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 79.

² *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 45.

³ *Responsibility for Justice*, 52.

individuals. And the outcomes of social-structural processes can run counter to the intentions of participants – *counter-finality*.

Injustice, for Young, constitutes oppression or domination. In the previous chapter, I argued that sweatshop labour is a form of structural exploitation, which for Young, is a form of oppression. Sweatshop labour constitutes the transference of energies from predominantly non-white women in developing countries to MNCs and consumers, in a way that inhibits the self-development of the former groups and benefits the latter groups. Young talks about sweatshop labour as a form of structural injustice, rather than focusing on particular wrongdoings committed within the garment industry or particular exploitative transactions within the sector, to highlight a problem with the background conditions. The question for us is what kind of connection to these background conditions makes us responsible for them?

Young uses the example of sweatshop labour because she was inspired to think about responsibility for global structural processes by the anti-sweatshop movement. Through theorising the motivations of this movement, she came to the conclusion that individuals bear political responsibilities towards structural injustices to which they ‘contribute’;⁴ this is why anti-sweatshop protestors felt the need to campaign against the injustice, because they felt implicated in it. Their claims ‘struck a chord’ with many individuals,⁵ presumably because they felt themselves to be causally implicated in these processes and thus responsible.

There are many kinds of structural injustice in the world, however, and Young assumes that her model will apply to all of them.⁶ Whether or not this is true, I argue, depends upon how we understand connection. To highlight this problem I want to introduce another form of structural injustice that will challenge some of Young’s assumptions – modern slavery.

⁴ "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 102.

⁵ Responsibility for Justice, 126.

⁶ "Responsibility and Global Labor Justice," *The Journal of Political Philosophy* 12, no. 4 (2004): 388, "Responsibility and Global Justice: A Social Connection Model," 107.

Slavery, of course, is illegal – it is outlawed in every country in the world. When talking about structural injustice, Young is interested in the outcomes of normal, non-blameworthy activity and how such behaviour can generate unintended, harmful or unjust outcomes. However, I would suggest that slavery has become part of our normal background conditions in the global economy. Kevin Bales estimates that there are twenty-seven million slaves in the world today.⁷ Much of contemporary slave labour is in agriculture, but slaves are also used in,

brickmaking, mining or quarrying, prostitution, gem working and jewellery making, cloth and carpet making, and domestic service; they clear forests, make charcoal, and work in shops. Much of this work is aimed at local sale and consumption, but slave-made goods reach into homes around the world.⁸

“Slaves” today are not enslaved in the same way as the slaves of two hundred years ago; modern slavery is not a matter of ownership.⁹ Instead, modern slavery is about gaining control.¹⁰ Slaveholders are able to achieve this by taking advantage of legal loopholes. The vast majority of modern “slaves” could in fact be described as “indentured labourers.” Bales estimates that there are 15-20million indentured labourers in India, Pakistan, Bangladesh and Nepal, where people sell their labour in exchange for security against a loan, for instance to pay for a crisis like crop failure or family illness, or when they inherit debt from a relative.¹¹ The slaveholders do not claim to “own” these labourers; instead, they gain control over them through a combination of debt and the threat of violence if they fail to repay the debt. The second-largest form of modern slavery is “contract slavery.” For example, in Thailand young girls are sold by their parents or brokers to brothels. The girls sign contracts with the brothel owners, which place them in debt bondage for their purchase price plus interest. The girls are then legally bound by this contract to work for the brothel owner for as long as

⁷ Kevin Bales, *Disposable People: New Slavery in the Global Economy*, Revised Edition ed. (London: University of California Press, 2012), 8.

⁸ *Disposable People: New Slavery in the Global Economy*, Revised Edition ed. (London: University of California Press, 2012), 9.

⁹ *Disposable People*, 5.

¹⁰ *Ibid.*

¹¹ *Disposable People*, 7.

the employer decides constitutes a repayment of the debt.¹² Contract slavery is practiced in Southeast Asia, Brazil, some parts of India and in some Arab states.¹³ In fact, what we normally think of as slavery – “chattel slavery” – where ownership is asserted, is very rare today.¹⁴ It is rare because it is illegal, whereas debt bondage and contract slavery have the appearance of legality. As Bales puts it, “Today accepted systems of labour relations are used to legitimate and conceal slavery.”¹⁵

Bales suggests that two features of the contemporary world have enabled modern slavery to flourish. Firstly, the population explosion – since 1945 the global population has expanded from two billion to six billion people, and the countries where slavery is flourishing have experienced the greatest population growth.¹⁶ The second factor is rapid economic and social change. The shift from subsistence farming to industrialised agriculture, and the destruction of common land, has displaced millions of peasants.¹⁷ Bales argues that, ‘For the first time in human history there is an absolute glut of potential slaves.’¹⁸

The core of Bales’ argument is that modern slavery needs to be understood not as a criminal phenomenon, but as an economic one; slavery is a business.¹⁹ He argues,

Slavery grows best in extreme poverty, so we can identify its *economic* as well as its social preconditions. Most obviously, there have to be people, perhaps non-native to an area, who can be enslaved as well as a demand for slave labour. Slaveholders must have the resources to fund the purchase, capture, or enticement of slaves and the power to control them after enslavement. The cost of keeping a slave has to be less than or equal to the cost of hiring free labour. And there must be a demand for slave products at a price that makes slaveholding profitable. Moreover, the

¹² Disposable People, 18.

¹³ Disposable People, 20.

¹⁴ Disposable People, 19.

¹⁵ Disposable People, 26.

¹⁶ Disposable People, 12.

¹⁷ Disposable People, 13.

¹⁸ Disposable People, 14.

¹⁹ Disposable People, 33.

potential slave must lack perceived alternatives to enslavement. Being poor, homeless, a refugee, or abandoned can all lead to the desperation that opens the door to slavery, making it easy for the slaver to lay an attractive trap. And when slaves are kidnapped, they must lack sufficient power to defend themselves against that violent enslavement.²⁰

I suggest, then, that slavery could be understood as a form of structural injustice. Modern slavery is enabled by a set of normalized background conditions. Modern slavery is the *unintended consequence* of a population explosion coupled with rapid social and economic change; none of which is coordinated or intended by any one, or set of, identifiable agents. Two billion people in the world live on less than \$2 per day, and they often live in states that lack the capacity to protect them, or have fled from states and exist in a political no-man's land without any form of protection; the social *position* of these individuals makes them vulnerable to offers of fake jobs or loans. The actors are *objectively constrained*: the victims have minimal options for action; slaveholders are fighting for maximal profits in competitive markets; and governments in developing countries do not have the capacity, or perhaps the will given the profitability, to overcome this booming business. Modern slavery is *reproduced through individual actions*: slavers exploiting individuals with offers of fake jobs or loans, and police and government agents turning a blind eye.

Bales suggests, 'We're facing an epidemic of slavery that is tied through the global economy to our own lives.'²¹ There are connections between Western citizens and consumers and modern slavery, but these connections are less obvious than those of sweatshop labour. When we purchase clothing we might be able to trace the supply chain, or we might, through a general knowledge of the practice, be aware that sweatshop labour is involved. Modern slavery, however, is hidden and unregulated; the connections are for the most part invisible. We probably do not and cannot know if slave labour has been involved in clearing the forests where the cattle were reared for our hamburgers, or if they made charcoal that facilitated the making of the steel for our cars, or if the tantalum in our smartphone was mined by slaves. Sweatshop labour is traceable; slavery is not. But that does not

²⁰ Disposable People, 31-32.

²¹ Disposable People, 32.

mean that we are not connected to modern slavery, as slave-produced goods or goods produced using slave-made products, 'are mixed into the flow of other products.'²²

Where sweatshop labour is a visible and traceable form of structural exploitation, modern slavery is the invisible and untraceable form. It constitutes the transference of energies from indentured labourers and contracted slaves to businesses and consumers, in such a way that not merely inhibits their self-development, but curtails it. It is the sharpest end of structural exploitation under capitalism, which thrives because it reduces the costs of production and increases profits. As Bales writes, 'Slavery lowers a factory's production costs; these saving can be passed up the economic stream, ultimately reaching shops of Europe and North America as lower prices or higher profits for retailers.'²³ The complexity of global supply chains and the processes of production mean that we cannot really know to what extent we are connected to modern slavery, but the reality is that we are, whether we know it or can trace it, or not.

The question for this chapter, then, is what kind of connection to structural injustices, such as sweatshop labour or modern slavery, generates political responsibility for them? I will now look at the options of existential, causal and dependent connection.

7.2 Existential Connection

As we saw in Part One of this thesis, Young's distinction between legal and moral responsibility (the liability model) and political responsibility (the social connection model) derives from Hannah Arendt's work on responsibility for Nazi crimes.²⁴ Arendt argued that ordinary German citizens were not morally responsible for the crimes, but they bore political responsibility for the crimes

²² *Disposable People*, 23.

²³ *Ibid.*

²⁴ Young refers to three of Arendt's texts, Hannah Arendt, "Collective Responsibility," in *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt*, ed. James W. Bernauer (Dordrecht: Martinus Nijhoff Publishers, 1987); "Organized Guilt and Universal Responsibility," in *The Portable Hannah Arendt*, ed. Peter Baehr (London: Penguin Books, 2000); *Eichmann in Jerusalem: A Report on the Banality of Evil*, Fifth ed. (London: Penguin Books, 2006).

because citizens had failed to maintain the public-political world for which they were all collectively responsible. Arendt's is a theory of existential responsibility; one bears responsibility by virtue of existence within a political community. Young starts, then, with an existentialist theory of responsibility and she draws inspiration from other existentialist theories.²⁵

Hans Jonas's theory of responsibility was also influential on Young.²⁶ Jonas argues that ethics has been thrown into disarray by the onset of the technological age, and that the main ethical imperative of our age, which we have by virtue of our existence within this age, is to take responsibility for the preservation of humankind.

Jonas argues that in traditional ethics only the proximate effects of action in time and space are of ethical concern. Technology, however, has rendered this implausible – ‘The containment of nearness and contemporaneity is gone, swept away by the spatial spread and time span of the cause-effect trains which technological practice sets afoot, even when undertaken for proximate ends.’²⁷ Traditional ethics was also anthropocentric and treated the non-human earth as ethically neutral. However, technology is now so powerful that nature is no longer invulnerable to the impermanent projects of humankind. Instead, human projects are harming nature irreparably and in unknowable ways. The effects of technology on the natural world are often irreversible. And what is especially troubling is their cumulative effect: ‘their effects keep adding themselves to one another, with the result that the situation for later subjects and their choices of action will be progressively different from that of the initial agent and ever more the fated product of what was done before.’²⁸ The new nature of our relationship to technology and its effects on the natural world also changes the nature of knowledge in relation to ethics. Traditionally, ‘ordinary intelligence’ could determine whether or not an act was unethical. Now we need to know the effects

²⁵ She talks about the ‘existentialist’ paradigm of moral responsibility in Young, "Responsibility and Global Labor Justice," 383, but discusses these ideas more fully in *Responsibility for Justice*, 118-20, 61-65.

²⁶ Young opens her 2004 essay with an extended quote from Jonas's book *The Imperative of Responsibility*, and he is referenced in all her essays on the topic.

²⁷ Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age* (London: The University of Chicago Press, 1985), 7.

²⁸ *Ibid.*

of our actions and yet we cannot know all the effects of our actions: ‘The gap between the ability to foretell and the power to act creates a novel moral problem.’²⁹

These changes in the relationship between humankind and the natural world mean that ethics must be based on a new imperative: the imperative of responsibility. The focus of humankind must be on preserving the conditions for there to be future people. He writes, ‘The new imperative invokes a different consistency: not that of the act with itself, but that of its eventual *effects* with the continuance of human agency in times to come.’³⁰ Jonas argues that the statesman has a political responsibility, which is forward-looking and other-regarding, to prioritise this new imperative of responsibility. Young undoubtedly is influenced by these insights and the call to develop a new ethics for our peculiar age. Three Jonasian themes consistently recur in her treatment of the social connection model: the cumulative effect of millions of distinct actions by particular individuals, the unknowableness of the harm being caused, and the sweeping away of the conditions of containment and proximity for ethics.

Another theme that Young has drawn from existentialist theories of responsibility is the idea that responsibility can exist prior to freedom; that ‘responsibility is prior to and ground for freedom.’³¹ She attributes this idea to Derrida, and before him to Emmanuel Levinas.³² Young interprets Levinas’s theory of responsibility for the other as explaining the tension between the responsibilities we have for proximate others – the person in front of us, such as the student, the child or the friend – and the responsibility we have to all the others to whom we are connected through unjust structures – our responsibility for justice.³³ She writes, ‘As I read Levinas, this is an irreducible, even tragic, tension in moral life. We must both pay attention to justice and pay attention to the immediate and potentially infinite claims of each individual person.’³⁴ This tension, for Young, signifies the irreducibility of our interactive and our structural responsibilities.³⁵

²⁹ The Imperative of Responsibility: In Search of an Ethics for the Technological Age, 8.

³⁰ The Imperative of Responsibility: In Search of an Ethics for the Technological Age, 12.

³¹ Young, Responsibility for Justice, 118-20, 61-65.

³² Ibid.

³³ Responsibility for Justice, 161.

³⁴ Responsibility for Justice, 163.

³⁵ Ibid.

To some extent, this theme is present in Levinas. As E.L. Thomas argues, for Levinas ethics and justice are two sides of the same coin, which are irreducible.³⁶ However, the relationship between ethics and justice is more subtle than Young's interpretation suggests. Levinas is not arguing that we have absolute responsibilities to the proximate other in front of us. His theory about our responsibility that arises in the face-to-face encounter is more complex and more profound. The self's responsibility for the other exists prior to any actual interaction with another.³⁷ As Sean Hand puts it, 'responsibility is a pre-original or an-archic fact: it exists prior to any act through which one might assume responsibility for a role or action, and extends beyond my death in its implications.'³⁸ The self's responsibility for the other is transcendent; it exists prior to the self's acts or the self's being. As Darren Ambrose suggests, 'This is a responsibility which is never assumed or heard by the subject, yet which binds it. The Saying of this responsibility is a command obeyed despite never having been heard.'³⁹ Recognising one's responsibility for the other is, 'the discovery of that which is older than and prior to any of the intentional activities of the subject.'⁴⁰

We are marked by a pre-original encounter with the Face of the Other (an encounter that does not actually take place) but to which we can connect in moments of profound scepticism, when we sense the absolute responsibility for the Other that precedes all of our conscious acts or consciousness itself.⁴¹ Levinas's theory of responsibility for the other is "first philosophy" – the ethical relationship to the other exists prior to everything else. Levinas describes it as follows:

Responsibility for the Other, for the naked face of the first individual to come along. A responsibility that goes beyond what I may or may not have done to the Other or whatever acts I may or may not have

³⁶ Elizabeth Louise Thomas, *Emmanuel Levinas: Ethics, Justice and the Human Beyond Being* (London: Routledge, 2005), 113.

³⁷ Michael L. Morgan, *Discovering Levinas* (Cambridge: Cambridge University Press, 2007), 66.

³⁸ Emmanuel Levinas and Sean Hand, "Introduction," in *The Levinas Reader*, ed. Sean Hand (Oxford: Basil Blackwell Ltd., 1989), 88.

³⁹ Darren Ambrose, "Skepticism: From Consciousness to Wakefulness," 2.

⁴⁰ "Skepticism: From Consciousness to Wakefulness," 7.

⁴¹ "Skepticism: From Consciousness to Wakefulness," 18.

committed, as if I were devoted to the other man before being devoted to myself. Or more exactly, as if I had to answer for the other's death even before *being*. A guiltless responsibility, whereby I am none the less open to an accusation of which no alibi, spatial or temporal, could clear me. It is as if the other established a relationship or a relationship were established whose whole intensity consists in not presupposing the idea of community. A responsibility stemming from a time before my freedom – before my (*moi*) beginning, before any present.⁴²

In his later work, to which Young refers, *Otherwise Than Being, or Beyond Essence*, Levinas goes even further. In "Ethics as First Philosophy", he uses the terms summoning and demanding, to refer to the Other's call upon the self.⁴³ In "Substitution", Levinas argues that the self is literally substituted by the Other; the self is held 'hostage' to the Other and must self-abnegate to the point of destruction for the sake of the Other. Levinas writes that 'The self is a *sub-jectum*; it is under the weight of the universe, responsible for everything.'⁴⁴ As Michael Morgan argues, the central idea of "Substitution" is that the self is not in the first instance an actor or agent, rather the self is, before anything else, responsible for the Other.⁴⁵ The self is existentially responsible for the Other, and this responsibility animates its being. This responsibility is not chosen, and thus is not a 'guilt-complex', and it does not signify a 'natural benevolence'; it simply is.⁴⁶

Young interprets the responsibility for the Other as arising in the phenomenological interaction with an actual other. She believes this responsibility for the proximate Other to be in tension with our political responsibility for justice. She argues that Levinas, 'thematizes this feeling of tension between the general responsibilities of justice and our more concrete responsibilities to particular persons in interaction.'⁴⁷ I would argue, however, that this is a slight misinterpretation of Levinas's approach. As I have been suggesting, Levinas's philosophy supposes that we are already, before we interact

⁴² Emmanuel Levinas, "Ethics as First Philosophy," in *The Levinas Reader*, ed. Sean Hand (Oxford: Basil Blackwell Ltd., 1989), 83-84.

⁴³ Morgan, *Discovering Levinas*, 83.

⁴⁴ Levinas, "Substitution," 105.

⁴⁵ Morgan, *Discovering Levinas*, 156.

⁴⁶ Levinas, "Substitution," 114.

⁴⁷ Young, *Responsibility for Justice*, 161.

with another, responsible for the Other in an anarchic, pre-original sense; our responsibility for the Other is transcendent. In our present interactions we are faced with a new problem – how to balance this over-riding, existential, radical responsibility for the Other with the demands of the present. It is at this point that questions of social justice emerge. If the self was only in this one-to-one relationship with the Other there would be no question of justice; the self is absolutely responsible for the Other. In the real social world – what Levinas calls “The Third” – we are faced with many competing responsibilities, between the proximate other and all the other others, and we have to choose to act on certain responsibilities and neglect others. Within the Third, Levinas argues that we have to “weigh” or “order” our responsibilities.⁴⁸ He does not offer any guidelines for how to do this, which is one of the main criticisms of his work.⁴⁹ Levinas’s point, however, is to show that, ‘in the everyday, I am always many things in addition to responsible at any given moment. But this is what I am primordially and fundamentally, in a sense before I am anything else. Hence, ethics comes first.’⁵⁰

Levinas’s philosophical interest lay in the primordial responsibility for the Other – ethics as first philosophy – and so that is what he focused on. However, he realised that more systematic theories of justice or ethics were essential, in order to work out how to weigh our responsibilities in the social world.⁵¹ Morgan argues that if we were to design a Levinasian system of ethics or justice that it may look something like utilitarianism.⁵² This is because the primary focus is on the suffering and vulnerability of the other, and the demands of beneficence. A Levinasian a theory of ethics or justice ought to be centred on the needs of the Other and our responsibility for the Other, rather than the needs or capabilities of the self.⁵³ Morgan argues there are parallels with Peter Singer’s arguments in “Famine, Affluence and Morality”.⁵⁴ At the level of first philosophy, Morgan writes, ‘we are deluged with responsibility.’⁵⁵

⁴⁸ Morgan, *Discovering Levinas*, 244.

⁴⁹ *Discovering Levinas*, 229.

⁵⁰ *Discovering Levinas*, 75.

⁵¹ *Discovering Levinas*, 244-45.

⁵² *Discovering Levinas*, 75.

⁵³ *Discovering Levinas*, 245.

⁵⁴ *Discovering Levinas*, 83.

⁵⁵ *Ibid.*

As we know, Young rejects “cosmopolitan-utilitarian” theories of justice on the grounds that they are too demanding and because, ‘It flies in the face of moral intuition’ to ignore special duties to our nearest and dearest.⁵⁶ For Young, ‘It is not enough to say that the others are human.’⁵⁷ What generates the need for systems of justice, Young argues, are social connections. This is the great insight of social contract theory – that connections give rise to inequalities in power, the potential for conflict, exploitation and domination, thus generating the need for social institutions and principles of justice.⁵⁸ For Levinas, on the other hand, there is no need for social connection, the ethical relationship to the Other already exists; the responsibility for all others already exists and it is a direct, not a mediated, responsibility. We are already responsible for the Other and all the Other’s others.

One of the reasons that Young asserts the need for connection, as I interpret her, is that she wants to respect the agency of the other. Rather than owing the other care and support out of beneficence, Young thinks that we owe it because of justice; because the other is an agent to whom we owe respect. As David Miller argues, there are two sides to humanity: humans are vulnerable and needy, but they are also agents worthy of respect who can take responsibility for their own actions.⁵⁹ It is because Young wants to acknowledge both facets of the human subject, I suggest, that she rejects the cosmopolitan-utilitarian emphasis on the need to alleviate the suffering of the other out of duties of beneficence. If we are not connected in some way to the other’s suffering then we would be acting out of charity, pity or beneficence, but if we are connected then we have duties of justice towards the other.

And so, at first glance it seems that Young’s theory of responsibility is incompatible with Levinas. Firstly, Young rejects utilitarian approaches to ethics. Secondly, Levinas does not have a connection theory of responsibility. And thirdly, Levinas would reject Young’s distinction between moral and political responsibility; for him responsibility for the other is necessarily moral. Perhaps,

⁵⁶ Young, "Responsibility and Global Justice: A Social Connection Model," 104.

⁵⁷ "Responsibility and Global Justice: A Social Connection Model," 105.

⁵⁸ Ibid.

⁵⁹ David Miller, "Two Concepts of Responsibility," in *National Responsibility and Global Justice*, ed. David Miller (Oxford: Oxford University Press, 2007), 81.

then, we should reject the idea that Levinas can teach us anything about the social connection model. This conclusion, however, is too quick.

The distinction between moral and political responsibility is not a fatal blow in the relationship between Levinas and Young's theories of responsibility. Levinas could not endorse the Arendtian distinction between moral and political responsibility, because for Arendt morality has nothing to do with politics; morality is only permitted in politics in emergencies.⁶⁰ The moral and the political are two separate realms and require two distinct forms of responsibility. But this is not the case for Young. Her theory of political responsibility is ultimately a branch of moral responsibility. The distinction for Young is between the relational moral responsibility we acquire by acting wrongfully to which ascriptions of blame are appropriate, and the idea of moral responsibility as virtue – that we have a forward-looking, other-regarding moral responsibility to “be responsible” by ensuring the structures by which we are all connected are just. Political responsibility is a form of moral responsibility as virtue – it is founded in concern for the other.

For Levinas, moral responsibility is infinite, it is limitless; it applies to all people everywhere for everyone else. He does think, however, that when we enter the realm of the Third – the social realm – that to be able to realise our ethical responsibilities these will have to be limited, although he gives no clues as to how to go about doing this. In a way, Young is doing this. She is saying that while we have moral obligations to everyone, everywhere, the responsibility to act on these obligations are triggered by connection to others through social structures. This is a way of limiting the scope of those obligations – to those to whom we are in some way connected. It is not that in theory our moral obligations are limited in scope, but our political responsibilities for justice are – they are limited to those to whom we are connected – and Young's is an attempt to parcel that out. And so, while Levinas does not offer a connection theory of our primordial responsibility for the Other, Young's is a connection theory of responsibility within the Third.

⁶⁰ Hannah Arendt, "Personality Responsibility under Dictatorship," in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken Books, 2003), 45.

Despite these possibilities for reconciliation, however, I think that the fact that Young wants to establish a *political* responsibility, as opposed to a metaphysical responsibility, means that we need to move beyond the existential approaches. We should remember that Young ultimately rejects Arendt's existential approach on the grounds that, 'It is a mystification to say that people bear political responsibility simply because they are members of a political community, and not because of anything at all that they have done or not done.'⁶¹ Young wants to ground political responsibility on something more than existence – on something individuals have done or not done.

The insight that can be gained from bringing Levinas's existential account of responsibility into the discussion, however, is the general idea that responsibility can precede freedom. Levinas, Derrida, Arendt and Jonas argue that *simply by existing we can have responsibilities towards others*. Even if individuals are not free to act as they wish, they still bear responsibilities toward others or their political community. This applies to Young's theory because even though individuals are objectively constrained within structures, there may be ways in which we can say that they bear responsibility within these constraints.

7.3 Causal Connection

Young invokes causal connection throughout her work on the social connection model, and it seems to be her preferred model. She writes, 'All the persons who participate by their actions in the ongoing schemes of cooperation that constitute these structures are responsible for them, in the sense that *they are part of the process that causes them*.'⁶² She argues that the social connection model of responsibility shares with the liability model, 'a reference to the causes of wrongs – here in the form of structural processes that produce injustice.'⁶³ Young interchangeably uses the words participation⁶⁴ and contribution⁶⁵, to refer to individuals' causal

⁶¹ Young, *Responsibility for Justice*, 79.

⁶² "Responsibility and Global Justice: A Social Connection Model," 114. (my emphasis)

⁶³ "Responsibility and Global Justice: A Social Connection Model," 119.

⁶⁴ *Responsibility for Justice*, 161, "Responsibility and Global Labor Justice," 377, 74, "Responsibility and Global Justice: A Social Connection Model," 115, 18.

connections to structural processes. Young, however, does not elaborate on why she thinks causation is the normatively significant factor in the generation of political responsibility.

The phenomenon of causation is extremely complex. Indeed as Hart and Honoré point out, causation refers to a family of concepts.⁶⁶ When different people talk about causation, they are talking about different things. The scientist tries to understand normal occurrences, such as the growth of plants or the movement of the tides, and regards all the necessary factors for these phenomena to occur as causes.⁶⁷ When the lawyer, the historian or the layperson asks about the cause of something, however, they are interested in a departure from the norm.⁶⁸ The common-sense understanding of causation assumes that left alone objects would persist in a certain state; the human intervention that 'makes the difference' is the 'cause' of any particular 'effect'.⁶⁹ In ordinary usage, a cause 'is a *difference* from the normal course which accounts for the difference in outcome.'⁷⁰

In common-sense understandings of causation, then, there is a distinction between 'mere conditions' and 'causes'.⁷¹ When looking for the cause of a fire, the presence of oxygen in the air or the dryness of the building will be considered as mere conditions; these factors would be present whether accidents occur or not, and so we reject them as the cause of the accident.⁷² It is the dropping of a lit cigarette that will be considered the 'cause' of the fire. This understanding of causation accords with the liability model of responsibility in which we seek, as does the lawyer and the layperson, the cause of the deviation from the norm. We assign moral or criminal responsibility to the agent who 'directly caused' this deviation, and who did so with voluntariness and knowledge of what they were doing. In the cases of moral and criminal responsibility we are interested in

⁶⁵ "Responsibility and Global Justice: A Social Connection Model," 102, 19, "Responsibility and Global Labor Justice," 382, 72.

⁶⁶ HLA Hart and Tony Honoré, *Causation in the Law*, Second Edition ed. (Oxford: Oxford University Press, 1985), 27.

⁶⁷ *Causation in the Law*, Second Edition ed. (Oxford: Oxford University Press, 1985), 33.

⁶⁸ *Causation in the Law*, 34.

⁶⁹ *Causation in the Law*, 31.

⁷⁰ *Causation in the Law*, 29.

⁷¹ *Causation in the Law*, 33.

⁷² *Causation in the Law*, 34.

whether or not an agent's act 'made the difference' against a normal set of background conditions.

By contrast, it is the normal state of affairs rather than deviations from the norm, which is the subject of the social connection model of responsibility. What Young is interested in is 'mere conditions' – the background conditions that enable structural injustice to persist. She writes,

a model of responsibility derived from understanding the mediated connection that agents have to structural injustices does not evaluate the harm that deviates from the normal and the acceptable; rather, it often brings into question precisely the background conditions that ascriptions of blame or fault assume as normal.⁷³

On the causal version of the social connection model, we assign political responsibility to individuals who unknowingly and unwittingly causally contribute to the background conditions that sustain and enable chronic injustice. The distinction is that the liability model applies to what agents do to actively and directly cause harm to others (including by omission), the social connection model applies to what they do without intent or even knowledge in contributing to conditions. Individuals who participate in a political or economic system that somehow enables structural injustice do not contribute intentionally and so they do not meet the required conditions for moral responsibility on the liability model. Even if the agent's habitual activities are connected to the harm caused in the sense of reproducing the background conditions that enable the harm to occur, we absolve them from moral or legal responsibility because the necessary quality of will required for moral responsibility is absent, or the requirements for legal responsibility are not met. This is why Young argues that there is a different model of responsibility – the social connection model – to account for the kind of responsibility we have for non-blameworthy behaviour and the resulting structural injustice.

⁷³ Young, "Responsibility and Global Justice: A Social Connection Model," 120.

Hart and Honoré make a further distinction, between *explanatory* causal factors and *attributive* causal factors.⁷⁴ Even if a causal factor is necessary to *explain* a phenomenon (e.g. consumer demand for cheap clothes), it does not follow that we can *attribute* causal responsibility to the individual consumers. The jump from explanatory to attributive causation requires answering some further normative questions.

When assigning criminal responsibility we think that further conditions need to be met for a cause to be attributive rather than merely explanatory. We cite the cause of the fire as the dropping of the lit cigarette because the agent displayed culpable negligence – that is the attributive cause because it was *faulty*. The presence of oxygen and the dryness of the building are merely explanatory causal factors or mere conditions. Young seems to be arguing that if human agency is involved in creating any background conditions then those human agents are politically responsible. The kind (intentional/unintentional, voluntary/nonvoluntary) and degree of causal contribution does not seem to make any difference to political responsibility; all causal contributions are equivalent when it comes to assigning political responsibility for causing background conditions. No further conditions need to be met to determine whether or not a causal contribution triggers political responsibility.

Young points out that many people found the claims of the anti-sweatshop movement ‘absurd’ because ordinary individuals, or even bulk buyers of clothing like universities, had no control over conditions in garment factories.⁷⁵ In other words, even if consuming the clothing was an explanatory causal factor in perpetuating sweatshop labour, a common viewpoint was that it didn’t constitute an attributive factor in the sense that buyers have no control over it. What the anti-sweatshop movement pointed out was that consumers are in a position to pressure corporations to monitor conditions in the factories where they have their clothes produced.⁷⁶ So in this case, consumer apathy was attributively causally responsible for the injustice; consumers could do something by pressuring the companies that made their clothes to implement better working conditions.

⁷⁴ Hart and Honoré, *Causation in the Law*, 24.

⁷⁵ Young, "Responsibility and Global Labor Justice," 367.

⁷⁶ "Responsibility and Global Labor Justice," 368.

However, if we take a different kind of structural injustice, like modern slavery, these direct causal links cannot be established. There are some more well-known cases of slavery, like rug-making or cocoa picking, where causal connection can be traced and there are ways of avoiding buying products that have used slave labour – purchasing carpets that carry the rugmark or fair trade chocolate. But many forms of modern slavery are more insidious, intangible and invisible. Not only would it be extremely difficult to convince many ordinary individuals that they are causally contributing to the conditions that enable various instances of modern slavery, it may even be impossible to work out what the causal connections are, or to work out which agents they could put pressure on to do something about it. There is not an attributive causal factor, like consumer apathy, that we can point to and argue is causally implicated. What exactly is it that we can assign attributive causation to in the behaviour of ordinary individuals for the structural injustice of modern slavery?

We saw in the thesis introduction that Young is influenced by Samuel Scheffler's assertion that ethical norms for the global age need to be internalizable.⁷⁷ Invoking causal connection to background conditions as the generator of political responsibility is not likely to be psychologically motivating, however, if she cannot explain why habitual behaviour is more than merely an explanatory causal factor in the reproduction of structural injustice. Not only does Young lack a normative story here, but the empirical basis of this argument is questionable. As Young herself argues, 'Because the particular causal relationship of the actions of particular individuals or organizations to structural outcomes is often impossible to trace, there is no point in seeking to exact compensation or redress from only and all those who have contributed to the outcome, and in proportion to their contributions.'⁷⁸

Whether or not one finds objections from psychological feasibility convincing, however, there are further philosophical reasons why Young's insistence that political responsibility involves doing or not doing something is problematic.

⁷⁷ Samuel Scheffler, "Individual Responsibility in a Global Age," in *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001), 42.

⁷⁸ Young, "Responsibility and Global Justice: A Social Connection Model," 122.

One way of arguing that individuals' actions are causally implicated in creating the background conditions that enable a structural injustice like sweatshop labour to exist, is to argue that even the imperceptible effects of our acts are morally significant. Derek Parfit argues that two mistakes we often make in moral mathematics are to ignore the trivial or imperceptible effects our actions can have on large numbers of people.⁷⁹ Parfit uses the example of the Harmless Torturers: a thousand torturers flick a switch that inflicts an imperceptible amount of pain on a thousand victims. At the start of each day the victims are suffering mild pain, but by the end of the day, when each torturer has flicked the switch, they are suffering severe pain.⁸⁰

The Harmless Torturers example is designed to show that even though our individual acts have imperceptible effects on others, our acts are wrong because together they make large numbers of people worse off.⁸¹ Parfit thinks this can explain why *we think* our actions in the global economy are not morally significant (because the effects are trivial or imperceptible) but why this is a mistaken attitude.⁸² He writes,

It is not enough to ask, 'Will my act harm other people?' Even if the answer is No, my act may still be wrong because of its effects. The effects that it will have when it is considered on its own may not be its only relevant effects. I should ask, 'Will my act be one of a set of acts that will *together* harm other people?' The answer may be Yes. And the harm to others may be great. If this is so, I may be acting *very* wrongly, like the Harmless Torturers.⁸³

It is not clear, however, that such arguments can generalize to global structural injustice like sweatshop labour or modern slavery, for two reasons. Firstly, in the

⁷⁹ Derek Parfit, "Five Mistakes in Moral Mathematics," in *Reasons and Persons*, ed. Derek Parfit (Oxford: Clarendon Press, 1987), 75.

⁸⁰ "Five Mistakes in Moral Mathematics," in *Reasons and Persons*, ed. Derek Parfit (Oxford: Clarendon Press, 1987), 80.

⁸¹ "Five Mistakes in Moral Mathematics," 83.

⁸² "Five Mistakes in Moral Mathematics," 86. Another consequentialist who makes this argument is Jonathan Glover. He argues for the "principle of divisibility" – that an agent is responsible for the proportion of the harm that they caused. Jonathan Glover and M. J. Scott-Taggart, "It Makes No Difference Whether or Not I Do It," *Proceedings of the Aristotelian Society* 49, no. Supplementary Volumes (1975).

⁸³ Parfit, "Five Mistakes in Moral Mathematics," 86.

Harmless Torturers case, even though the harm caused by each torturer is imperceptible, the harm is direct. There is a direct linear connection between the torturer's act and the pain suffered by the victim. In structural injustice there is no such linear causal connection. In the case of sweatshop labour, the manufacturers in conjunction with others involved in the supply chain that actually produce the goods and bring it to market, these are the agents directly causally linked to the harm; they are the Harmless Torturers, not the consumers. And of course, this is the distinction Young is getting at by arguing that there are agents who are morally or legally responsible for the harm on the liability model of responsibility, but that this is different to those who are politically responsible for the background conditions which they are perpetuating unintentionally and possibly unknowingly.

If this is the case, however, appealing to the wrongness of contributing even imperceptible differences will not help her argument. Perhaps if I buy a T-shirt this will make an imperceptible difference to the harm caused to sweatshop workers. However, it is not clear that this is true because if I died tomorrow and never bought a sweatshop made T-shirt ever again this will make zero difference to whether or not the practice of sweatshop labour continues. The difference I make is not trivial or imperceptible; it is non-existent. This is because it is a mediated process. The acts of many other agents intervene between the sweatshop labourer and my buying or not buying a T-shirt from a high street shop. The decisions of thousands of other agents will determine whether or not sweatshop labour will continue. For instance, if all the world's major clothing companies decided collectively to pay garment workers a global minimum wage, and to implement legally binding safety agreements, the factors that make sweatshop labour exploitative would be alleviated, which has nothing to do with my personal shopping habits. This is the objection from mediated process. Young herself points out this difference as a reason for needing the social connection model of responsibility: 'I have developed a social connection model of responsibility as distinct from responsibility as liability precisely because there are good reasons to distinguish such direct connections from more mediated connections.'⁸⁴

⁸⁴ Young, *Responsibility for Justice*, 158.

A second reason why the objection from mediated process shows that the Harmless Torturers example is dis-analogous with global structural injustice is that there are no clear-cut implications as to what consumers should do. In the Harmless Torturers example, there is a clear implication – the torturers should not flick the switch and if they do they are doing something wrong. But there is not an analogous act for consumers. Consumers could ask themselves when purchasing cheap clothing, “Will my act be one of a set of acts that together harm other people?” And the answer may be yes, but the solution may not be to not buy the clothing. As Young points out, sweatshop workers do not want consumers to boycott because they will lose their jobs.⁸⁵ Instead the appropriate response will be something like to encourage other consumers to complain to, or publically shame, the company into paying the garment workers better wages and providing safer working conditions. This is less of a “do or don’t situation”, and more of an “act in a certain way” situation – act in a politically savvy way that involves gathering knowledge about the victims’ needs and encouraging others to act on it. This implies using one’s discretion, on-going commitment, and looking for forward-looking solutions. This is Young’s point – being politically responsible for structural injustice is an on-going way of being, not a question of whether each particular act one does is “right” or “wrong” in and of itself, because in reality there is no easy or obvious answer to whether or not many of our everyday acts are “right” or “wrong” in the current context. Thus, arguments from imperceptible difference, where refraining from doing the act in question will make a difference either over time or in conjunction with others, do not help Young.

There are two final reasons why arguing that causal connection to structural injustice generates responsibility for it is problematic: by relying on causation as the source of responsibilities, the model is both too weak and too strong. It is too weak because we might want to claim that people bear responsibility to effect change even if they are *not* connected to a particular injustice. Consider a particular instance of modern slavery – the enslavement of northern Thai teenage girls, and Lao and Burmese women, in northern Thai brothels. Bales suggests this

⁸⁵ Responsibility for Justice, 134.

growing practice of modern slavery is driven by local economic conditions whereby working-class Thai male labourers have newly-found disposable income due to rapid industrialisation; and because of social attitudes that are permissive of prostitution,⁸⁶ and the assumption that children owe a debt to their parents explaining why parents sell their girl children into slavery.⁸⁷ The people directly causally connected to this injustice – the customers/labourers, parents, local police, local and national government, brothel owners and pimps – have no interest in eradicating this injustice, indeed they have financial or other interests in perpetuating it.

There are, of course, millions of people who are causally implicated in direct or indirect ways of perpetuating the enabling conditions for the practice. Western sex tourists are not likely to encounter enslaved teenagers, rather they are targeted by commercial adult sex workers; but sex tourism is implicated in this injustice in the sense of enabling the conditions, legitimating prostitution both socially and as a boon for the economy.⁸⁸ Chinese sex tourists from China, Taiwan, Singapore, Malaysia and Hong Kong are purportedly driving demand for sex with virgins to avoid HIV and due to the Chinese cultural belief that sex with a virgin delays aging.⁸⁹ Japan is the biggest importer of Thai women.⁹⁰ And there are also people in the local communities who benefit indirectly from the business of brothels, and the Thai population in general. Young could argue, therefore, that political responsibility falls on these groups who are either directly supporting or enabling the practice, or failing to do anything about it. Not much progress is being made, however, mainly because the institutional conditions make it so difficult; police corruption is rife and the government tends to turn a blind eye due to the vast profits of the sex industry.

In some cases of structural injustice, there may be a need for international pressure and solidarity to support those groups who are causally connected to struggle against particular injustices. As Rahul Rao argues, some nationalistic social movements use a 'global frame' in order to garner support from

⁸⁶ Bales, *Disposable People*, 38-39, 45. Bales estimates that 80-87% of Thai men have had sex with a prostitute and that 95% of these men go to brothels with their friends.

⁸⁷ *Disposable People*, 42.

⁸⁸ *Disposable People*, 76.

⁸⁹ *Disposable People*, 56.

⁹⁰ *Disposable People*, 69.

international civil society, which can help further their struggles at home.⁹¹ There are international pressure groups working to fight sex slavery, presumably involving people who are in no way causally connected to the practice, who are pressuring those with causal connections to do more. There are organisations working on trafficking because they believe that it is a human right to be free from slavery,⁹² they believe in feminist solidarity and ending violence against women,⁹³ and they believe slavery and exploitation are simply moral wrongs about which all people should be concerned.⁹⁴ These groups are acting on the assumption of other values, which have nothing to do with causation. And perhaps it is because they are not causally embedded in this complex structural injustice that they are able to support those who are to struggle against it. My suggestion is that without support from groups that are not causally embedded in certain structural injustices, these issues may fall through the gaps. Young might argue that these groups are not acting out of political responsibility, rather their actions are supererogatory, but I'm not convinced that this is how feminist or anti-slavery campaigners would think of themselves.

Conversely, the social connection model is too strong because some people may be connected to the injustice but we might want to claim that they bear no responsibility for the injustice at all – i.e. the victims. In the case of global labour injustice, Young argues that sweatshop workers can be expected to bear some responsibility because they have the greatest interest in combating the injustice.⁹⁵ Garment workers can collectively organise to demand better pay and working conditions. If we apply this to the case of northern Thai sex slavery again, it may be the case that individual victims knowingly decided to work in the sex industry; others however, will have been duped and coerced. Surely, we would not want to claim they bear any responsibility for the injustice, even if they would most

⁹¹ Rahul Rao, *Third World Protest: Between Home and Abroad* (Oxford: Oxford University Press, 2010), 166. The examples Rao gives are the Zapatistas in Mexico and the Karnataka State Farmers' Association (KRRS) in India.

⁹² Asia Watch and Women's Rights Project, "A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand," (New York: Human Rights Watch, 1994).

⁹³ Coalition Against Trafficking in Women, "History," <http://www.catwinternational.org/WhoWeAre/History>.

⁹⁴ Anti-Slavery International, "Slavery Today," http://www.antislavery.org/english/slavery_today/default.aspx.

⁹⁵ Iris Marion Young, "Political Responsibility and Structural Injustice," in *The Lindley Lecture* (University of Kansas 2003), 18; "Responsibility, Social Connection, and Global Labour Justice," in *Global Challenges: War, Self-Determination and Responsibility for Justice*, ed. Iris Marion Young (Cambridge: Polity Press, 2010), 185; *Responsibility for Justice*, 113.

benefit from its cessation. Unionisation is not a possibility for sex workers in most parts of the world. And in this particular case, the victims are mostly children, so this raises the question of what age an agent can bear political responsibility for an injustice to which they are causally connected. I doubt Young would disagree with any of this, but it shows that in this instance it is not the case that *everyone causally* connected to the unjust practice bears political responsibility to change it.

Carol Gould argues that Young's theory verges on victim-blaming. The reason why we are concerned with structural injustice is because the victims are dominated or exploited and lack the power to change the structures that oppress them.⁹⁶ The victims participate in these social-structural processes because they are 'coerced' to do so.⁹⁷ Absolving the victims of any responsibility for the structures is not to deny their agency, 'Indeed, it is because of our recognition of the importance of their agency that normatively it is necessary to rectify these exploitative systems'.⁹⁸

Young can and does respond to the victim-blaming objection. She argues that on the liability model of responsibility, arguing that the victims bear responsibility for their plight would be victim-blaming and would absolve the other participants in the processes.⁹⁹ On the social connection model, however, there is no blame. Political responsibility is not like moral or legal responsibility; it does not entail blame. Instead, the victims along with all the other participants in the processes, 'can be called to a responsibility they share with others in the structures to engage in actions directed at transforming the structures'.¹⁰⁰ Political responsibility is non-blameworthy and non-isolating; it is shared and distributed among all those who are causally implicated in the processes. The example I have given, however, of northern Thai sex slavery implies that there must be further conditions. Political responsibility would apply only to adults. Furthermore, some persons can be absolved even of this responsibility. While history is full of slave rebellions

⁹⁶ Carol C. Gould, "Varieties of Global Responsibility: Social Connection, Human Rights, and Transnational Solidarity," in *Dancing with Iris: The Philosophy of Iris Marion Young*, ed. Ann Ferguson and Mechthild Nagel (Oxford: Oxford University Press, 2009), 203.

⁹⁷ Ibid.

⁹⁸ "Varieties of Global Responsibility: Social Connection, Human Rights, and Transnational Solidarity," 203-04.

⁹⁹ Young, "Responsibility and Global Labor Justice," 381.

¹⁰⁰ Ibid.

– instances of slaves taking up and acting on their political responsibility – this is less likely to occur among modern slaves.

As Bales argues, modern slavery is not like the legalised forms of slavery that were abolished two hundred years ago.¹⁰¹ At that time, slaves were at a premium; they were expensive to buy and keep. Owners asserted their legal ownership over their slaves, they provided for them when they were young, old or ill, and they justified their ownership of slaves by asserting ethnic superiority. Nowadays, slavery is illegal everywhere so legal ownership is not asserted, instead people are enslaved through debt bondage or fake employment contracts. Ethnic differences are not asserted; anyone living in poverty is vulnerable. And because there are so many potential slaves, they are cheap and disposable. These conditions make it more difficult to collectively organise because a) it is short-term, so there is not much time, b) it may not be obvious who to collectively organise *with* because slavery is covert and hidden, rather than a legal open practice, c) slaves are dispersed offering little opportunity to organise, c) there is not an obvious target to rally *against* such as the law, d) slaves are disposable, so have little incentive to organise, and e) many slaves are experiencing psychological trauma. As Bales points out, in the case of northern Thai girls enslaved in brothels, they are usually utterly traumatised by their experiences and it takes a long time to readjust to normal life, making taking up political responsibility extremely arduous, if not impossible.¹⁰²

Young's theory that everyone connected to a structural injustice, like modern slavery, is politically responsible for it, is thus too strong because slaves are causally connected to the injustice of modern slavery in the sense that slavery would not exist if there were no slaves; but this does not mean that they bear a responsibility for it, even a political responsibility. There are circumstances in which we can excuse individuals who are causally connected to structural injustice from political responsibility.

I have argued that it is problematic to understand political responsibility as being triggered by causal connection to injustice. The first reason is that the attributive cause objection: it goes against the grain of common-sense understandings of

¹⁰¹ See Bales, *Disposable People*, 15, for the difference between old and new forms of slavery.

¹⁰² *Disposable People*, 15

responsibility to hold individuals responsible for causal contributions to background conditions that enable harm. Secondly, structural injustice is a mediated process: it is not necessarily the case that individuals are contributing imperceptible or trivial amounts to a harm because intermediary agents have the power and capacity to stop the harm, and there are no clear implications for individual behaviour. Finally, it is too weak – some injustices fall through the gaps – and too strong – it includes the victims.

However, I think some of these problems could be dealt with by moving away from the language of causation. While Young says that the social connection model of responsibility shares with the liability model ‘a reference to the causes of wrongs – here in the form of structural processes that produce injustice’;¹⁰³ what I think she means is that simply by acting within unjust structures we are reproducing those structures. We are *not causing* structural injustice, but we are continually *perpetuating* injustice by virtue of acting within the current global economic and political system. As we have seen, one of the features of structural injustice is that it is reproduced through the actions of individuals. It is the reproduction or perpetuation of unjust structures that grounds political responsibility.

On existentialist accounts of responsibility, we can bear responsibilities towards others by virtue of existence. I would argue that on the Youngian conception of political responsibility we bear responsibility for the unjust structures in which we *act*. We do not have to have directly or indirectly caused structural injustice; our responsibility arises because our actions reproduce and perpetuate these unjust structures. We necessarily have a political responsibility to work to ensure the justice of those structures in which we act.

Young calls this responsibility political, even though it is grounded in an ultimate moral responsibility for the other, because she wants to retain the useful and established concept of moral responsibility to apply to instances where an individual or group knowingly and voluntarily caused harm to identifiable others. As per Arendt’s insight, it is important to maintain this concept because it enables

¹⁰³ Young, "Responsibility and Global Justice: A Social Connection Model," 119.

legal process and means we can single out particular persons for moral censure. The concept of political responsibility also classifies a different way of relating to structural harm, which is to tacitly support and unconsciously reproduce background conditions in which harm to others can occur. An individual may not contribute in any significant way to the background structure, but simply by acting within it, one is reproducing those structures. This generates a political responsibility to struggle against these unjust structures. From the existentialist accounts we learn that political responsibility is prior to freedom; even though we are objectively constrained by the structures in which we act, we still bear responsibility for them. However, it is a guiltless responsibility because it is not chosen. It is simply unavoidable in the modern world.

This interpretation of the social connection model does not have to engage in the controversies about what counts as *causation* of harm in complex processes, or what counts as a significant enough contribution to harm to gain responsibility for it. The attributive cause objection is no longer relevant, because political responsibility is conceived of as a responsibility for explanatory causal factors that arise through human activity. The objection from mediated process would not apply because it does not matter that there are other agents and processes involved; individuals still have political responsibility for acting within unjust structures. The falling-through-the-gaps objection would not apply because everyone is connected in the contemporary world by the global capitalist economy, including slaves and the bottom billion (the losers from the economy); whenever we act within the global economy we are reproducing capitalist economic relations.

Does this interpretation of social connection not also suffer from the victim-blaming objection? I have suggested that slaves are *causally* connected to slavery because there would not be slavery without slaves. It is also true that through their actions, slaves are perpetuating the structural injustice of modern slavery. Here I must bite the bullet. In the case of slaves, I would argue that if they are capable agents (that is adults, who are not severely mentally impaired) they do bear political responsibility. However, the conditions are such that they are unable to act upon that responsibility, and so they are excused. Just as we can

excuse individuals from moral responsibility under certain conditions, it may also be appropriate to excuse individuals from political responsibility (although the conditions will be extreme). It would be wrong to consider individuals who are enslaved as non-agents; they are agents and thus can bear political responsibility, however, their conditions are such that it is extremely difficult or impossible to act on that responsibility, thus excusing them. I agree with Young that this is not victim-blaming because political responsibility does not entail blame.

7.4 Dependent Connection

Another form of connection that Young suggests could ground political responsibility is dependent connection. This argument is inspired by Onora O'Neill's theory of the 'scope of ethical consideration'. Young interprets O'Neill's argument as follows: we have obligations towards others, 'to the extent that we *depend* on them, as demonstrated by how we assume they are acting in specific ways as the basis of our actions.'¹⁰⁴ Because we are dependent upon others, these others come within our scope of ethical consideration. Young applies this idea to sweatshop labour:

By the simple act of buying a shirt I presuppose the actions of all those people who are involved in growing the cotton, making the cloth, gathering the cutters and sewers to turn it into garments, the cutters and sewers themselves, and all the agents involved in shipping the garments and making them easily available to me. Normally these people are not within the scope of my concern, but if asked I will acknowledge that but for them there would be no ready-made shirts here before me. When I look for less expensive shirts, I presuppose all those practices of pressure and competition that minimize labour costs, as well as those that purportedly increase productivity of production and distribution. To the extent that these practices result in harming workers, my intention to buy cheap shirts is implicated in that harm, even though I do not intend the workers harm, and even when I plausibly judge that my own constrained

¹⁰⁴ Responsibility for Justice, 160.

circumstances make it necessary for me to buy either inexpensive clothes or none at all. Because my actions assume all these others are acting to the result that there are clothes in nearby stores, these others come within the scope of my obligation, whether I like it or not.¹⁰⁵

When applied to the specific case of sweatshop labour, this approach to connection seems somewhat convincing; because I depend on the labour of all these people, and on structural practices like economic competitiveness, in order to buy a shirt, all these people objectively come into my scope of ethical consideration. Consider, however, on this view the number of people that come into my scope of ethical consideration in order for me to do anything in the contemporary world. Take a simple example, like my coming to the library today to study. Not only are all the people who were part of the process of creating my clothing and getting it to the shops where I purchased it involved (and consider that each item of clothing comes from a different source, so if I am wearing jeans, trainers, underwear, a t-shirt and jumper, each of these items will involve a completely different set of people), but there numerous other processes involved. There are also the people who produced the food that I ate. The fruit and cereal I have eaten for breakfast have been grown, picked, processed, distributed etc. by countless individuals in different countries. The water I drank from the tap has been cleaned and purified by processes involving not just those who do the filtration, but by the people who built the equipment to do that, the administrators who keep these sites running, the sewer operators etc. All of this is before I get on the bus, where I am dependent not only on the bus driver, but the people who made the bus itself – the seats, the fabric on the seats, the engine, the bodywork etc.; not to mention those involved in the oil extraction process, those who convert it into petrol for the bus and those who distribute the petrol. I then get on a train and the same issues apply. I get to the library, which is staffed by hundreds of people, air-conditioned by machines developed and built by other individuals, the electricity used is generated and distributed by countless numbers of people, and my computer on which I am typing has had some of its raw materials, probably, dug from a mine in Africa and shipped to China where it is converted into usable materials, other computer parts built by others, the product

¹⁰⁵ Responsibility for Justice, 159-60.

put together by many people in a factory chain, the design and internal systems decided upon by whole other teams of people in another country. I purchased the computer on a website, staffed by other people, and it was shipped to me involving a distribution service. A few months ago my computer stopped working and I took it to a store where it was fixed by some other people I never met.

And so, what looks like a simple act – my going to the library to study – which seems to be dependent only upon my own admirable self-discipline, turns out to be dependent on potentially tens of thousands of other acts by other people. Some of their acts will have contributed more or less, e.g. the bus driver's driving the bus may be more significant than the computer designer's labour. While it is impossible to determine which acts counted the most in this process, we can ask, what counts as enough of a contribution to generate a duty of justice towards those others? Every little mundane and negligible thing that an individual does everyday, from turning on the light to drinking water, to watching TV or using a computer, is dependent on the efforts of thousands of other people. And some of their contributions will be intangible or negligible and yet still contribute to my ability to turn on the light or use a computer. So where does the scope of ethical consideration actually begin and end on this view? This is the objection from delimitation – we cannot know where our political responsibility begins and ends if it is based on dependency. In the global economy we have no idea who the agents are upon whom we depend. Young argues that these 'presuppositions of activity do not need to be present to an agent's consciousness in order to hold as assumptions. These relationships are objective.'¹⁰⁶ But even objectively, how do we know what these relationships are?

The scope of ethical consideration is supposedly a practical understanding of the scope of ethics.¹⁰⁷ Yet the objection from delimitation suggests it is not especially practical. There are two further philosophical problems with the idea of dependent connection. Firstly, the paradigm examples of dependents in ethical

¹⁰⁶ "Responsibility and Global Labor Justice," 371.

¹⁰⁷ Responsibility for Justice, 159. Onora O'Neill, *Toward Justice and Virtue: A Constructive Account of Practical Reasoning* (Cambridge: Cambridge University Press, 2002), 92.

debates are children, the severely disabled and the severely mentally impaired.¹⁰⁸ These persons depend upon others for their survival, and yet we ordinarily exempt them from moral responsibilities on the assumption that they do not have the capacity to make informed beliefs about the world and to cohere their actions to those beliefs, and thus do not have the capacity to bear moral responsibility. If the paradigm examples of dependency do not generate obligations on the part of the dependent, why would dependency create obligations in other cases?

Secondly, while sweatshop labour seems to be a clear-cut case of dependency, it is not actually so straightforward. As pointed out before, sweatshop workers do not necessarily want consumers to boycott the goods they produce. This is because they are dependent upon demand for those goods in order to have jobs. The relationship is, therefore, not one-way. Instead it seems to be a case of mutual dependency. How does this affect the theory of dependent connection? Does it mean that the sweatshop workers bear moral responsibilities towards consumers because they are dependent upon them?

Young deals with the mutual dependency problem by arguing that the obligations are asymmetrical, because some are rendered more vulnerable to coercion and domination by the processes – ‘those institutionally and materially situated to be able to do more to affect the conditions of vulnerability have greater obligations.’¹⁰⁹ However, the issue, I suggest is not that some groups are rendered vulnerable by structural injustice, but that privileged groups are *dependent on their exploitation*.

My being able to purchase cheap clothing does not signal merely that I am dependent on sweatshop labourers, but that I am dependent upon them being exploited. Similarly, the practices of modern slavery are so embedded at the bottom of the global supply chain that it is likely that I am dependent upon the exploitation of indentured labourers or contracted slaves. Sweatshop labourers and indentured labourers may be dependent on affluent consumers for their jobs, but they are not dependent on the exploitation of consumers, thus they do not

¹⁰⁸ Eva Feder Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, ed. Linda J. Nicholson, Thinking Gender (London: Routledge, 1999), 33.

¹⁰⁹ Young, "Responsibility and Global Labor Justice," 371.

bear the same responsibilities towards them. This also explains why the paradigm examples of dependents – children and the severely mentally impaired – do not bear these responsibilities; they are not dependent on the *exploitation* of their carers.

If I am connected to others by virtue of being dependent on their exploitation, I bear political responsibility towards them. I am not blameworthy, as I am not directly causing the exploitation, I may not know I am dependent on it, and I might have no choice but to participate in it because I am objectively constrained by the structures myself. Yet the fact of my dependency on the exploitation of others generates political responsibility to struggle against it.

There is a further objection against this approach, however, that I raised against the causal connection argument – the falling-through-the-gaps objection. I may be dependent upon sweatshop labourers for my clothing, but am I dependent upon all those suffering from structural injustice? I might be dependent upon slaves for some needs (the tantalum for my smartphone, or the charcoal for my barbeque) but there are many millions of slaves where dependent connection would be difficult, if not impossible, to trace. There are also the world's poorest people – the bottom billion – who make little or no contribution to the global economy, living subsistence lives. If nobody is dependent upon them, does nobody have moral or political responsibilities towards them?

Onora O'Neill's view of connection is more expansive than Young's. She argues that if we act based on mere assumptions about others' behaviour then those others come into our scope of ethical consideration. For instance, citizens of affluent countries assume that 'poor and distant foreigners will not attack or be permitted to settle in their part of the world, and more generally that outsiders will not be permitted to undercut local wages.'¹¹⁰ The fact that the affluent make these assumptions about the behaviour of the poor means that these people come within their scope of ethical consideration. This is still problematic when we consider the bottom billion, however, since they are not the ones with the resources to emigrate. O'Neill argues further, however, that all that matters is the

¹¹⁰ O'Neill, *Toward Justice and Virtue: A Constructive Account of Practical Reasoning*, 114.

possibility of connection to others. If, for instance, there is an isolated remote tribe that can be contacted even if no interactivity takes place, these people come into the scope of ethical consideration for those who could contact them, as they act based on assumptions about those tribes people.¹¹¹ On O'Neill's very weak view of connection then, which requires only the possibility of connection or assumption about the activities of others, presumably there are no people on earth who fall without the scope of ethical consideration of at least some others.

We could tie political responsibility to O'Neill's weaker or more expansive view, then; or I suggest we could retain the concept of dependency and expand it to all forms of oppression. Recall that exploitation is one form of oppression for Young; the others are marginalisation, powerlessness, cultural imperialism and violence, and there may be other forms of oppression within the international or global spheres. In this thesis I chose to focus on one form of oppression – structural exploitation. The argument could extend that if I am dependent on the oppression of others, in the other forms of oppression, I would bear political responsibility to struggle against that oppression. For instance, the bottom billion are experiencing marginalisation from the global economy. As O'Neill points out, we depend on their marginalisation insofar as it allows us to assume they will not attack, move to affluent countries, or undercut our jobs. Our dependency on their marginalisation generates our political responsibility for this injustice.

7.5 Conclusion

I have suggested two ways in which we can conceive of connection to structural injustice: by acting within unjust structures we are reproducing those structures, and to the extent that we are dependent on the exploitation of others, we are connected to them in a way that generates political responsibility. One objection that I have not dealt with that would apply to both interpretations is the objection from delimitation: where do our political responsibilities begin and end? I suggest that in the contemporary world our political responsibility is limitless.

¹¹¹ Ibid.

Hans Jonas argued that we need to think of ethics in terms of responsibility specifically in this age because of humankind's newfound ability to affect the natural world in irreversible ways due to advances in technology and rapid industrialisation. But it is not only the rise of technology and industry and their effects on the environment that we need to be concerned about. The highly interdependent, globalised economy means that cumulative human activities can impact on millions of geographically dispersed people in deeply harmful ways (such as modern slavery or sweatshop labour). It is because of these new conditions that the need for political responsibility arises – the imperative to “act responsibly” to minimise one’s contribution to or reproduction of harmful structures and to try to act with others so as to contribute to the improvement of structures. This necessity to pay attention to the background conditions in which we act is a result of the contemporary conditions of advanced capitalism; if we continued to live in self-sustaining, self-contained political and economic communities with minimal environmental impact, it would not be necessary. It is a burden placed on every individual by virtue of acting in these new conditions, because in these conditions we cannot help but reproduce the unjust structures or avoid dependency on the oppression of others. It may be that political responsibility is a peculiarity of the advanced capitalist world.

Our political responsibility might be limitless, but as we have already seen, Young suggests ways in which we can reason about the extent of our personal political responsibility and how to exercise it. The extent of our political responsibility depends on our social position within unjust structures. And we should think about how to exercise our political responsibility depending on how much privilege, interest or collective ability we have in relation to a particular structural injustice.

Chapter 8 Conclusion

8.1 Summary

I began this thesis by suggesting that Iris Young's social connection model of responsibility is underdeveloped and that analytic political philosophers have found it difficult to understand. By reconstructing and clarifying certain elements of the social connection model, I hope to have made progress in addressing these problems.

I have traced the origins of the distinction between responsibility and guilt to Hannah Arendt's work and looked at how Young has modified the distinction. I argued that the appropriation of Arendt's distinction has generated conceptual problems that Young failed to resolve. One such problem is the distinction between moral and political responsibility.

I have distinguished two concepts of moral responsibility in Young's work: moral responsibility as virtue (being a morally responsible person), of which political responsibility is a particular kind; and relational moral responsibility (the appropriate conditions for blame). I constructed a Youngian account of relational moral responsibility. I argued that her conception of relational moral responsibility is a "reasons responsive" account, according to which if an agent has a range of epistemic options for action, and if they choose to directly cause harm with intent and knowledge, then they bear moral responsibility for the harm done; they are blameworthy. Individuals can be exempt from moral responsibility if they cannot, in general, reason about the world and cohere their actions to their reasons – if they do not *know* what they are doing. Individuals can be excused from moral responsibility if they are temporarily unable to reason and respond to the world: if they are temporarily physically incapacitated, or if they caused harm inadvertently, or due to coercion, necessity or duress – if they did not act *voluntarily*. I argued that individuals acting in the global economy are contributing

to harm inadvertently, unintentionally or unavoidably and so can be excused from moral responsibility.

Not all agents can be so excused. Powerful agents – agents with the capacity to change unjust structures – do *know* what they are doing and perpetuate injustice *voluntarily*. These agents ought to be held to account. They are blameworthy on the liability model of responsibility.

Political responsibility refers to the responsibilities *individuals* have for the *background conditions* in which they act. It is a responsibility to combat structural injustice, construed as oppression or domination. I have shown that Young understands structure as an all-encompassing phenomenon; that it includes institutional rules and norms, but also the outcomes of individuals' attitudes, habits and norms. Individuals have a responsibility to engage in collective action to challenge unjust structural outcomes that accumulate from these processes. Youngian "dualism" refers to individuals' responsibilities to reason morally about both their interactions with particular others and how their actions and attitudes affect structures, rather than the better-known dualist distinction between individual and institutional responsibilities.

I have constructed a Youngian account of global injustice, arguing that the global garment industry constitutes a form of structural exploitation in which the energies of disadvantaged groups, mostly non-Western women, are transferred to advantaged groups – MNCs and consumers – in a way that inhibits their self-development and enhances the status of the already advantaged. I have described the relevant form of "connection" to such a structural injustice as the *reproduction* of the unjust processes merely by virtue of *acting* within these structures, or *dependency* on the exploitation, or other forms of *oppression*, of others.

In engaging in this conceptual labour I have developed the model more thoroughly than Young. I have situated it in relation to existing literatures on these topics, making it more intelligible and potentially more persuasive for analytic political philosophers. I have made several contributions to the social connection model by more fully developing the distinction between moral and

political responsibility, by developing Youngian conceptions of relational moral responsibility, power and structural exploitation, and by defining connection. I do not think that this work is complete, but I do think it is an improvement on Young's initial statement of the social connection model. I will now outline the implications of this thesis and highlight immediate areas for further research.

8.2 Implications

a) Changing contours of global justice theory

Iris Young challenged contemporary justice theory when she argued in *Justice and the Politics of Difference* that we should focus on *injustice* rather than justice. Until recently the global justice debates have focused on justice, but again this is beginning to be challenged. For example, Amartya Sen has distinguished between 'transcendental' and 'comparative' theories of justice.¹ Sen argues that the transcendental approach, which he associates with Rawls, has had 'a seriously negative effect on practical discussion of justice in general and global justice in particular.'² Sen argues that the transcendental approach will not help to make comparisons of various alternatives for actualizing justice; instead we ought to make comparative assessments of real-world injustice and potential solutions.³ As I pointed out in Chapter 6 critical theorists, such as Nancy Fraser, Cécile Laborde and Rainer Forst, are also beginning to develop theories of global injustice. This thesis can be read as contributing to this emerging area of research.

Another implication for global justice theory is the re-emergence of Marx. I have suggested that understanding injustice like structural exploitation can benefit from using Marxian analysis. This has revealed the importance of discussing global capitalist economic relations in relation to global injustice. It has also revealed that we can think about global injustice in terms of inequality between groups – conceived of as classes, but also along gender and race lines – instead of

¹ Amartya Sen, "Global Justice," in *Global Justice: Critical Perspectives*, ed. Sebastiano Maffettone and Aakash Singh Rathore (London: Routledge, 2012), 127.

² "Global Justice," in *Global Justice: Critical Perspectives*, ed. Sebastiano Maffettone and Aakash Singh Rathore (London: Routledge, 2012), 132.

³ "Global Justice," 131.

comparing the resource holdings of isolated individuals. There is much scope, I suggest, for critical and Marxist theories of global injustice.

b) Virtue

Another area that has emerged in this thesis, which is rarely explored by global justice theorists, is virtue. When thinking about ethics and global justice, the debate usually hinges on deontological approaches versus consequentialist approaches. This thesis has suggested that a missing component in the discussion may be virtue ethics.

This derives from concerns that have been highlighted by trying to act ethically within the global garment industry. A deontological response to sweatshop labour may be to adopt the Poggeian approach – do not uphold unjust institutions. However, as Young pointed out, boycotting sweatshops is not the relevant duty as this has consequences counter to the interests of workers. Obeying a specific moral duty may have undesirable consequences in the contemporary globalized economy.

And this leads to consequentialist approaches, because the consequentialist will argue that we should do the act that will have the best consequences. But, as I argued in Chapter 7, there are no clear-cut implications as to what this act would be in relation to sweatshop labour, and because sweatshop labour is a mediated process, there are agents further along the supply chain than consumers, who would have to act first. Moreover, we simply cannot know the consequences of all our acts in the contemporary world. An interesting example is a practice that occurs at the end of the clothes' life cycle: many people in the EU and US give their old clothes to charity shops believing this to be an act that will have good consequences. However, this practice has created an enormous second-hand clothing industry in Africa, which has undercut local employment in textiles and is destroying traditional African clothing culture.⁴ Doing the act that one believes will have the right consequences – donating to charity – also has nefarious and unpredictable outcomes.

⁴ Robyn Curnow and Teo Kermeliotis, "Is Your Old T-Shirt Hurting African Economies?," *CNN*, 12 April 2013.

These examples from the garment sector show that the consequences of our actions are extremely unpredictable in the contemporary globalized capitalist economy. We cannot know the consequences of our actions, and so obeying specified duties on the basis of deontological or consequentialist moral grounds are not particularly helpful ways of understanding our actions in this context. Instead, cultivating a responsible attitude to behaviour in the global economy may be a more appropriate solution. This is demanding – it requires being considerate, informed, listening and keeping abreast of developments communicated by NGOs and trade unions, and changing tack should the approach one is currently taking becomes out-dated or is having harmful consequences. This is why I have suggested that political responsibility is related to virtue.

Larry May argues that ‘responsibility’ lies somewhere between justice and virtue:

The concept of responsibility does not neatly fit the division of justice-oriented obligations and virtue-oriented ideals. Like justice, responsibility is thought to generate moral requirements. Like virtue, responsibility often concerns who one is and not just the effects of the intentional actions one has taken in the world. Responsibility, like justice, is sometimes backward-looking, concerning the harms (personal as well as social) that one has caused or the harms that one could have prevented. But responsibility, like virtue, is also forward-looking, concerning the character traits, attitudes, and dispositions that one needs to develop to minimize future harm.⁵

I have suggested that the backward-looking forms of responsibility – moral and legal responsibility – refer to what an agent has done or failed to do. The forward-looking form of responsibility – political responsibility – is a kind of virtue, in that it relates to the kind of attitudes and behaviour that are required to minimize or overcome injustice in the contemporary world. Young’s political responsibility involves engaging in collective action, but the first steps are acquiring knowledge of the problem, listening to the claims of victims,

⁵ Larry May, *Sharing Responsibility* (London: University of Chicago Press, 1992), 34.

encouraging others to act with you; in other words “being” a conscious and engaged, politically responsible person. The sense of “responsible” here is thus different from when we talk about whether or not an agent is causally responsible for a harm that has occurred or is occurring. It is about assuming an on-going role and being responsible within that role – it is a virtue understanding of responsibility.

Garrath Williams has pointed out that the word “responsibility” is modern in origin; the English noun “responsibility” didn’t appear in philosophy until the late nineteenth century.⁶ It arose and became increasingly important because within Victorian society, and even more so in twentieth century liberal democracies, a person’s roles multiplied. The plurality of normative demands faced by the modern agent requires a normative response, which is the concept of responsibility.⁷ Specifically, because of the roles any one individual plays within a complex, interdependent society, each individual has some degree of power to affect others. The virtue of responsibility delimits and intensifies the normative demands upon each of us.⁸ I believe we can extend this reasoning to support the idea that we need a way of understanding how to behave responsibly given the new set of conditions in which we find ourselves today. Political responsibility is an evolution of the concept of responsibility as a virtue within the globalized world.

A thoroughgoing analysis of virtue ethics has been beyond the scope of this work. I do believe, however, that it is the correct realm for future development of the concept of political responsibility.

c) Historical contingency

I have suggested that political responsibility is historically contingent; it has arisen because of the conditions of late capitalism. It might be objected, that arguing that the social connection model of responsibility, and the political responsibility it gives rise to, is historically specific is not good enough. We want a theory of

⁶ Garrath Williams, "Responsibility as a Virtue," *Ethical Theory and Moral Practice* 11, no. 4 (2008): 456.

⁷ "Responsibility as a Virtue," *Ethical Theory and Moral Practice* 11, no. 4 (2008): 459.

⁸ "Responsibility as a Virtue," 466.

responsibility that is timeless. However, no analytic theory of responsibility is timeless, even those theories of responsibility that we consider to be irrefutable.

As Nicola Lacey points out, legal conceptions of responsibility are a product of social and historical conditions and available legal apparatus.⁹ For instance, the concept of capacity responsibility (the idea that an agent can be held criminally responsible for a wrongdoing only if they had the mental capacity to understand what they were doing and the physical capacity to act it out) only emerged in the nineteenth century, because ‘it depended on a complex institutional infrastructure which developed over time.’¹⁰ It required laws of evidence and the capacity for evidence-gathering, legal representation, law reporting, and a system of appeals.¹¹ It was not until the early twentieth century that all these conditions were in place.¹² And so, a concept that we take for granted as a central part of criminal responsibility is in fact historically contingent – it arose from changes in social, economic and institutional circumstances.

To assert that our received conceptions of responsibility are historically specific could seem pessimistic – that if the concept of responsibility arose due to specific historical circumstances maybe there is no such thing as responsibility at all. But it could also be read as an invitation – an appeal to think of theories of responsibility that are adequate to our complex and perplexing times. Responsibility is a relatively new concept and an evolving concept. Indeed it is not one concept at all but rather a family or cluster of concepts.¹³ So within this multi-faceted and evolving conceptual family there is surely room for developing accounts of responsibility that fit the prevailing needs of the socio-historical context, which is indeed how various conceptions of responsibility have emerged in the past.

⁹ Nicola Lacey, "Institutionalising Responsibility: Implications for Jurisprudence," *Jurisprudence* 4, no. 1 (2013).

¹⁰ "Institutionalising Responsibility: Implications for Jurisprudence," *Jurisprudence* 4, no. 1 (2013): 7.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Mark Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations* (Cambridge: Cambridge University Press, 1998), 22.

d) Uncertainty

In Chapter 2, I outlined the distinction between “responsibility” and “duty”, and I suggested that political responsibility is a forward-looking role responsibility, which means it is obligatory but discretionary, scalar, and revisable. An individual’s political responsibility is tied to their social position, and an individual can work out the extent of their responsibility depending on their collective ability, privilege or interest in relation to a particular structural injustice.

This is not a neat, clear-cut and prescriptive theory. It does not specify “duties” that individuals have in relation to global injustice; such as all individuals should donate all spare income to charity or all individuals should not uphold unjust institutions. Instead, it generates quite a lot of uncertainty: how does one objectively assess one’s social position in relation to different structural injustices? How does one decide what to do in relation to structural injustice? It might be objected to the Youngian approach to responsibility for global injustice, that it leaves too much uncertainty.

Young offers the “parameters of reasoning” to help individuals with these questions, but it has been argued that these parameters of reasoning are ‘disappointingly’ vague, because they fail to deliver clear-cut prescriptions as to how we should act.¹⁴ However, Young leaves space for individual discretion for a number of valid reasons. Firstly, because developments in the globalized economy are so rapid what might have been a relevant intervention in 2006, when she was writing, would not necessarily be in 2014; what taking up political responsibility means will depend on the circumstances and part of it is staying informed and engaged in current political debate. Secondly, it has to be a democratic process, specifically taking into account the views of the victims. Thirdly, being political can take different forms in different contexts; in one country, or in relation to a particular structural injustice, pressuring the state might be effective, but in other countries or situations, action in civil society,

¹⁴ Robert Jubb, "Social Connection and Practice Dependence: Some Recent Developments in the Global Justice Literature: Iris Marion Young, *Responsibility for Justice*. Oxford: Oxford University Press, 2011; and Ayelet Banai, Mariam Ronzoni and Christian Schemmel, *Social Justice, Global Dynamics*. Oxford: Routledge, 2011.," *Critical Review of International Social and Political Philosophy* 16, no. 5 (2013). 2705

campaigning or protesting against non-state or supra-state actors, or setting up independent associations, may be more appropriate.¹⁵

Time, context and democratic debate will affect political responsibility, and so it will necessarily be an open, amorphous concept. This can seem jarring to the analytic political philosopher who prefers precision, clarity and coherence. But the value in this conception of political responsibility is that it responds to the contemporary world which is increasingly complex, and where the outcomes of our actions are often unknowable. “Being responsible” in this context, seems more appropriate than “do or don’t do specific acts”. When we cannot know the results of our actions and when we do not know how the world is going to change, being responsive to the ever-changing circumstances is perhaps the best we can do.

8.3 Further Research

I have already tacitly indicated several areas for further research in outlining the implications of this thesis: critical and Marxian theories of global injustice, and the role of virtue. This thesis has raised many other questions that I have not been able to address. I will firstly raise two issues that Young does address, but which I excluded, and then three further issues that emerge from my re-working of Young’s theory.

a) Historic injustice

Many contemporary forms of structural injustice are rooted in past injustice. In the final unfinished chapter of *Responsibility for Justice*, Young argues that when thinking about historic injustice we should adopt the forward-looking social connection model, enjoining all those connected to the harm to focus on remedying current problems, rather than argue over blame and reparation for past wrongs.¹⁶

¹⁵ See Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2002), Chapter 5 for Young’s discussion of different types of civil society organisations.

¹⁶ *Responsibility for Justice* (Oxford: Oxford University Press, 2011), Chapter 7.

Young recognises, when discussing reparations for slavery in the United States, that we cannot simply ignore the past, because an account of the continuities between past and present can develop understanding of how current injustices are structural. But she rejects reparations on the grounds that reparations claims use the liability model of responsibility – looking for agents to blame or hold financially liable – for historic injustice, which in cases where all the participants are now dead, is not possible to do. She further rejects the idea that the US government is the appropriate agent to target for reparations for slavery, because while it legally sanctioned slavery and failed to deliver a Reconstruction package to freed slaves, it also emancipated the slaves and has tried to help African Americans since, passing bills including the Civil Rights Act.

I think Young's treatment of this example of historical injustice, however, is wanting. As Young has pointed out, the social connection model is designed to supplement the liability model; they are not mutually exclusive.¹⁷ There is no reason why we cannot employ the liability model to argue for reparations from the state and simultaneously employ the social connection model to show how other parties bear forward-looking responsibilities to engage in collective action for change.

Using only one of the models of responsibility in relation to historic injustice will lead to problematic results. The liability model lets too many agents off the hook. It would, as Catherine Lu points out, result in a 'zero-sum' game whereby the responsibility of other parties who participated in slavery would be occluded.¹⁸ Using only the social connection model, however, allows agents who ought to be held to account for past wrongs to evade their reparative responsibilities; for instance, even if the American state has done some good, this does not absolve it of responsibility for the harms it has done. There is further research to be done, then, in a) working out if there are outstanding reparative obligations for historic injustice on the liability model of responsibility, b) assessing how the social

¹⁷ *Responsibility for Justice* (Oxford: Oxford University Press, 2011), 100.

¹⁸ Catherine Lu, "Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress," *The Journal of Political Philosophy* 19, no. 3 (2011): 16.

connection model would relate to these obligations, and c) analysing how this would impact on responsibility for global injustice more generally.

b) Psychological motivation

In Chapter 6 of *Responsibility for Justice*, “Avoiding Responsibility”, Young acknowledges that many people will try to evade, downplay or simply ignore their political responsibility. She identifies four reasons why individuals might do this: by thinking of social structures as reified and unchangeable, by denying their connections to distant others, by only addressing the demands placed on them by proximate others, or simply by arguing ‘it’s not my job’.¹⁹

Jacob Schiff argues that these constitute excuses. The most pressing problem for political responsibility is three dispositions that individuals have, which will make acknowledgement of both structural injustice and political responsibility psychologically difficult.²⁰ The first disposition is thoughtlessness. Just as Arendt pointed out that the institutional conditions of Nazi Germany facilitated Eichmann’s thoughtlessness, Schiff argues that the conditions of global capitalism, that distance and obscure harm, can do so too.²¹ The second disposition is ‘bad faith’ – a form of lying to oneself.²² Schiff argues that, ‘In the case of structural injustice, bad faith entails concealing from ourselves the ways in which our everyday consumption patterns, for instance, implicate us in the domination and exploitation of sweatshop workers.’²³ This is compounded by Young’s structural approach, because arguing that the system is to blame allows us to lie to ourselves about our implications in the processes; it invites excuses such as what can I do about global capitalism?²⁴

Schiff argues, however, that it is not that we are actively lying to ourselves that we will fail to acknowledge our political responsibility for structural injustice, but that

¹⁹ Young, *Responsibility for Justice*, Chapter 6.

²⁰ Jacob Schiff, "Confronting Political Responsibility: The Problem of Acknowledgement," *Hypatia* 23, no. 3 (2008): 103.

²¹ "Confronting Political Responsibility: The Problem of Acknowledgement," *Hypatia* 23, no. 3 (2008): 104.

²² "Confronting Political Responsibility," 105.

²³ "Confronting Political Responsibility," 106.

²⁴ "Confronting Political Responsibility," 107.

these practices have become so normalized through our repetitious participation in them that they have disappeared from view.²⁵ Bourdieu argues that there comes a point when social relations become “doxic”; in which “the natural and social world appears as self-evident”.²⁶ Structural injustice, such as sweatshop labour, appears as self-evident and, “To the extent that these arrangements recede from awareness, so does our implication in their persistence.”²⁷

Given that there are many excuses people can employ to avoid political responsibility, and indeed, the institutional and ideological conditions in which we live imbue us with the dispositions to fail to acknowledge our political responsibility, we need to think about ways in which individuals can be encouraged to take up their political responsibility. I have not treated these issues in this thesis for several reasons. Firstly, I think that Schiff has done a good job of exposing the problems of acknowledgement. Secondly, I wanted to focus on the validity of the theory of the social connection model of responsibility rather than the practice. Thirdly, I felt that theories of psychological motivation were beyond my expertise and the remit of this thesis.

However, I stated from the outset that Young intended her theory to be “internalizable”. If this goal is to be achieved, these issues of acknowledgement need to be addressed because they potentially present problems for the social connection model. And so I highlight the issue of psychological motivation as an area for further research.

c) Other forms of global oppression

In Chapter 6, I suggested that a thoroughgoing Youngian approach would assess both prongs of injustice – domination and oppression – at the domestic, international and global levels.

Young does discuss global domination and global democracy, but there is scope for further research in this area. Young did not begin to theorise her five faces of

²⁵ "Confronting Political Responsibility," 108-09.

²⁶ "Confronting Political Responsibility," 111.

²⁷ Ibid.

oppression in the international or global contexts; and indeed, there may be more, fewer, or different faces of oppression in these contexts. I have suggested one form of global oppression – structural exploitation – and looked at this in the context of the global garment industry. There is huge scope, however, for analysing marginalisation, powerlessness, violence and cultural imperialism in the global and international contexts; and also for working out if these are the relevant forms of oppression in these contexts or if they need to be revised.

d) The role of states

Matt Zwolinski complains about the focus by Young and others on the role of corporations in perpetuating sweatshop labour, to the exclusion of states.²⁸ It is the state that creates the conditions for exploitation, he argues, and so structural exploitation is the fault of the state. While I disagree with Zwolinski's conception of structural exploitation, I admit that the omission of state responsibilities in an account of responsibility for global justice is a serious one. There are two main reasons why I have not said much about state responsibility in this thesis.

The first reason is that much of the global justice literature does focus on states. For many theorists, states are the only “agents of justice” (to use Onora O’Neill’s term).²⁹ Young wanted to establish what responsibility individuals have in relation to global injustice, without falling into the cosmopolitan-utilitarian trap of assuming that these are universal moral obligations that apply to all humans equally. She saw individuals’ responsibilities as in some way mediated, as differentiated, and as relating to structures. There is a lot of work to do in this area and so I have focused on it here.

I have, however, said quite a lot about the responsibility of MNCs – much more than Young did. Part of the reason for this is the lack of attention on non-state actors in the global justice literature. Omitting states was not to deny that states have responsibilities, but to highlight that once one escapes the strictures of the cosmopolitan/statist debates and focuses on global *injustice*, then we can begin to

²⁸ Matt Zwolinski, "Structural Exploitation," *Social Philosophy and Policy* 29, no. 1 (2012): 175-77.

²⁹ Onora O'Neill, "Global Justice: Whose Obligations?," in *The Ethics of Assistance: Morality and the Distant Needy*, ed. Deen K. Chatterjee (Cambridge: Cambridge University Press, 2004).

assess the responsibilities of other actors that exist in the global sphere. MNCs are a useful proxy for starting to think about that. But more than that, in some parts of the world MNCs are more powerful than states. In situations where there are weak or failed states, MNCs may be the most powerful actors around.³⁰ And even in industrialised countries, large, powerful MNCs can wield significant power.

Zwolinski is right that we cannot exclude the role of the state in creating the conditions for exploitation, but we also cannot exclude MNCs who wield significant power and can pressure (particularly states in developing countries) into making certain decisions in their favour or turning a blind eye to their activities. Further research is required on a) the responsibility of states in the Youngian model, b) interactions between states and powerful non-state actors, c) the relationship of individuals' political responsibilities to the state.

e) Division of responsibility within corporate agents

In Chapter 4, I suggested that when we look inside states or corporations, we will find a "many hands" situation, that is, a situation in which many agents in different departments and positions will have contributed to a decision-making process or to actualising a company's or state's directives. In Chapter 3, we saw that Eichmann tried to shirk responsibility by arguing that he was merely obeying orders, which he considered to be a virtue.

An area of further research would be to analyse the necessary and sufficient conditions for arguing that a person within a collective agent is more than a mere "cog" in the machine. When can employees or functionaries legitimately say that they were not responsible for the group's wrongdoings, or the harmful outcomes of a group's activities, and when can they not? When is the excuse "I was just doing my job" a valid excuse and when is it not? When we have answers to these questions we can then ask the further questions as to whether these individuals bear moral or legal responsibility in relation to particular structural injustices, and

³⁰ "Global Justice: Whose Obligations?," in *The Ethics of Assistance: Morality and the Distant Needy*, ed. Deen K. Chatterjee (Cambridge: Cambridge University Press, 2004), 252.

whether or not these responsibilities will entail sanctions, and what those sanctions might be.

We can also ask what does forward-looking political responsibility entail in an individuals' capacity as an employee or a functionary. Do these roles generate specific duties in relation to structural injustice that are more stringent than political responsibility? Is there a moral duty to "blow the whistle" if an employee or functionary knows that a corporation or state is actively causing harm, or failing to alleviate structural injustice when it is in their power to do so? Further analyses, then, of responsibility within corporate agents would be complementary to the work of this thesis.

*

Iris Marion Young's theory of responsibility for global injustice was unfortunately unfinished. A deeper analysis of this theory has revealed interesting implications for global justice theories and for theories of responsibility. It has also raised several areas of further research. Of course, I cannot put any of this to Iris Young herself. As Martha Nussbaum suggested in the foreword to *Responsibility for Justice*, in Young's absence 'it remains for all of us to try to continue the argument as best we can.'³¹ I hope that in some small way, my thesis has contributed to this conversation.

³¹ Martha C. Nussbaum, "Foreward," in *Responsibility for Justice*, ed. Iris Marion Young (Oxford: Oxford University Press, 2011), xxv.

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