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C12

Towards a Pluralistic Account of Structural Injustice

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C12P1

Scholars draw on accounts of ‘structural injustice’ to theorize many instances of oppression and marginalization (for example, gender inequalities, sweatshops, temporary migration, and colonialism). Showing how many injustices analogously operate is valuable. However, ‘structural injustice’ might turn into an umbrella term, making it easy to lose sight of the heterogeneous nature of the injustices at stake and the different means required to address them.

C12P2

In this chapter, I start advancing a pluralistic account of structural injustices, which highlights both the similarities and the differences between types of structural injustice by looking at the role unjust history plays in their formation and persistence.¹ I do so by providing a classification of structural groups and arguing that we should conceptualize structural groups as parts of a spectrum. I identify three categories of structural groups: (i) ‘historical structural groups’ (for example, women, and gay and lesbian persons); (ii) ‘nonhistorical structural groups’ (for example, the homeless and veterans); and (iii) ‘historical groups with structural dynamics’ (for example, nations). Such categories significantly differ in how an unjust history is linked to a present condition of oppression and marginalization.

C12P3

The idea of a spectrum of structural groups enriches our understanding of structural injustice in at least three significant ways. First, it offers a tool to map out the range of structural injustices existing in our societies and transnationally, in a fluid fashion. For instance, although some groups displaying structural elements do not fit precisely into any of the three categories identified, they can still be placed within the spectrum in relation to such categories without erasing their peculiarities. Second, it suggests that grasping the commonalities and differences among structural groups

¹ For an alternative yet complementary taxonomy of structural injustices, see McKeown, Chapter 4, this volume.

is (i) theoretically important to grasp the injustice at stake and (ii) normatively crucial to think about remedies and obligations. Third, the idea of the spectrum shows that the richness of the paradigm of structural injustice can be vindicated only when we endorse a pluralistic (rather than monistic) account of the nature of structural injustices, which diversifies among (equally important) struggles.

C12S1 I What Is a Structural Group?

C12P4 Structural approaches to (in)justice focus on how different persons stand vis-à-vis each other in virtue of their structural position—they concentrate on groups. Specifically, they are concerned with collectives whose membership is ascriptive and non-voluntary, even if often their members might identify with that identity (Cudd 2006: 34–40). A ‘structural group’ (SG) is formed by the different formal and informal structures present within a determinate society and at a transnational level. Structures of nationality, sexuality, and class are only a few of the various ways in which our world is organized and that create some existing SGs. SGs display many peculiar characteristics. First, they are *relational* in that, as Iris Marion Young argues, SGs exist only through the continuous interaction between those who are positioned within them and those who are not; thus, they would not emerge and endure if persons did not relate to each other (Young (2000: 89). Importantly, societies and transnational structures formally and informally distribute privileges, burdens, expectations, power, and status to their members according to precise categorizations (Young (2000: 94).

C12P5 Second, as already noted, membership is largely ‘ascriptive’ (Williams 1998: 16), because it is externally granted. It is by being positioned within certain structures that someone becomes a member of a SG. External positioning might occur when someone is recognized by society at large as displaying certain characteristics associated with a determinate SG. Membership in SGs is given in ways that are more complex than we might think. Consider a shocking scene of Spike Lee’s movie *Bamboozled* (2000), which masterfully and tragically represents how membership in SGs is granted. In this scene, the police burst into the refuge of an underground militant rap group (the Mau Maus) that has committed criminal actions in defence of the ‘black community’ in the US. The collision with the police is fatal for all Mau Maus members, except for MC Serch, who is recognized as white and simply arrested. It does not matter that MC Serch, whose *nom de guerre* is emblematically One-Sixteenth Black, desperately declares that, by having one

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sub-Saharan African ancestor, he is African American—at least according to the infamous racist (no longer valid) ‘one-drop rule’—and thus he must die with his comrades. Following different categorization rules, the police categorize him as non-African American by according to him the privilege (or, for MC Serch, the curse) of survival.

C12P6 This scene is particularly instructive, because it reveals a necessary and sufficient condition for being granted membership in a SG, which can be called *the authority condition*.² To become a member of a SG, one must be recognized as such by someone who has the (for example, social, legal, cultural) authority to do so in a determinate context. MC Serch’s self-understanding as an African American is not authoritative in that situation; the fact that he conceives of himself as black is insufficient for him to be recognized as such by the police. Nor is it enough that others who are categorized as African Americans by the police consider MC Serch as an African American, or that MC Serch himself is an active member of an association willing to resort to violent means for the protection of African Americans. In that context, the only agent having the authority to recognize MC Serch as being positioned as an African American and thus granting him membership in that SG is the police. Now, while the authority condition is historical and contextual in that those having the authority to position someone as a member of a SG may change in different situations and over time, self-identification is never sufficient for that condition to be met. I can never have the exclusive authority to position myself into a SG, even if I wish to do so. As for MC Serch, to become a member of the Mau Maus, he needs already existing members to recognize him as an African American, whereas in the context of the clash with the police, it is only the police’s recognition that can satisfy the authority condition.

C12P7 This scene from Lee’s movie reveals an important distinction between ‘personal identity’ (how someone constructs her own sense of herself) and ‘external categorization’ (others’—societal institutions included—perception of someone) (see Appiah 1994: 152). Obviously, there are significant overlaps between one’s personal identity and external categorization to such an extent that it is possible that the two completely match. Moreover, how someone sees herself is often influenced by how others perceive her and vice versa. However, personal identity and external categorization should remain analytically distinguished. This is because, as seen, although one person can take any aspect of her life as a characteristic of her personal identity, it is not

² Here, I draw inspiration from John L. Austin’s theory of speech acts, which misfire if not uttered by an authority (Austin 1975 [1962]: lecture II).

necessarily the case that she would be externally categorized accordingly. As with MC Serch, the gap between one's personal identity and external categorization can be so wide that the latter corresponds exactly to something with which one would never self-identify. How persons are externally categorized becomes of paramount normative importance when theorizing about structural injustices, because of the very ways in which such injustices are reproduced—for example, through daily interactions (Young 2011: 59–62). For instance, it is when they are recognized as African-American men that such persons are perceived as potential criminals or as less suitable candidates for certain jobs in racist societies. In this sense, for members of SGs, 'nomination is domination' (Frye 1996: 38).

C12P8 SGs share some common features; but, are they all the same? In the next sections, I identify three types of SGs based on the role history plays in their formation and reproduction: (i) historical structural groups; (ii) nonhistorical structural groups; and (iii) historical groups with structural dynamics. As shown in Section V, these three categories are not completely different but instead should be conceptualized as components of a spectrum. However, it remains important analytically to distinguish them; (i)–(iii) represent ideal-types that can deepen our theoretical and normative understanding of the multiple existing forms of structural injustice.

C12S2 II Historical Structural Groups

C12P9 Historical structural groups (HSGs) can be defined as

structural groups characterized by a *systematically* unjust history of formal discrimination and exclusion that, although decried by societies and now recognized as having been unjust, is reproduced through other means.

C12P10 The most distinctive characteristic of HSGs is the way their unjust history and present condition are connected in a relation of both persistence and change. In the past HSGs have suffered from grave systematic forms of injustices that were legally sanctioned and enforced. Slavery and discrimination laws, reclusion in mental hospitals or eugenic programmes, imprisonment for behaviours against nature, and formal denial of rights and entitlements are just a few of the injustices that have been lawfully authorized against groups along lines of race, ability, sexuality, ethnicity, and gender. Today, at least within so-called liberal democracies, such violations are rightly

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outlawed and considered as dark chapters of a past not to be repeated. However, for HSGs, this history is still structurally reproduced in that it not only endures through mechanisms that cannot be deactivated by the endorsement of anti-discrimination laws and a formal commitment to equality of opportunity but also still structures societies (and the transnational order).³

C12P11 Therefore, to identify HSGs, the interconnection between history and structure should be unravelled. Three types of systematic past injustices, now rejected by liberal democracies, can be identified as providing an indicative (yet not exhaustive) list of systematic wrongs that potentially have brought HSGs into existence. First, these groups may have been denied the right to vote and participate in the body politic. As Judith Shklar (1991: 39) argues regarding American citizenship, exclusion from politics has a powerful symbolic dimension: it does not simply entail preventing some from indicating their political preferences and advancing their claims; this exclusion also has an *expressive* function in that it gives the status of second-class citizenship to those subjected to it.

C12P12 Second, systematic legal exclusion from paid work or relegation to menial occupations is bound to have constructed HSGs. This is because of the social and public status attached to those who earn their own living through ‘meaningful work’. Statutory denial of access to the labour force or assignment to servile or unskilled occupations confers to those excluded or marginalized an inferior public standing as being dependent or subordinate (Shklar 1991: ch. 2).

C12P13 Third, certain categories of persons have been systematically regarded as abnormal, morally deviant, or physically and mentally repugnant. HSGs may have been produced by discourses of abnormality promulgated by ‘scientific’, philosophical, and religious authorities and ratified by states through legal measures (for example, blacklisting, forced registration as sexual offenders, detention, sterilization, forced hospitalization, torture, and even murder) precisely for the role such authorities played in defining what ‘normality’ was.⁴ Obviously, this type of wrong was often committed against those already disenfranchised or excluded from meaningful work, by precisely providing the rationale for their marginalization. Nevertheless, it is important to consider this wrong as a distinct type of past injustice, because there may have been categories of persons who were not always and everywhere denied

³ I offer an account of how an unjust history can be newly reproduced in Nuti (2019: 30–51).

⁴ On the case of gay and lesbian persons in the US, see Bronski (2011).

the right to vote or access to meaningful work (for example, the case of gay and lesbian persons) but were still systematically considered as abnormal according to religious, moral, and scientific criteria,⁵ and therefore were subjected to lawful punishment or degrading treatment.

C12P14 Contemporary members of HSGs stand in a peculiar relationship with (dead) members who suffered from these kinds of past injustices. They can be defined as their *structural descendants*, in that they have inherited their structural position—a social and/or transnational position constituted by injustices over history that are reproduced through different means.⁶

C12P15 HSGs are paradigmatic cases of what can be defined as ‘historical structural injustice’, which amounts to ‘unjust social–structural processes enabling asymmetries between differently positioned persons, which started in the past and are reproduced in a different fashion, even if the original form of injustice may appear to have ended’ (Nuti 2019: 44). This is because somehow the very existence of HSGs is intrinsically linked to the historical structural injustice from which they suffer. Some argue that oppression as an injustice can be committed only against a group ‘who exists apart from the oppressive harm’ (Cudd 2006: 25) to which it is subjected. However, in the case of oppression that can be described as historical and structural, the existence of those oppressed groups cannot be easily separated from the injustice, because it is precisely through that injustice that such groups were created and are reproduced over time. Therefore, as we will see, while other SGs also suffer from historical and structural dynamics, HSGs are peculiar in that overcoming their condition *may* result in such groups’ disappearing within societies and transnationally, at least as categories whereby social reality is structurally organized and regulated.⁷

C12P16 I now turn to another kind of SG, namely nonhistorical structural groups. By analysing the difference between HSGs and nonhistorical structural groups, we can gain a more sophisticated understanding of structural injustice than the one advanced by existing accounts, which tend not to (theoretically and normatively) appreciate the different forms structural injustices can take.

⁵ For instance, Richard Freiherr von Krafft-Ebing’s highly influential work *Psychopathia Sexualis* (2011 [1886]: 230–40) classifies ‘homosexuality’ as a deviant pathology similar to paedophilia—i.e. paraesthesia.

⁶ In the longer version of this chapter, I explain that conceptualizing ‘descendants’ in this way changes how descendants should be theorized in debates about justice across time in at least two significant respects: *who* descendants are and *what* they inherited (Nuti 2019: 62–3).

⁷ Here I do not discuss groups that are historical structural and *privileged vis-à-vis* an injustice (for example, straight persons vis-à-vis sexual injustice). See Nuti (2019: 184–5) on why members of such privileged groups are responsible for addressing historical structural injustice conferring them privilege.

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C12S3 **III Nonhistorical Structural Groups**

C12P17 Nonhistorical structural groups (NHSGs) can be defined as

structural groups formed by the accumulation of many lawful actions, decisions, and rules that are not unjust when considered singularly but whose outcome creates an unjust condition. However, NHSGs do not have a systematically unjust history of *formal* exclusion and discrimination.

C12P18 In defining NHSGs, I rely on Young's most recent formulation of SGs, which she describes through the case of the imaginary (yet sadly realistic) example of a single mother, Sally, who is about to become homeless (Young 2011: 43–52). However, to show how NHSGs indeed characterize liberal democracies, I will focus on another case—namely, that of veterans. After active military service, for veterans, readjustment to civilian life is particularly difficult; besides likely physical disabilities, many experiences serious mental health issues such as depression and post-traumatic stress disorder (see Brenner et al. 2011). Moreover, to escape from their harsh reality, many veterans become drug and alcohol addicts. A great number are homeless, unemployed, and poor.⁸ Consequently, the suicide rate among veterans in, for instance, the US is 300 per cent of the national average (see Kemp and Bossarte 2012).

C12P19 The group of veterans seems to be created by the combination of lawful actions and decisions whose consequences are largely unintended. For example, the termination of military conflicts, which increases the number of veterans, clearly does not have the purpose of harming former soldiers. The surrounding peaceful setting to which veterans return is profoundly different from warfare, and it obviously cannot be converted to that. Many legal measures and institutional rules (for example, the exhausting, long bureaucratic procedures to apply for postservice benefits, and governmental cuts in the provision of welfare services) play a role in putting veterans in a precarious position (Batkins 2013; Judd and Foot 2013). Moreover, the general shortage of health resources, and attitudes like many civilians' understandable preference not to be daily informed about the brutal reality of war, contribute to the isolation of veterans.

C12P20 As for the homeless, the group of veterans (as a vulnerable position within societies), too, largely stems not from individual misdeeds or large systematic violations but from decisions and structural processes that, although not

⁸ For some data in the US, see US Census Bureau (2016).

unjust *per se*, lead to an unjust condition when accumulating over time. As Young stresses, some individuals (such as a landlord deciding to evict a needy veteran) may commit wrong actions against veterans that contribute to their vulnerable condition (such as a veteran having to sleep rough on the streets). However, a *group* like veterans is not caused mainly by individual failure but is instead the outcome of structural mechanisms (Young 2011: 62–5). Emphasizing the structural nature of the conditions of NHSGs is crucial to showing that they are unjust. Such conditions are *structural* because they are the product of the aggregation of structural processes that are *unjust* in the sense used by Shklar (1990: p70)—that is, because ‘when nothing is done to end [the existence of a vulnerable position within society] when it begins [to be produced], there is an injustice’. To the extent that the vulnerable conditions of veterans are avoidable outcomes of societal processes, they should be regarded not as misfortunes but as injustices that must be addressed.

C12P21 That said, groups like veterans (and the homeless in Young’s reconstruction) cannot be treated as HSGs.⁹ There is a significant difference between the former and the latter that is neglected by many structural theorists like Young: the role that *history* plays in forming (and reproducing) these two types of SGs. While for groups such as the homeless and veterans the past is not *per se* systematically unjust, for HSGs the past is fraught with injustices. To clarify, I am not arguing that Young does not concede that the past is significant for structural injustices. As a structural theorist, she recognizes that looking at past decisions and actions is important to understand how certain conditions are structural; for example, without considering decisions about housing rules and urban topography, the condition of the homeless may seem simply an individual failure, rather than the outcome of the aggregation of structural processes. However, Young does not acknowledge that SGs such as the homeless and veterans suffer from a different kind of structural injustice from that characterizing the condition of HSGs—one in which the past is not unjust. To be sure, groups such as the homeless and veterans are not ahistorical; indeed, as SGs, they are created and maintained by structures that are reproduced over time. However, in the case of HSGs, such structural processes are intrinsically bound up with a history of systematic injustices, and these groups were created by and were the target of regular exclusion and discrimination over history.

C12P22 Consequently, there are (at least) *two different kinds of structural injustices*: one that stems from an unjust history (injustices against HSGs) and

⁹ Note that it may well be that, in certain contexts, the dynamics forming and reproducing the homeless differ from those identified by Young and are more similar to HSGs.

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one that does not (injustices against NHSGs). While the latter is created by the accumulation of structural processes over time, the former should be conceptualized in terms of historical injustices that keep being newly reproduced into the present as long-term structures (see Lu, Chapter 6; Chung, Chapter 8; this volume).

C12P23 Highlighting the different types of past at the roots of the two kinds of structural groups is crucial in at least two respects. First, from a *diagnostic* perspective, it is by examining *histories* of systematic injustices that we can identify which groups may today suffer from historical structural injustices. Conversely, to establish whether a collective suffers from a type of structural injustice similar to that of the homeless and veterans, what is needed is simply ‘*a plausible structural story*’ (Young 2001: 16), explaining how the conditions of that collective result from the repetition, accumulation, and combination over time of a chain of social processes that place its members in a vulnerable position. Diagnostically, unlike what happens for NHSGs, the unjust systematic history also plays a pivotal role in understanding those mechanisms that reproduce the unjust condition of HSGs. The conditions of both HSGs and NHSGs are today maintained by informal and lawful means, rather than by formal discrimination and exclusion; however, in the case of HSGs, the unjust history provides much of the content of these means. For instance, the stereotype about North Africans as ‘lazy’ is rooted in colonial injustice; as Albert Memmi (2003 [1965]: 123) observes, during colonialism such a frame served the purpose of exploiting the economic resources and especially labour force of the colonized by paying them otherwise indefensibly inadequate wages.¹⁰ Without considering that unjust history, we could neither identify HSGs nor fully grasp the ways their injustice are structurally reproduced in the present and the full injury of that injustice.

C12P24 Second, recognizing the difference in terms of history between HSGs and NHSGs has not only a diagnostic value. Since the importance of a correct diagnosis lies in the opportunity to provide appropriate and effective remedies, the distinct role the unjust past plays in the formation of the two kinds of SGs should also inform the actions taken to address their different types of structural injustices. For NHSGs, the point is to find solutions able to tackle those processes leading to a structural injustice that ‘has existed recently, is ongoing’ (Young 2011: 109), and is likely to persist without any action. Regarding HSGs instead, the structural link between history and the present is what should be tackled to overcome the injustice. Because the unjust history informs the ways the injustice against HSGs is reproduced, it cannot

¹⁰ For the relation between unjust history and stereotypes, see Nuti (2019: 36–8).

be seen only as a diagnostic device, but should also be carefully considered when devising possible remedies. Remedies to injustices that are both historical and structural should (i) be sensitive to the unjust history, (ii) reveal its new structural reproduction, and (iii) avoid contributing to its reproduction when trying to overcome these injustices.¹¹

C12P25 HSGs, however, are not the only kind of group displaying structural features and being historical in a relevant sense, even though the affinities between these other groups and HSGs are usually overlooked. It is to these collectives that we now turn.

C12S4 **IV Historical Groups with Structural Dynamics**

C12P26 Historical groups with structural dynamics (HGSDs) can be broadly defined as

groups that present a *multifaceted historical character* while being characterized by *structural dynamics*.

C12P27 To analyse the features of HGSDs, I will focus on nations, because most of the literature on historical injustice concentrates on collectives that are national communities, such as indigenous nations in settler societies like the US, Canada, and Australia. While in the previous section I showed that NHSGs and HSGs are different in a significant respect, here my aim is to stress the *similarities* between HGSDs and HSGs. This is because it is precisely the common features that HGSDs (for example, nations) and HSGs (for example, lesbian and gay persons) share that are largely overlooked and should instead be unravelled to gain a more comprehensive account of HGSDs like nations and of why their history is important when we consider their unjust present.

C12P28 To do so, let me start by examining how *membership* in nations is commonly thought to be granted and how it actually works. It is quite undisputed that nations are ascriptive categories: persons are attributed a nationality at birth and, for at least some time, belong involuntarily to that nation (e.g. Margalit and Raz 1990: 446–7; Miller 1995: 42; Gans 2003: 43). However, liberal nationalists highlight that membership in a nation is also ‘elective’ (Tamir 1993: 87). For them, from a certain moment onwards, co-nationals

¹¹ Moreover, in the case of HSGs, some agents should be historically accountable for their role in an unjust injustice that has been reproduced over time (see Nuti 2019: 154–66). Responsibility for those injustices is more traceable than Young and others acknowledge. On the alleged untraceability of structural injustice, see Jude Browne, Chapter 5, this volume.

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self-identify with their nationality and actively embrace it by mutually recognizing each other as members of the same nation, taking material and psychological benefits from that membership and valuing the very existence and endurance of the nation to which they belong (Miller 1995: 22–4). In this sense, from this moment—call it *the moment of conversion*—for a person to be part of a nation is a ‘daily plebiscite’ (Renan 1990 [1882]: 19; see also Tamir 1993: 33; Miller 1995: 22). That is, what may have been initially an external imposition becomes a wilful endorsement.

C12P29 The moment of conversion is crucial in liberal nationalists’ normative defence of the value of nations and of national attachments. Arguably, the emphasis on that moment enables liberal nationalists to conciliate nationalism with liberalism, thereby distinguishing liberal nationalism from communitarian versions thereof. The fact that co-nationals can be seen as having, at a certain point, freely decided to be members of their nations gives a typically liberal flavour to an ascriptive categorization that would otherwise be suspiciously regarded as imposed. Therefore, for liberal nationalists, nationality is not an arbitrary category like class; conversely, nations are ‘historical and ethical communities’ whose members share an identity, perspective and aims (Moore 2001: 29; Miller 2007: 23, 31–2). Nations display a sort of unity of agency—that is, they are collective agents whose members ‘take decisions together’ (Miller 2000: 29). This also means that nations can be held responsible to redress their past actions and to remedy current unjust states of affairs (Miller 2007: 111–34; see also Lu, Chapter 6; Mantouvalou, Chapter 13; Parekh, Chapter 14; this volume).

C12P30 Regarding the issue of membership, the moment of conversion has two correlated implications: persons can choose (i) to renounce their national identity or (ii) to embrace another one through, for instance, naturalization processes (see Moore 2001: 38–40). This entails being willing to relinquish the benefits of the former membership while also accepting the obligations stemming from the new one. The moment of conversion ‘turns the adherence to a culture and the assumption of national obligations into voluntary acts rather than inevitable consequences of fate’ (Tamir 1993: 87). It makes membership in a national group theoretically changeable at will.

C12P31 Although appealing, this account of national membership only partially captures how that membership actually works. First, even if I badly want to renounce my national membership and I constantly claim that I do not self-identify with my alleged co-nationals, I may still be positioned into such a category. This is because I may still, unwillingly, display certain traits (for example, an accent, physical appearance, a style, a gesture, or behaviour) that are *externally recognized* as typical of members of a particular national group.

For example, I may deliberately disown my Italian nationality and coherently stop benefiting from, say, the feeling of having such a renowned artistic and literary national heritage. However, my Italian accent may be enough for me to be categorized as an Italian and, for instance, be associated with the corruption taken to characterize Italian politics and society.

C12P32 Second, and relatedly, when some persons who have acquired citizenship in a state endorsing a specific national identity heartily wish to become actual members of that nation, they may not be fully accepted as such, because some of their traits are not externally recognized as typical of that nationality. This is the tragic condition of many Italian citizens who are not recognized as Italians because of their ethnicity or race. As an example, the appointment of the Italian integration minister, Cécile Kyenge (the first minister of colour in Italian history), in 2013 was questioned by many because, although holding Italian citizenship, she was not recognized as being sufficiently Italian, which also led to several racist attacks even by Italian parliamentarians (Davies 2013).

C12P33 Obviously, liberal nationalists would decry such behaviours and reply that national identities do not need to be based on race or ethnic characteristics (Miller 1995: 21); however, the problem is that they often are. Generally, national categories necessitate some ‘cultural markers’ (Moore 2001: 57)—mechanisms whereby a shared identity can be built and who is a member of a nation can be immediately recognized. Nations are constituted by boundaries, and boundaries require that a putative difference be identified between those who can be included within them and those who cannot. The process of *mutual* recognition that, for liberal nationalists, characterizes and legitimizes national communities is less reciprocal than it may seem. What is necessary and sufficient to grant membership in a national category, especially in daily interactions, is external recognition. In other words, membership in national groups is inherently *structural*, in that belonging to groups like nations hinges upon external categorization by existing members or outsiders. Therefore, persons suffer from injustices connected to inheriting such an ascriptive national membership, even when they do not consider themselves as part of that nation. The moment of conversion plays a much less central role in national membership than liberal nationalists concede.

C12P34 Strongly to distinguish between groups such as nations and other SGs, liberal nationalists may still argue that the former are perceived as ‘encompassing identities’ (Margalit and Raz 1990, 448; similarly, see Miller 1995: 92), crossing, for example, categorizations based on gender and sexuality. How can we explain that movements mobilized around HSGs often

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endeavour to be acknowledged as part of their respective national communities? If co-nationals were not, in David Miller's words (2000: 76), 'significant others', why fight to be recognized by them? This reply does not fully capture what 'significance' means in these contexts. It is *not only* because co-national appreciation is vital to persons' self-respect that the public recognition of HSGs is often so heatedly demanded by such groups. First, since nations today represent one of the most common and effective ways whereby benefits and privileges are distributed, access to the bundle of entitlements that national membership grants (especially when coinciding with citizenship) is a necessity. This is possible only if one's externally recognized memberships are proved to be compatible with national loyalty. For example, to be granted the right to marry (and to receive its correlated benefits), gay and lesbian persons have to show how categorization along the lines of sexuality does not threaten the national community. They *need* co-nationals to recognize that their other historical and structural memberships is incorporable into the identity that is supposed to encompass all others (that is, nationality).

C12P35 Second, as Hannah Arendt observes, when one is targeted by discrimination and exclusion (for example, Jewishness) because of their ascriptive categorization, downplaying its salience in the public sphere is an ineffective strategy. Conversely, 'one can resist only in terms of the identity that is under attack' (Arendt 1970: 18), because claims abstracting from that identity (for example, in the name of a shared humanity) would remain unheard within a context regarding such an identity as salient (for example, an anti-Semitic context). Publicly affirming its value may be, at least sometimes, an inevitable strategy of resistance. Only when members of the community in which discrimination takes place (usually a national community) recognize that bearing a determinate identity does not entail inferiority but may instead even be something to be proud of, can discriminated groups improve their condition. This also explains why even national self-identification happens more easily and national collectives are constructed or reinforced more effectively when persons are discriminated against *because they are recognized as* members of that nation (e.g. Berlin (2013 [1979]: 441).

C12P36 In addition to being *interpretatively* misleading, the insistence on nations as encompassing identities may also be *normatively* problematic. It overlooks how the very idea of nations as an encompassing identity has been deployed to demand enormous sacrifices to particular categories of co-nationals. For instance, 'at those exceptional moments when the fate of the whole nation is determined collectively' (Miller 1995: 14), those co-nationals who are recognized as 'women' discover that they may pay a particularly heavy price for

what is taken to be their encompassing identity—that is, their nationality. Since ‘it is women ... who *reproduce* the nation, biologically, culturally, and symbolically’ (Yuval-Davis 1997: 2), during wartime, it is they who bear the most onerous burden of preserving national identity and being loyal to that identity. This not only exposes women to atrocious violations during military conflicts but also puts them in jeopardy in their aftermath. For example, after the liberation from Nazi occupation, many countries reserved a particularly harsh and humiliating treatment for female collaborators, such as beating them, shaving their heads, and parading them through the streets on the back of a lorry (see, e.g., Virgili 2002). Even in peacetime, as ‘reproducers of the nation’, women can have their sexuality controlled—for example, through natal policies aimed at promoting or limiting population growth (Yuval-Davis 1997: 22–55). It seems that, although women have been excluded from the body politic for a long time, it was not the case that historically they had no country—contrary to what Virginia Woolf (2006 [1938]: 129) famously argued. Rather, they have been (and still are) overly invested in the destiny of their nation.

C12P37 The example of women is significant, because it shows that, although liberal nationalists argue that nations must respect all their members equally, the idea that nations *should* be regarded as encompassing identities may be deleterious. Liberal nationalists’ suggestion that considering nations as encompassing identities should be a normative ideal is likely to worsen the conditions of those co-nationals who are usually regarded as being crucial for the reproduction and protection of the nation.

C12P38 How membership is granted is not the only characteristic making nation-like collectives a type of SG. Like other SGs, such as HSGs, these collectives are maintained and reinforced through *relational means*—that is, by the reiteration and reproduction of norms, expectations, and habits associated with a particular nation. For example, while special occasions (for example, sporting events) represent an opportunity to strengthen nationhood, the daily language of media, the sale of national products, and the embodiment of dressing codes and stereotypes contribute to ordinarily enacting national categories (Billig 1995). It is also through this everyday reproduction of structural processes that persons’ attachment to national identity is promoted and national categories are entrenched as an effective device to distribute privileges, obligations, and status. It is through imagination that nations are continuously revived (see, famously, Anderson 1991: 224).

C12P39 Groups like nations are not only SGs; like HSGs, they are also historical; specifically, they display a multifaceted historical character. Like HSGs, many nations have been *created through injustices*. For instance, the Igbo,

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a national minority in Nigeria, became a nation because of European (and especially British) colonialism—that is, as an effect of and reaction against colonial oppression. Moreover, like HSGs, such collectives would hardly be conceivable without *their particular history*: had its history been different, a nation would have been extremely different and might not even exist (Moore (2001: 13). Most importantly, as for HSGs, many nation-like collectives have suffered from *systematic injustices over history*. Colonialism, genocides, slavery, forced assimilation, and sterilization are just a few examples of injustices to which some nations were systematically subjected.

C12P40 However, unlike HSGs, nations are SGs that are historical in another important sense. Nations have been historically regarded as fundamental to organize the international realm, build solidarity, and distribute benefits and duties among different populations. This is worth stressing for at least two reasons. First, because of the privilege that communities recognized as nations enjoy within international law, the idea of ‘nation’ constitutes an effective way for peoples seeking protection and independence to plead their cause and hope to be internationally heard. Second, nation-like collectives are historical groups also because many of their members care about the group existing over time and outliving their own existence (Miller 1995: 23). Liberal nationalists are right in stressing how national membership is an important aspect of many persons’ identities, as it can create bonds of solidarity among those sharing it. As seen, this does not *per se* explain how membership in national groups is granted; however, the attachment many persons have for their nation (and the significance of nations internationally) means that such groups would probably also exist independently from the injustices they suffer from. Unlike HSGs, whose very existence cannot be easily separated from the historical and present injustices they experience, nation-like groups against which systematic injustices were or still are committed are bound to outlast as a significant way to categorize persons and organize the social world, even if such injustices were overcome.

C12P41 This last point is not only descriptive but also normative. Because inter-generational networks binding together members of national communities having historically suffered from injustice have often provided a crucial source of identification and attachment, measures to redress that injustice should respect and sustain such networks. Redress, in these contexts, cannot entail the disappearance of the group.

C12P42 In sum, collectives like nations are groups that are historical in *many* important respects and are characterized by structural dynamics. So far, I have identified three types of SGs and stressed their differences and similarities, which are usually overlooked within the literature on structural injustice.

What does this mean for how we should think about existing groups and their condition of injustice?

C12S5 **V Towards a Spectrum of SGs**

C12P43 The three types of structural groups examined in the previous sections should not be regarded as exhaustive of all existing SGs. They should be considered, instead, as three fundamental points of a *spectrum* of SGs (see Figure 12.1). By being part of a spectrum, rather than being conceived as mere separate categories, NHSGs, HSGs, and HGSDs can be analysed in their commonalities without suppressing their differences and reducing one type to another. Moreover, the idea of the spectrum conceptualizes the range of structural groups that exist in our societies and transnationally, in a fluid fashion. This is because, although many actual groups displaying structural elements do not fit precisely into one of the broad categories identified, they can still be placed within the spectrum in relation to such categories. By analysing the relation (if any) between history and (in)justice characterizing a determinate group, it is possible to collocate it within the range of SGs.

C12P44 To exemplify how the idea of the spectrum works, consider the case of African Americans. Scholars of groups generally voice discomfort with identifying the precise collective in which the group of African Americans should be included. Unlike national groups (traditionally conceived), African Americans do not ask for political autonomy. To be sure, black political separatism was a strand of African-American emancipation movements advocating the creation of separate institutions for American citizens of African ancestry, independence from European society, or return to African countries (e.g. Moses 1988). However, black political separatists have been heavily criticized within African-American communities, and even those organizations that most forcibly argued for such goals (for example, the Nation of Islam) have progressively considered political separation as a last resort if freedom, justice, and equality are not achieved by other means. Nor do African Americans



C12F1

Figure 12.1 The spectrum of SGs

(Source: the author.)

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ask for exemptions or special protection of cultural practices, as do some national minorities unable to demand self-determination.

C12P45 On the other hand, African Americans present numerous strong affinities with HSGs; they suffered from serious systematic injustices over history (for example, slavery and *de jure* segregation during the Jim Crow period) that are now formally rejected by American society. They underwent all three kinds of past injustices characterizing HSGs; by means of racist discourses aimed at showing their inferiority, African Americans were denied the right to vote and were excluded from paid employment or relegated to servile occupations. In this respect, African Americans represent a paradigmatic case of an HSG, as US citizenship has been defined in opposition and in relation to their status as second-class citizens (Shklar 1991: 22).

C12P46 Nevertheless, unlike many HSGs (for example, women; gay and lesbian persons), African Americans are concentrated in a bounded territory, and they have been formed by the systematic violations experienced within that determinate context. Comparatively, African Americans have built more extensive and resistant networks of solidarity and belonging and have developed a strong community precisely in virtue of that history of injustice. Particularly, while the link between unjust history and structural injustice is crucial for the present condition of both African Americans and other HSGs, persons who are recognized as African Americans tend to be more aware of being part of an intergenerational group and of inheriting an unjust history. Like what usually happens to members of nation-like collectives, for many African Americans that history is an important part of their *personal* identity. Obviously, many members of other HSGs regard their membership as a fundamental component of who they are or have historical consciousness about the SG in which they are positioned. I am simply stressing a difference in degree resulting from the specific context in which the position of African Americans has been created and reproduced, which should be considered fully to grasp the characteristics of this group.

C12P47 The idea of the spectrum of SGs helps collocate African Americans vis-à-vis the relation between history and injustice characterizing their condition. Rather than being considered as a puzzling collective entity within a classification of groups, African Americans can be coherently seen as a part of a broad range of SGs, one that displays important similarities to other groups that are historical and structural. Simultaneously, the fluidity of the spectrum does not reduce them to a national minority or treat them as analogous in every respect to women, for example. Through the idea of the spectrum, the particular history of African Americans can be conceived in relation to how other SGs have been affected by the interconnection between history and

injustice, while also acknowledging how the distinctiveness of this history bears on this group's characteristics.

C12P48 Prisoners and ex-prisoners are another interesting case, which proves how thinking about SGs in terms of a spectrum is fruitful. Unlike NHSGs (for example, the homeless and veterans), many convicts and ex-convicts suffer from lawful discrimination and have their rights restricted in ways very similar to how HSGs were treated in the past. In many countries like the UK and the US, prisoners are disenfranchised and, when released, suffer from various discriminations, some of which are legally enforced (for example, housing and employment discrimination, and ineligibility to public assistance). However, while for HSGs that formal discrimination is in the past (even though it endures by other informal means), for prisoners and ex-prisoners it is a present reality—that is, a reality that is largely recognized (by societies) as legitimate and an effect of just processes, like imprisonment itself. Like NHSGs, the group of convicts and former convicts does not technically have a history of injustices or, at least, one that is largely and publicly recognized as having been characterized by systematic injustices. Even in the case of (ex-)prisoners, it would be a mistake to think they can be reduced to NHSGs or to HSGs, as this would offer a misleading account of their peculiar condition, which is characterized by structural dynamics but also by a *present* reality of legal discrimination and exclusion.

C12P49 In sum, the idea of SGs avoids drawing draconian distinctions between collectives displaying structural dynamics and merely reducing a category to another. Indeed, it shows how thinking about the analogies and differences between the types of SGs is decisive to understanding the situation of those groups displaying structural features that exist within our societies and the kind of injustices from which they suffer.

C12S6 Conclusion

C12P250 This chapter has argued that structural injustices are plural and varied. We need a more complex understanding of the different types of SGs existing and of their peculiar challenges. I have offered one way to map out theoretically and normatively the heterogeneity of structural injustices—namely, by reflecting on the role unjust history plays in the formation and persistence of SGs. In particular, I have put forward the idea of a spectrum of SGs as a fruitful device to ensure that both the specificities of and the similarities among different SGs are recognized in theorizing about the structural injustice from which they suffer.

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