

## Structural Injustice and Labour Migration – From Individual Responsibility to Collective Action

by

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*Abstract:* This paper argues that the vast inequalities in access to migration opportunities and treatment of migrants constitute a structural injustice, and that although states are clearly the most powerful agents in migration injustices, individuals also bear a personal responsibility to ameliorate these injustices. The argument builds on Young's theory of structural injustice and critically applies it to labour migration. The paper argues that wealthy migrants and citizens who benefit from migrant labour have a responsibility to contribute towards ameliorating migration injustice on account of their position of privilege, whereas disadvantaged migrants have a responsibility due to their interest in changing their situation. It then considers how people might discharge such an obligation through collective political action, pointing in particular to non-governmental organizations, labour unions, and local government. Finally, the paper addresses the objections that positing personal responsibility for labour migration is overly demanding and that the current labour migration regime is meritocratic and fair. The article concludes by showing how this sort of stance can be seen as interest-driven by privileged groups and argues for the role of disruptive politics in overcoming it.

*Keywords:* economic migration, philosophy of migration, structural injustice

### 1. Introduction

It is readily apparent that the possibilities that people have to move around the world today vary considerably. Although some cram into plastic boats over perilous seas only to be put in detention centres or forced back by border guards, others fly comfortably over them and are welcomed on arrival. The latter often have wealth, higher education, and the “right” passports, and can therefore traverse the globe easily. They also often have the opportunity to gain citizenship in many countries. The former, who are often poorer, lack recognised formal education and have the “wrong” passports or none at all, find crossing borders difficult if not impossible. They are also liable to be sent back if they attempt to stay in countries permanently. Most migrants occupy an intermediate position between these two extremes, facing some restrictions on their movements — and they often make trade-offs by accepting rights restrictions in order to be able to migrate and work. This description of a vast disparity in mobility is hardly controversial. But why is it unjust rather than merely unfortunate? Why should lack

of access to mobility be seen as a type of structural injustice? And why should we hold individuals responsible for such injustices?

When considering migration, philosophers have mainly been concerned with what types of migration restrictions are fair and what rights migrants should have access to, and it is states' responsibility towards migrants that has been most debated. Whereas most agree that states have some kind of responsibility to help refugees, whether states have obligations towards other migrants is contested. What position one holds is based on whether one believes restrictions on migration are compatible with liberal-democratic values, one's position on global justice, and the questions of whether what we owe distant strangers should have an impact on states' admissions policies. Some scholars such as Michael Walzer (1983), Michael Blake (Blake, 2002, 2005), and David Miller (2016) argue that states have extensive rights to decide which nonrefugee migrants to admit. They differ somewhat on the cutoff point for who should be considered within this discretionary group. For example, Blake thinks the state only has a weak right to exclude people from underdeveloped and oppressive states (Blake, 2013, p. 129). Others, such as Joseph Carens and Philip Cole, argue for open borders based on the inconsistency of border controls with liberal democratic values (Cole, 2000) and the need for people to migrate in order to attain global equality of opportunity (Carens, 2013). What these positions have in common is their principled abstract discussion on rules of admittance and obligations to migrants and the focus on the state.<sup>1</sup> In this paper, I use a structural injustice framework to examine responsibility for migration injustice more broadly.

Although personal responsibility is often considered in relation to other issues of global justice such as global poverty or climate change, it has received little attention when it comes to migration. I argue that whereas states have much to answer for, in particular their mistreatment of migrants, there are many other agents that are involved in, and benefit from, current international labour migration arrangements. Employers and recruitment agencies hire migrants, privileged migrants benefit from ease of travel, and citizens in general profit from the labour of migrant workers. Although it would be patently absurd to blame an individual for all the wrongs done in relation to migration, I argue that individuals bear a responsibility to contribute to changing the systematic harms that are brought about by unjust migration arrangements they take part in and benefit from.

Some of these systematic harms are brought about by migration systems that systematically differentiate treatment on the basis of an individual's wealth, health, education, and skill set. Whereas some privileged migrants are given a fast

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<sup>1</sup>For an overview of some of these strands of argument and a discussion of the new and old open borders debate see: Reed-Sandoval (2016).

track to citizenship, others are given temporary residence, and their residency permit is tied to a particular employer. Recently there has been an increasing focus on the fairness of such migration restrictions. In particular, there is some disagreement as to whether the rules that govern guest workers and temporary labour migrants (hereafter TLMs) are fair, or whether they are instruments of exploitation (Attas, 2000; Stilz, 2010; Lenard and Straehle, 2012; Nuti, 2018; Ottonelli and Torresi, 2019). On the one hand, such systems allow more migrants opportunities to migrate in order to work, thereby increasing their earnings and life choices, and allow host countries to fill gaps in the labour market. On the other hand, migrants often have to trade these opportunities for fewer rights in the country they move to, face restrictions on their ability to change employers, and their emigration can lead to a “brain drain” from the countries of origin. However, as I argue below, irrespective of whether these migration systems on balance might contribute to alleviating global inequalities, they can still be structurally unjust, and people therefore have a responsibility to alter them.

In this paper, I show how current inequalities in opportunities to migrate and treatment of migrants constitute a structural injustice and how we can assign personal responsibility for such an injustice. In order to make this case, I first provide a sketch of Young’s concept of structural injustice in section 2, discussing in particular her wish to avoid blame and strict division between types of injustice. Following this, I draw on the debate concerning TLMs and argue in section 3 that the disparities in possibilities to migrate, and the vastly unequal treatment of migrants, constitute a structural injustice. In section 4, I discuss personal responsibility for ameliorating the structural injustice migrants face. I identify and discuss three relevant groups: privileged migrants who benefit from structurally unjust migration practices, citizens in general who benefit from migrant labour, and disadvantaged migrants who have an interest in changing the unjust structures they are subject to. I also consider how these groups might discharge this responsibility through collective action before finally discussing the widespread belief that current migration regulations are fair and meritocratic and the potential need for disruptive politics to overcome such views.

## 2. Structural Injustice

In *Responsibility for Justice* (2010), Iris Young distinguishes between two types of injustice. The first, which she calls the *liability model*, is the standard view whereby some agent is responsible for some harm, can be causally linked to that harm, and thereby be blamed and held responsible for it. For example, if I steal from you, I have committed an injustice and should be blamed and held responsible for it. However, she points out that there are other kinds of harms that people

experience that cannot easily be traced to some agent's bad action, and in these cases it is more difficult to hold someone responsible.

Young's paradigmatic example is of Sandy, a working single mother, who due to a myriad of factors is unable to afford a place to live. These factors include low wages, gentrification, lack of housing regulations, unaffordable rents, requirements of deposits, competition on the housing market, etc. Young describes the injustice Sandy is subject to as being deprived of housing and being vulnerable to homelessness. She argues that although this inability to find housing is clearly wrong because no one should be in such a situation; there is no single agent who can be blamed for it. Yet, although it might be impossible to find someone to blame, Sandy is clearly subjected to harm, and her situation is a moral wrong: "Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state" (Young, 2010, p. 52).

Although we cannot trace the moral wrong back to a responsible agent, it is not as if the reasons for Sandy's situation are inexplicable. Indeed, the reasons why she, and others like her, are in this situation can be investigated and described: "it is predictable and explainable that there will be an insufficient supply of decent affordable housing in an urban area where there is a generally healthy capitalist economy and where large-scale nonprofit housing investment is absent" (Young, 2010, p. 47). Thus, although no one specific agent is responsible, homelessness in society is also not merely a question of bad luck, although it might appear so on an individual level. Homelessness is rather the result of a myriad of factors. "Many policies, both public and private, and the actions of thousands of individuals acting according to normal rules and accepted practices contribute to producing these circumstances" (Young, 2010, pp. 47–48). These factors include monetary policies, housing rules, market forces, incentives for landlords, economic inequalities, etc. As such, being vulnerable to homelessness is a predictable and explainable moral wrong due to many complex factors, and yet no one is to blame. In short, Young argues that Sandy is suffering under a structural injustice, namely homelessness. This kind of injustice "exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them" (Young, 2010, p. 52).

Young argues persuasively that vulnerability to homelessness is morally wrong, and is caused by complex social processes, which benefit some to the detriment of others. But what does that imply about who is responsible for fixing the injustice? As opposed to a case where a specific agent or group of agents are to blame, which she refers to as the liability model, Young argues that we should

not think of responsibility for structural injustices as grounded in who caused them. Rather we should consider who is involved in the social structures sustaining them. In order to do so, she proposes “a social connection model of responsibility,” which analyses who is taking part in the social processes that make the harms come about, how these processes can be changed, and which actors are in a position to do so. “The social connection model says that individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes” (Young, 2010, p. 105). Young gives four parameters that may be used to decide allocation of responsibility: power, privilege, collective ability, and interest. As we will see in the case of migration, whereas this model is helpful in identifying responsible agents, a drawback is that it is difficult to say exactly how responsible any one agent is. It should be emphasised that Young does not believe that the structural injustice model can or should give an exact estimate of how responsible an agent is. She contrasts responsibility with duty and states that: “Because responsibility is more open and discretionary than duty, a theory cannot provide a set of rules or even a method for calculating what to do” (Young, 2010, p. 144). What we can expect of theory are rather tools to guide our interpretation.

Young’s theory of structural injustice is not only motivated by her belief that it constitutes a better description of injustices caused by structural processes but also that it is more useful in order to bring about change and alleviate the injustices she discusses. Specifically, Young argues that the social connection model is pragmatically better because it avoids *blame-switching*: “People who perceive themselves being blamed for wrongs that some people endure usually react defensively” (Young, 2010, p. 117). Whereas blaming someone might be appropriate for wrongs they are liable for, in the case of structural justice Young argues that it is unproductive. “A round-robin ‘blame-game’ often ensues, with one actor after another being blamed and defending herself by throwing blame onto another” (Young, 2010, p. 117). As opposed to blaming, Young argues, we should shift our focus to look for possibilities and solutions.

Before moving on to the issue of migration, let us first briefly consider two criticisms that have been levelled against Young’s theory. These are both relevant to the discussion in section 4, when we will consider individual responsibility for the structural injustices in migration. Firstly, Young has been criticised for creating too strong a distinction between liability and structural injustice. As Martha Nussbaum points out in the Foreword to Young’s *Responsibility for Justice* (Nussbaum, 2010; Young, 2010), Young’s argument that one cannot blame someone for taking part in normal processes that they do not know create harm makes sense initially. However, once they are made aware of this harm, can and should we not blame them for not changing their behaviour? One response to this

criticism is to point out that Young distinguishes between moral and political responsibility, and to further develop Young's account of blame. In her application of structural injustice to colonial injustice, Catherine Lu argues that: "Agents who perpetuate structural injustice implicated in wrongdoing are not morally responsible (and blameworthy) for the wrongful conduct of others, but they are morally responsible (and blameworthy) for failing to address structural injustice and its consequences" (Lu, 2017, p. 259). However, Abdel-Nour (2018) has found this clarification unsatisfactory and argues that a qualitative distinction between two types of injustice obscures more than it reveals, preferring a continual account. Abdel-Nour argues that structural injustice and a liability model are not qualitatively different but implicitly rely on the same kinds of conceptual tools because both "tap into that motive of seeking to make good what we participate in making bad" (Abdel-Nour, 2018). There is not the room here to do justice substantively to the interpretations and criticisms of Young's account, nor is this my aim. However, I do not believe the usefulness of Young's account is much reduced even if one acknowledges that there is no qualitative distinction between structural injustice and liability but rather a difference of degree, and relaxes Young's prohibition against blame. As we will see in the case of migration, the explanatory framework of structural injustice can be used whether one assumes such a strict distinction or not. Furthermore, blame might even be useful in the case of the structural injustice, which the second criticism, presented in the next paragraph, makes clear.

Nussbaum also points out that, although blaming someone can be counterproductive in finding solutions to injustice, this is not necessarily a given. As she writes "guilt is also a powerful incentive to make reparations, and when the appeal to guilt is coupled in the right way with respect for the person, or even love, it can produce such motivations even more powerfully" (Nussbaum, 2010, p. xxiv). I think this seems intuitively correct. Furthermore, as Hayward (2017) has pointed out, Young's account of how to remedy structural injustice seems to rely on the assumption that once people are told that their actions contribute to harm, they will take responsibility and change them. However, this disregards the fact that some people are wilfully ignorant. Indeed, sometimes people use ways of viewing the world as a method to avoid responsibility. Young acknowledges this "absolving function" of belief in relation to personal responsibility and individualism. In short, Young argues that since the 1980s the conservative idea that most inequalities in society can be traced to personal choices rather than systematic injustice has permeated the discourse, thereby helping people to avoid taking responsibility for rectifying the underlying inequalities (Young, 2010, p. 4). Yet, this acknowledgement does not seem to influence how Young thinks about how we can pragmatically go about influencing people to solve structural

injustice. As opposed to Young's opposition to blaming, Hayward argues that there is also a role for disruptive politics, such as civil disobedience and mass demonstrations, in order to fight such epistemic ignorance. As Hayward puts it "disruptive politics play a crucial role in dismantling structural injustice. Because they interrupt privileged people's motivated ignorance, disruptive politics create a political opening to institutionalise structural change" (Hayward, 2017, p. 396). Once again, whether one agrees with Young's pragmatic view of avoiding *blame-switching* or not, I do not believe that it substantively alters the viability of the structural injustice model as such. Indeed, I think it will likely be a pragmatic political choice, depending on the case under consideration, what type of strategy is most likely to succeed. And while the intuition to avoid blame makes sense, I think there can be a substantive role for disruptive politics as well, as we will see in the case of migration injustice.

### 3. The Case for Why Migration Is Structurally Unjust

Before we get to the question of how to apportion responsibility and bring about change, however, we must ask whether a similar argument can be made with respect to inequality in access to migration opportunities and treatment of migrants, as Young makes for vulnerability to homelessness. Indeed, there can be no responsibility for an injustice without there being an injustice. In the following, I make this case by comparing Young's case of homelessness with migration restrictions and argue that Young's concept of structural injustice is appropriate to describe migration restrictions. Let me first define the injustice in question before in section 4 moving on to personal responsibility for this injustice.

It is clearly the case that when it comes to access to migration and treatment of migrants, some people's opportunities are severely restricted and others have more freedom. There are a myriad of reasons why some people are advantaged in access to migration while others are more disadvantaged. National laws, regional migration agreements, employer preferences, qualifications, education, nationality, language skills, poverty, race, gender, class, and health all create the conditions within which people can make their choices. These conditions create an individual migrant's horizon of possibilities, and the size and nature of this horizon varies considerably. In the same way that Young argued that vulnerability to homelessness is a socially structured position, so is lacking access to mobility and the differing treatment one receives. The institutional rules and norms within which people find themselves constrain their possibilities. As Young puts it in the case of being housing deprived: "Persons in this position differ from person's differently situated in the range of options available to them and in the nature of the constraints on their action" (Young, 2010, p. 45). This is plainly also the case with access to migration.

Now, although in one sense the many migration restrictions people come up against are intended, in another sense they are not. They are intentional in that states, employers, and institutions often seek to limit the immigration of “unwanted” migrants while attracting those they believe will contribute to their state. Yet, the overall limitation on the mobility of migrants is unintentional in the sense that no one institution, employer, or state is to blame. Rather, it is the result of general trends in state preferences and migration regulations as a whole. Many migrants therefore have to make trade-offs, often accepting restrictions on their rights or in their ability to change employer in order to be able to migrate. This is particularly the case in guest-worker programs, which are set up by states to fill gaps in their labour market without assuming the expense of giving these workers long-term access to citizenship rights. The systems are typically time-limited; migrants often tie themselves to one employer and do not have access to the same rights and benefits as other citizens. The rights restrictions and treatment of the TLMs vary considerably from country to country, from brutal working conditions to access to the host societies’ regular wages and work protection. As Lenard and Straehle point out, such temporary work programs are typically defended by pointing to the “moral primacy of free movement and by pointing to the redistribution of wealth that accompanies migration” (2012, p. 209). Thus, such migration regimes give more people access to work and opportunities and distribute wealth through people sending remittances home. However, does such a redistributive effect outweigh arguments for equal treatment?

Michael Walzer argues that such guest worker programs are similar to having a “disenfranchised class” (1983, p. 59), and that a denial of guest workers’ civil rights is intertwined with their worse material conditions. Even if they might want to eventually return home, they should have basic civil rights and the right to attain citizenship after a period of time. In short, Walzer argues that having such a class of people, unable to attain political rights, is incompatible with being a democratic society. Others, such as Robert Meyer (2005), Anna Stilz (2010), and Lenard and Straehle (2012), argue that some rights restrictions can be justified given their benefits in alleviating inequalities and the opportunities they give some migrants.<sup>2</sup> Now, I do not aim to reach a conclusion on this question of the permissibility or justifiability of such TLMs. For although differentiated rights for

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<sup>2</sup>Robert Meyer argues from a sufficiency theory, that as long as a minimum standard of conditions for the migrants is met, the net gains outweigh the losses, then while unfair such a trade-off can be justified (2005). Anna Stilz also argues that some rights restrictions can be justified, given that they do not subject workers to “dominant social relationships that are [...] inconsistent with liberal-democratic values” (2010, p. 304). Lenard and Straehle argue that there are benefits to temporary work programs, yet in order to be just they need to allow for all guestworkers to attain citizenship after a certain amount of years has passed (2012). Ottonelli and Torressi point out that many TLMs would benefit from a different set of rights than permanent domestic citizens, and that many current practices have a “sedentariness bias,” which should be remedied (2019, p. 272).



migrants might be pragmatically acceptable due to their effects on alleviating inequalities and contributing to migration opportunities, and because many states are unwilling to give migrants more rights, that does not preclude the argument that such systems are structurally unjust. In short, guest worker programs can be morally permissible and still be structurally unjust. And if this is the case, many of the agents involved will still have a responsibility to alter the structural injustice migrants find themselves subject to.

As Ellerman convincingly shows: “with the emerging conception of the individual as the bearer of human capital, states have privileged the admission of highly skilled, highly educated, and wealthy immigrants by offering them access not just to their territories and labour markets, but also to residents, family reunification, and, ultimately, citizenship. At the same time foreign workers classified as low skilled rarely enjoy equivalent rights and are only given temporary access to labour markets” (Ellermann, 2020, p. 14). It is clear that this differing treatment harms some migrants while benefitting others. These harms include for example lack of access to job market, unsafe travel, more insecure rights, and being exploited by predatory employers. And although there are clearly migration injustices that are more similar to what Young terms *liability injustices*, such as a state’s mistreatment of migrants or lack of assistance to refugees, this does not cover the structural inequalities in how people are treated.<sup>3</sup>

Furthermore, as Alasia Nuti has shown in relation to the EU context, a rights-based approach does not pick up all the disadvantages that many TLMs find themselves in (Nuti, 2018). Nuti points out that labour migrants are not merely disadvantaged by their lack of access to equal rights; indeed, intra-EU migrants often have equal formal rights, but they also face language barriers and ethnic and gender discrimination. One might therefore object that differences in access to mobility and treatment of migrants are not a distinct kind of harm but rather a consequence of other structural inequalities; therefore, it should not be normatively analysed as a distinct structural injustice. After all, many of the reasons why migrants do not meet states’ admission criteria are due to their being disadvantaged, poor, and lacking higher education and access to health care, which in turn can be traced to poor government, inadequate state finances, global economic inequalities, colonialism, racism, capitalism, or unfair international trade regimes. However, although differentiated treatment of migrants might be influenced by other injustices, this does not mean it does not constitute an

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<sup>3</sup>I think that it is easier to make the case that states have a moral responsibility to help refugees, and that they can be blamed for not doing so according to a liability model. However, the plight of refugees can also be analysed in light of the structural injustice model; for more on this see Serena Parekh (2017, pp. 104–135; 2020, pp. 151–176).

injustice in itself in the same way that vulnerability to homelessness is often connected to, and exacerbated by, income inequality, racial inequality, and laissez-faire capitalism. Furthermore, migration restrictions help reproduce the very global disparities that make many people want to migrate in the first place. As David Owen puts it in the case of racial inequalities in migration:

Under contemporary circumstances, the normal state unilateral control over “voluntary” migration is pivotal to the social reproduction of racialized transnational patterns of “exclusion, domination, subordination, exploitation, and marginalisation” between the citizens of advantaged states and those of disadvantaged states that are rooted in the history of formal and informal imperialism, on the one hand, and of racialized migration controls, on the other. (Owen, 2020, pp. 7–8).

Owen argues that this structural injustice is a result of states being able to decide the admission requirements for “voluntary” migrants, which systematically privilege some to the detriment of others. He argues that this constitutes a structural injustice, which leads to demands on states to coordinate their actions, limit the harm they are creating, and create fairer migration opportunities. Nuti similarly points out that labour migrant practices can help reproduce gender and racial injustices: “intra-EU temporary migration projects contribute to the establishment and reproduction of a differentiation between ‘whiter’ and ‘less white’ workers and of a hierarchy among (white) European ethnicities and nationalities, both of which significantly structure the labor market in receiving countries” (Nuti, 2018, p. 215).

Thus, although structural migration injustice clearly relies on, reinforces, and helps reproduce other injustices, that does not mean normative weight should not be given, and responsibility assigned, to migration injustices themselves. However, it does seem clear that it is more difficult to trace those responsible for such systematic differentiated treatment as opposed to the case when applying the liability model. Indeed, I would argue that the differing treatment migrants receive is a better example of structural injustice than homelessness because providing accommodation can (and perhaps should) be seen as a state responsibility, which some states have acknowledged and addressed to varying degrees. For example, many of the factors Young mentions in relation to homelessness, such as monetary policies, housing rules, incentives for landlords, and economic inequalities, are to a greater or lesser extent factors a state has the power to change. Furthermore, if the state considers housing as part of their remit, they can provide adequate housing to every citizen. And although Young limits her case to a contemporary capitalist housing market, it is not clear that just because the state does not see housing as a responsibility that it should not do so. However, in the case of global migration trends, there is no one such powerful agent. For whereas individual states have vast power over their own admission policies, they have

less power over all other states, employer preferences, racial stereotypes, and systemic migration trends in general. In general then, Young's argument is more helpful in cases where there are multiple factors and agents, and where no one single agent occupies an overwhelming position of power in a social structure.

If no single agent has such a position, to whom should we assign responsibility, and how far do these bonds of responsibility hold? Rather than taking for granted that bonds of responsibility do not hold beyond state borders, I am here foregrounding the migration limitations people face. As Young argues this point: "The nation state view [...] makes prior what is posterior from the moral point of view. [...] Ontologically and morally, though not necessarily temporally, social connection is prior to political institution" (Young, 2010, p. 139). We influence people in a myriad of different ways, socially, politically, and economically. It therefore makes sense that our moral obligations should stem from an examination of these interactions. And although the types of institutions, norms, and interactions are quite clearly different on a global level, there are certainly interactions in which our impact is felt beyond borders. As Young puts it: "An agent's responsibility for justice is not restricted to those close by or to those in the same nation-state as oneself, if one participates in social structural processes that connect one to others far away and outside those jurisdictions" (Young, 2010, p. 142). By migrating, or relying on migrant labour, one is participating in the social structures that go beyond borders, and a discussion of people's responsibility for the harms that are caused by these social structures is clearly merited.

#### 4. Individual Responsibility and Collective Action

If we accept that the vast inequalities between how migrants are treated constitute a structural injustice when it comes to their admission and treatment, who is then responsible for alleviating it? According to the structural injustice model, we should not merely consider who is directly mistreating others: "We should also ask whether and how we contribute by our actions to structural processes that produce vulnerabilities to deprivation and domination for some people who find themselves in certain positions with limited options compared to others" (Young, 2010, p. 73). Thus, building on Young's structural injustice theory, we can consider who is involved in the social processes in migration; more precisely, who has the power, privilege, interest, and collective ability?

By using Young's four parameters for reasoning concerning responsibility, one can identify and discuss many of the agents involved in creating disparities in access to mobility and differentiated rights. These include states and transnational institutions, which have vast *power* to change migration policy; companies, wealthy citizens, and employers, who enjoy *privileges* due to the global migration

injustices; transnational organisations and regional governments, which have a *collective ability* to contribute to changing current practices; and disadvantaged states and migrants, who have an *interest* in seeing these policies changed. Young describes these parameters as “four parameters agents can use for reasoning about their actions and those of others in relation to collective action to redress injustice”(Young, 2010, p. 144). I take it that Young does not believe that this is an exhaustive list of possible parameters for social positions but rather those that seem particularly relevant and describe the most important social positions people have in relation to structural injustices. Indeed, the idea that one can have a complete and sufficient list of necessary criteria for how agents are involved in structural processes, and from this derive responsibility, seems implausible to me. Various interpretations of structural processes are likely to conceive of different relevant parameters. As such, the validity of the list of parameters should continually be evaluated according to how plausibly they track and explain the social structures.

Many agents will of course have responsibility according to several of these parameters. As mentioned in section 2, although Young’s structural injustice model allows us to consider the responsibility of more agents than a liability model, it does make it somewhat more difficult to estimate exactly how responsible any particular agent is. Yet, it seems clear that an agent bears a heavier burden for doing so when that agent both has more power and collective ability to rectify an injustice. As previously mentioned, the most powerful agents in the global migration regime are states, international organisations, and large companies. However, there are many others who are involved in the societal processes and who therefore also have responsibility for righting wrongs. Furthermore, the responsibility of states in particular has received a lot of attention,<sup>4</sup> yet the role of individuals is often neglected. Because individuals are clearly involved in migration structures, and their responsibility has received less scrutiny, in the following three sub-sections I discuss the responsibility individuals have in relation to migration injustice and consider ways one might go about discharging such a responsibility. I identify three groups of people relevant to this discussion: privileged migrants who benefit from structurally unjust migration practices (4.1), citizens in general who benefit from migrant labour (4.2), and disadvantaged migrants who have an interest in changing the unjust structures they are subject to (4.3).

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<sup>4</sup>For more on state responsibility for structural migration injustice see David Owen (2020) and Peter Higgins (2013). Higgins, briefly put, argues that structural migration injustice leads to a normative responsibility on states to prioritise disadvantaged social groups.

#### *4.1 Privileged migrants*

Perhaps the most noticeable aspect of migration injustice, at least seen from the global North, is that in addition to the strict border policies towards unwelcome migrants, many people are also clearly privileged. Their privilege consists in benefitting from a structure that produces inequalities in access to migration opportunities and treatment of migrants. Such benefits include being able to migrate to many different countries, being welcomed on arrival, given extensive rights and protections, and often given paths to citizenship. According to the structural injustice model, privilege leads to responsibility. As Young puts it:

Where there are structural injustices, these usually produce not only victims of injustice, but also persons with relative privilege in relation to the structures. [...] Persons and institutions that are relatively privileged within structural processes have greater responsibilities than others to take actions to undermine injustice. As beneficiaries of the process, they have responsibilities. Their being privileged usually means, moreover, that they are able to change their habits or make extra efforts without suffering serious deprivation. (Young, 2010, p. 145)

In relation to the structural injustice of migration opportunities, educated, wealthy citizens — particularly from countries in the Global North, are clearly benefitting. Their freedom of movement, preferential treatment, and easier access to citizenship when migrating means that they occupy a position of privilege in the structure of global labour migration. Their wealth and education also make them more likely to be able to contribute without “suffering serious deprivation.” According to the structural injustice model, through benefitting from structural processes that harm others, they therefore have some responsibility to remedy migration injustice.

In relation to sweatshops and the structural injustice of the international garment industry, Young gives the example of ordinary consumers who benefit from cheap clothes. Due to their privileged position in this relationship with the people who make their clothes, they have a responsibility to help better the situation and can discharge this responsibility by, for example, changing their consumption habits or encouraging textile companies to treat their workers better. Similarly, people who benefit from unjust migration arrangements — privileged migrants — have a responsibility to alter their behaviour in order to remedy this injustice. Yet, asking them to change their choices of where to migrate is perhaps more demanding than changing purchasing habits for clothes. Some might retort that purchasing clothes is more necessary than migrating. At least it is more demanding to alter migration choices in the sense that larger life choices are affected whether one migrates for work, family, or education. Moreover, it is somewhat unclear whether and how such altered choices might contribute to reducing the structural injustice of differentiated treatment and access to migration. Indeed, if

many people simply did not migrate in order to let other less privileged people do so, it seems too hopeful, and perhaps naïve, to think that this would actually alter employers' or states' behaviour towards less advantaged migrants.

Privileged migrants could therefore respond in different ways, such as contributing politically through collective action. After all, the responsibility to alter structural injustice is, according to Young, both shared and political rather than individual and moral:

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 reorganise their activities and relationships to coordinate their action and coordinate it differently. (Young, 2010, p. 147)

Young's examples of these kinds of organisations are unions, church groups, and stockholder organisations. In the case of sweatshop workers, she also gives the example of student groups and university communities. The importance of coordinating organisations is clearly also paramount in the case of rectifying immobility. Any state, employer, or individual migrant, whether advantaged or disadvantaged, can do little to alter global structural injustice if they do not coordinate their actions, although some are certainly more powerful than others. In the case of the structural injustice of immobility and treatment of migrants, many groups have the collective ability to bring about change. For example, labour unions can help promote the opportunities of migrants; non-governmental organizations (NGOs) can advocate fairer migration regulations; political parties can impact state admission rules; global institutions can coordinate state action; and university communities can promote more equal access for foreign students and faculty.

It is also important to note the role of local and regional governments. This can be exemplified by the role of so-called sanctuary cities in the United States, which work to help migrants. They do so by making it more difficult for the central government to enforce immigration laws, not cooperating with governmental immigration enforcement agencies, and not subjecting local governmental services to checks of citizenship. By helping "illegal" migrants, local government can thereby discharge some of the obligations that stem from their ability for collective action.<sup>5</sup>

In short, there are many collective methods by which privileged people in general can — and many in fact do — contribute towards bettering the structural injustices in migration. However, what is important to note for our purposes is why they should be doing so. According to the argument presented here, such assistance or political action should not be seen as merely grounded in a duty of assistance to aid the less fortunate but rather in the political responsibility

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<sup>5</sup>For an overview of sanctuary policies and the moral justification of them, see Patti Lenard (2019).

engendered by privileges under current unjust structural migration arrangements. Because their privilege is socially connected to harm done to others through the structural conditions within which they interact, they have a political responsibility to alter the situation. Furthermore, the more an individual is privileged, the more responsible they are.

#### *4.2 People who benefit from migrant labour*

Another way people can be clearly privileged by structural injustices in migration is by benefitting from underpaid migrant labour. Migrants often have fewer rights and are paid less than other workers. Whether that labour is taking place in their own state or in another country where the products they consume are being made, citizens who consume the products produced by underpaid migrants have a responsibility because they benefit. Of course, one's responsibility as a consumer is likely to be different according to whether the work is being done in their own state or elsewhere, at least in the sense that they have more of a collective ability to influence the conditions in their own countries. Yet, both domestically and internationally, they have a responsibility to better the situation for the migrants whose work they are benefitting from, whether they are reliant on farm labour for the food they eat or medical workers in their hospitals. People will be able to take responsibility to different degrees according to how privileged they are and how easy it is for them to change their habits without suffering as a consequence. They can discharge this responsibility in much the same way as the privileged migrants above by contributing towards bettering the migration opportunities and treatment of more disadvantaged migrants. Furthermore, because their responsibility is based on their benefitting from migrant labour, they bear a particular responsibility to contribute to bettering the labour and citizenship rights of such disadvantaged migrants and to contribute towards more equal rights for all migrants in a society.

Although it is clearly too demanding to ask every citizen to have knowledge of all groups of migrant workers, different rights, and regulations — and the specific harms that befall many migrants — what one can demand is a general acknowledgement of the situation: the privileged are indeed privileged and that their advantages are maintained by harm done to others. The exact degree of responsibility each individual has is also difficult to establish according to this framework. As we saw above, there are several ways that one gains responsibility for structural injustice, and many ways that one can discharge it. Furthermore, I do not think that the structural injustice framework can, or even should, prescribe specific action for each individual. What it gives is a model for deciding who has responsibility for structural injustices and why, not a straightforward way to decide exactly how much responsibility each individual has and how they should discharge it. Indeed, this seems to be a natural consequence of the framework of

structural injustice discussed in section 2. The theory is not trying to trace causal liability but rather consider how agents are involved in social structures sustaining injustices. And although their social positions are clearly related to the causal interactions by which the social system instantiates injustice, it is more difficult to prescribe an appropriate amount of responsibility from what social position an agent occupies. Furthermore, rather than merely tracing causal structures, the structural injustice model goes beyond that by looking at agents' possibilities for reforming that very structure. And these possibilities are not given by their current interactions. As such, I would argue that structural injustice both is and is not qualitatively distinct from liability injustice. It is not distinct in that it seeks to trace causal interactions by examining structural processes. In order to reify a social structure, you need to examine how it works and who plays which roles. At the same time, Young's model is distinct in the sense that the forward-looking solutions go beyond this causal interpretation of people's roles and social positions. You are not merely responsible for helping making better what you contribute to making wrong but also to make better what you are in a position to make better. Indeed, according to the structural injustice framework, you can be responsible without making anything wrong at all, as the case below makes clear.

#### *4.3 The responsibility of disadvantaged migrants and disruptive politics*

Sometimes agents' interests coincide with the responsibility for justice. Victims of structural injustice in particular have unique interests in undermining injustice, and they ought to take responsibility for doing so. (Young, 2010, p. 145).

As Young points out, if we follow the liability model whereby responsibility is grounded in causality and blame, it would be perverse to give victims of an injustice responsibility to remedy it. Indeed, this would be a philosophical kind of victim blaming. However, according to a social connection model this is not the case. For although they might not be blameworthy for creating the unjust structures, disadvantaged migrants certainly have an interest in changing them. As mentioned in section 3, labour migrants receive vastly differentiated treatment, and the degree to which someone is disadvantaged varies a lot. A Nepalese construction worker employed under the *kafala* ("sponsorship") system in Qatar is clearly more disadvantaged than a Polish plumber working in Norway. And although there is disagreement as to the justifiability of the differentiated treatment of temporary labour migrants, there is no disagreement about the existence of such differentiated treatment and that some migrants have fewer advantages than others. So regardless of whether one considers the individual migrants



exploited, there can be little doubt that they have an interest in seeing their conditions improved.

In the case of the sweatshop industry, Young refers to the workers having an interest in their conditions being bettered. Although they most often have limited resources and ability to change the conditions, Young points out that they can and do attempt to organise workers, participate in campaigns, and give information which can highlight their situation. In the same manner, disadvantaged migrants have an interest in increasing their mobility and the rights they are given. How might they go about discharging this responsibility? One way is to organise and speak out against current injustices, as many do. In addition to contributing with their perspectives and insights to the work mentioned above, an important use of collective ability today consists of informal networks of immigrants who organise and aid people from their own countries of origin. These groups help people migrate, find work, understand local rules, and negotiate bureaucracy. These are clear expressions of migrants taking responsibility to better the situation they find themselves in.

Another way that migrants contribute to alleviating global injustice is through remittances. Indeed, the redistribute effect of remittances is often used as a main argument in favour of guest worker programs (Lenard and Straehle, 2012, p. 210). Whereas this does not in itself combat migration injustice, it does contribute towards alleviating global inequalities, which are intricately tied to the reproduction of and reasons for migration injustices. Yet, it is clear that in many instances people have few avenues to contribute to political change. It is therefore worth considering whether there are alternative ways they might discharge this responsibility. Recall the discussion in section 2 concerning what is likely to bring about structural change and Young's pragmatic opposition to using blame. A problem with this avoidance is that in many instances simply pointing out that something is unfair is unlikely to motivate someone to take responsibility for changing it. Indeed, as Young acknowledges in relation to conservative beliefs in personal responsibility in relation to structural poverty, some beliefs are used to absolve individuals of responsibility to change unfair structures. Although this is more readily appreciated in the case of, for example, racist beliefs justifying white privilege or misogyny justifying male privilege, I believe it also applies to meritocratic and nationalist beliefs justifying structural migration injustice.

One objection to the argument that migration access is structurally unjust is that, although it results in some people having fewer opportunities and worse treatment, this is merely an unfortunate result of a fair system. Current admission policies based on skills, health, and wealth are meritocratic and fair. People are treated differently, but they have different abilities, and states have different demands. The unequal treatment of migrants based on their skills, class, advantaged, and abilities is therefore

fair. Now, if one agrees that the structural injustice argument presented above is correct, how might we read such a response? We can read it as a mistaken understanding of a state of affairs in the world, which once properly informed, people will seek to rectify. However, we can also read it as a mistaken belief that facilitates an avoidance of responsibility. In order to defend their position, people of privilege consider their position fairly acquired no matter whether actually be the case. This kind of ignorance is described by Hayward in relation to racial injustice in the following manner:

The mechanisms of their production include information gate-keeping by powerfully positioned members of dominant groups, dominant background beliefs and assumptions, which many individuals, especially (but not only) members of dominant groups internalise, and the psychological investment that privileged members have in maintaining a sense of the self as ethical, even as they enjoy systematic unearned advantage. (Hayward, 2017, p. 404)

In the case of migration injustice, the belief that the current admission systems are fair and do not discriminate can be seen as a background assumption by means of which the privileged protect their unearned advantage. If this is the case, it is not likely that suggestions of more equitable opportunities to migrate or giving migrants equal access to rights will be well received. After all, if the current system is fair, what moral problem needs to be solved? In light of this, it would seem that Young's pragmatic avoidance of blame and constructive collective politics might not be satisfactory to bring about change, at least not on its own. The usefulness of disruptive politics is well exemplified by the #MeToo movement, whereby the ability to point the finger of blame has played an important role in the work for systemic change. In the case of racial injustice, Hayward argues for the role of disruptive politics, by which she means "boycotts, mass protests, sit-ins, die-ins, and other forms of unruly political action" (Hayward, 2017, p. 405). The latter have recently been successfully employed in the protests following the murder of George Floyd in Minneapolis, Minnesota, in May 2020. It seems to me that there is good reason to assume that such disruptive political action will also be necessary in the case of bringing about change to migration injustice. After all, there seems to be little willingness in the Global North to substantially alter current admission requirements and treatment of migrants, regardless of how many people protest unfair conditions or how many migrants drown in the Mediterranean.

In "The Ethical Consequences of Criminalizing Solidarity in the EU" Melina Duarte considers the impact of criminalising aid towards refugees and migrants in the EU (Duarte, 2020). Duarte argues that this can have unintended damaging consequences for the EU, leading to increased polarisation and confusion about who actually counts as illegal, and making it more difficult for citizens to fulfil their moral duties to people in need. The important point to note here is that the

continuation of such aid, even when illegal, can be seen as a form of disruptive politics aimed at overcoming a structural injustice. Indeed, these kinds of actions might be pragmatically necessary to shed some light on the deliberate avoidance of moral responsibility by EU states.

Another avenue of disruptive action is discussed by Nuti, who points out that temporary labour migrants often conform to racial and gender stereotypes that help reproduce the structures of injustice (Nuti, 2018, p. 214). And although they should not be blamed for this, expressions of non-conformity might thereby also be seen as a way to take responsibility. Furthermore, such expressions might contribute towards dismantling the kinds of background beliefs that help reproduce social inequities.

Finally, one avenue of disruptive politics, available to disadvantaged migrants, is to migrate no matter whether it is legal to do so. Gwilym David Blunt argues that because migration restrictions are unjust, people have the right to conduct infra-political resistance by migrating (Blunt, 2018). Blunt draws an analogy with slaves escaping to the North in the United States. "Slaves and the global poor are both denied secure access to the human rights. This is because social institutions that define the positions are characterised by domination" (Blunt, 2018, p. 90). He furthermore argues that this denial of access to human rights legitimises resistance, which in this case is so-called illegal migration. In the same way, according to a structural injustice argument, migrants can be seen as discharging their responsibility grounded in interest by migrating without permission. They are thereby contributing to shining a light on and undermining the structural conditions that bring about their disadvantage.

To clarify, I am not arguing that disadvantaged migrants have a duty to illegally migrate. Rather, I am pointing out that, given the structural injustice in access to mobility and the wilful ignorance of privileged groups, illegally migrating can be seen as a morally praiseworthy act. Furthermore, I do not think illegally migrating will change many people's minds; indeed, many will react with hostility to such migration. But it is one way people can discharge responsibility, and it can contribute to shining a light on immoral structural inequalities. After all, only by people becoming aware of structural injustices, is it likely that people will contribute to changing current practices. As Hayward puts it:

Disruptive politics are not a matter of moral suasion. Their aim is less to convince those who are systematically advantaged by structural injustice that they ought to "do the right thing" than to make it all but impossible for the privileged to not hear the voices of, to not know the political claims of, the oppressed. (Hayward, 2017, p. 406)

Ideally, of course, revealing the facts above about the systematic injustices in international migration, should prompt individuals to act. After all, once they have become aware of the injustices and harms, should not people and states

change their ways? However, as with many kinds of structural inequalities, such as those rooted in misogyny, colonialism, and racism, merely revealing unfair structures is unlikely to bring about change. Therefore, there is also a role for disruptive politics in overcoming migration injustice as well as the more traditional political avenues.

## 5. Conclusion

In this paper, I argued that the vastly unequal access people have to migration and the differences in the treatment they receive constitute a structural injustice. I have also pointed out that individuals bear some of the responsibility for these injustices and considered how they might discharge such responsibility. This personal responsibility is based on either their privilege in these societal arrangements, typically benefitting from unequal migration arrangements and migrant labour, or their interest in seeing these systems changed, typically disadvantaged by worse treatment and lacking migration opportunities. And although the degree of responsibility is difficult to ascertain according to a structural injustice model, the important thing to note is that individuals are indeed responsible, and to point towards some way they might discharge this responsibility. Possible ways to discharge this responsibility include contributing to NGOs, political parties, local government, employers, and informal networks. Finally, I considered the retort that current migration opportunities are fair because they are mostly transparent and meritocratic. I argue that this, in addition to being a normative argument, can be understood as a kind of defence mechanism by the privileged: if my wealth and migration privileges do not depend on the misery of others, I am not responsible for helping them. Meritocratic belief and nationalism can thereby work as a defence mechanism for privileged citizens to order to avoid the responsibility they have for the harms societal arrangements do to others.

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