Ethics in Progress (ISSN 2084-9257). Vol. 17 (2026). No. 1,
Art. #5, pp. 65-104. DOI:10.14746/eip.2026.1.5

Reimagining Justice Beyond Blame: Defending Iris Marion Young's Social Connection Model

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Abstract: This paper defends Iris Marion Young's Social Connection Model (SCM) as a superior framework for understanding responsibility for structural injustice and proposes a conceptual intervention into what I term the punishment dilemma. The dilemma is this: the liability model's backward-looking focus on blame is conceptually mismatched to structural phenomena (since no identifiable perpetrator exists), yet impunity is morally intolerable. The liability model – built on identifiable wrongdoing, direct causation, and culpable intent – fails because structural harms are processual, systemic, and normalized. Young's SCM performs a foundational shift from fault to social position: responsibility derives not from culpable action but from constitutive participation in interconnected social processes that produce unjust outcomes. I reconstruct the SCM's philosophical architecture, showing how its five features and four parameters provide a coherent alternative. Drawing on Virginia Mantouvalou's analysis of state-mediated vulnerability and Serena Parekh's work on gender violence and refugee policy, I demonstrate that structural injustice generates a demand for accountability that retributive punishment cannot satisfy. I then develop transformative sanction: punitive or quasi-punitive measures justified not by backward-looking desert but by forward-looking structural disruption. Young's four parameters – power, privilege, interest, and collective ability – provide criteria for operationalizing this framework. I address the indeterminacy critique (Christian Barry and Luara Ferracioli) and the motivational challenge (Martha C. Nussbaum), showing that the SCM survives both. While further specification of procedural safeguards is needed, the SCM stands as a philosophically coherent and politically actionable framework for transforming structural injustice.

Keywords: Iris Marion Young; structural injustice; social connection model; liability model; transformative sanction; ressentiment; state-mediated injustice.

I. Introduction

How should we hold agents accountable for harms that no single person intends and no single act causes? This question lies at the heart of contemporary debates about structural injustice. Consider a low-wage single mother (Sandy) facing eviction not because any landlord or policymaker has acted maliciously, but because the combined effects of urban redevelopment, unaffordable housing, and inadequate transportation systems produce predictable patterns of displacement (Young 2011, 43–48). Consider communities living near industrial facilities who suffer from pollution not because any single executive ordered illegal dumping, but because regulatory frameworks, economic incentives, and routine business practices systematically externalize environmental costs onto marginalized populations. In such cases, harm emerges not from isolated wrongdoing but from the normal operation of social structures (Young 2011, 43–64). This paper addresses what I term the punishment dilemma for structural justice, and it offers a way forward through Young's Social Connection Model (SCM). The paper does not claim to resolve the punishment dilemma definitively. Rather, it offers a conceptual intervention within an ongoing theoretical debate, proposing transformative sanction as one possible way forward rather than the definitive solution. The aim is to suggest that Young's SCM, when extended through the concept of transformative sanction, provides a coherent and actionable framework for accountability in structural contexts – without claiming to be the only or final word on the matter.

The punishment dilemma consists of three claims that cannot be simultaneously maintained. First, the prevailing liability model of responsibility – with its juridical focus on blame, voluntary action, and direct causation – is constitutively mismatched to structural injustice. Young demonstrates this through the paradigmatic case of "Sandy," a low-wage single mother facing eviction through no individual's malicious intent (Young 2011, 43–48). The harm Sandy experiences cannot be traced to any single act of voluntary wrongdoing; it is the emergent effect of multiple interdependent processes operating according to their normal logic. The liability model cannot locate a culpable perpetrator because none exists. Second, simply abandoning accountability is unacceptable. Impunity for systemic harms – environmental destruction, labour exploitation, institutional violence – compounds injustice with indifference. Moreover, as Parekh (Parekh 2011, 684–686) argues, victims of structural injustice often demand accountability as a form of recognition. To dismiss these demands as mere *ressentiment*[1] would be philosophically arrogant and politically disabling. Third, the institutions through which we might pursue accountability are themselves embedded in the structures that produce injustice. As Mantouvalou (2023, 11–25) demonstrates, the state often does not merely fail to protect vulnerable populations but actively constructs vulnerability through law. The legal system that would punish is the same system that, through its ordinary operations, legitimizes exploitation and shields powerful actors from consequences. We are trapped: neither retributive punishment nor impunity offers an acceptable path forward.

This paper defends Young's Social Connection Model as the framework that can navigate this dilemma. I make three interconnected contributions. First, I reconstruct

1 In this paper, ressentiment (a term from Nietzsche, adapted by Young) refers to a reactive, blame-seeking moral psychology that demands a guilty individual to punish. As Young (Young 2011, 115) puts it, ressentiment "allows those who lay blame to wallow in the past." Applied to structural injustice – which has no single perpetrator – ressentiment traps us in backward-looking blame rather than forward-looking transformation. The problem is not that victims' demands are illegitimate; the problem is that retributive punishment channels those demands into a search for a culprit that structural injustice lacks.

Young's SCM in its full philosophical architecture (Young 2003a, 2003b, 2004, 2006, 2011). I show how its foundational shift from fault to social position, its five defining features (non-isolating, judging background conditions, forward-looking, shared, and requiring collective action), and its four parameters (power, privilege, interest, and collective ability) provide a coherent alternative to liability thinking. Responsibility, on this view, is not about identifying culpable wrongdoers but about understanding how our social positions implicate us in ongoing structural processes. Second, I demonstrate through contemporary applications that structural injustice generates a demand for accountability which retributive punishment cannot satisfy. Drawing on Mantouvalou's (2023) analysis of state-mediated vulnerability and Parekh's (2011, 2020) work on gender violence and refugee policy, I show how the punishment dilemma emerges in concrete contexts – from precarious workers trapped by employment law to women subjected to violence rooted in cultural norms to asylum seekers punished for irregular entry. Third, I develop the concept of transformative sanction: punitive or quasi-punitive measures whose justification is not backward-looking desert but forward-looking structural disruption. I show how Young's four parameters provide criteria for determining when such sanctions are appropriate and how they should be structured. I operationalize this framework through concrete institutional mechanisms and a practical decision-making matrix, demonstrating that transformative sanction is not merely a theoretical proposal but a usable analytical tool.

The argument proceeds in seven stages. Section II demonstrates why the liability model fails, engaging with extensions by Christopher Kutz, David Miller, and Robert E. Goodin. Section III reconstructs Young's SCM, explaining its five features and four parameters. Section IV draws on Mantouvalou and Parekh to show how structural injustice generates the punishment dilemma. Section V deepens this diagnosis through Young's Nietzsche critique of ressentiment. Section VI develops transformative sanction as a constructive alternative, distinguishes it from restorative and transformative justice, operationalizes it through institutional mechanisms and a decision-making matrix, and defends it against co-optation. Section VII addresses the two strongest objections to Young's framework: Barry and Ferracioli's indeterminacy critique and Nussbaum's motivational challenge. Section VIII concludes by synthesizing the paper's central claims and reorienting the philosophy of punishment toward structural transformation.

Before proceeding, a brief note on methodology is in order. This paper is a work of analytic political philosophy. It proceeds by conceptual analysis (clarifying the concepts of liability, responsibility, and structural injustice), normative argument (defending the SCM as a superior framework), and constructive theorizing (developing the concept of transformative sanction). It draws on the history of philosophy (Arendt, Nietzsche, Jonas, Kant, Hegel) to ground its arguments and on contemporary political theory (Mantouvalou, Parekh, Barry, Ferracioli, Nussbaum) to engage with current debates. It does not aim to provide empirical evidence for its claims, though it draws on empirical examples to illustrate its arguments. Its primary contribution is philosophical: to clarify the logic of accountability for structural injustice and to propose a new framework for thinking about punishment beyond retribution.

This paper demonstrates why liability thinking fails for structural injustice, shows how Young's SCM offers a superior alternative, develops transformative sanction as a way to hold agents accountable without falling back into retributive logic, and establishes how Young's four parameters can guide practical judgment in structural contexts. While further work on institutional design and procedural safeguards is needed, this paper provides a philosophically coherent framework for reimagining justice beyond blame.

II. The Liability Model and Its Limits

Before we can appreciate the necessity of Young's alternative – and, consequently, before we can understand why punishment must be reconceived for structural contexts – we must understand with precision why the established paradigm fails. This failure is not incidental but stems from the liability model's core philosophical commitments, which render it conceptually unequipped to comprehend, let alone address, harms of a structural nature.

II.1. The Philosophical Architecture of Liability

Young defines structural injustice as occurring 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" (Young 2011, 52). This definition highlights three essential characteristics that liability thinking cannot adequately address: the processual nature of harm (it emerges from ongoing social processes rather than discrete events), its systemic character (it affects groups through patterned social positions rather than individuals through unique misfortune), and its normalized operation (it functions through ordinary, often rule-governed conduct rather than exceptional wrongdoing).

The liability model, in contrast, is built upon what we might call the juridical triad[2]: identifiable agents, voluntary wrongdoing, and direct causation. Young makes this structure explicit when she writes that the liability model "seek[s] to identify liable parties for the purposes of sanctioning, punishing, or exacting compensation or redress" (Ibid., 98). Its natural home is the courtroom or the moral assessment of discrete interpersonal wrongs like assault, fraud, or breach of contract. When we apply this triad to structural cases, a profound conceptual mismatch emerges.

Consider the paradigmatic case Young develops of "Sandy," a low-wage single mother

2 This triadic formulation is my synthesis of Young's analysis across Young (2011, 95–122).

facing eviction due to urban redevelopment, unaffordable housing, distant employment, and inadequate transportation (Ibid., 43–48). As Young demonstrates, no individual agent – not the developer, the employer, the landlord, nor the policymaker – acts illegally or with malicious intent. Each operates within the accepted rules of the market and policy, pursuing legitimate goals. The harm Sandy experiences cannot be traced to any single act of voluntary wrongdoing or to a direct causal chain; it is the emergent effect of multiple interdependent processes operating according to their normal logic. This is the core of the mismatch: liability models require linear, traceable causation, but structural injustice operates through diffuse, emergent, non-linear processes. As Young puts it, the actions of particular persons: "do not contribute to injustice for other persons directly, moreover, but rather indirectly, collectively, and cumulatively through the production of structural constraints on the actions of many and privileged opportunities for some" (Ibid., 96). The liability model, in seeking to isolate a culpable perpetrator, fundamentally misidentifies the ontological character of the harm. It attempts to impose an agent-centric, event-based ontology onto what is fundamentally a systemic, processual phenomenon.

This mismatch has direct political consequences. As Young observes, the application of liability thinking to structural contexts tends to produce "blame-switching" (Ibid., 117), a dynamic where agents whose actions contribute to structural processes point the finger at others, and in the ensuing game of moral musical chairs, responsibility evaporates. This political fragmentation flows directly from the philosophical premises of liability: if responsibility requires finding the culpable party, then exonerating oneself becomes the rational response. The model thus systematically undermines the very collective agency needed to address structural problems.

II.2. Extended Liability and Its Failures

Before turning to Young's alternative, we must ask a basic question: can liability thinking be stretched to cover structural harms? Perhaps if we relax its assumptions – about finding a specific wrongdoer, proving they acted voluntarily, or tracing a direct causal chain – liability might still work. Kutz, Miller, and Goodin each offer theories of responsibility for collective harms that might seem to do this. But if we examine their theories as potential extensions of liability, each fails. Why does this matter? Because their failures reveal something important: structural injustice violates the very assumptions that make liability thinking work at all. The conclusion is clear: we do not need a weaker version of liability. We need a completely different model of responsibility.

Kutz on participatory intention. Kutz (Kutz 2000, 74–112) develops the idea of "participatory intention." His argument is simple: when you intentionally join a group project that causes harm, you share responsibility for that harm – even if your own action seems small. This works well for organized groups: a military unit, a corporation, a conspiracy. Everyone involved shares a common plan. But if we try to use Kutz's model as an extension of liability to structural harms, we run into trouble. Consider harms such as climate change and housing shortages. Here, no one planned the harm. No group project exists. Kutz calls these "unstructured collective harms"[3] because they come from millions of uncoordinated, everyday actions. To make his model work for such cases, Kutz invents a "quasi-participatory" relationship based on shared habits (Kutz 2000, 188). But this is a stretch. Structural harms emerge from routine actions – buying goods, renting apartments, driving cars – not from any shared intention. Without a shared plan, there is no "participatory intention." As an extension of liability, Kutz's model fails because it cannot explain why anyone bears responsibility for structural harms (Kutz 2000, 188; Young 2011, 102–103). What this teaches us is that structural injustice does not require shared intentions. Any adequate model must assign responsibility without requiring a shared plan.

Miller on outcome-responsibility. Miller (Miller 2007, 87–90) develops the idea of "outcome-responsibility." Imagine a careful driver who hits a pedestrian. The driver did nothing wrong. They took all precautions. But they still caused harm. Miller says they are "outcome-responsible" for the injury – not because they are to blame, but because their action produced the outcome. This seems promising for structural injustice. Perhaps we can hold people responsible for harmful outcomes without proving they intended harm or acted badly. But if we try to use Miller's model as an extension of liability, we encounter a problem. Miller's model looks backward: it asks who caused a harm that has already happened. It also looks at individuals one by one: it tries to trace each person's contribution to the outcome. This works when one driver hits one pedestrian. But structural harms come from thousands or millions of people acting independently. No single person's action caused any particular victim's eviction or illness. As Young argues, Miller's model "presupposes that we can trace individual contributions to outcomes" – but structural emergence makes this impossible (Young 2011, 104–105). As an extension of liability, Miller's model fails because it cannot handle emergent, forward-looking harms. What this teaches us is that structural injustice is forward-looking (it will continue unless we change it) and emergent (no single cause can be found). Any adequate model must look forward and focus on systems, not isolated individuals.

Goodin on vulnerability. Goodin (Goodin 1985, 109–144) develops a "vulnerability model"[4] of moral duties. His argument is that when one person's interests are vulnerable to another's actions, the powerful person has a special duty to protect the vulnerable one. This captures something true about structural injustice: it does create deep inequalities of power and vulnerability. But if we try to use Goodin's model as an extension of liability to structural injustice, we find a different problem. Goodin's model turns collective

3 Kutz defines unstructured collective harms as those "produced by the aggregate effects of large numbers of individuals acting independently, without any coordinating intention or agreement" (Kutz 2000, 188).

4 Goodin defines vulnerability as "a condition in which one person's interests are subject to damage or diminution by the actions of another" (Goodin 1985, 110). His model argues that vulnerability creates special moral duties of protection.

political problems into private, one-on-one relationships. It asks: who is vulnerable? Who has power over them? What duty does that powerful person have? This shifts attention away from changing unjust systems and toward individual acts of charity or protection. As Young puts it, Goodin's framework tends to "individualize and privatize" collective political problems (Young 2011, 166–168). The state becomes the default protector, which can actually reduce ordinary citizens' sense of political responsibility rather than increasing it. As an extension of liability, Goodin's model fails because it cannot capture the collective, political nature of structural injustice. What this teaches us is that structural injustice is collective and political, not just a collection of individual vulnerabilities. Any adequate model must be collective and political, not private and dyadic.

What all three share. Notice the pattern. Each philosopher offers a theory of responsibility for collective harms. But if we try to use these theories as extensions of liability – as ways to make liability work for structural injustice – each fails. Kutz needs a shared intention that does not exist. Miller needs traceable individual causes that cannot be found. Goodin needs one-on-one relationships where only systems exist. Structural injustice violates all three assumptions that liability requires: identifiable agents, voluntary wrongdoing, and direct causation.

Young draws the right conclusion: "responsibility in relation to structural injustice should not be thought of as an attenuated form of responsibility as complicity" (Young 2011, 103–104). We do not need a weaker version of liability. We need "a different conception of responsibility altogether" (Ibid., 104). That is what the Social Connection Model provides. I now turn to explaining Young's alternative.

III. The Social Connection Model

Young's Social Connection Model (SCM) represents a genuine alternative to liability thinking – not merely a modification but a distinct paradigm built upon different ontological and normative premises. In this section, I reconstruct the model's core architecture, demonstrating its internal coherence and its superiority for conceptualizing responsibility in structural contexts.

III.1. The Foundational Shift: From Fault to Position

The foundational move of the SCM is to decouple responsibility from fault and recouple it with social position. Young articulates this pivot with crystalline clarity:

> Individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent processes of cooperation and competition through which we seek benefits and aim to realize projects (Young 2011, 105).

This formulation accomplishes several crucial philosophical moves simultaneously.

First, it establishes that the basis of responsibility is not culpable action but participation in structural processes. One is responsible not because one has done something wrong, but because one is constitutively situated within webs of social interdependence that produce unjust outcomes. This represents a shift from a morality of intention to a politics of position. Second, it universalizes the scope of responsibility beyond specific relationships to encompass anyone implicated in the relevant structural processes. Third, it reorients the temporal direction of responsibility: the obligation is not to account for the past but to transform the future.

This reorientation resonates with Hans Jonas's argument in *The Imperative of Responsibility*, where the cumulative, long-term effects of collective technological actions call for a new ethics suited to technological civilization (Jonas 1984, Ch. 1–2). Young draws on this forward-looking orientation to clarify that political responsibility is concerned with preventing future injustice rather than assigning liability for past wrongdoing (Young 2011, 108). However, Young advances beyond Jonas by providing a social theoretical framework that specifies how we are connected. Where Jonas issues a general imperative of responsibility for the future of humanity, Young offers a structural map of specific social connections – through labour markets, trade regimes, legal systems – that allows us to determine who bears responsibility for what. This move from ontological urgency to structural specificity is what grants the SCM its political traction.

III.2. The Five Features: A Systematic Alternative

Young elaborates the SCM through five interrelated features that systematically counter the limitations of liability thinking (Young 2011, 105–117).

First, the SCM is **non-isolating**. The liability model operates through a logic of separation: it seeks to identify and isolate specific wrongdoers, thereby distinguishing them from – and implicitly exonerating – all others. As Young observes, drawing on Hannah Arendt,[5] "the purpose of finding guilt is to focus on what particular agents have done in their singularity" (Ibid., 105). In direct contrast, the SCM implicates "all the persons who participate by their actions in the ongoing schemes of cooperation that constitute these structures" (Ibid., 106). They are implicated, as Young stresses, "without being specifically at fault" (Ibid., 106). Young rejects the isolating logic because it is practically incoherent in structural contexts – where none of us can trace our individual actions to specific aspects of the injustice – and because it is politically corrosive, allowing other implicated parties to be absolved while triggering a paralyzing blame-switching dynamic (Ibid., 117). The SCM, therefore, replaces the search for the guilty with an acknowledgment of shared implication.

Second, the SCM requires that we **judge background conditions**. Liability

5 Arendt distinguishes between guilt and political responsibility. Guilt is personal, backward-looking, and requires an identifiable perpetrator. Political responsibility, by contrast, is collective, forward-looking, and derives from membership in a political community. Young adapts this distinction in developing the Social Connection Model (see Arendt 1963; Arendt 1998).

assesses actions against background rules it assumes as normatively neutral. A wrong is conceived as "a specific deviation from an acceptable baseline" (Ibid., 107). The SCM, by contrast, demands we subject the "normal and accepted background conditions of action" themselves to critical scrutiny (Ibid., 107). When we judge that structural injustice exists, we are saying that at least some of the normal background conditions are not morally acceptable. Most of us contribute to structural injustice precisely because we follow accepted rules and conventions, often habitually, without explicit reflection on their wider implications (Ibid., 107). This represents a fundamental reversal: where liability takes structure as given, political responsibility interrogates the structure's justice.

Third, the SCM is **forward-looking**. This feature marks the decisive temporal reorientation from the liability model. While liability practices may sometimes look to deter future acts, their "primary purpose (...) is backward-looking" (Ibid., 108). The SCM, by contrast, assigns responsibility for structural injustice that "has existed recently, is ongoing, and is likely to persist unless social processes change" (Ibid., 109). The point is not to compensate for the past, but for all who contribute to processes that produce unjust outcomes to work to transform those processes. This forward-looking imperative means responsibility "cannot be discharged by isolated individuals but requires collective action" aimed at altering future trajectories (Ibid., 109).

Fourth, the SCM is **shared**. From the premise that the SCM does not isolate liable parties in ways that implicitly absolve others, it follows that all who contribute to structural processes share responsibility for those harms. As Young clarifies:

> As I understand it, shared responsibility is a responsibility I personally bear, but I do not bear it alone. I bear it in the awareness that others bear it with me; acknowledgment of my responsibility is also acknowledgment of the inchoate collective of which I am a part, which together produces injustice (Young 2011, 110).

Young's point is this: responsibility is personal (I bear it) but not solitary (I do not bear it alone). When I acknowledge my responsibility, I necessarily acknowledge that I belong to an 'inchoate collective' – a group of people who, through their interconnected social positions, together produce structural injustice. This collective is 'inchoate' (meaning 'just beginning' or 'not yet fully formed') because it is not yet organized as a political actor, but it exists as a matter of social fact. For example, all consumers who participate in an exploitative supply chain form an inchoate collective: they are not organized, but they share structural responsibility.

Fifth, this responsibility **requires collective action**. This feature follows from the essentially shared nature of the responsibility. Young argues that forward-looking responsibility "can be discharged only through collective action" aimed at transforming structures (Ibid., 111). Where thousands or millions contribute to structural processes, no individual can act alone to change those processes. As Young observes, a homeowner concerned about housing injustice cannot alone alter property values or incentive structures; such processes "can be altered only if many actors from diverse positions within the social structures work together to intervene in them" (Ibid., 111). This reorients responsibility from the private realm of individual moral conscience to the public realm of political engagement.

An important corollary follows: victims of structural injustice also share responsibility for its transformation. Young argues that those in less advantaged positions "perhaps should take the lead in organizing and proposing remedies for injustice, because their interests are most acutely at stake" and because their social position provides "a unique understanding of the nature of the problems" (Ibid., 113). This is not to blame victims but to recognize that structural transformation requires the epistemic and political agency of those most affected.

These five features – non-isolating, judging background conditions, forward-looking, shared, and requiring collective action – define the conceptual architecture of the Social Connection Model. However, they do not yet tell us how to apply the model in practice. To determine who bears how much responsibility and what specific actions they should take, Young introduces four parameters that weigh different agents' responsibilities. I now turn to these parameters.

III.3. The Four Parameters: From Philosophical Framework to Practical Guidance

A persistent criticism of forward-looking, shared responsibility models is that they lack determinacy. Young anticipates this objection with four parameters that gauge the relative weight of an agent's forward-looking responsibility (Young 2011, 144–148; 2003b, 16–19).

Power refers to an agent's relative capacity to influence the structural processes in question. Young writes: "[Power] refers to the degree to which an agent is in a position to influence the processes that produce the outcomes" (Ibid., 144). A multinational corporation's power to alter its global supply chain practices is categorically different from an individual consumer's power to choose among products.

Privilege denotes the benefits an agent accrues from the structural injustice. Young observes that "persons and institutions that are relatively privileged within structural processes have greater responsibilities than others to take actions to undermine injustice" (Ibid., 145). The question is not whether one chose to benefit, but whether one's position within the structure confers unearned advantages that create a special responsibility to transform the conditions that produce them.

Interest refers to the stake an agent has in transforming the structures. Young writes: "Victims of structural injustice in particular have unique interests in undermining injustice, and they ought to take responsibility for doing so" (Ibid., 145). Their interest carries epistemic and political priority in defining the injustice and shaping solutions.

Collective ability concerns the access an agent has to organized means of collective action. Young defines this as "the availability of collective forms of action that can effectively aim to affect the processes" (Ibid., 146). Unions, advocacy networks, and professional associations can amplify individual efficacy. These parameters do not function as a mechanical formula but as a framework for practical-political judgment. They interact dynamically. Young explains: "Such parameters ought to respond to the intuition that different agents properly have different kinds and degrees of forward-looking responsibility for justice" (Ibid., 144). A European state, for instance, bears heavy responsibility for refugee justice due to its power (geopolitical influence, resources), its privilege (benefits from the global economic order that produces displacement), and its collective ability (membership in the EU, treaty-making capacity).[6] An individual citizen of that state bears responsibility through different parameters: privilege (enjoying the security of citizenship), some power (as voter, consumer), and collective ability (through supporting refugee rights organizations). This graduated, contextual approach sustains the model's universal implication while providing the differentiation needed to guide action.

Having established the philosophical architecture of the SCM in Section III, I now turn to its application. Section IV demonstrates how the SCM illuminates concrete structural injustices and, crucially, reveals why criminal punishment cannot serve as the primary mechanism of accountability in structural contexts.

IV. Contemporary Applications: From Structural Diagnosis to the Punishment Dilemma

The SCM's philosophical architecture provides a powerful framework for analysing structural injustice. Yet its true test lies in its capacity to illuminate concrete problems and, crucially for our purposes, to reveal why punishment cannot be understood within the liability model's terms. This section examines two significant contemporary applications of the SCM: Mantouvalou's (2023) analysis of the state as a constitutive agent of injustice and Parekh's (2011, 2020) work on gender violence and refugee policy. I argue that each application, when pressed, reveals a central tension: structural injustice demands accountability, yet the mechanisms of criminal punishment seem ill-suited to address it. This tension is not a failure of the SCM but a feature that points toward the need to reconceptualize punishment itself.

IV.1. Mantouvalou: The State as Architect of Vulnerability

Although Young's SCM powerfully captures the diffuse production of structural injustice, her framework tends to position the state primarily as a coordinator or remedy-

6 For a detailed application of Young's parameters to European state responsibility in the refugee context, see Parekh (Parekh 2020, 165–175), who argues that "wealthy, powerful states that disproportionately benefit from the global political and economic order bear the greatest forward-looking responsibility for providing refuge and leading systemic reform" (see also Young 2011, 144–148 for the general formulation of the parameters).

provider (Young 2011, 166–168).[7] Mantouvalou's work, particularly in *Structural Injustice and Workers' Rights*, forces a decisive correction to this view. She reconstructs the SCM to demonstrate that the state is frequently not a passive responder to injustice but its active architect through law (Mantouvalou 2023, 11–25). Central to this intervention is Mantouvalou's concept of "state-mediated structures of injustice" (Ibid., 21; 2024, 250).[8] She defines these as exploitative patterns that arise when the state enacts legal rules possessing an "appearance of legitimacy" which nevertheless "increase workers' vulnerability that is then systematically exploited, primarily by private actors" (Ibid., 21). This represents a crucial theoretical refinement: law is reconceived from a neutral backdrop into the primary mechanism that produces the terrain of vulnerability. The state, in this view, does not merely "hold the ring" for market actors; it designs the ring itself, determining its shape and the vulnerabilities inherent within it.

Mantouvalou's analysis of the "Marcell" case – a lawful agency worker in the UK trapped in precarity by the combined force of employment law and welfare conditionality – vividly illustrates this constitutive role (Ibid., 18–21). In this scenario, no individual employer commits a legal wrong; the exploitation is enabled by the legal framework itself. Mantouvalou holds that state authorities "know or ought to know of the vulnerability that they create, perpetuate, and increase" (Ibid., 21).[9] This formulation is pivotal. It adapts a foreseeability criterion to the state's constitutive role, establishing a ground for political responsibility for the foreseeable injustices baked into legal design.

This analysis generates a profound tension for punishment. If the state constructs vulnerability through law, can the state's courts legitimately punish individuals who act within the structures the state itself has created? Consider a precarious worker who, facing eviction due to legal regimes that enable exploitative housing practices, commits a crime of survival. The state is simultaneously the architect of the conditions that produced the act and the institution that punishes the actor. More fundamentally, if structural injustice is produced through the ordinary operation of law – law that appears legitimate, that follows proper procedures, that is enacted by democratically accountable institutions

7 Young discusses the state's role in coordination and remediation, arguing that "political responsibility aims to bring about structural change," often through state action, but does not centrally theorize the state as a primary structural cause (Young 2011, 166–168).

8 Mantouvalou's concept of "state-mediated structures of injustice" captures a specific form of structural injustice: the state creates legal rules that appear legitimate but systematically increase workers' vulnerability to exploitation. Private employers then exploit this vulnerability, often acting within the law. The state does not directly cause the exploitation, but it is responsible for constructing the legal framework that enables it. Unlike isolated cases of employer misconduct, these structures are widespread, routine, and entrenched. Because the state has the power to change the law, it bears a special responsibility for remedying such injustice (Mantouvalou 2023, 21–24).

9 The phrase strategically adapts a foreseeability standard from tort law – where agents are held responsible for harms they could reasonably anticipate – to hold the state politically accountable for the predictable effects of its legislative choices. This move bridges the liability model's retrospective logic (foreseeability) with the SCM's forward-looking political responsibility, creating a hybrid accountability framework that Mantouvalou argues is necessary for state-mediated structural injustice.

– then the criminal law becomes not a neutral arbiter of wrongdoing but a mechanism that reinforces the very structures it purports to adjudicate. The punishment dilemma emerges with clarity: if we punish, we risk legitimizing structures of vulnerability; if we do not punish, we risk impunity for harms that demand accountability.

IV.2. Parekh: Structural Violence and the Limits of Criminal Justice

Parekh's work offers a parallel intervention that sharpens this dilemma. In her philosophical analysis of gender violence, Parekh challenges the dominant liberal-legal framing that views such violence as a series of discrete, private crimes (Parekh 2011, 673). Drawing explicitly on Young, she reconceives it as a structural injustice rooted in "unquestioned norms, habits, and symbols" that systematically subordinate women (Parekh 2011, 676; Young 1990, 41). This structural diagnosis directly confronts theorists like Thomas Pogge, who restrict human rights violations to "official" state acts, thereby rendering pervasive private violence politically unintelligible within a human rights framework (Parekh 2011, 674; Pogge 2001, 192).[10]

Parekh's central argument is that Young's notion of forward-looking political responsibility provides the philosophical foundation for holding states accountable for sustaining the background conditions that make gender violence a predictable social outcome, even when the immediate perpetrators are private actors (Parekh 2011, 677–679). She demonstrates that this reconception of responsibility is not merely theoretical but is embodied in international law, specifically Article 5 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obligates states to "modify the social and cultural patterns of conduct" that perpetuate gender hierarchy (Parekh 2011, 675).[11]

Yet this analysis, like Mantouvalou's (2023), generates a tension for criminal punishment. When violence against women is structural – rooted in norms and symbols that the state has a duty to transform – criminal prosecution of individual perpetrators, while necessary, cannot alone address the injustice. Moreover, a criminal justice system that prosecutes individual acts of violence while leaving intact the norms and institutions that produce systematic vulnerability may actually reinforce structural injustice. It individualizes responsibility, locating the harm in the aberrant perpetrator rather than in the background conditions that make such violence predictable. The system punishes the individual while exonerating the structure – including the state's own failure to discharge its forward-looking responsibility to transform the norms that generate violence.

10 Parekh argues that the legalistic approach "fails to capture the systemic nature of the problem" (Parekh 2011, 673). Her critique of Pogge is that his institutional model lacks the conceptual tools to assign responsibility for harms produced through diffuse social structures and private conduct, thereby making them "invisible" as human rights violations (Ibid., 674).

11 Parekh cites CEDAW Article 5(a) as a legal instantiation of the duty to address structural injustice by modifying the underlying social and cultural patterns (Parekh 2011, 675). For the full text, see *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981).

In *No Refuge*, Parekh applies the same structural lens to the global refugee regime, demonstrating how refugee harms result from "the cumulative outcome of many uncoordinated norms and decisions by different states and the UNHCR" (Parekh 2020, 165). She employs Young's parameters of power, privilege, and interest to argue that wealthy, powerful states that disproportionately benefit from the global political and economic order bear the greatest forward-looking responsibility for providing refuge and leading systemic reform (Parekh 2020, 171).[12] Yet here too, the punishment dilemma emerges: if states are collectively responsible for producing displacement through their policies, can individual asylum seekers be punished for irregular entry? If the structure itself is unjust, what does it mean to enforce its boundaries through criminal sanctions? In both cases – labour exploitation and refugee displacement – the same pattern emerges: the state is implicated in producing the conditions that make harm predictable, yet the criminal law is deployed to punish individuals who act within those conditions. The dilemma is not a flaw in the SCM but a structural feature of accountability under conditions of injustice.

The global dimension of structural injustice deserves more attention than this paper can provide. Young (2006; 2011) herself argued that the SCM applies globally – that wealthy nations bear responsibility for global structural injustice through their participation in trade regimes, financial institutions, and migration policies. Parekh (2020) develops this argument in the refugee context. Mantouvalou (2023) focuses on domestic labour exploitation but acknowledges its global dimensions. The punishment dilemma is even more acute globally: there are no global courts with the authority to impose transformative sanctions on powerful states or corporations, and the institutions that might pursue accountability are themselves embedded in the structures that produce global injustice. The framework developed in this paper applies globally, but its institutional implementation requires further work.

IV.3. The Dilemma Articulated

Together, the interventions of Mantouvalou and Parekh accomplish two crucial theoretical tasks. First, they demonstrate the SCM's robust analytical power across disparate domains – from the legal architecture of labour markets to the cultural norms of gender and the international system of sovereignty. Second, and more importantly for our purposes, they generate the punishment dilemma with philosophical precision. Let me articulate this dilemma explicitly.

The SCM teaches us that structural injustice is produced through the ordinary, normalized operations of social structures, including legal systems (Young 2011, 43–52). When we respond to structural injustice by punishing individuals, we risk:

12 Parekh explicitly uses Young's parameters, arguing that "wealthy and powerful states (…) have a greater responsibility because they have greater power to effect change and because they benefit from the global order that produces refugees" (Parekh 2020, 171).

Risk	Explanation
(a) Individualizing responsibility	Punishment focuses on discrete actors, obscuring the collective, structural nature of the harm (Young 2011, 105–106)
(b) Legitimizing unjust structures	Treating structural operations as normatively neutral while punishing only “deviant” actors (Young 2011, 107–108)
(c) Exonerating the state	Focusing on private actors while ignoring the state’s constitutive role in constructing vulnerability (Mantouvalou 2023, 18–25)
(d) Perpetuating impunity	Powerful actors whose actions, though lawful, reproduce injustice face no consequences (Young 2011, 148–149; Mantouvalou 2023, 157–160)

Table 1: Risks of responding to structural injustice through individual punishment, as derived from Young’s Social Connection Model (SCM).

Yet the alternative – abandoning punishment entirely – is equally untenable. Impunity for systemic harms – environmental destruction, labour exploitation, institutional violence, refugee displacement – communicates that certain forms of suffering do not matter, that certain perpetrators are beyond reach, that certain victims are not entitled to redress (Arendt 1994, 126–128). As Young argues, following Arendt, the failure to hold accountable is itself a form of world-building, a way of constituting what matters and who counts (Young 2011, 91–94; Arendt 1994, 126–128). Moreover, victims of structural injustice often demand accountability as a form of recognition, and to dismiss these demands is to ignore the epistemic and political priority of those most affected (Parekh 2011, 684–686; Mantouvalou 2023, 179–182). To dismiss such demands for accountability would not only be philosophically arrogant but also politically disabling.

The punishment dilemma, then, is this: How can we hold agents accountable for structural injustice without falling back into the liability model’s individualistic, backward-looking logic, yet without abandoning accountability altogether? The SCM’s resources – its forward-looking orientation, its parameters for differentiated responsibility, its emphasis on collective action – seem to rule out retributive punishment. Yet the demand for accountability persists.

Before we can determine how to navigate this dilemma, we must first understand with precision why one of its horns – retributive punishment – is so deeply mismatched to structural injustice. This is not merely a practical problem of application; it is a conceptual problem rooted in the very logic of retributive justice. Section V diagnoses this conceptual mismatch. Section VI then builds on this diagnosis to develop transformative sanction as the constructive alternative.

IV.4. The SCM in Practice: A Case Illustration

To see why the punishment dilemma is not merely theoretical, consider the case of Marcell, the agency worker Mantouvalou (2023, 18–21) analyses. Marcell is a lawful worker in the UK, yet he is trapped in precarity by the combined force of employment law and welfare conditionality. No individual employer acts illegally; no single policy is obviously unjust. Yet the structure produces predictable outcomes: workers like Marcell face housing insecurity, food poverty, and chronic stress.

The SCM illuminates this case with precision:

• **Power:** The state holds the power to redesign employment law and welfare conditionality. Employers hold power over working conditions.

• **Privilege:** Employers and shareholders benefit from the flexibility and low costs enabled by precarious labour. The state benefits from reduced welfare expenditure.

• **Interest:** Marcell and workers like him have the clearest interest in structural transformation.

• **Collective ability:** Unions and advocacy organizations can amplify workers' voices and demand reform.

Yet here the punishment dilemma emerges: if no individual employer has acted illegally, retributive punishment cannot be applied. But impunity is unacceptable – the structure produces predictable suffering. Transformative sanction, as developed below, offers a third path: structural injunctions requiring changes to employment practices, reparative obligations requiring employers to fund worker protections, and public reporting requirements that enable ongoing collective oversight.

This case illustrates that the punishment dilemma is not a philosopher's puzzle but a lived reality for millions of workers. It also demonstrates that the SCM provides the analytical tools to diagnose structural injustice and identify appropriate accountability mechanisms.

V. Why Retributive Punishment Fails Structural Injustice

The applications examined in Section IV reveal a persistent tension: victims and communities demand accountability, yet the dominant framework for accountability in modern legal systems – retributive punishment – seems ill-suited to structural harm. In this section, I deepen this diagnosis by examining why retributive punishment is constitutively mismatched to structural injustice. I argue that the mismatch is not merely practical (retributive punishment is difficult to apply) but conceptual (retributive punishment presupposes conditions that structural injustice systematically violates).

V.1. The Logic of Retributive Punishment

Retributive punishment, as developed in the philosophical tradition, is built upon three interconnected assumptions that I have called the juridical triad: (1) identifiable agents, (2) voluntary wrongdoing, and (3) direct causation. Each of these assumptions is essential for retributive justice to function coherently.

First, **identifiable agents**. Retributive punishment requires a specific person or persons whose actions can be isolated and evaluated. As Kant (Kant 1797/1996, 6:331) argues, punishment can only be imposed on someone who “has committed a crime.” Without an identifiable perpetrator, there is no one to punish. This is why criminal law operates through individual defendants, not abstract entities. Second, **voluntary wrongdoing**. Retributive punishment presupposes that the agent acted voluntarily, with some degree of culpable intent (*mens rea*). Hegel (Hegel 1821/1991, 126) grounds punishment in the need to “annul the crime,” implying that the crime is a voluntary act that negates the right. Even Hart (Hart 1968, 22), who offers a more complex pluralist account, acknowledges that “the principle that punishment should be restricted to those who have voluntarily broken the law” is a constraint any adequate theory must respect. Third, **direct causation**. Retributive punishment assumes a traceable causal chain from the agent’s action to the harmful outcome. The punishment is meant to be proportional to the harm caused. If the causal link is attenuated or indirect, the justification for punishment weakens. These three assumptions are perfectly appropriate for discrete interpersonal wrongs: assault, theft, fraud, breach of contract. In such cases, there is a clear perpetrator, a voluntary act, and a direct causal link. Retributive punishment answers the question “what does this agent deserve?” with coherence. The problem is that structural injustice violates all three assumptions simultaneously.

Consider again Young’s paradigmatic case of “Sandy,” a low-wage single mother facing eviction due to the combined effects of urban redevelopment, unaffordable housing, distant employment, and inadequate transportation (Young 2011, 43–48). No individual agent – not the developer, the employer, the landlord, nor the policymaker – acts illegally or with malicious intent. Each operates within accepted rules pursuing legitimate goals. The harm Sandy experiences cannot be traced to any single voluntary act or direct causal chain. It is the emergent effect of multiple interdependent processes operating according to their normal logic.

To ask ‘what does any particular agent deserve?’ in this context is to ask a question that has no coherent answer. There is no identifiable perpetrator whose voluntary act directly caused Sandy’s eviction. The liability model’s juridical triad does not merely face practical difficulties here; it is conceptually mismatched to the phenomenon it purports to address.

V.2. Ressentiment and the Politics of Blame

One might respond: ‘Even if retributive punishment is conceptually mismatched, victims still demand punishment. Should we not honor those demands?’ This objection has force, but it requires careful examination of what victims actually demand and why.

Young’s engagement with Nietzsche’s (Nietzsche 1887/1967) *On the Genealogy of Morals* illuminates why the demand for punishment can be politically problematic when applied to structural harms. Nietzsche diagnoses ressentiment as a characteristic pathology in moral responses to suffering: the reactive demand for a powerful agent upon whom to vent affects, the insistence on equivalence between harm and punishment. As Young summarizes, the ressentiment-driven response seeks "some living thing upon which he can (...) vent his affects" (Young 2011, 114; Nietzsche 1967, 127). The problem with ressentiment is not merely that it misidentifies causes – though it often does – but that it traps us in a debilitating temporal orientation. It "allows those who lay blame to wallow in the past" (Young 2011, 115). Those caught in this dynamic, in Nietzsche's haunting phrase, "tear open their oldest wounds, they bleed from long-healed scars" (Nietzsche 1967, 127–128). Ressentiment looks backward, seeks a perpetrator, and demands equivalence. It is reactive rather than creative, vengeful rather than transformative.

A more expansive spirit, Young argues, "will affirm that equivalence cannot be found for every harm and that going forward into a transformed future sustains greater power than reinscribing the relationships of the past" (Young 2011, 115). This is not to dismiss victims' demands for accountability. On the contrary, it is to take those demands seriously enough to ask: What form of accountability actually serves victims' interests? Does backward-looking punishment help Sandy find housing? Does imprisoning a single officer prevent future police misconduct? Does retribution address the structural conditions that produced the harm?

When applied to structural harms, retributive punishment risks becoming an expression of ressentiment – a demand for a perpetrator who can be made to suffer, a backward-looking fixation that forecloses the forward-looking orientation that structural transformation requires. The demand for equivalence cannot be satisfied because the harm is not equivalent to any individual act. The search for a perpetrator cannot succeed because the harm is not traceable to any individual agent.

However, Young carefully notes that blame and fault-finding "arguably are even appropriate in some political contexts – where a public official has made a disastrous decision without proper information and deliberation, for example, or when actions producing a crime come through a bureaucratic chain of command" (Ibid., 115–116). The problem is not blame as such. The problem is the misapplication of a blame-oriented framework to harms that are "a repeated product of structural social processes" (Ibid., 116). For such harms, we need a different logic of accountability – one that is forward-looking, structural, and collective rather than backward-looking, individual, and retributive.

V.3. The Punishment Dilemma Sharpened

We are now in a position to articulate the punishment dilemma with philosophical precision. The dilemma consists of three irreducible claims that cannot be simultaneously maintained:

First, retributive punishment is conceptually mismatched to structural injustice. Because structural injustice lacks identifiable agents, voluntary wrongdoing, and direct causation, the retributive question "what does this agent deserve?" has no coherent answer. Punishing individuals for structural harms either scapegoats low-level actors (while leaving power holders untouched) or misidentifies the nature of the harm altogether. As Young (2011, 95) argues, structural injustice "cannot be reduced to discrete wrongs committed by identifiable agents."

Second, abandoning accountability altogether is unacceptable. Impunity for systemic harms – environmental destruction, labour exploitation, institutional violence, refugee displacement – compounds injustice with indifference. Moreover, as Parekh (2011, 684–686) argues, victims of structural injustice often demand accountability as a form of recognition. To dismiss these demands as mere ressentiment would be philosophically arrogant and politically disabling, as argued in Section I. Victims are not simply bitter; they are demanding that their suffering be acknowledged and that those who benefit from unjust structures be held to account.

Third, the institutions through which we might pursue accountability are themselves embedded in the structures that produce injustice. The criminal law that would punish is the same system that, through its ordinary operations, legitimizes exploitation and shields powerful actors from consequences. As Mantouvalou (2023, 18–25) demonstrates, the state often constructs vulnerability through law itself. To expect the criminal justice system to remedy structural injustice is to expect the source of the problem to be the solution.

The dilemma, then, is this: How can we hold agents accountable for structural injustice without falling back into the liability model's individualistic, backward-looking logic, yet without abandoning accountability altogether?

If retributive punishment is conceptually mismatched, and impunity is morally intolerable, then we require a third path – a form of accountability that is neither retributive (backward-looking, individual, blame-oriented) nor impunity (no accountability at all). The following section develops transformative sanction as precisely such a third path: punitive or quasi-punitive measures whose justification is not backward-looking desert but forward-looking structural disruption.

VI. Transformative Sanction: An SCM Approach to Accountability

I have argued that retributive punishment is constitutively mismatched to structural injustice, yet impunity is morally intolerable. In this section, I develop a constructive alternative: transformative sanction.

VI.1. Defining Transformative Sanction

I define transformative sanction as punitive or quasi-punitive measures whose primary justification is not backward-looking desert but forward-looking structural disruption.

To understand what this means, compare transformative sanction with retributive punishment across three dimensions:

Dimension	**Retributive Punishment**	**Transformative Sanction**
Justificatory structure	What does this agent deserve?	What intervention will disrupt unjust structures?
Temporal orientation	Backward-looking (annul past wrong)	Forward-looking (alter future trajectories)
Institutional logic	Logic of equivalence (proportionate suffering)	Logic of structural disruption (shift power, alter incentives, enable collective action)

Table 2: Retributive punishment and transformative sanction compared across three dimensions.

The key distinction is this: retributive punishment asks 'Who is to blame?' and seeks to impose suffering proportional to the wrongdoing. Transformative sanction asks 'What is needed to change the structure?' and seeks to intervene at the level of systems, not merely individuals.

Consider an example. In 2013, a federal court found that the New York Police Department's stop-and-frisk policy violated the constitutional rights of hundreds of thousands of New Yorkers.[13] The court could have responded by imprisoning individual officers who conducted the stops. That would be retributive punishment: it asks what each officer deserves and imposes individual suffering. Instead, the court ordered structural reforms: it required the NYPD to change its training, supervision, and monitoring practices. That is a transformative sanction: it targets the structure that produced the harm, not the individuals who operated within it. This example clarifies three features of transformative sanction. First, it targets power: the court's order applied to the institution (the NYPD) and its practices, not low-level officers. Second, it disrupts privilege: the order dismantled a policy that disproportionately affected marginalized communities while leaving those with positional authority accountable for reform. Third, it enables collective ability: the court's monitoring requirements created public documentation that community organizations could use to demand ongoing accountability.

Transformative sanction differs from consequentialist justifications of punishment. Consequentialism asks whether punishing an individual will deter future crimes or reform the offender's character. Transformative sanction does not focus on the individual criminal at all. Its aim is not to make the sanctioned agent a better person but to disrupt the structural conditions that produce and reproduce injustice. This orientation follows directly from Young's Social Connection Model. As Young (2011, 95) argues, structural

13 *Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013). In this case, the court held that the NYPD's stop-and-frisk policy violated the Fourth and Fourteenth Amendments and mandated structural reforms including the appointment of an independent monitor, retraining of officers, policy changes, and a joint remedial process. Individual officers were not criminally punished.

injustice “cannot be reduced to discrete wrongs committed by identifiable agents” and therefore requires intervention at the level of structures, not merely individual behaviour.

With this definition in hand, I now distinguish transformative sanction from related frameworks – restorative and transformative justice – before operationalizing it through Young’s four parameters.

VI.2. Distinguishing Transformative Sanction from Restorative and Transformative Justice

To avoid conceptual confusion, it is necessary to distinguish transformative sanction from two related but distinct frameworks: restorative justice and transformative justice.

Restorative justice, as developed by Braithwaite (Braithwaite 2002) and Zehr (Zehr 2015), focuses on repairing harm through inclusive processes that bring together offenders, victims, and communities. Its central mechanism is dialogue aimed at acknowledgment, apology, and restitution. While restorative justice shares transformative sanction’s rejection of purely retributive logic, it differs in three crucial respects. First, restorative justice typically presupposes identifiable offenders who accept responsibility for discrete harms. Transformative sanction addresses structural contexts where no identifiable offender exists. Second, restorative justice emphasizes voluntary participation and consensus, while transformative sanction may involve coercive measures imposed on powerful actors who refuse to engage. Third, restorative justice’s primary aim is repairing relationships between specific parties, whereas transformative sanction aims to disrupt structural conditions that produce systematic harm.

Transformative justice, emerging from grassroots responses to interpersonal violence within marginalized communities, emphasizes community accountability, survivor safety, and addressing root causes of harm (Kaba 2021; Kim 2018). It shares transformative sanction’s structural orientation and rejection of state-centric punishment. However, transformative justice typically operates outside state institutions and focuses on interpersonal rather than systemic harm. Transformative sanction, while also critical of state carcerality, does not rule out state-mediated accountability measures provided they satisfy the four parameters. Moreover, transformative sanction specifically targets the structural position of powerful agents, whereas transformative justice often emphasizes horizontal accountability among community members. Table 3 summarizes these distinctions.

Dimension	Retributive Punishment	Restorative Justice	Transformative Justice	Transformative Sanction
Primary aim	Desert/harm annulment	Repair harm	Address root causes	Disrupt unjust structures
Target	Individual offender	Offender-victim dyad	Community relationships	Structural position of power

Dimension	Retributive Punishment	Restorative Justice	Transformative Justice	Transformative Sanction
Mechanism	State-imposed suffering	Facilitated dialogue	Community accountability	Variable (may include state)
Identifiable wrongdoer required	Yes	Yes	Sometimes	No
Coercion	Yes	No (voluntary)	Variable	Yes (when necessary)
Temporal orientation	Backward-looking	Past/ present	Present/future	Forward-looking

Table 3: Comparative framework of four accountability paradigms: retributive punishment, restorative justice, transformative justice, and transformative sanction.

To make the distinctiveness of transformative sanction explicit, three contrasts are worth emphasizing. First, unlike retributive punishment, transformative sanction does not ask 'what does this agent deserve?' but 'what intervention will disrupt unjust structures?' Retributive punishment is backward-looking and individualistic. Transformative sanction is forward-looking and structural. Second, unlike restorative justice, transformative sanction does not presuppose identifiable offenders willing to accept responsibility for discrete harms. Restorative justice operates through dialogue between specific victims and specific offenders. Transformative sanction operates in structural contexts where no single perpetrator exists and where harm emerges from diffuse, normalized social processes. Third, unlike transformative justice, transformative sanction does not rule out state-mediated accountability measures, provided such measures satisfy Young's four parameters. Transformative justice often rejects state institutions entirely and seeks community-based alternatives. Transformative sanction is more pragmatic: it accepts state-mediated measures (such as structural injunctions, consent decrees, or disqualification) when they target power, disrupt privilege, center affected communities, and enable collective mobilization.

This combination of features – forward-looking orientation, structural focus, openness to coercive measures when necessary, and explicit grounding in Young's parameters – positions transformative sanction as a genuinely novel framework. It is not a variant of retributive punishment, a subset of restorative justice, or an instance of transformative justice. It occupies its own conceptual space, answering a question that none of the other frameworks adequately addresses: how to hold agents accountable for structural injustice without falling back into individualistic blame or abandoning accountability altogether.

Transformative sanction thus occupies a distinctive conceptual space: it shares both restorative and transformative justice's rejection of retributivism but differs in its focus on structural disruption, its willingness to employ coercion against powerful actors, and its explicit grounding in Young's parameters for evaluating accountability mechanisms.

VI.3. Young's Four Parameters as Criteria

Young's four parameters provide a framework for determining when transformative sanction is appropriate and how it should be structured (Young 2011, 144–148).

Power: The first question is whether sanctioning a particular agent can disrupt unjust structures. Transformative sanction should target agents whose position gives them the capacity to maintain or change the structure (Ibid., 144). When corporate executives shape environmental practices across an industry, sanctioning them can alter corporate behaviour. By contrast, sanctioning low-level actors may do little to disrupt structures; it may even reinforce injustice by providing scapegoats while leaving power holders untouched.

Privilege: The second question is whether impunity protects those who benefit from injustice. Young (Ibid., 145) defines privilege as "the fact that many people have a relative benefit in the structure." Those who benefit from unjust structures are not necessarily wrongdoers, but their benefit creates heightened responsibility. Transformative sanction asks whether impunity allows beneficiaries to continue enjoying unearned advantage without accountability. When corporations benefit from exploitative labor practices or wealthy nations benefit from a global order that produces displacement, impunity protects structural privilege.

Interest: The third question is whether affected communities seek accountability. Young (Ibid., 145–146) argues that those most subjected to injustice have epistemic and political priority in defining what accountability means. The question for transformative sanction is whether accountability mechanisms respect the perspectives and priorities of those most affected. In contexts of environmental harm, affected communities often prioritize prevention, restoration, and institutional reform over punishment of individual wrongdoers. Transformative sanction must honor such priorities.

Collective ability: The fourth question is whether sanction can catalyse broader collective action. Individual sanctions, however justified, are politically insignificant without collective organization (Ibid., 146). Transformative sanction should be evaluated not only by its direct effects on sanctioned agents but by its capacity to enable collective mobilization. Public accountability processes that generate testimony, create records, and enable victims to speak may mobilize communities and build solidarity across different groups.

The discussion below operationalizes these four parameters through concrete institutional mechanisms and a decision-making matrix, using a case of corporate environmental harm as an illustration.

VI.4. Operationalizing Transformative Sanction: Institutional Mechanisms and Practical Decision-Making

A theory of accountability remains incomplete unless it demonstrates how accountability operates in practice. Transformative sanction risks remaining a general normative orientation unless it can be shown to function through concrete institutional forms. This subsection addresses that concern by presenting five existing institutional mechanisms that instantiate transformative sanction, a decision-making matrix that operationalizes Young's four parameters, and a case illustration that demonstrates the matrix's application.

The argument proceeds in three steps. First, I identify five existing institutional mechanisms that illustrate how transformative sanction can be implemented. Each mechanism is grounded in one or more of Young's four parameters. Second, I provide a Decision-Making Matrix (Table 5) that translates Young's parameters into four practical questions. Third, I illustrate the matrix's application through a concrete case of corporate environmental harm.

Not every accountability mechanism qualifies as transformative sanction. A mechanism qualifies only if it meets three conditions. First, it must target structures rather than individuals. Second, it must look forward rather than backward. Third, it must be evaluable using Young's four parameters. The five mechanisms described below satisfy these conditions. They are drawn from existing legal and political practices: courts, corporate regulation, financial settlements, truth commissions, and consent decrees. Each is already in use. My contribution is to show that these mechanisms can be understood as instances of transformative sanction and evaluated using Young's parameters.

First, structural injunctions. A structural injunction is a court order that requires institutional reform rather than punishing past conduct. In *Brown v. Board of Education* (1954), the Supreme Court ruled that segregated schools violated the Equal Protection Clause. The Court did not punish individual school board members. Instead, it ordered the desegregation of public schools. (The following year's remedial order in *Brown II* required desegregation to proceed "with all deliberate speed," 349 U.S. 294 [1955]). This is a transformative sanction because no single school board member caused segregation. Punishing individuals would miss the structural nature of the harm. As Young (2011, 95) argues, structural injustice "cannot be reduced to discrete wrongs committed by identifiable agents." The injunction transformed the institutional arrangement itself. Structural injunctions target power because they apply to institutions and their practices, not to low-level actors. They also enable collective ability by creating public documentation that community organizations can use to demand ongoing accountability. Contemporary examples include court-ordered police reform following patterns of misconduct (*Davis v. City of New York*, 2011).

Second, disqualification and decertification. Disqualification removes agents from positions where their power enables structural harm. This practice includes barring corporate executives from serving as officers of public companies following systematic fraud, decertifying police departments with patterns of unconstitutional conduct, and disqualifying public officials who design policies producing predictable vulnerability.[14] This is transformative sanction because it does not punish the individual for past wrongs. Instead, it removes the structural lever through which harm was produced. Young (2011, 145) argues that privilege creates heightened responsibility: "persons and institutions that are relatively privileged within structural processes have greater responsibilities than others to take actions to undermine injustice." When those with positional privilege fail to act, removing them from that position disrupts the structural advantage that allowed harm to persist. This mechanism specifically targets privilege.

Third, reparative obligations tied to structural position. Reparative obligations require powerful agents to fund institutional reforms. Following the 2008 financial crisis, banks responsible for predatory lending practices were required to fund housing counselling and legal aid programs. This was not punishment for past wrongs. It was a forward-looking measure to address structural vulnerability.[15] This is transformative sanction because it operationalizes the beneficiary-pays principle: those who have benefited from unjust structures bear reparative obligations to fund their transformation. As Young (Ibid., 145) notes, "where there are structural injustices, these usually produce not only victims of injustice, but also persons with relative privilege in relation to the structures." The relevant question is not whether beneficiaries acted culpably. The relevant question is whether their position within the structure confers unearned advantages that create a special responsibility to fund reform. This mechanism targets privilege and interest – the stake that affected communities have in transformation. Similarly, the Global Fund for AIDS, Tuberculosis and Malaria requires wealthy nations to contribute based on their position within global economic structures.[16]

Fourth, public naming and shaming through investigative mechanisms. Public naming and shaming operates through truth commissions and public inquiries that document structural harms. The South African Truth and Reconciliation Commission's mandate was not punishment. It was public acknowledgment of institutional patterns of violence (Tutu 1999). This is transformative sanction because it provides recognition

14 On director disqualification as a public enforcement mechanism, see Loughrey (Loughrey 2024). On police decertification, see Goldman and Puro (Goldman & Puro 1987) and Smith and Alpert (Smith & Alpert 1993). On disqualification of public officials, see Ginsburg, Huq and Landau (Ginsburg, Huq, & Landau 2023).

15 In October 2008, Bank of America (which acquired Countrywide Financial) agreed to a multi-state settlement to resolve claims of unfair lending practices. Washington State received $1.8 million for foreclosure prevention programs, including nearly $600,000 for housing counselling to assist up to 2,300 homeowners and $320,000 for pro bono legal services for families facing foreclosure (Washington State Office of the Attorney General 2010).

16 The Global Fund to Fight AIDS, Tuberculosis and Malaria operates on a replenishment model in which donor countries pledge funds every three years based on their economic capacity. The Fund allocates funding to countries using a formula based predominantly on each country's disease burden and economic capacity, refined by qualitative adjustments for contextual factors (see The Global Fund 2025).

without retribution. Jean Améry, a survivor of torture and Auschwitz, argued that a victim's demand for punishment is not a wish to see the perpetrator suffer. It is a demand for recognition – the restoration of the victim's status as a moral agent whose suffering matters (Améry 1966/1980, 68–80). For Améry, punishment serves as a "moral turning-back of the clock." It forces the wrongdoer to confront what they have done and, in doing so, acknowledges that the victim was wronged. Améry also defended the victim's right to resentment, arguing that resentment toward un-repaired injustice is a rational and dignified response, not a petty emotion. Impunity destroys the possibility of such recognition. However, Améry's analysis assumes an identifiable perpetrator – the torturer, the interrogator, the camp guard. Structural injustice presents a different problem: there is no single perpetrator whose "turning-back of the clock" can restore the victim's dignity. This is where transformative sanction departs from Améry while retaining his insight about recognition. Truth commissions, public inquiries, and investigative mechanisms offer recognition without retribution. They document harms, name perpetrators, and create public records that acknowledge victims' suffering – even when no single perpetrator can be punished. They preserve Améry's demand for recognition while freeing it from the retributive form that structural injustice cannot accommodate. This mechanism targets interest by centering affected communities and enabling them to demand accountability.

Fifth, collective sanctions against corporate and institutional actors. Collective sanctions target organizations through fines, consent decrees, and monitorships. These mechanisms target organizational structures rather than individual employees. When the United States Department of Justice enters a consent decree with a police department requiring systemic reforms, it imposes a forward-looking sanction aimed at structural transformation rather than backward-looking punishment of individual officers.[17] This is transformative sanction because it recognizes that individual actions are politically insignificant without collective organization. Young (2011, 146) argues that individual sanctions "are politically insignificant without collective organization." Structural transformation requires what she calls "collective ability" – the capacity of organized groups to exercise power. Consent decrees target the institution, not individuals, and require ongoing monitoring. This monitoring empowers community organizations to demand compliance. The monitor's role is not to punish but to ensure that structural changes are implemented and sustained. This mechanism targets collective ability.

The five mechanisms follow a logical progression. The first mechanism changes the rules and practices of institutions. The second mechanism removes bad actors from positions of power. The third mechanism makes beneficiaries pay for reform. The fourth mechanism provides recognition to victims. The fifth mechanism creates ongoing oversight. Together, these mechanisms cover the full range of what transformative

17 On consent decrees as a mechanism for police reform, see 34 U.S.C. § 12601 (*Violent Crime Control and Law Enforcement Act of 1994*). On court-appointed monitors in institutional reform litigation, see the monitor's role in *Floyd v. City of New York*, 959 F. Supp. 2d 540 (S.D.N.Y. 2013).

sanction can accomplish: changing structures, removing power, redistributing resources, acknowledging harm, and sustaining accountability over time.

VI.4.1. Selecting Among Mechanisms: A Decision Framework

The five mechanisms identified above – structural injunctions, disqualification and decertification, reparative obligations, public naming and shaming, and collective sanctions – are not mutually exclusive. In many cases, a combination of mechanisms will be appropriate. However, the choice of mechanism should be guided by two considerations:

First, the nature of the structural injustice. Some structures are maintained primarily through institutional rules (e.g., employment law, zoning regulations). For these, structural injunctions are most appropriate. Other structures are maintained through the concentration of power in particular agents (e.g., corporate executives, public officials). For these, disqualification and decertification may be more effective. Still others are maintained through the absence of accountability and transparency. For these, public naming and shaming mechanisms may be most appropriate.

Second, the capacity of affected communities. The SCM emphasizes that those most affected by structural injustice should lead in defining remedies (Young 2011, 145–146). Therefore, the selection of mechanisms should be guided by the priorities of affected communities. If communities prioritize prevention and institutional reform, structural injunctions are appropriate. If they prioritize removing bad actors from positions of power, disqualification is appropriate. If they prioritize recognition and acknowledgment, truth commissions are appropriate.

Third, the risk of co-optation. As will be discussed in Section VI.5, accountability mechanisms can be co-opted by powerful actors. To resist co-optation, mechanisms should include procedural safeguards: public justification, affected community consent, and mechanisms for appeal. They should also create public documentation that enables ongoing collective oversight. The following table summarizes the decision framework:

Structural Feature	**Primary Mechanism**	**Secondary Mechanisms**
Institutional rules produce harm	Structural injunctions	Reparative obligations
Power concentrated in specific agents	Disqualification/ decertification	Public naming and shaming
Absence of accountability/ transparency	Public naming and shaming	Collective sanctions
Economic exploitation through market mechanisms	Reparative obligations	Collective sanctions
Systemic patterns across multiple institutions	Collective sanctions	All of the above

Table 4: Decision Framework for Selecting Transformative Sanction Mechanisms.

This framework is not algorithmic – it requires practical judgment. But it provides structured criteria for choosing among mechanisms based on the nature of the injustice, the priorities of affected communities, and the risk of co-optation.

VI.4.2. Procedural Safeguards: Preventing Abuse and Co-optation

Any system of accountability that employs coercive measures must include procedural safeguards to prevent abuse. Transformative sanction is no exception. The following safeguards are essential:

First, public justification. Any transformative sanction must be accompanied by a public justification explaining: (a) the nature of the structural injustice; (b) why the agent being sanctioned bears responsibility; (c) why the particular mechanism was chosen; and (d) how the mechanism will advance structural transformation. This justification should be accessible to affected communities, not merely to legal or technical experts.

Second, affected community consent. Because affected communities have epistemic and political priority in defining what accountability means (Young 2011, 145–146), transformative sanctions should be designed with the meaningful participation of those communities. This requires not merely consultation but genuine consent – affected communities should have the power to veto mechanisms that would harm their interests.

Third, mechanisms for appeal. Agents subject to transformative sanctions should have the right to appeal on grounds that: (a) the structural injustice does not exist; (b) the agent does not bear responsibility; (c) the mechanism is disproportionate or ineffective; or (d) procedural requirements were violated. Appeals should be heard by independent bodies that include representatives of affected communities.

Fourth, periodic review. Transformative sanctions should be subject to periodic review to assess whether they are achieving their structural aims. If they are not, they should be modified or replaced. If they are achieving their aims, they should be phased out to avoid becoming permanent instruments of control.

Fifth, transparency and documentation. All transformative sanctions should create public documentation that enables ongoing collective oversight. This includes publishing data on outcomes, providing regular reports to affected communities, and ensuring that monitoring is independent and transparent.

These safeguards are not merely procedural niceties. They are essential to ensuring that transformative sanction serves structural transformation rather than becoming a new form of oppression. As Young (Ibid., 148–149) warned, powerful actors often respond to claims of structural injustice by demanding "moderation" and "compromise" – and when victims refuse to back down, they are frequently repressed by violent means. Procedural safeguards are the bulwark against this repression.

To guide application, I now provide a practical matrix that operationalizes Young's four parameters. The matrix translates abstract philosophical criteria into four practical questions, as shown in **Table 5**.

Parameter	Questions for Assessment	Indicators of Appropriateness
Power	Does this agent have capacity to alter structural processes?	Agent controls resources, sets policies, or holds positional authority over relevant systems
Privilege	Does impunity protect unearned advantage?	Agent benefits from the very structure they could help transform; accountability would redistribute advantage
Interest	Do affected communities seek this mechanism?	Affected communities have organized, articulated demands, and participate in decision-making
Collective ability	Can this mechanism enable broader mobilization?	Mechanism creates documentation, public record, precedents, or resources that strengthen collective action

Table 5: Decision-Making Matrix for Transformative Sanction.

A transformative sanction is warranted when all four questions receive affirmative answers. If power is absent, the mechanism targets the wrong agent. If privilege is absent, the mechanism addresses no structural benefit. If interest is absent, the mechanism imposes external solutions. If collective ability is absent, the mechanism substitutes individual accountability for collective action.

Case Illustration: Return to the environmental pollution case from Section VI.3. A transformative sanction approach would proceed through the matrix as follows. Corporate executives and board members control production decisions, while low-level employees lack this power; therefore, power is present for targeting executives but absent for targeting employees. Shareholders and executives benefit from externalized costs through profits and compensation, while local residents do not share this benefit; therefore, privilege is present. Affected communities have organized, demanding remediation and healthcare monitoring through documented community meetings and legal representation; therefore, interest is present. Public documentation of the corporation's practices strengthens community organizing, and a structural injunction creates accountability that supports rather than substitutes for collective action; therefore, collective ability is present. Since all four conditions are satisfied for targeting executives and shareholders, transformative sanction is appropriate. The mechanism might combine a structural injunction requiring production changes, disqualification of executives who knowingly maintained harmful practices, reparative obligations funding community health monitoring, and public reporting requirements that enable ongoing collective oversight.

This operationalization does not eliminate judgment. No matrix can replace the need for practical wisdom. But it provides structured criteria that transform transformative sanction from a general orientation into a usable analytical tool. The reader now knows what mechanisms qualify as transformative sanction, how each mechanism connects to Young's parameters, how to decide which mechanism to use, and how to apply the matrix to a concrete case.

VI.5. Philosophical Resources for Defense Against Co-optation

The philosophical literature on punishment, collective responsibility, and structural injustice provides resources for ensuring that accountability mechanisms serve structural transformation rather than merely simulating it. Four insights are particularly important.

First, **Arendt (Arendt 1963) on the limits of criminal law**. Arendt argues that criminal law is designed for individual actors who possess mens rea – the intention to do wrong. In *Eichmann in Jerusalem*, she shows that this framework breaks down when confronted with what she calls the "banality of evil": harms produced through routine institutional operations, where no single actor intends the final outcome. This directly parallels Young's claim that structural injustice "cannot be reduced to discrete wrongs committed by identifiable agents" (Young 2011, 95). The failure of criminal justice in structural contexts is not merely practical; it is conceptual. Therefore, transformative sanction is not an ad hoc solution. It is a principled response to a conceptual mismatch built into criminal law itself.

Second, **Nietzsche (1887/1967) and Améry (1966/1980) on moving beyond retribution**. Nietzsche argues that punishment has no single essence. Throughout history, it has served multiple functions: compensation, deterrence, ritual purification, and the expression of collective anger. The modern equation of punishment with retribution is a contingent historical development, not a metaphysical necessity. Améry adds a crucial dimension. Writing as a torture survivor, he argues that the victim's demand for punishment is not a wish to see the perpetrator suffer. It is a demand for recognition – the restoration of one's status as a moral agent whose suffering matters (Améry 1966/1980, 68–80). For Améry, punishment serves as a "moral turning-back of the clock." It forces the wrongdoer to confront what they have done and, in doing so, acknowledges that the victim was wronged. Améry also defended the victim's right to resentment, arguing that resentment toward un-repaired injustice is a rational and dignified response, not a petty emotion. Impunity destroys the possibility of such recognition. However, Améry's analysis assumes an identifiable perpetrator – the torturer, the interrogator, the camp guard. Structural injustice presents a different problem: there is no single perpetrator whose "turning-back of the clock" can restore the victim's dignity. This is where transformative sanction departs from Améry while retaining his insight about recognition. Truth commissions, public inquiries, and investigative mechanisms offer recognition without retribution. They document harms, name perpetrators, and create public records that acknowledge victims' suffering – even when no single perpetrator can be punished. They preserve Améry's demand for recognition while freeing it from the retributive form that structural injustice cannot accommodate.

Third, **Fraser (Fraser 2000) and Ullrich (Ullrich 2024) on the risk of co-optation**. Fraser distinguishes between two types of remedies. Affirmative remedies redistribute resources or recognize harms within existing structures. Transformative remedies restructure the generative framework that produces injustice (Fraser 2000, 113–114). Fraser warns that many recognition struggles that claim to be transformative are actually affirmative: they address symptoms while leaving the underlying structure intact. Ullrich (2024, 229–231) documents precisely this risk in her analysis of the International Criminal Court's reparations mandate. The promise of "transformative justice" shifts responsibility onto individual victims while leaving institutions untouched. Accountability mechanisms become "mechanisms that help reproduce the status quo rather than disrupting it" (Ullrich 2024, 189).

Young herself warned about this same risk. She writes that powerful agents often respond to claims of structural injustice by demanding "moderation" and "compromise" (Young 2011, 149). She also notes that victims who refuse to back down from confrontation are frequently repressed by violent means (Young 2011, 148–149). This is where my argument begins. Young identified the problem of co-optation. But she did not develop a systematic framework to resist it. That is what I aim to provide. The four parameters I have articulated – power, privilege, interest, and collective ability – are not merely analytical tools. They are also weapons in political struggle. They help victims and their allies answer four concrete questions: Who has the power to change the structure? Who enjoys unearned privilege from it? Who has a stake in transforming it? Who can mobilize collective action? Transformative sanction, grounded in these parameters, is designed precisely to resist the co-optation that Young feared.

Fourth, Young's four parameters directly address the risks each theorist identifies. The table below summarizes this connection:

Risk	**Theorist**	**Young's Parameter That Addresses It**
Criminal law cannot handle systemic harm	Arendt (1963)	Power – target power, not low-level actors
Punishment protects privilege	Nietzsche (1887/1967)	Privilege – disrupt unearned advantage
Recognition must be defined by victims	Améry (1966/1980)	Interest – center affected communities
Individual accountability substitutes for collective action	Fraser (2000); Ullrich (2024)	Collective ability – enable mobilization

Table 6: Philosophical Resources for Defense Against Co-optation.

Transformative sanction, grounded in these four parameters, offers a principled framework for distinguishing mechanisms that serve structural transformation from those that merely simulate it. It retains accountability as a demand for recognition

(Améry) while rejecting retribution as its necessary form (Nietzsche). It targets power rather than low-level actors (Arendt) and enables collective mobilization rather than substituting individual accountability for collective action (Fraser, Ullrich). This is what makes transformative sanction a genuine alternative to the liability model: it does not abandon accountability but reorients it toward the goal that matters – transforming the structures that produce injustice.

VII. Objections and Replies

I now address the most significant philosophical objections to Young's framework. Each objection is stated explicitly, followed by a rigorous reply.

VII.1. The Indeterminacy Objection (Barry & Ferracioli)

Barry and Ferracioli (2013, 251) contend that Young's Social Connection Model, even with its four parameters, remains "intolerably vague" and fails to provide individuals with sufficient guidance, resulting in a responsibility "of everyone in general and no one in particular." Their critique rests on the assumption that a viable model of responsibility must generate determinate, action-guiding duties for each individual agent. This objection, however, rests on a misunderstanding of the kind of guidance appropriate for structural contexts. Young's SCM is not designed to function as a mechanical algorithm that outputs specific duties for every individual. To expect algorithmic certainty is to impose the liability model's juridical logic onto a political problem that is inherently relational, processual, and context-dependent (Young 2011, 103–104; 144–148).

Responsibility for structural injustice requires what Aristotle (1999, Book VI) termed phronesis (practical wisdom) understood as the capacity for situated judgment about appropriate action within particular social relations and constraints. Young's four parameters – power, privilege, interest, and collective ability – provide the essential framework for exercising such practical wisdom (Young 2011, 144–148). These parameters do not eliminate the need for judgment; rather, they supply critical criteria for practical deliberation.

Consider how this reasoning proceeds in practice. An individual concerned about labour exploitation might deliberate as follows. First, assessing power: 'My individual power as a consumer is limited'. Second, evaluating collective ability: 'However, I possess collective ability through membership in a labor union'. Third, recognizing privilege: 'My privilege, evident in the low prices enabled by exploitative labor, creates a responsibility to support worker-led movements demanding fair wages'. Fourth, centering interest: 'The interests most at stake are those of the workers themselves; therefore, I ought to follow their leadership rather than imposing my own solutions'. This form of guidance is not algorithmic – it does not specify 'perform action X at time T' – but it is nonetheless genuine guidance. It directs the agent toward relevant questions, relevant factors, and relevant voices. The liability model, by contrast, would simply declare the individual not guilty of any specific wrongdoing and offer no positive direction whatsoever (Ibid., 103–104).

Barry and Ferracioli's critique mistakes the necessary absence of an algorithmic shortcut for a fatal lack of guidance. In the domain of structural injustice, a framework for practical judgment is not a defect; it is the only philosophically coherent form of guidance possible. As Young (Ibid., 95–99; 144–148) argues, the very features that make structural injustice resistant to liability thinking – diffuseness, emergence, normalization – also make algorithmic precision impossible.

VII.2. The Motivational Challenge (Nussbaum)

Nussbaum's foreword to *Responsibility for Justice* presents a more profound challenge. She argues that Young's attempt to sever political responsibility from notions of blame or guilt risks rendering the former motivationally inert. Nussbaum contends that if an agent possesses a forward-looking responsibility and fails to discharge it, then "when the relevant time passes, she is guilty of not having shouldered her responsibility" (Nussbaum 2011, xxi). Without the prospect of blame or guilt, Nussbaum suggests, agents lack sufficient motivation to act.

I offer three responses to this challenge.

First, Nussbaum's objection mischaracterizes the motivational architecture of the SCM. The model does not eliminate accountability; it reorients it. The SCM shifts the agent's focus from retrospective culpability ('Am I to blame for past harms?') to prospective agency ('What is my role in transforming ongoing structures?'). This reorientation can be illuminated by Arendt's (Arendt 1998, 177–178) account of natality – the human capacity to begin something new through public engagement. The motivational question is not 'Will I be punished if I fail?' but rather 'What kind of world do I want to help build?' Moreover, empirical research on moral psychology suggests that guilt and shame often induce defensive withdrawal – denial, avoidance, blame-shifting – rather than constructive engagement (Tangney & Dearing 2002). The SCM's approach – grounding responsibility in social position rather than individual fault – removes this defensive dynamic and opens space for positive, forward-oriented action.

It is worth noting that Nussbaum herself has argued that emotions such as compassion and political love can motivate action more effectively than guilt and shame (Nussbaum 2001, 2006). Her objection to Young, then, is somewhat puzzling: if guilt and shame are less reliable motivators than positive emotions, why insist on retaining guilt-based motivation? The SCM's reorientation from retrospective culpability to prospective agency aligns more closely with Nussbaum's own account of political motivation than she acknowledges.

Second, the SCM provides mechanisms for accountability that do not depend on internal guilt. Young's four parameters create accountability through publicity, deliberation, and collective action (Young 2011, 144–148). When agents are publicly identified as occupying positions of power over unjust structures, they are held accountable not by internal guilt but by external political pressure. The anti-sweatshop movement illustrates this dynamic: it succeeded not by inducing universal consumer guilt but by strategically organizing pressure against high-power corporate actors, exposing their role in structural injustice, and mobilizing collective action to demand change (Young 2004, 386–387).

Third, the free-rider problem that Nussbaum anticipates is addressed by the SCM's emphasis on collective ability. The SCM does not rely on voluntary individual compliance; it recognizes that structural transformation requires collective organization – unions, advocacy networks, coalitions – capable of holding even unwilling agents accountable (Young 2011, 111; 146). The question is not whether each individual will voluntarily discharge their responsibilities, but whether those most affected by injustice can build the collective power to hold all implicated agents accountable.

The concept of transformative sanction, developed in Section VI, directly addresses Nussbaum's concern that agents might receive "a free pass." When international tribunals prosecute architects of mass violence, when truth commissions publicly name perpetrators, when corporate executives face disqualification from positions of power – these are not escapes from responsibility but robust expressions of forward-looking accountability.

VII.3. The Category Error Underlying Both Objections

Both objections share a common philosophical flaw: they evaluate the Social Connection Model by criteria drawn from the liability model.

Barry and Ferracioli (2013) demand the algorithmic determinacy that liability thinking promises. They expect the SCM to specify, for each individual agent, exactly what they must do – analogous to how criminal law specifies penalties for specific offenses. But the SCM is not a criminal code. It is a framework for political responsibility in contexts where no single perpetrator exists and where harms emerge from diffuse, normalized social processes (Young 2011, 95–99). Nussbaum (Nussbaum 2011) demands the guilt-based motivation that liability thinking relies upon. She expects the SCM to say "you are guilty" to motivate action. But the SCM is not a system of blame assignment. It is a framework for collective transformation grounded in social position rather than individual fault (Young 2011, 103–104; 143–148).

Both objections thus misjudge the SCM by applying the wrong evaluative standards. The SCM is not a failed liability model; it is a different kind of framework altogether, designed for a different domain. This is not to say that the liability model has no place. On the contrary, the liability model remains appropriate for discrete wrongs involving identifiable agents, voluntary wrongdoing, and direct causation – paradigm cases of assault, theft, fraud, or breach of contract (Young 2011, 98–99; 186). The SCM does not deny this. What it denies is that liability thinking, even in extended forms, is adequate for structural injustice. As Young herself puts it: "The liability model is the appropriate model for assigning responsibility for specific harms that are traceable to the actions of particular agents. The social connection model is the appropriate model for assigning responsibility for structural injustice" (Young 2011, 186).

The complementarity of the two models is not merely a matter of different domains. It is also a matter of different *functions*. The liability model serves the function of determining guilt and imposing punishment for discrete wrongs. The SCM serves the function of assigning political responsibility and guiding collective action for structural transformation. These functions are not in competition; they serve different purposes in a just society. A just society needs both: it needs to hold individuals accountable for discrete wrongs, and it needs to transform structures that produce systematic harm. The error of liability theorists is to assume that the liability model can serve both functions. The error of some SCM proponents is to assume that the SCM can replace the liability model entirely. Both errors are mistakes. The two models are complementary, and a complete theory of justice must include both.

The two models are complementary, not competitive. Each has its proper domain. The error of Barry and Ferracioli and Nussbaum is to demand that the SCM perform functions that belong properly to the liability model – and then to declare the SCM deficient when it cannot perform those functions.

VIII. Concluding Remarks

This paper has defended Young's Social Connection Model (SCM) against the objection that it leaves no legitimate role for accountability in response to structural injustice. Rather than claiming to resolve the punishment dilemma definitively, I have proposed a conceptual intervention: transformative sanction – punitive or quasi-punitive measures whose justification is forward-looking structural disruption rather than backward-looking desert.

Before summarizing the argument, it is necessary to restate what makes transformative sanction distinct from related frameworks. Unlike retributive punishment, transformative sanction does not ask 'what does this agent deserve?' but 'what intervention will disrupt unjust structures?' Unlike restorative justice, transformative sanction does not presuppose identifiable offenders willing to accept responsibility for discrete harms. Unlike transformative justice, transformative sanction does not rule out state-mediated accountability measures, provided such measures satisfy Young's four parameters. Table 3 (in Section VI.2) summarizes these distinctions across six dimensions: primary aim, target, mechanism, identifiable wrongdoer required, coercion, and temporal orientation.

The argument has established three interconnected claims. First, the liability model's juridical triad – identifiable agents, voluntary wrongdoing, and direct causation – is conceptually mismatched to structural harms. Structural harms are processual, systemic, and normalized. They emerge from diffuse social processes, not from discrete culpable acts. As demonstrated in Section II, even sophisticated extensions of liability by Kutz, Miller, and Goodin remain captive to an individualistic, retrospective frame that cannot grasp structural emergence. Second, Young's SCM provides a genuine alternative to liability thinking. As reconstructed in Section III, the SCM has five defining features: it is non-isolating, it requires judgment of background conditions, it is forward-looking, it is shared, and it requires collective action. Its four parameters – power, privilege, interest, and collective ability – provide a framework for determining the relative weight of different agents' forward-looking responsibilities. Together, these features and parameters transform responsibility from a backward-looking search for the guilty into a forward-looking project of structural transformation. Third, transformative sanction operationalizes this framework. Section VI.4 identifies five institutional mechanisms that illustrate its practical application: structural injunctions, disqualification and decertification, reparative obligations, public naming and shaming through investigative mechanisms, and collective sanctions against corporate and institutional actors.

The Decision-Making Matrix presented in Table 5 provides a practical tool for determining when transformative sanction is warranted. A transformative sanction is warranted when the agent has the power to alter structural processes, when impunity would protect unearned privilege, when affected communities seek accountability, and when the mechanism enables broader collective mobilization. The four parameters are further operationalized through Table 4 (Decision Framework for Selecting Transformative Sanction Mechanisms) and Table 6 (Philosophical Resources for Defense Against Co-optation), which together provide a comprehensive analytical toolkit for distinguishing mechanisms that serve structural transformation from those that merely simulate it.

The practical significance of these claims lies in reorienting the philosophy of punishment away from the false binary of retribution or impunity. For structural injustices – environmental devastation, labour exploitation, institutional violence, refugee displacement – the liability model offers only two unacceptable options. The first option is to punish an individual who is not the cause of the harm, thereby scapegoating low-level actors while leaving power holders untouched. The second option is to do nothing, thereby compounding injustice with indifference. Transformative sanction offers a third path. It holds agents accountable without scapegoating. It intervenes in structures without ignoring agency. It demands change without wallowing in the past.

This account remains vulnerable to several limitations. Whether transformative sanction requires new institutional forms or can be integrated into existing legal systems is an open question that requires further research. Procedural safeguards against abuse – including public justification, affected community consent, and mechanisms for appeal – remain to be designed. The boundary between structural and individual wrongdoing, and consequently the boundary between cases requiring transformative sanction and those properly addressed by liability frameworks, demands further specification. These are not failures of the framework but invitations for future research.

What ultimately emerges from this paper is not a finished theory but a direction for future work – a reorientation of the philosophy of punishment toward the demands of structural justice. The persistence of the punishment dilemma, I have suggested, reflects not a failure of existing frameworks but a deeper tension within modern moral and political life: the simultaneous demand to condemn wrongdoing, to preserve the moral standing of persons, to respond seriously to harm, and to transform the conditions that make systematic suffering predictable. Transformative sanction does not dissolve this tension. Rather, it clarifies the conditions under which coercive measures may claim legitimacy in structural contexts – namely, when they target power, disrupt privilege, center affected communities, and enable collective mobilization. In doing so, it reimagines accountability not as a backward-looking calculus of desert but as a forward-looking project of structural transformation. The question for theorists and practitioners alike is no longer ‘who is to blame?’ but ‘what shall we build together?’ It is to the practical and institutional elaboration of this question – the design of legal frameworks, the creation of monitoring bodies, and the empowerment of affected communities – that future work should turn. The architecture of transformative justice is not yet built, but this paper has laid its foundations.

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