

The Differentiation and Self-institutionalization of Social Subsystems: The Theoretical Intent of the Social Connection Model of Responsibility

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Abstract: This paper responds to a critique of Iris Young's social connection model of responsibility in addressing global justice issues. The critique argues that the model overlooks the significant impact of state domination in injustices worldwide and that institutional development at the national and international levels is the core approach to achieving global justice. The paper contends that the model's emphasis on the importance of civil society organizations and its downplaying of state domination and institutional establishment results from Young's awareness of the current social reality of social subsystem differentiation and the crucial role of self-institutionalization in addressing structural injustice. The paper argues that the theoretical purpose of the social connection model of responsibility is to reveal that the differentiation and self-institutionalization of social subsystems are both the causes of violations of individuals' fundamental rights and a resolution to structural injustice.

Keywords: social connection model of responsibility, global justice, structural injustice, social subsystem

1. Introduction

Structural injustice is an important theme in contemporary political philosophy, and Iris M. Young made pioneering contributions to this concept. The core meaning of structural injustice can be traced back to Karl Marx's discourse on "a societal material power stemming from the division of labor that is beyond individuals' control." [1] Yet, Young's main theoretical aim is to respond to the surge of justice theory construction triggered by John Rawls' discussions on the "basic structure of society" and resolve the global justice issue caused by multinational corporations. She argues that issues such as sweatshops driven by multinational companies constitute a form of structural injustice, requiring a new approach to allocate the responsibility. Therefore, Young proposes the social connection model of responsibility to address global structural injustice.

The article will primarily use the refusal of major pharmaceutical companies to exempt COVID-19 vaccine patents during the pandemic as a case study to respond to a criticism in academia regarding the social connection model of responsibility. This criticism suggests that the model overlooks the significant role that state dominance still plays in global disparities and that institutional establishment based on national laws remains a crucial avenue for addressing structural injustice. The article argues that Young's proposal does not neglect the role of state dominance and institutional establishment;

rather, it emphasizes the trend of social subsystem differentiation and the necessity of the autonomy of social subsystems. The article unfolds as follows: firstly, an introduction to the concepts of structural injustice and the social connection model of responsibility; secondly, an analysis of the model's challenges concerning state dominance and institutional establishment; thirdly, a response to the aforementioned challenges, asserting that the model's emphasis on civil society organizations stems from the recognition of the trend of social subsystem differentiation and autonomy, considering self-institutionalization of social subsystems as a solution to structural injustice; finally, a further analysis of the implicit core justice principles under structural injustice and the social connection model, indicating that the expansion of social subsystems has become a significant injustice form infringing on individual fundamental rights in modern society. Meanwhile, the solution to this issue lies in the endogenous transformation of social subsystems.

2. Theory: The Social Connection Model of Responsibility

Primarily, it is necessary to define the concept of structural injustice. Young argues that there exists a form of injustice distinct from the moral wrongdoing of individual actors or the moral wrongdoing caused by state coercion. In this form of injustice, it is difficult to identify clear individual or collective agents of responsibility due to the lack of cognitive knowledge and conscious autonomy as circumstances for determining responsible subjects. The consequences of structural injustice stem from a social process formed by the legitimate and self-interested actions of numerous actors. The actors' actions comply with legal, customary norms and daily habits but result in one group having power over another [2].

For example, during the COVID-19 pandemic, the refusal of major multinational pharmaceutical companies to share the patent for the COVID-19 vaccine constitutes a form of structural injustice. In 2020, companies such as Moderna and Pfizer rejected a proposal for a COVID-19 vaccine patent waiver jointly submitted by South Africa and India to the WTO. The position of these large pharmaceutical companies aligns with current laws as patent laws protect their interests in drug production; their actions do not violate social moral norms either, as private enterprises headquartered in the United States, they do not have a perfect duty to assist people in weaker nations. However, this transaction leads to significant profits for pharmaceutical companies, such as Pfizer's \$37 billion in revenue in 2021, while severely undermining the ability of weaker nations to access COVID-19 medical resources. Many people die because they cannot receive prevention and treatment. According to Young's definition, such actions, which are legal and compliant but result in unjust consequences, constitute a form of structural injustice.

Since structural injustice arises from a structural process rather than an identifiable agent, its unjust consequences seem to possess an uncontrollable force beyond human activities, and people are left powerless in the face of the collective actions' harmful outcomes. Young argues that this is a form of Reification logic that blinds human thinking. Despite the characteristic of structural injustice having a blurred attribution of responsibility, Young contends that we should not forgo examining the issue of individual responsibility within the context of structural consequences.

Therefore, it is necessary to propose a responsibility attribution method suitable for issues of structural injustice. When assigning responsibility of structural issues, the general moral responsibility model, which demands clear agents, subjective intent, and sufficient causal connections, loses its effectiveness. Young proposes that this kind of structural outcome, formed through collective human action but lacking clear responsible agents, should not be examined using the typical legal or moral "liability model". Instead, it necessitates introducing a "social connection model" to analyze the mechanisms of structural processes, resolving the issue of absent responsible agents in structural injustice.

Drawing on Hannah Arendt's distinction between guilt and responsibility and contrasting the shortcomings of the liability model in addressing structural injustice, Young proposes a forward-looking responsibility model that is non-blaming, non-isolating, attends to background conditions, emphasizes shared responsibility, and discharged only through collective action. This model is called the "social connection model" of responsibility. The approach to fulfilling this responsibility is open-ended, with Young only providing five criteria - connection, power, privilege, interest, and collective ability - as reference factors for determining the burden of responsibility. The discharging pathway of the social connection model is as follow: starting from the powerless at the grassroots level, leveraging the influence of third parties to generate public pressure, and stimulating powerful actors to take actions with significant impacts on the structure.

While the social connection model of responsibility has been given significant attention, it has also faced considerable query. The question I want to respond to here is that the social connection model overlooks the issues of state domination and institutional establishment.

3. Critique: The Neglect of State Domination and Institutional Establishment in the Social Connection Model of Responsibility

Young's social connection model of responsibility tends to weaken the role of state responsibility and emphasizes the diversity of civil society entities, leading to two critical questions: how to address the issue where state dominance still holds a more prominent position than structural domination in many countries today, and how to handle the imperative institutionalization of the achievements of the struggle against structural injustice through state law.

The first aspect involves the origins of global injustice. Amy Allen points out that Young rarely expresses her views on the issue of state domination, which can create many problems when addressing global justice issues through the social connection model of responsibility [3]. For example, in many global injustice issues, state domination remains a primary cause. Governments of some countries, for the sake of economic development, neglect the working conditions of workers in sweatshops; in certain regions, dictatorial regimes and inefficient governance are still sources of national backwardness and people's suffering; another scenario involves elites in some countries collaborating with influential global institutions to exploit the interests of their own people for safeguarding their benefits. Cases such as the collaboration between German banks, companies, and the government with Nigerian dictator Abacha and Indonesian President Suharto are examples. Amy Allen suggests that a good justice principle should be able to handle complex international justice situations where multiple dominations overlap, and Young's approach seems to overlook incorporating state domination caused by unreasonable institutions into her theoretical framework.

The second aspect involves the resolution of global injustice. Forst believes that the achievements of civic movements should be institutionalized and legitimized within national institutions [4]. Forst argues that Young for endorsing collective action by state institutions as usually effective while also emphasizing informal collective actions of civil society (such as anti-sweatshop movements). However, Forst believes that social collective actions need to be institutionalized and democratically organized, requiring assurance that the state they are in represents them in taking action. Whether under strategies of social reform or thorough revolution, the problem of structural injustice ultimately needs to lead to institutionalized outcomes for genuine progress.

All in all, Young's social connection model of responsibility is criticized for overlooking the significant role of institutional domination as a force in global injustice, as well as the substantial impact of institutional establishment in implementing the achievements of social campaigns.

4. Response: Social Subsystems Differentiation and Its Self-Institutionalization

However, regarding the question of the institutional establishment, Young does not deny its significance. Instead, she emphasizes the more crucial trend of social subsystem differentiation and its self-institutionalization. Young contends that “Our working through state institutions is often an effective means of such collective action to change structural processes, but states are not the only tools of effective collective action (we also have civil society organizations).” [5] While Young does display some distrust of state and government institutions at times, I do not fully agree with Forst’s interpretation that it amounts to Young’s denial of the quality of the political system she is situated in. Instead, Young seems to grasp the reality of social subsystem differentiation at another level. What Young emphasizes is that greater autonomy for civil society organizations outside of the state government is an objective status quo and a trend in modern society. Young believes that civil society organizations outside of the state and international institutions possess greater autonomy, reflecting an objective reality and a trend in modern society. This is reflected in concepts like Marx’s the fetishism of money, commodities, and capital, Weber’s cage of rationalization, and Teubner’s proposals of self-constitutionalization in social subsystems. The infringement of one individual upon another has become subject to legal regulation, but the violation of individual’s fundamental rights by certain structures or systems is becoming a new human rights issue.

Although state domination seems to remain the apparent root of social oppression in many regions, as Gunther Teubner proposes in his theory of social constitutionalism, a social order where state power and the power of social subsystems coexist has become inevitable. “The new reality of constitutionalism is that various autonomous orders coexist, not only the state’s autonomous order but also autonomous orders of various non-state, self-governing social structures.” [6] State power is increasingly and profoundly influenced by social subsystems, including large international institutions and major corporations. These subsystems act like the capillaries of society, and understanding how constitutional issues operate within them is nearly impossible to predict in advance. Knowledge about how subsystems self-regulate or self-develop can only form internally within the subsystems, and external intervention can only help induce interventions for internal self-change within the subsystems. In this situation, where no authority can represent the entire societal reality, the role of the state government shifts from imposing commands to providing channels for communication among various subsystems, fostering the self-constitutionalization of these subsystems.

Moreover, social subsystems need stimulation from other subsystems to initiate the process of change. The resolution of the vaccine apartheid is achieved through this systematic, bottom-up collective action. This process, in particular, supplements the lack of motivational factors for institutional reform demanded by institutionalist cosmopolitanism. For instance, in the resolution process of the vaccine apartheid, The People’s Vaccine organization played a crucial driving role in advocating for vaccine patent exemptions. This association, established by government departments, private enterprises, multinational organizations, and NGOs, mobilized over 1.4 billion netizens to oppose the pharmaceutical companies’ monopoly on vaccine patents through the dissemination of academic research and news reports. This eventually led to the U.S. government taking the lead in transferring some technology and prompted multinational corporations to decide to share vaccine patents. In this process of social connection, the impetus came from the spontaneous power of grassroots organizations, and public pressure came from the participation of numerous ordinary people. The ultimate transformative action addressing the fundamental issue was carried out by multinational corporations that possess core technology. Although the current global COVID-19 therapeutics and diagnostic systems remain inaccessible to less developed regions due to the reluctance of multinational pharmaceutical companies to share patents beyond vaccines, in response

to public appeals, these companies decided in 2023 to invest in establishing South Africa's first mRNA manufactory. This solution represents an outcome derived from these corporations balancing their patent interests and public requirements, reflecting the self-institutionalized resolution generated through the endogenous learning process of these crucial social subsystems.

In conclusion, Young's lack of trust in the governments and her emphasis on civil society organizations precisely demonstrate her keen awareness of the intensification of social subsystem differentiation in modern society. Therefore, we can still endorse Young's position that the power of civil society organizations and the transparency and standardization of their actions are crucial in addressing structural injustice.

5. Extension: Struggles and Realization of Individual Fundamental Rights

Regarding the issues of institutional domination and state domination, Young argues that the root cause of structural injustice lies in the differentiation of social subsystems. This is because the differentiation of social subsystems results in the infringement of the fundamental right of physical and mental integrity of individuals.

Generally speaking, critical theory adheres to a position that rejects a normative evaluation of justice. Young's criteria for structural injustice are also defined from a negative perspective, constructing a theory of justice only by revealing injustice. However, we can still discern an underlying ideal of justice that can be positively articulated. According to Young, "The values comprised in the good life can be reduced to two very general ones: (1) developing and exercising one's capacities and expressing one's experience, and (2) participating in determining one's action and the conditions of one's action." [7] In summary, the two values are self-development and self-determination. I believe that one can see the influence of Marx's proposition of structural social oppression on the direction of individuals determining and developing their capabilities, laying the foundation for Young's basic criteria for societal values and justice.

Similarly, legal scholar Teubner discusses the infringement on fundamental human rights by multinational pharmaceutical companies as an anonymous matrix, arguing that the self-expansiveness of an anonymous matrix can lead to the destruction of physical and mental integrity. Teubner states, "Specific endangerment of physical and mental integrity by a communicative matrix comes not just from politics, but in principle from all social sectors that have expansive tendencies." [8] His demand for justice regarding physical and mental integrity aligns with Young's and corresponds to Marx's requirement for the free and comprehensive development of the individual.

Young focuses the discussion on justice on aiding individuals in escaping structural constraints in modern society, implicitly resisting the consumerist and possessive societal structures and discourses. She opposes the reduction of individuals to "rational economic actor under market logic" and demands the capacity for individuals to determine their own development and for society to continually create conditions for the comprehensive realization of human potential. This viewpoint aligns with Marx's description in the "1844 Manuscripts" of the historical process where individuals continuously realize their essence through social labor. Marx believes, sensory life should "produces man in this entire richness of his being produces the rich man profoundly endowed with all the senses - as its enduring reality." [9] This rich, comprehensive, and profound individual represents the justice ideal embedded in critical theory. Therefore, actions that, while not violating legal or moral regulations, contradict the above justice ideals constitute a form of structural injustice. Specifically, the market behavior of multinational pharmaceutical companies results in the flow of wealth towards a few producers in a manner that deprives vulnerable individuals of their right to survival. This diminishes the possibilities for vulnerable individuals to self-determine and self-develop, exacerbating the infringement on the physical and mental integrity of individuals by the expansive

social subsystem. Consequently, this event fundamentally constitutes a crucial aspect of the consequences of structural injustice.

The problem of transnational corporations violating fundamental rights under current laws will persist in the long term. In line with the forward-looking and non-blame attitude of the social connection model of responsibility towards structural injustice events, this implies that our demand for others to take responsibility should not be based on anger or blame. Nonetheless, not accusing transnational corporations of the structural injustice consequences they bring does not mean that these consequences align with justice standards. According to the distinction between interactional and institutional justice, the mechanism of existence for these transnational pharmaceutical companies has its rationale, but it still needs continuous improvement based on justice demands.

6. Conclusion

Through an analysis of the theoretical core of the social connection model of responsibility, it becomes evident that Young places a stronger emphasis on the power of civil society organizations. This emphasis stems from her awareness of the pronounced trend of social subsystem differentiation, which simultaneously results in the infringement of fundamental human rights by social subsystems and the dual potential of social subsystems to address structural injustice through self-institutionalization.

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