Towards A New Theory of Reparative Justice under Authoritarian States



Title Page

Towards A New Theory of Reparative Justice under Authoritarian States

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Abstract

Injustices are ubiquitous throughout countries governed by authoritarian states, given their fundamentally anti-plural and anti-liberal nature, and unchecked executive powers. Such injustices, ranging from the murder and suppression of dissidents, targeted ostracisation of citizens, the exploitation of resources and land confiscation, to the perpetration of deeply unjust social hierarchies, often leave substantial devastation in their wake. The task of repairing such injustices is likely to impose substantial costs on populations under such states. On what grounds, and by what parameters should such responsibilities of reparative justice be assigned to individual citizens - especially if culpable state actors do not take up such responsibilities?

Existing accounts for reparative justice and citizens' responsibilities for state injustices tend to suffer from a number of issues when applied to authoritarian contexts. First, some are exclusively centered around liberal democratic contexts. Second, most fail to fine-grain and conceptualise comprehensively the limits to agency of individual citizens. Third, even accounts that purportedly advance non-blame-centric conceptions of moral responsibility, strain to articulate why citizens residing under highly coercive and radically uncertain circumstances ought to be held responsible.

Drawing upon robust empirics on authoritarian regimes, this thesis advances the view that authorisers of states in relation to state-perpetrated injustices are responsible for repairing injustices, on grounds that they have either subjectively avowed voluntary uptake of responsibilities qua authorisers of their state, or objectively authorised their state via being capable of influencing or benefiting from state policies and their outcomes.

Reparative justice calls for compensation, opposition, apology and commemoration for injustices, as well as fundamental reforms to faulty institutions. As compared with other surveyed accounts anchored in concepts of moral liability and blameworthiness, collective responsibility, complicity, structural injustice, and intentional citizenship, this account is demonstrably more descriptively accurate, explanatorily precise, and compatible with our broader normative commitments.

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JCCW, thank you for being a mentor and friend, and embodying what a scholar committed to his principles and values must and can do for the world. SC, you're a terrific intellectual giant in your own right and someone whom I've always enjoyed deep and resonant conversations with - ever since debating days. DAB, thank you for being a pioneer and someone who brought together intellectual rigour with a constant and capacious capacity to engage deeply with ideas across cultures. HN, I shall always cherish our terrific meals and interlocution in London, and your kindness and astute wit as a dear friend. LWF, thanks for being my first real mentor.

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1 Introduction

1.1 Overview and Motivation

Democracy is not a given. 43% of states in the world are not democratic.[1] A third of the world's population resides under non-democratic states.[2] From Myanmar under the military junta state that had governed the post-independence country for decades up until partial democratisation within a decade ago[3], to Rwanda under Kagame[4] and Indonesia under Suharto[5], authoritarian states have proliferated throughout history and at present.

Yet despite the ubiquity of authoritarian states, existing discussions over state-perpetrated injustices have failed to provide a robust account concerning the injustices committed by authoritarian states. Per Weber, I take the state as the "human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory"[6]. State-perpetrated injustices refer to i) injustices, including episodes of human rights abuses, atrocities, and structured oppression perpetrated by the *state apparatus*, that are ii) brought about and implemented by *individuals in positions of governmental power within the state*. Such injustices must iii) be enacted in name of *the political entity that is the state* - that is, they are not merely private transgressions (e.g. theft or murder) committed by individual officials.

Consider, for instance, the mass killings, vandalism, arson, and destruction committed by the Russian state under Putin during its invasion of Ukraine and, its prior annexation of the Crimean peninsula[7] For examples in the past, and for which a degree of compensation has been secured, let us look no further than West Germany (in relation

[1] To be clear, not all non-democratic states, per this typology, are authoritarian (some are 'mixed' regimes, whilst others may be totalitarian – as opposed to authoritarian), yet the objective of the statistic is to demonstrate that a significant number of presently extant states are excluded from the scope of analytical political theories concerning reparative justice. See Drew Desilver, "Despite global concerns about democracy, more than half of countries are democratic", *Pew Research Center*, May 14 2019, online, URL: https://www.pewresearch.org/fact-tank/2019/05/14/more-than-half-of-countries-are-democratic/.

[2] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), p. 112.

[3] Karl Hack and Tobias Rettig, *Colonial Armies in Southeast Asia* (New York: Routledge, 2011), Chapter 1.

[4] Filip Reyntjens, *Political Governance in Post-Genocide Rwanda* (Online: Cambridge University Press, 2013).

[5] Michael R J Vatikiotis, *Indonesian Politics under Suharto* (New York: Routledge, 1999).

[6] Max Weber, "Politik als Beruf," Gesammelte Politische Schriften (Muenchen, 1921), p. 396.

[7] Robert Service, *A History of Modern Russia* (Cambridge, Massachusetts: Harvard University Press, 2010).

to WW2), Argentina (in relation to the National Reorganization Process), or Indonesia (for Suharto's rule).[8]

The significant volume of injustices perpetrated by the governments of these states, then, generates expansive responsibilities on their part – responsibilities that states possess in rectifying extant injustices, repairing past wrongdoings, and compensating victims of injustices. Yet in reality, such responsibilities are not always discharged by the state -- or actors within the state -- most directly responsible for their occurring in the first place.

Even where their state does indeed opt to discharge such responsibilities – through committing to financial or monetary reparations, restitution of property, or alternative modes of reparation, it is individual citizens who invariably and inevitably come to bear the bulk of the costs. Whether it be through the imposition of additional taxes, the transfer and reallocation of resources in order for compensation to occur, or the other opportunity costs imposed upon them through the processes of reparative justice[9], citizens are bound up with the reparative schemes that their state adopts.[10] If the government of the state does, in fact, adopt a compensation scheme, does it then possess the right to require that its citizens accept the related burdens imposed upon them, and contribute towards the lump-sum that is drawn upon to compensate victims?

These are questions that can be termed the *Distributive Challenge* for reparative justice - as Jubb asks, "when, if ever, do […] citizens bear a particular responsibility for [their political order's] wrong?"[11].

Alternatively, where the government for the state fails to take up such responsibilities, what should individual citizens (*qua* individuals, members of their political communities, or as associates and members of other sub-national actors) do? Are there tenable and reasonable accounts of the relations between citizens and state, that should be adopted in justifying citizens' picking up the 'slack' left open by their state? Or would it be, indeed, unjust to impose

[8] Pasternak, *Responsible Citizens*, p. 3. Also see Faris Mokhtar, 'Indonesia Probes Suharto-Era Abuses in Jokowi's Push for Justice', *Bloomberg News*, August 22 2022, online = https://www.bloomberg.com/news/articles/2022-08-22/indonesia-probes-suharto-era-abuses-in-jokowi-s-push-for-justice#xj4y7vzkg.

[9] Stephanie Collins, 'Filling Collective Duty Gaps', *Journal of Philosophy*, vol. 114, no. 11, 2017, pp. 573-591; Stephanie Collins and Holly Lawford-Smith, 'The Transfer of Duties: from Individuals to States and Back Again', in Michael Brady and Miranda Fricker (eds), *The Epistemic Life of Groups* (Oxford: Oxford University Press, 2016) pp. 150-172.

[10] Pasternak, *Responsible Citizens*, pp. 3 – 8.

[11] Robert Jubb, 'Participation in and Responsibility for State Injustices', *Social Theory and Practice,* vol. 40, no. 1, 2014, pp. 52.

the burdens of reparation upon these individuals? These are questions that can be classified as the *Slack Challenge*.

Current attempts at articulating the connections between citizens' responsibilities and their states' wrongdoings are dominated by approaches that *exclusively* apply to non-authoritarian – indeed, broadly liberal-democratic – settings. Such exclusivity to democratic states is, at times, *explicit* – e.g. Stilz's 2011 account openly stipulates that her account applies only to *democratic legal states*[12] – or *implicitly embedded* within the account, as is the case (to be shown) with Pettit and List's[13] collective responsibility model, or Kutz's participatory intention-centric model[14] of complicity. More generally, the authoritarian context is rarely engaged explicitly and openly – even amongst the works of structural injustice-centric theorists such as Young[15]. Arguably, the most potent and credible account is Pasternak's *intentional citizenship* account[16], but even it has certain limits when applied to non-democratic contexts.

Through this thesis, I shall push back against such exclusivity and limited discussions in the existing field of literature, by developing an *account of reparative justice under authoritarian states* (henceforth abbreviated throughout this thesis as RJAS). The core question we are interested in is hence:

Is there a case for citizens under authoritarian states to take up the responsibilities to repair injustices arising from state-perpetrated actions?

A *regime* refers to a particular set of individual or collective entities, rules and norms governing selection and succession, and relations between the government comprising these entities, and society at large.[17] A *state*, on the other hand, denotes a politically continuous unit of governance that could feature, over time, a number of different governing regimes. States govern *countries* - I do not use "state" here in the colloquial sense, which would have it denote a particular country. The Russian government is the *state* governing the *country* of Russia, and Russia

[12] Anna Stilz, 'Collective Responsibility and the State', *Journal of Political Philosophy*, vol. 19, no. 2, 2011, pp. 190-208.

[13] Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford: Oxford University Press, 2011).

[14] Christian Kutz, *Complicity: Ethics and Law for A Collective Age* (Cambridge: Cambridge University Press, 2010).

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

[16] Pasternak, *Responsible Citizens.*

[17] Alan Siaroff, 'Regime (Comparative Politics)', in Bertrand Badie, Dirk Berg-Schlosser, and Leonardo Morlino, eds., *International Encyclopedia of Political Science*, URL: https://dx.doi.org/10.4135/9781412994163

under Boris Yeltsin and Vladimir Putin's governments constitute two different *regimes*. Going forward, when referring to a *particular* set of individuals presiding over an authoritarian *state* – e.g. Putin's government, or the Tatmadaw's rule in Myanmar, we will refer to it as a *regime*; otherwise, the default point of reference would be the authoritarian *state*.

This thesis will primarily focus on *authoritarian states* at present, as well as *previously authoritarian states*. We will *not* be dealing with cases of largely democratic regimes slipping into democratic decay trending in the direction of authoritarianism, simply as the political logics and institutional arrangements undergirding these flawed democracies are fundamentally different from those of authoritarian regimes. The scope of surveyed injustices includes both *present-day* injustices, and *past* injustices committed by the (various regimes, past or present, ruling over) *authoritarian state*.

The new contribution advanced by this project is that citizens should bear reparative responsibilities *if* they have *authorised* their states over the unjust acts committed by said states. Using a constructively capacious, rarefied conception of authorisation, I submit that citizen authorisation is a *sufficient*, albeit not *necessary*, condition for citizens to accrue responsibilities to repair injustices.

Such responsibilities do not merely exist in a vacuum, but would require these individuals to undertake certain commitments and actions, in order to discharge such responsibilities. We shall conclude that agents must work *strategically and pragmatically*, in both individual and collective capacities, to bring about necessary transformation to social structures and norms.

My authorisation-based account is not the *only* account of reparative justice. As we shall see, there are merits in accounts such as the Perpetrator and Liability Model (Chapter 2), Collective Responsibility Model (Chapter 3), Complicity and Intentional Citizenship Frameworks (Chapter 4), and Structural Injustice Frameworks (Chapter 5), respectively. The thesis advanced here is more realistic and modest: each of these models has key defects and limitations, and my new model can, in some contexts, fare better than these models, *and* is itself sufficiently distinctive as an independent account.

The exact bases and grounds of authorisation will vary: there exists a plurality of grounds by which a state may be authorised; some of such grounds hold exclusively under democratic conditions, whilst others cut across both contexts. In due course, we will consider the strengths and limitations of competing accounts of reparative justice. In this chapter, we begin with

clarifying the definitions and parameters of the question at hand in 1.2 and 1.3, before delving into an outline of the main propositions and claims this thesis will advance in 1.4.

1.2 A Brief Overview of Authoritarian States

This thesis focusses on only authoritarian *states*, as opposed to episodes of political action that could be described as authoritarian under otherwise liberal, democratic states.

1.2.1 An Ideal Type of Authoritarian States

The following constitutes an ideal type of authoritarian states to be adopted for this thesis. I take that x is an authoritarian state iff (*necessary and sufficient conditions*):

1) *Anti-pluralism* – x features limited to no political pluralism, defined here as the ability of a representative range of interest groups in society to actually influence the decision-making of the government.[18]
    a. *Legislative anti-pluralism* – elections for the legislature are often uncompetitive and unfree, with significant barriers to participation for candidates;
    b. *Systemic disenfranchisement* – voters partaking in the elections face structural barriers that prohibit them from voting, especially when voting against the incumbent government;
    c. *Executive anti-pluralism* – the executive is determined not through free and competitive presidential elections *or* indirect elections conducted within the legislature;[19]
2) *Anti-liberalism* – x deprives a significant majority of their population access to core civil and political liberties, including but not limited to: the right to vote, freedom of speech, freedom of association etc.
3) *Unrestrained executive* – the executive branch of x (as the narrowly stipulated governing rulers of x) is not effectively constrained by alternative sources of power, such as the legislative, judiciary, or citizenry. The executive is in possession of wide range of powers, including complete control over appointment and dismissal of courts.

[18] Juan Linz, 'An Authoritarian Regime: Spain', in Erik Allardt and Yjjö Littunen, eds., *Cleavages, Ideologies and Party System, Contributions to Comparative Political Sociology.* (Helsinki: Westermarck Society, 1964), pp. 291-341. Also see Furio Cerutti, *Conceptualizing Politics: An Introduction to Political Philosophy* (New York: Routledge, 2017), p. 17.

[19] Milan Svolik, *The Politics of Authoritarian Rule* (Cambridge: Cambridge University Press, 2012).

1.2.1.1 Anti-pluralism

Authoritarian states are highly restrictive in their extent of political pluralism.[20] Here, political pluralism refers to the diversity of institutionalised interests and representative voices within the state – and is exemplified by at least three critical indicators: the openness to contestation of the legislature, the extent to which citizens are effectively enfranchised in practice, and the degree to which the executive is formed on the basis of either open elections or fair parliamentary appointment procedures.

It is worth noting that despite the prevalence of corrupt and hegemonic politics within them, most contemporary authoritarian states[21] do feature at least some kinds of institutions that seek to capture or reflect parts of the popular will, albeit in a non-binding manner; we can term these institutions *quasi-democratic* – consider, e.g. electoral or mass-democratic institutions of some sort, albeit with clearly defined limits. With that said, even with these quasi-democratic mechanisms present, the prototypical authoritarian state we are envisioning here would have rigged legislative elections – if any at all – that are heavily skewed in favour of the incumbent through disenfranchisement of voters and stringent barriers to participation, coupled with an executive whose composition is not determined by the majority of citizens. Three phenomena hence follow in these electoral settings:

Firstly, legislative elections under authoritarian states tend be engineered in a way that either blatantly (e.g. open vote manipulation, rigging, and coercion) or tacitly (e.g. gerrymandering) distorts the will of the people in electoral results.[22]

Secondly, such elections are coupled with stringent barriers to effective participation as candidates. Opposition candidates face significant intimidation, threats, and sanctions in relation to their opposing the state in power. Electoral institutions under authoritarianism perform three functions: firstly, heavily constrained elections preclude the public and masses

[20] I adopt Dahl's interpretation, per Robert Dahl, *Who Governs?: Democracy and Power in an American City*, (New Haven: Yale University Press, 1961), Chapter 1, that pluralism here denotes a political arrangement where a multiplicity of groups – e.g. organisations, businesses and finance lobbies, and informal or formal coalitions of citizens – can influence governmental decision-making in a *non-unifying* manner. That is, there exists heterogeneity in their interests, preferences, and actions.

[21] Yonatan L. Morse, 'From Single-Party to Electoral Authoritarian Regimes: The Institutional Origins of Competitiveness in Post-Cold War Africa', *Comparative Politics*, vol. 48, no. 1, 2015, p.126-143.

[22] Jennifer Gandhi and Ellen Lust-Okar, 'Elections under Authoritarianism', *The Annual Review of Political Science*, vol. 12, 2009, pp. 403-22, also Natasha M. Ezrow and Erica Frantz, *Dictators and Dictatorships: Understanding Authoritarian Regimes and Their Leaders* (Continuum, 2011) pp. 10-17.

from displacing the more controllable and limited *selectorate*[23] in selecting and empowering prospective leaders; secondly, such elections operate as effective 'pressure valves' that lend perceived credibility to the state whilst enabling citizens to vent their frustrations[24].

Thirdly, authoritarian states have executives that are neither determined through open, free, and contested direct elections, nor appointment by a freely elected parliament. Such states possess executives whose survival and proceedings are contingent not upon the masses' support, but the backing of select interest groups, e.g. the military, the clergy, wealthy elite, and loyalists.[25] These actors have interests that are often, although not always, somewhat at odds with the people at large. Elites – e.g. military generals[26], religious leaders, or wealthy businessmen – are the primary sources of support and legitimation of autocrats. The absence of arbitration mechanisms that transcend the inter-factional disputes renders inter-elite conflicts both ubiquitous and capricious in their outcomes – as argued by Svolik, "amongst the 303 leaders [of authoritarian states] for whom the manner by which they lost power could be ascertained unambiguously, only 32 were removed by a popular uprising […] the remaining 205 dictators – more than two-thirds – were removed by regime insiders: individuals from the dictator's inner circle, the government, or the repressive apparatus".[27]

1.2.1.2 Anti-liberalism

I take the definition of "liberalism" to denote the state's respecting and upholding a reasonably expansive range of political liberties for *all* – not just *some* of – its citizens. Authoritarian states share a structural opposition to and suppression of a majority of their citizens' political liberties, e.g. to politically organise and protest, to speak freely, and of suffrage.

Firstly, press and media freedoms are significantly curtailed in such states. Recent literature – including closer examinations of post-Cold War African dictatorships[28] – suggests that

[23] Milan Svolik, *The Politics of Authoritarian Rule* (Cambridge: Cambridge University Press, 2012), pp. 20-23

[24] Andrew Nathan, 'Authoritarian Resilience', *Journal of Democracy*, vo. 14, no.1, 2003, pp. 6-17.

[25] See Carles Boix, *Democracy and Redistribution* (Cambridge: Cambridge University Press, 2003) and José Antonio Cheibub, Jennifer Gandhi, and James Raymond Vreeland, 'Democracy and Dictatorship Revisited', *Public Choice*, vol. 143, 2010, pp. 67-101.

[26] Amos Perlmutter, *Modern Authoritarianism: A Comparative Institutional Analysis* (New Haven: Yale University Press, 1981).

[27] Svolik, *Politics of Authoritarian Rule*, Ch. 1.

[28] Andreas Heinrich and Heiko Pleines, 'The Meaning of 'Limited Pluralism' in Media Reporting under Authoritarian Rule', *Politics and Governance*, vol. 6, no. 2, 2018, pp. 103-111; for more on post-Cold War Africa, see also Mesfin Gedlu, 'Democracy by order – sub-Saharan Africa after the Cold War', *Perspectives*, vol. 9, 1998,

authoritarian states often leave very limited room for opposition to survive and operate, on grounds of paranoia concerning prospective coup or regime change attempts.

Secondly, beyond (trivially) the right to vote in fair and representative elections (or to have their votes treated as *equal* to those of others), citizens under authoritarian states are systemically deprived of the liberties to assemble, organise, and mobilise politically *against* the state. Whilst mobilisation and opposition may remain theoretically *possible*, they are not institutionally recognised or permitted. The extent to which the state succeeds *in practice* in cracking down on such opposition, of course, varies.

The anti-liberalism stipulation here is limited to purely the political domain – we do not, for one, rule out the possibility that individuals *can* enjoy high levels of freedoms when it comes to their private and/or non-political spheres of life.

1.2.1.3 Unrestrained Executive

Authoritarian states possess executive branches without substantive checks and balances to counteract them, as well as poorly defined powers. Such states do not tolerate the existence of a competitive legislative opposition – as partially established above, authoritarian states often possess very weak, tokenistic, or rigged parliaments.

Concurrently, many of such states grant the executives ultimate, supreme authority over the composition and tenures of supreme courts[29], thereby ensuring that judges and advocates act largely in alignment to the state. Authoritarian executives hence possess formally and institutionally unchecked power over their citizens.

1.2.2 Empirical Context and Examples

Recall that the definition offered here is an ideal type. With this ideal type, we can rule in a number of case studies as pertinent to our study; such case studies will be explored in greater detail in the respective chapters: the later years of the Soviet Union (1953 – 1991)[30]; present-

pp. 97-107; Nic Cheeseman and Jonathan Fisher, *Authoritarian Africa: Repression, Resistance, and the Power of Ideas* (Oxford: Oxford University Press, 2019).

[29] Anne Meng, 'Winning the Game of Thrones: Leadership Succession in Modern Autocracies', *Journal of Conflict Resolution*, vol. 65, issue 5, 2021, pp. 950-981.

[30] See Stephen J. Lee, *Stalin and the Soviet Union* (London: Routledge, 1999); Martin E. Malia, *The Soviet Tragedy: A History of Socialism in Russia, 1917*-1991 (New York: Free Press, 1994).

day Russia (2000 – *present*) [31] ; Myanmar under Tatmadaw Rule (1962 – 2011; 2021 – *present*)[32]; Indonesia under Suharto (1968 – 1998)[33]; China during the Cultural Revolution (1966 – 1976)[34]; Philippines under Ferdinand Marcos (1965 – 1986)[35].

1.2.3 Authoritarianism vs. Totalitarianism

We close this section by juxtaposing authoritarian and totalitarian states. We take them to be separate entities on a conceptual level, though in real life, there exist 'fuzzy cases' that lie between them[36], where states present elements from both ideal types. The relationship between the two regime types can be described using a continuum – with ideal-type authoritarianism on one end, and ideal-type totalitarianism on the other. In reference to the existing literature[37], however, the two ideal types differ in the two following ways:

Firstly, totalitarian states exhibit significant levels of inter-civilian, or state-on-civilian violence, as the state mass-mobilises its citizens for particularly violent or disruptive ends, such as the propagation of extensive violence, persecution, assault, and war, *and* targets members of their citizenry in state-propagated violence. Internally genocidal states are totalitarian, and not authoritarian.[38] Consider, for instance, Nazi Germany, in its instigation of genocide and mass killings against Jews, other ethnic minorities, the disabled and diseased[39], as well as Pol Pot's communist dictatorship. Authoritarian states may deploy violence, through waging wars, military incursions, and espionage, against citizens of foreign states and persons of external

[31] Service, *Modern Russia*.

[32] Andrew Selth, *Burma's Armed Forces: Power without Glory* (Norfolk: EastBridge, 2002); Hack and Rettig, *Colonial Armies*.

[33] Vatikiotis, *Indonesian Politics*.

[34] Francis Mok, *Civilian Participants in the Cultural Revolution* (Oxford: Routledge, 2019); Joel Andreas, *Rise of the Red Engineers: The Cultural Revolution and the Origins of China's New Class,* (Stanford: Stanford University Press, 2009).

[35] Myles A Garcia, *Thirty Years Later… Catching Up with the Marcos-Era Crimes* (Manila, MAG Publishing, 2016); George Lopez and Michael Stohl, eds., *Dependence, Development, and State Repression* (Westport: Praeger, 1989).

[36] E.g. Competitive authoritarian regimes, façade democracies, or flawed democracies. See Steven Levitsky and Lucan Way, *Revolution and Dictatorship* (Princeton and Oxford: Princeton University Press), pp. 9 – 12.

[37] Richard Pipes, *Russia under the Bolshevik Regime* (New York: Vintage Books, 1995); Radu Cinpoes, *Nationalism and Identity in Romania: A History of Extreme Politics from the Birth of the State to EU Accession* (London: Bloomsbury, 2010), pp. 69-71.

[38] George Andreopoulos, *Genocide: Conceptual and Historical Dimensions* (Pennsylvania: University of Pennsylvania Press, 1994).

[39] Richard Evans, *The Coming of the Third Reich* (London: Penguin, 2005 (reprint)), Chapter 3.

interest. Yet they do not engage in extensive and egregious violence *towards their own citizens*, as totalitarian states do.[40]

Secondly, totalitarian states possess control over effectively all domains (e.g. private, public, social, interpersonal, economic, or religious) of its citizens' lives – the scope of control is *total*, as opposed to *partial*. There exists, per Arendt[41], no room for privacy within totalitarian states, which place their citizens under constant state surveillance, threats of violence, and policing of their private behaviours. In contrast, authoritarian states are comparatively restricted in their control over citizens – their control remains predominantly concentrated in the public sphere, with citizens granted a reasonable degree of access to personal freedoms, specifically over interpersonal affairs, beliefs, and values.[42] As compared with totalitarianism, authoritarianism "still maintains a certain distinction between state and society. It is only concerned with political power and as long as that is not contested it gives society a certain degree of liberty."[43]

Now, some theorists (e.g. predominantly Linz) have proposed that a further criterion be included in stipulating what is necessary for R to qualify as authoritarian: the lack of mass mobilisation. To this, I suggest that Linz's hypothesis, of demobilisation as being purportedly a feature of authoritarian states, is defective and should be rejected. The issue here, is that various authoritarian states often do resort to mobilising the masses as a means of drumming up support for the unitary executives. Linz's typology erroneously misses out on the prospects for *populist authoritarian* states – where the state's political leaders draw upon extensive personal charisma and political strength to dynamically lead and coopt a coalition of key, broad-based working-class groups.

Historical examples for populist authoritarianism with extensive mobilisation efforts include Argentina under Juan Perón's distinctive political ideology (Peronism)[44], China during the Great Leap Forward and the Cultural Revolution in the 1960s and 1970s. More recently, we can also look towards the voluntary assembling of pro-military rallies and protests by pro-state sympathisers under the Tatmadaw in Myanmar until 2015 and from 2021 onwards, or – indeed

[40] Richard Shorten, *Modernism and Totalitarianism: Rethinking the Intellectual Sources of Nazism and Stalinism, 1945 to the Present* (London: Palgrave, 2012).

[41] Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 1951), pp. 308-310.

[42] Pipes, *Russia*, Chapter 2.

[43] Cinpoes, *Romania*, p. 70.

[44] Matthew Karush and Oscar Chamosa, eds., *The New Cultural History of Peronism: Power and Identity in Mid-Twenteith-Century Argentina* (Durham: Duke University Press, 2010).

– Marcos' invoking of popular rallies and vocal mass petitions to intimidate and silence his opponents in the Philippines.[45] Mass mobilisation can and does exist under authoritarian states, specifically when combined with a virulent form of ethnonationalism (see Linz's very own ideal type of 'racial and ethnic façade democracies). Hence Linz's suggestion here should be rejected – the lack of mass mobilisation is not a *necessary* condition for state R to be authoritarian, even if there may potentially exist some weak empirical correlation.

1.3 Parameters, Assumptions, and Definitions

1.3.1 On Injustice

It is imperative that we first establish what an injustice is *conceptually,* here. This thesis takes injustice to denote i) deviations from morally *acceptable* states of affairs that ii) at least partially causally follow from willful human action.

On the first, such deviations can play out in a variety of forms. My open-ended account here is compatible with a range of existing conceptions of injustices on offer – whether it be concerning i) direct, physical harm (a violation of the acceptable state of affairs pertaining to individuals' bodily integrity and freedom from pain [46]), ii) political and socioeconomic subjugation that renders individuals relationally inferior to others (a violation of what is acceptable when it comes to recognition justice[47]), or iii) gross distributive inequalities[48] that lack justification, these are all – but by no means the only – fundamental forms through which deviation from the *morally acceptable* occurs.

The question then, of course, is what differentiates injustices from *misfortunes* – consider, for instance, the injuries and deaths resulting from lightning striking a crowded pool of water; or, indeed, the mass casualties stemming from a virulent, natural pandemic. This is where ii)

[45] Myles A Garcia, *Thirty Years Later… Catching Up with the Marcos-Era Crimes* (Manila, MAG Publishing, 2016); George Lopez and Michael Stohl, eds., *Dependence, Development, and State Repression* (Westport: Praeger, 1989).

[46] Jeff Spinner-Halev, *Enduring Injustice*, (Cambridge: Cambridge University Press, 2012), pp. 53-55.

[47] Axel Honneth, 'Redistribution as Recognition: A Response to Nancy Fraser', in Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (London: Verso, 2003), pp. 110-197.

[48] Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge and Malden: Polity Press 2008); Norbert Anwander, 'World Poverty and Moral Free-Riding: The Obligations of Those Who Profit from Global Injustice', in Michael Scramm, Thomas Pogge, Elke Mack, eds., *Absolute Poverty and Global Justice* (New York: Routledge, 2009), pp. 179 – 189.

comes in – there must be some element of *willful human action* involved on the part of an agent, in order for the deviation from the acceptable to be described as an injustice, as opposed to merely a (natural) misfortune. Indeed, as Young[49] notes, "injustice […] concerns more than simply the fact that people suffer fates they do not deserve. It concerns how institutional rules and social interactions […] narrow the options many people have." The deaths resulting from the weather, natural illnesses, or – indeed – genetic conditions are not, in general, the products of willful human action. On the other hand, famines resulting from governments' failure to allocate resources appropriately, homelessness stemming from intentional actions on part of bureaucrats and market places… such episodes of gross rights violations are indeed injustices. They may be injustices for which no one is *blameworthy*, indeed, yet this does not negate the fact that willful human action is *causally involved*, thereby rendering them injustices.

1.3.2 On Reparative Justice

This thesis focusses on the question of reparative justice, defined in terms of the responsibilities that are owed towards victims of wrongdoings, past or present, as well as the *broader processes* by which such responsibilities are discharged. Here, we are seeking a theory that is both *evaluatively* and *prescriptively* useful in facilitating an understanding of what we ought to do with injustices – past or present. Whilst reparative payments and compensation are key in the rectifying of injustices enacted against past victims of injustice, commitment to prevention of future injustices, as I shall argue, comprises an equally important component of reparative justice.

1.3.3 On Responsibility

Responsibility can come in a multitude of types. One may opt to interpret responsibility as constituting:

I) *moral responsibility*, which is associated with acts for which individuals are *blameworthy.* For example, the intentional murderer is blameworthy for, and thus liable for repairing, the wrongs he inflicted upon his victim (and significant others);

[49] Young, *Responsibility for Justice*, p. 34.

II) *task responsibility* [50] , in which individuals possess binding moral reasons to undertake morally significant tasks – e.g. providing relief to individuals in distress, assisting those left destitute after misfortunes and injustices, that are not, nevertheless, rooted necessarily in any act for which the individual is blameworthy;

III) *political (structural) responsibility*[51], which denotes, in the Youngian tradition, a form of forward-looking responsibility for us to orient ourselves towards the elimination of structural injustices through collective and political action.

Finally, we may read "responsibility" as denoting the:

IV) general *duty* that individuals possess in virtue of their being capable moral agents, e.g. the duty to not harm innocent others.

This thesis is uninterested in IV) – we want to identify uniquely *reparative responsibilities* that *some* individuals, as opposed to *all* in virtue of their being autonomous moral agents, may accrue. As for I), II), and III), in our search for a unifying or relatively comprehensive account of what we ought to do in face of injustices, I suggest we should remain open- minded as to the particular *kind* of responsibility that best fits the ideal RJAS (in Chapter 8, we shall come to develop a distinctive kind of responsibility for the model advanced by this thesis). As such, all three kinds – moral responsibility (in the form of specific or strict liabilities), task responsibility, or political responsibility – *could* all be pertinent forms of responsibilities that comprise at least a significant part of the account we seek. In short, *responsibility* is – at least as a starting-point – taken to be a pluralist concept.

I want to also draw upon a crucial distinction introduced by Miller here:

> Identifying responsibility is a matter of looking to see, if anybody, meets the relevant conditions for being responsible ... Assigning responsibility, by contrast, involves a decision to attach certain costs and benefits to an agent, whether or not the relevant conditions [concerning the agent who is outcome or remedially responsible for the relevant outcome] are fulfilled.[52]

[50] Robert Goodin, 'Vulnerabilities and Responsibilities: An Ethical Defense of the Welfare State', *The American Political Science*, vol. 79, no. 3, 1985, pp. 775-787.

[51] Young, *Responsibility*, Chapter 3.

[52] David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), p. 84.

This is a project preoccupied predominantly with assigning responsibility for *repairing* injustices (Chapter 8 unpacks what this entails) - as opposed to exclusively identifying moral responsibility for these injustices in the first place.

1.3.4 On the Unique Applicability of Account

A question may inevitably be raised: must the account we offer *uniquely* explain injustices *only under authoritarian states*? In other words, could the RJAS also serve to account for reparative justice in non-authoritarian states?

To be clear, there may be a range of accounts of reparative justice that can account for responsibilities under both non-authoritarian and authoritarian conditions. I remain cautiously open to the possibility that the best candidate for RJAS could also apply to non-authoritarian states. However, where the key difference between authoritarian and non-authoritarian contexts lies, is the precise *mode* and *basis of authorisation* – i.e. what constitutes a relevant source of authorisation in democratic states, may not be *as relevant* under authoritarian states, where alternative accounts of authorisation may be more contextually applicable and germane. In short, authorisation-centric accounts *can* apply across both democratic and authoritarian contexts, but the precise form such authorisation empirically manifests will shift and vary contextually – this, I argue, is justified.

1.3.5 On Why We Care

The ambition of this project is clear – it is for us to evaluate existing theories of responsibilities for injustices, within the particularised (albeit somewhat heterogeneous) circumstances of authoritarian states. The evaluation and critique of such theories is – inherently – a highly theoretically informative exercise. It informs us of the strengths and limits of each of these distinct frameworks of reparative justice, and allows us to consider, more broadly, how such models can be refined or taken further in capturing a wider range of contexts.

Yet there is more to this project than merely the evaluative question. There is also the practical question: what, exactly, should and can be done in authoritarian settings?

Now, one may express skepticism as such – given that individuals under authoritarian states often have constricted political agency and capacity to make a difference to their

circumstances, how – if at all – would knowing the ideal RJAS help us distribute responsibilities and motivate action in a meaningful manner?

To this, I note that those who reside under authoritarian states often have resources and the experience that allow them to transform, interrogate, indirectly subvert, or reform their governments for the better. Indeed, this project is partially devoted towards identifying a typology for the empirical means through which such changes could occur. Understanding where responsibilities lie – and upon what they are founded – would help residents and citizens under democratic states make sense of how they ought to interact with those living under authoritarianism. The hope is this project could at least go some way in providing the normative bedrock for the foreign policy of states as they attempt to engage with the diverse range of individuals living under authoritarianism. It would be a mistake to view them as universally and monolithically victims, deprived of any and all capability in effecting change in their communities. I address this question in Chapter 8.

1.3.6 On Heterogeneity

Authoritarian states are clearly heterogeneous – with wide disparities amongst them. Whilst some states may, for all intents and purposes, largely succeed in ensuring that their citizens derive significant socioeconomic and financial gains from their policies and governance, others could well be dysfunctional and rife with poverty. Whilst certain authoritarian states are underpinned by a strict maintenance of order and broad stability, others are characterised by near-perennial political turmoil and in-fighting.

Briefly, for the sake of clarity, it is worth sketching out ways through which authoritarian states can differ from one another. First, whilst some authoritarian states regularly conduct elections (that are, themselves, obviously defective and flawed), others do not, and are maintained through militaristic, strong-man, or monarchic rule.[53] Second, amongst cases where elections are (ir)regularly conducted, the state in question may comprise a singular party, multiple parties, or factions within a big-tent party, with official, formal power secured through anti-democratic measures – as highlighted above.[54] Third, decision-making authority and powers may be vested in a single, charismatic leader, or a wider, more amorphous structure (e.g.

[53] Svolik, *Politics of Authoritarian Rule*, Ch. 2 and 3.

[54] Steven Levitsky and Lucan Way, *Revolution and Dictatorship* (Princeton and Oxford: Princeton University Press), pp. 25 – 30; Michael Wahman, Jan Teorell, Axel Hadenius, 'Authoritarian regime types revisited: updated data in comparative perspective', *Contemporary Politics*, vol. 19, no. 1, pp. 19-34.

bureaucracy, religious clergy, or military). Finally, the extent to which the state governs through repressive violence (e.g. tyranny), or through buying off and coopting opposition (e.g. timocracy)[55] also differs from context to context.

The heterogeneity of the authoritarian cases surveyed throughout this thesis is very much intended. I do not see such divergences as a defect or serious impediment. So long as a) the account we eventually arrive at is sufficiently and appropriately sensitive towards such variations, and b) there exist sufficient normative differences between authoritarian and non-authoritarian (democratic) or totalitarian states to render the exercise of seeking a RJAS (as opposed to a unifying, overarching theory of reparative justice across all regime types) uniquely fruitful, I would posit that such heterogeneity poses no issue to our task at hand.

1.3.7 On Temporality

One final note on temporality here. Obviously, as flagged previously, we are interested in both authoritarian states that have remained persistently authoritarian, as well as former authoritarian states that have now democratised. These two types of states are different at present, yet share an undergirding commonality – that in the past, injustices were committed *under* authoritarian states, *by* members of the states. In the former case, the fact that these states remain authoritarian would somewhat constrict the range of options and possible paths for recourse; in the latter, the democratic nature of the present-day state may open up more avenues for reparative action, yet – in turn – the connection between the citizenry at present with the actions committed in the past, given the drastically transformed circumstances of action (e.g. constraints on freedom, extent to which past generations' genuine attitudes and volitions were reflected by their actions, vis-à-vis present generations') may be more controversial.

I shall acknowledge and flag this distinction, but shall not place too much emphasis upon it, throughout this project. This is not because I do not view this difference as of normative interest, but because many of the accounts and arguments offered can be applied across both contexts. The ideal RJAS must be capable of appropriately handling historical and contemporary injustices alike.

[55] Ronald Wintrobe, 'How to understand, and deal with dictatorship: an economist's view', in Amihai Glazer and Kai Konrad, eds., *Conflict and Governance* (Springer, 2003), pp. 56 – 60.

1.4 Morally Salient Contingent Features of Authoritarian States

We must now get to grips with the normatively significant reasons as to why authoritarian states *are likely to be* different from their non-authoritarian counterparts. The following section outlines three morally salient features of authoritarian states:[56]

1.4.1 Ubiquity of state-perpetrated injustices

Authoritarian states can produce injustices through either directly causing them, or passively permitting their occurrence. A contingent yet empirically probabilistic feature of authoritarian politics constitutes the frequency of such injustices. This stems largely from the associated incentives of core veto players[57] within the system.

Authoritarian institutions operate as de facto "bandits", as argued by Olson[58] – the lack of checks and balances, the over-concentration of powers, and the absence of sustainable succession norms render them likely to behave in a manner that results in net violations of citizens' interests. Authoritarian leaders are likely to be insecure as they face the risks of challenge and resistance from political entrepreneurs – organised groups and coalitions maintained through their shared values and opposition to the dictators. In response to contenders vying for their power, leaders have only a limited range of responsive options.

Authoritarian leaders often fail to see how the circumscribing of their powers and instruments could lead to substantial accruement of immediate and medium-term personal gains. This is important, given their constricted time horizons (i.e. authoritarian rulers are often more likely to prioritise closer-term dividends given paranoia but also their advanced ages when they reach power).[59]

[56] These morally salient features may also recur in totalitarian states – that such recurrence holds true and cuts across state type is not a defect in my account. Yet the primary focus of our thesis remains with authoritarian states, for the reasons outlined above.

[57] George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton: Princeton University Press, 2002).

[58] Mancur Olson, 'Dictatorship, Democracy, and Development', *The American Political Science Review*, vol. 87, no. 3, 1993, pp. 567-576.

[59] Haber, 'Authoritarian Government', p. 698.

The frequency and volume of such injustices tend to be far higher in most authoritarian states – exceptions obviously exist, including China during the early days of the reform and opening-up era in the 1980s and 1990s[60], or intermittent years during Suharto's rule[61] in Indonesia when easing of restrictive measures was pursued, yet these remain exceptions, as opposed to the norm. Where authoritarian states differ from their non-authoritarian counterparts, lies in the fact that such injustices are *structurally* induced – i.e. the design of these governing systems and elites render it such that it is in their rational self-interests to sanction such policies and outcomes.

1.4.2 Citizens' lack of direct political agency

Citizens residing in authoritarian contexts possess highly circumscribed political *agency* – whether it be defined formally in terms of ability to vote and politically participate, or informally as the capacity to influence policy decisions as enacted by the state.[62] I take agency here to be a hybrid of *opportunity* and *exercise* concepts[63] – the former refers to our ability to, should we choose to, influence political outcomes; the latter constitutes our actual capabilities in successfully influencing political outcomes.

Authoritarian states' political leaders are largely sustained by hegemonic voting axes – e.g. electoral blocs that remain consistently dominant over an extended period of time. As Tóth argues, "many authoritarian systems constitutionally retain multi-party elections and provide scope for activities of opposition movements, although legal norms and practices ensure the dominance of the ruling party".[64] Constitutions may ostensibly guarantee free and unfettered elections, but such guarantees contribute only towards the maintenance of the façade of accountability and representation, as opposed to genuine contestation over power. As Sartori[65] notes, most of these façade constitutions offer dictators significant semantic camouflage and leeway to interpret away core civil and political liberties; ideological or religious commitments in these constitutions lend further credence to the perceived legitimacy of the dominant party,

[60] Ezra Vogel, *Deng Xiaoping and the Transformation of China* (Cambridge, Massachusetts: Belknap Press, 2013).

[61] Elson, *Suharto*.

[62] Haber, 'Authoritarian Government', pp. 703-704.

[63] Charles Taylor, 'What's Wrong with Negative Liberty', in Alan Ryan (ed.), *The Idea of Freedom: Essays in Honour of Isaiah Berlin* (Oxford: Oxford University Press, 1979).

[64] Gábor Attila Tóth, 'Authoritarianism', in *Max Planck Encyclopedia of Comparative Constitutional Law* (Oxford: Oxford University Press, 2017), Section 3.c.26.

[65] Giovanni Sartori, 'Constitutionalism: A Preliminary Discussion', *American Political Science Review,* vol. 56, no. 4, 1962, p. 855.

thereby stifling support for the opposition. Individual citizens are politically excluded, given the dearth of potential representatives and candidates contesting offices, as well as the fact that the hegemonic party has little to no incentive to cater to the masses provided that their primary backers remain content with their performances.

Furthermore, citizens lack the political agency to oppose state decisions via non-legislative mechanisms, given both a) the shortfall of non-institutional checks and balances against the executive and b) significant restrictions over individual and collective rights. On the first, authoritarian politics has limited tolerance for an independent judiciary. Indeed, in Hungary, the actions of Viktor Orbán's *Fidesz*-led government targeting the judiciary (including advancing in 2012 a judiciary reform that centralised the administration of courts under the newly established National Judiciary Office, and the harassment of judges and courts throughout the past decade [66]) have propelled the country down the path of democratic backsliding – the authoritarian encroachment upon the judiciary under Orbán enabled the executive to advance heavily constricted and skewed 'reforms' to the education system, as well as stymying prospective dissent from the public.

1.4.3 Significant costs in rectifying injustices

The conditions of authoritarian states often compound the costs of rectifying injustices. The primary reason for this is that the very act of rectifying, apologising for, or compensating victims of injustices, could well run contrary to the state-sanctioned dogma – i.e. individuals may be penalised for sympathising with or abetting the "enemy". Consider, for example, the ongoing persecution of Rohingya refugees in Myanmar – to openly express support, or to provide material assistance to the Rohingya has been equated, per official discourse, to enabling individuals who pose a fundamental 'hazard' to Myanmar's law and order.[67] Through framing the Rohingya people as an ostensible public nuisance, and their sympathisers and supporters as traitors[68] to Myanmar's public security, the military-backed government has significantly raised the stakes for those hoping to 'right the wrong' over the refugee issue. Per

[66] Human Rights Watch, 'Wrong direction on rights: assessing the impact of Hungary's new constitution and laws', 2013, available at: https://www.hrw.org/report/2013/05/16/wrong-direction-rights/assessing-impact-hungarys-new-constitution-and-laws.

[67] Holliday, *Burma Redux*, Ch. 6.

[68] Holliday, *Burma Redux*, Ch. 6.

accounts of authoritarian contentious politics[69], authoritarian states tolerate a very limited range of activities contrary to their core interests and principles. Where such activities exist, they often exist as a result of "safe spaces" created through invoking state-sanctioned discourses. Should oppositional action fall outside such curated 'zones', it becomes a target of both state and public scrutiny and attack.

Even where rectification is not diametrically opposed to the state's interests, we should note that authoritarian politics often leaves marginalised or non-compliant (in relation to the state) individuals significantly worse-off in terms of social standing and economic wherewithal. This is achieved through both implicit affirmative action measures favouring privileged groups, as well as tacit means of exclusion through gerrymandering, forced expropriation of land, and zoning practices.[70] The implication here is that it may be actively *costly* (e.g. incur substantial economic expenses, or pose exorbitant personal costs and risks) for individuals to seek to oppose or counter injustices.

1.5 Thesis Outline

The rest of the thesis proceeds as follows. In the next section 1.6, I outline the criteria by which the ideal RJAS will be assessed. There are three primary criteria at hand: 1) *descriptive accuracy:* the extent to which our ideal RJAS avoids *overshooting* (what Erskine terms "overspills" [71]) – i.e. including and ruling in as responsible agents who should not be responsible for repairing injustices – and *undershooting* -- i.e. failing to rule in as responsible agents who should, in fact, be responsible for repairing injustices; 2) *explanatory precision* – the extent to which the proposed RJAS can supply the correct and normatively robust reasons for its verdicts concerning responsibility, and the lack thereof, from individuals; 3) *external coherence* – the RJAS should at least be broadly compatible with our quest to discharge the residual reparative responsibilities and feasibility constraints.

Chapters 2 to 5 will examine four substantive sets of accounts – the broad objectives are two-fold: firstly, to highlight aspects of these accounts that can be modified in rendering them *more* applicable to the authoritarian context; secondly, to highlight why even after such

[69] Zhao Dingxin, 'Authoritarian Regime and Contentious Politics', in Kevin Leicht and Craig Jenkins (eds.) *Handbook of Politics: State and Society in Global Perspective* (New York: Springer Science: 2009), pp. 459-76.

[70] Spinner-Halev, *Enduring Injustice*.

[71] Toni Erskine, 'Kicking Bodies and Damning Souls: The Danger of Harming 'Innocent' Individuals While Punishing 'Delinquent' States', *Ethics and International Affairs*, vol. 24, issue 3, pp. 261 – 285.

modifications, these accounts still fall short in some critical respects, and thus remain insufficient in answering the questions we set out above. In Chapter 2, I engage with the primary liability-centric account[72] that individuals are to be held reparative-responsible *iff* they are morally blameworthy for the acts that produce the injustices in question. Agents are to bear responsibility if they are morally responsible for the injustices perpetrated by their state. We draw upon literature concerning the intricacies of blame assignment to shore up the robustness of this account, prior to demonstrating that it is ill-equipped for authoritarian contexts.

In Chapter 3, we turn to a group of collective responsibility-centered accounts[73] that posit individuals are responsible for repairing injustices – even if they are not blameworthy – in virtue of their being members in structured *collectives* that render them task-responsible for remediating injustices committed by their collectives (states). In evaluating this account, we will come to see that a vast majority of citizens residing under authoritarian states do not fall neatly – or reasonably – under the prescribed scope. Authoritarian states rarely possess the needed relationship with their citizens to comprise morally meaningful collectives. It is on this basis, as well as the fact that this account systemically struggles to account for individuals who contribute towards injustices despite not being members of collectives, that we suggest that collective responsibility-centric accounts are equally unsuccessful.

Chapter 4 examines literature that has sought to develop extant arguments concerning complicity [74] into fully fleshed-out accounts of citizen responsibility under states – both democratic and non-democratic alike. In particular, we examine Pasternak's newly published account of responsible citizens under irresponsible states[75], where she seeks to ground reparative responsibilities upon citizens' participatory intentions and resultant *intentional citizenship*. This chapter suggests that whilst Pasternak contributes a significant and novel account to the ongoing debate, especially in non-democratic contexts, the offered account nevertheless possesses certain defects that renders it perhaps less than effective in determinately pinpointing the bases and extent of responsibility in authoritarian contexts.

[72] Victor Tadros, *Ends of Harm: The Moral Foundations of Criminal Law* (Oxford: Oxford University Press, 2013); Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

[73] Larry May, *Sharing Responsibility* (Chicago: University of Chicago Press, 1992); Larry May, *The Morality of Groups* (Notre Dame: University of Notre Dame Press, 1987); List and Pettit, *Group Agency*.

[74] Chiara Lepora and Robert Goodin, *On Complicity and Compromise* (Oxford: Oxford University Press, 2013); Kutz, *Complicity*.

[75] Pasternak, *Responsible Citizens*.

We then turn to structural injustice accounts[76] – centered around political responsibility – in Chapter 5. Such accounts offer an innovative departure from the moral responsibility and task responsibility-centered discussions within the existing literature. We nevertheless shall come to see that structural injustice accounts also struggle to make sense of the quest for justice under authoritarian states, given that the unique nature of the decisional and choice-making circumstances confronting citizens under these states, in fact makes a persuasive case for these individuals to *not* bear any reparative responsibility – blame-centric or otherwise – in the first place.

After surveying a range of accounts in the previous section, we turn to the final task in this thesis: the development of an original account that this thesis shall adopt and justify. This mission will be the primary focus of Chapters 6, 7, and 8.

Chapter 6 begins with exploring existing accounts centered around grounding citizens' reparative responsibilities through their authorisation of their particular state. We commence with Stilz's Democratic Authorisation Principle, as raised in her 2011 article, prior to surveying two critical objections – the first will yield the conclusion that responsibility-generating authorisation can and should be identified in non-democratic contexts, too; the second revolves around fundamental defects in 2011 Stilz's own view of authorisation. Drawing upon Parrish's Authorised State Model and more recent works by Stilz in the spheres of self-determination and territorial integrity, we articulate a dualist conception of authorisation, which offers a promising start to the search for reparative justice under authoritarian states.

Chapter 7 further elaborates upon this dualist account, in developing it into a Comprehensive Authorisation Model (CAM). Here, we consider both the efficacy of the dualist account in modelling reparative responsibilities in authoritarian contexts, as well as potential ways of specifying and diversifying the bases of authorisation beyond what has been surveyed in existing literature.

Chapter 8 examines objections to the authorisation-centric model, and offers a practically oriented discussion of how the responsibilities advanced by this account should best be discharged. Here, I aim to articulate an account of praxis oriented exclusively around how citizens residing under authoritarian regimes ought to act.

[76] Young, *Responsibility*; Maeve McKeown, 'Structural injustice', *Philosophy Compass*, vol. 16, no. 7, 2021, pp. 1 -; Robin Zheng, 'What is My Role in Changing the System? A New Model of Responsibility for Structural Injustice', *Ethical Theory and Moral Practice*, vol. 21, 2018, pp. 869-885

Whilst existing frameworks such as Pasternak's and Parrish's offer valuable insights into how we ought to understand state responsibility through the lenses of international law and inter-state relations, the hope is that the proposed account of change can begin to fill a broader lacuna over praxis on an individual and collective level: what can individual citizens do, on their own and in conjunction with one another? We conclude by comparing the advanced account against the range of accounts surveyed.

1.6 Desiderata

For the purpose of my project, I submit the following desiderata for any sound theory of responsibilities towards (in)justice – any competent account of RJAS must fulfil the following criteria:

1) *Descriptive accuracy* – the theory must neither *overshoot* (in ruling as responsible individuals who should not be responsible), nor *undershoot* (in ruling as non-responsible individuals who should be responsible) in identifying responsible agents under authoritarian states;
2) *Explanatory precision* – the theory must be capable of explaining, with the *right reasons*, the judgment of responsibility and consequent moral assessments of individuals on the basis of their compliance, or lack thereof, with a theory's prescriptions; the assignment of the *correct kind* of responsibility is of utmost importance;
3) *External coherence* – the theory should match or be commensurate with considerations that we find independently important in authoritarian contexts, such as (including but not limited to): having prescriptions that i) adequately discharge outstanding responsibilities – e.g. in rectifying the negative outcomes following on from injustices[77], and ii) are feasible[78] to dischargee.

These three comprise necessary and sufficient conditions for a successful RJAS.

[77] This could take a number of forms, including compensating victims, opposing present and future injustices, and commemorating and apologising for past wrongdoings, as we shall come to see in Chapter 9.

[78] We shall come to unpack what we take to be 'feasible'.

1.6.1 Detailed Descriptions of Desiderata

1.6.1.1 Criterion 1: Descriptive Accuracy

This criterion requires the ideal theory to identify *accurately* individuals who should be held responsible. There are two competing considerations here, pulling in different directions. The first concerns the scope of application (*generality*) of the theory[79] - i.e. the extent to which the theory successfully applies to a large (enough) crowd such that it is beyond merely a trivial postulate, and can in fact be employed to deem and judge actual actors responsible. Underlying this is the thought that the theory in question should be as *general* as possible in its scope, to capture, to the *fullest extent*, all responsible agents. As will be later discussed, instances where agents who *should be responsible* are not deemed responsible, comprise cases of *undershooting* by the theory.

On the other hand, the theory must refrain from holding *non-responsible agents* responsible – this is particularly important if it is to avoid being unjustified in virtue of holding responsible non-responsible actors. An account of reparative justice only holds if it is not – itself – complicit in perpetrating secondary injustice, i.e. the theory should not wrongly prosecute innocent individuals, who must bear the burdens, costs, and erroneous judgments imposed upon them by the account. Instances where agents who *should not be responsible* are deemed responsible, constitute cases of *overshooting* by the theory.

Optimisation. Our theory should ideally *minimise* the sizes of both subsets of *overshooting* and *undershooting*.

One could make the argument that undershooting is perhaps less of a problem than suggested above – after all, it is unlikely that any theory of reparative justice is capable of exhaustively identifying the agents who are responsible. In practice, we may resort to employing a range of methods and techniques in identifying agents who should take up reparative responsibilities in real life. More substantively, this fixation over undershooting may compel us to inadvertently rule out theories that successfully and robustly identify responsible agents – but may fail to do so at the margins or under certain circumstances.

[79] See George Klosko, 'Multiple Principles of Political Obligation', *Political Theory*, vol. 32, no. 6, 2004, p. 803.

In response to this challenge, note that it is one thing to seek systemically a theory that does not, at all, undershoot; it is another to prefer – *ceteris paribus* – a theory that undershoots *less*. We are interested in a theory that can capture as much as possible the responsible subset of agents, and, where that is not feasible, we should still be willing to compare and appraise how different theories compare with one another in accordance with the dimension of undershooting (or avoiding so doing).

Furthermore, I would argue that if a theory systemically undershoots, this can count as a *theoretical defect* that we should take seriously – letting a responsible individual walk free would reflect *inadequacy* on the part of the theory. In the presence of strong countervailing evidence pointing to the opposite conclusion, we should be willing to criticise a theory for its failure to reflect accurately – under a range of different conditions and contexts – both the identities and distribution of responsibilities amongst individuals.

Additionally, a discussion over methodology is in order. In considering whether the identification of responsible actors is sufficiently accurate, we shall be employing a range of tools in enabling us to determine the answers to the question at hand – including, but not limited to, whether the description is compatible with other *prima facie* moral reasoning, as well as our considered intuitions concerning reparative responsibility.

I assume here that our intuitions are at least somewhat reliable and valuable in informing our enquiry into normative theory.[80] The theory we develop should thus possess moderate fidelity to our intuitions, especially concerning the agents it deems to be responsible and non-responsible, with those who are responsible potentially possessing different degrees of responsibility. Through careful calibration and back-and-forth evaluation of such intuitions against more established, prior moral judgments independent of the theory advanced, we shall come to a wide reflective equilibrium[81] concerning the strengths and weaknesses of each possible candidate of RJAS.

1.6.1.2 Criterion 2: Explanatory Precision

[80] See Laurence Bonjour, *In Defense of Pure Reason* (Cambridge: Cambridge University Press, 1998); George Bealer, 'The Incoherence of Empiricism', *Proceedings of the Aristotelian Society* (Supplemental Volume), vol. 66, pp. 99-138.

[81] Norman Daniels, *Justice and Justification: Reflective Equilibrium in Theory and Practice* (New York: Cambridge University Press, 1996), p. 157.

This criterion stipulates that the ideal RJAS must be capable of explaining not just whom should be held responsible, but also the precise reasons for which they are to be held responsible for repairing and addressing injustices in the past, present, and future. A reasonably strong explanation should be able to answer *correctly* the following questions:

a) On what grounds should they be held responsible? (Justification criterion)

The *justification criterion* requires the ideal theory to provide competent justification for holding the particular individuals above responsible. This is by no means straightforward. The justification must of course itself be sound, valid, and theoretically well-supported – either via drawing upon more foundational theories, or in offering reasonable interpretations of highly powerful intuitions (cf. Criterion #1 above). The theory should be of an adequate argumentative quality – i.e. it cannot rely upon false premises or erroneous normative assumptions.

Additionally, the theory must provide *specific* justification that engages explicitly with explaining *why* the injustice in question merits redress, *why* the identified actor ought to repair it, and *why* this responsibility does not apply to individuals who fall beyond the identified scope of responsible agents. As Reiman notes in his critique of Young's methodology and case study (e.g. "without an explanation of why Sandy's [the protagonist of Young's thought experiment] situation is the result of injustice, the basis for people's responsibility to help her is rendered uncertain"[82]), there needs to be clear and unambiguous reasons provided to support the assignment of responsibility to individuals.

An alternative way of framing would be that our desired theory can offer valid *differentiating criteria*[83] that differentiate duties of reparative justice from other, more general duties of justice. We are uninterested in general duties that would apply to individuals on the basis of their shared humanity. As such, the grounds upon which we hold individuals responsible must not be general features that apply across all living, sentient moral beings. For one, it is theoretically possible to build a theory of mitigation of injustice out of *duties to do no harm*, or *to prevent harm* alone – yet doing so would be beside the point of our enterprise; we want accounts that can explain why *some*

[82] Jeffrey Reiman, 'Review: The Structure of Structural Injustice: Thoughts on Iris Marion Young's "Responsibility for Justice"', *Social Theory and Practice*, vol. 38, no. 4, 2012, p. 743.

[83] Cécile Fabre, 'Cosmopolitanism, Just War Theory and Legitimate Authority', *International Affairs*, vol. 84, no. 5, 2008, pp. 963-976.

individuals, not all moral agents, should come to *repair injustice*. The grounds for responsibility assignment must specifically map onto the subset identified – no more, no less.

b) What are the limits to the responsibilities borne by individuals? (Limit criterion)

The second question that must be answered constitutes the *limit criterion*. We have touched upon the need for the theory to be normatively weighty in its urgency and ability to bind individuals' actions. Yet the flip side of the coin is equally important – it should be the case that the individual is not asked too much of, for that would render the theory over-demanding. Avoiding inaccuracy with respect to the demands we impose upon individual agents, is of paramount importance, especially given that many of the agents whose actions we are prescribing and appraising here, may well suffer from circumstantial constraints and predicaments, that we ought to take seriously.

This does not mean that our theory should default to prescribing inaction whenever obstacles or costs for individuals arise – there are apparent instances where individuals should be expected to bear the costs of reparation when bound by particularly pressing prerogatives or duties. Consider, for instance, a thief living in abject poverty, who must nevertheless return the wealth he steals from a non-consenting victim – he must restore to the victim what rightfully belongs to them, even if doing so would render them, a poor individual, even worse-off. There are times when apparent individual costs cannot outweigh the urgency and necessity of reparative justice. Yet the above does also mean that where significant costs are incurred by individuals in discharging their responsibilities, the theory must provide sufficient justification for why such a level of burdens is to be imposed upon these individuals, and is not egregious.

c) What is the specific type of responsibility that individuals bear? (Particularity criterion)

Finally, recall the above discussion concerning the plurality of responsibilities that could well be at stake here. We began our enquiry with the presumption that there could be a range of possible forms that the responsibility of the ideal RJAS may take. This does not mean, however, that we should not be concerned with getting the type of responsibility *right* – for one, if we are to assign blame to individuals, we must ensure that the account we employ in fact supports holding them blameworthy, as opposed to responsible in a blameless manner. Similarly, the grounds on which we hold individuals responsible in a blameless sense, cannot be ones that

in fact support exclusively their being held blameworthy. There ought to be *correspondence* between the argumentation cited for responsibility, and the *kind* of responsibility by which individuals are bound.

This *particularity criterion* is highly germane: as we shall see shortly, there may be candidates for RJAS that possess a modicum of normative justifiability, especially in supporting the identification of the responsible, and non-responsible, agents. Yet in the process of doing so, should such theories eventually assign the wrong kind of responsibility, or fall short in establishing why their conception of responsibility ought to take hold – then these theories should still nevertheless be scrutinised and criticised fairly, for their failure on this front.

1.6.1.3 Criterion 3: External Coherence

The final criterion concerns external coherence – more precisely, the RJAS we settle upon must *necessarily* satisfy two external sub-criteria: a) adequate resolution, and b) practical feasibility.

a) Adequate Resolution

The first sub-criterion posits that an ideal RJAS must enable us to sufficiently distribute the responsibilities in relation to the outstanding costs left over from the injustice. To be more precise – recognise that injustices leave in their wake, victims, disruptions to an ideal state-of-affairs, as well as more general negative consequences that require redress and/or mitigation. As noted by Pasternak[84], in practice, such deleterious consequences may not necessarily be rectified promptly or adequately by the state – for one, responsible actors within the state may opt to shirk responsibility, deny involvement, or pass the costs of rectifying such injustices onto other individuals. Yet such wrongdoings still require redressing – the victims do not go away, their suffering does not dissipate, merely because of the inaction and inertia that afflict many contemporary authoritarian states. It is therefore crucial that we can come up with a *theory-of-the-second-best*, which comes to the rescue when political reality renders compensation by state actors, and/or whomever else are identified under simpler and more straightforward theories of reparative justice, highly unlikely to occur.

b) Practical Feasibility

[84] Pasternak, *Responsible Citizens*, pp. 4-10.

The second criterion is that the theory we advance should yield prescriptions that are at least moderately feasible. I take Gilabert and Lawford-Smith's archetypal conception of feasibility as a starting-point: feasibility can be to do with a) mere possibility (can the desired state be reached at all), and b) the probability of such a state being reached (how probable, given an attempt at it). Hard constraints rule out possibility per both a) and b); soft constraints, on the other hand, merely affect the probabilities of such a state being reached. [85] To be methodologically clear – I do not take any fundamental issue with theories that are purely interpretive in nature, or that engage in ideal theory whose prescriptions cannot be implemented given political constraints, limitations to compliance, and other bare sociopolitical facts. I also do not endorse the view that theories of justice, *in general* and *at large*, cannot be 'utopian' or purely 'interpretive' in nature – Estlund [86] offers a lucid and eloquent defense of why being able to understand what is just and what is unjust, is intrinsically valuable.

Instead, the claim I advance is more limited. In the context of seeking an apt theory of reparative justice for *authoritarian states* – where injustices are ubiquitous, and where reparation of wrongdoings are not always discharged, we are in need of a theory that can be pragmatically realistic in offering suggestions that we can implement. In short, we need forward-looking recommendations that can then generate action-based prescriptions. In the context of mitigating injustice, political theories have been increasingly held to the standards of political feasibility[87] – in the form of minimising prospective challenges and costs accrued by policymakers as they enact the prescribed policies; or in reflecting a modicum of realism concerning the challenges confronting the individual as they seek to comply with the theories. If we are to avoid producing political philosophy that is purely "lamentation", per Miller's warning[88], then we need to theorise in a way that is sensitive to real-life constraints on political and practical action.

1.6.1.4 A Potential Objection

[85] Pablo Gilabert and Holly Lawford-Smith, 'Political Feasibility. A Conceptual Exploration', *Political Studies*, vol. 60, no. 4, 2012, p. 813. There obviously exists a significant debate in the literature concerning feasibility – but I hope we can proceed without wading into an exhaustive survey of such accounts.

[86] See, e.g. David Estlund, *Utopophobia: On the Limits (If Any) of Political Philosophy* (Princeton: Princeton University Press, 2020).

[87] David Miller, 'Political Philosophy for Earthlings', in *Justice for Earthlings: Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2013), pp. 16-39); Naima Chahboun, 'Three Feasibility Constraints on the Concept of Justice', *Res Publica*, vol. 23, 2017, pp. 431-452; Lois McNay, *The Misguided Search for the Political: Social Weightlessness in Radical Democratic Theory* (Oxford: Polity, 2014).

[88] Miller, *Justice for Earthlings*, p. 4.

Lest the challenge be that we are submitting our theory to the impossibly high demand of being compatible with too many external criteria, I want to be incredibly clear: we do not seek total alignment between our theory and *all* theories of the just, the right, and the good, especially given that I do not envision the ideal account of *reparative* justice as constituting a monistic account that encapsulates *all* forms of justice.

Two further points on this. Firstly, a theory of reparative justice that is superseded and outweighed by a number of countervailing considerations, is unlikely to be one that stands up to intense scrutiny in the first place, and thus we need something more than just a *weak* and *easily defeasible* RJAS.

Secondly, where conflicts arise between the RJAS's prescriptions/interpretations, and those of competing or parallel considerations, the ideal RJAS should be capable of explaining why either its prescriptions should outweigh and trump these competing analyses, or explain why the rival view's trumping of it in these cases does not spill over into, and thus undermine, its successes in other cases.

1.7 Recap

The above has established that the ideal RJAS we are seeking must possess three virtues – descriptive accuracy, explanatory precision, and external coherence. These virtues are *necessary*, and to them we will repeatedly indirectly or directly refer throughout the later chapters, in order to come up with the fitting account. We may not explicitly flag these criteria – yet it is imperative that we set the above out clearly, in order to maintain broadly consistent standards in appraising a varied range of accounts, and their applications to authoritarian contexts.

2 Perpetrator and Liability Model (PLM)

2.1 Roadmap

This chapter begins by outlining an overview of the Perpetrator Model (PM), which is undergirded by the following two claims. The first is that perpetrators of injustices ought to be held liable to repair the unjust outcomes of their actions; the second is that such responsibility is best understood through the lens of *moral responsibility*: individuals who are morally responsible for wrongdoings are *blameworthy* for the acts they commit.

Given the centrality of moral responsibility and blameworthiness in discussions concerning reparative justice, the following chapter also serves to elucidate the fundamental impetus for the thesis -- this starting-point approach does *not* fit well the authoritarian context. In applying the PM to authoritarian states, we shall come to see its limitations as a plethora of feasibility-related and epistemic-cognitive barriers render it difficult for us to pin down exactly the *right* individuals who ought to be held responsible under this particular framework.[1]

One way of circumventing these barriers, as advocated by some, is to combine the PM with two further, related yet distinct accounts of *role-based strict liabilities* and *negligence-related reparative duties*, such that individuals are to be blamed and held morally responsible for failing to live up to externally stipulated criteria of responsibilities stemming from their roles, and/or failing to take action where they could have, and yet have neglected to do so. We term this the Perpetrator and Liability Model (PLM).

In applying the PLM to authoritarian contexts, two sets of issues arise. Firstly, the account undershoots and fails to identify as responsible individuals who ought to be responsible. Furthermore, in focusing primarily, if not exclusively, on moral liability, this account passes over large numbers of individuals who should be held responsible on both grounds of their wider involvement with said injustices, and for reasons on which subsequently discussed models shall elaborate. This account does not sufficiently identify the individuals who should be held reparatively responsible.

[1] Gary Watson, 'Two Faces of Responsibility', *Philosophical Topics*, vol. 24, no. 2, 1996, pp. 227-248; Dana K. Nelkin, *Making Sense of Free Will and Responsibility* (New York: Oxford University Press).

On the other hand, the PLM overshoots in holding responsible individuals who are victims of structurally coercive social norms, rituals, and forces that cannot be ruled out through the introduction of further conditions. Such overshooting undermines the normative justifiability of the account, and undercuts the extent to which it can be applied to authoritarian contexts.

Furthermore, whilst amendments can be introduced to mitigate against some of the worst excesses of the PLM, the model remains fundamentally ill-equipped for contexts in which the evidence and prerequisites required for such amendments to hold cannot be easily obtained, e.g. authoritarian states, with the high barriers to information and constrictions to individuals' political agency, which thereby renders such approximation efforts futile.

Note, the following does not negate the fact that the PLM retains a key role to play where the right conditions, as to be outlined shortly, are met, even under authoritarian states. However, all things considered, it is with the above reservations in mind that we must seek alternatives to PLM qua the ideal RJAS.

2.2 Introducing the PM

A few nomenclatural preliminaries are needed, before we proceed:

The *perpetrator* of an act of *injustice* denotes the agent who a) performs the act, with b) the act *causing* or *contributing towards causing* the injustice to occur. [2] Here, causality and contribution towards causality will be defined through subsequent clarification – the gist is that a robust set of conditions must be satisfied in order for an act to qualify as *causing* another (or an event) to occur.

If someone is *morally liable* to repairing an injustice, this means that it is *normatively reasonable* to hold that individual responsible for a) making an attempt to repair said injustice, and b) incurring a suitable level of costs in relation to repairing the negative outcomes of the injustice – whether it be in relation to a particular victim or in general, remains an open question at this point. A perpetrator's being morally responsible for an injustice is a *sufficient condition* to render them *pro tanto* liable to bear the costs of repairing said injustice. With that said, individuals may also come to accrue liabilities through conduct for which they cannot be blamed

[2] Peter Strawson, 'Freedom and Resentment', in John Martin Fischer and Mark Ravizza, *Perspectives on Moral Responsibility* (Ithaca: Cornell University Press, 1993), p. 58; also see Sybren Heyndels, 'Strawson's Method in 'Freedom and Resentment'', *The Journal of Ethics*, vol. 23, 2019, pp. 407-23.

– we shall see how this can materialise shortly. Liability is thus compatible with both moral responsibility (which comes with blame) and non-moral responsibility (which is not blame-centric).

Finally, when we say that an individual is responsible to *repair* injustice, this particular responsibility concerns specifically the context of the individual's *liability to the costs and requirement to repair*; when we say that an individual is responsible *for the original injustice*, such nomenclature refers to the ways through which the perpetrator is morally responsible for the original injustice. The thesis predominantly focusses on the former question, but this chapter – given the specific account offered – looks at the latter as a foreground to the former.

Let us consider the archetypal statement of why perpetrators ought to repair victims of their wrongdoings, per Nozick:

> A line […] circumscribes an area in moral space around an individual […] this line is determined by an individual's natural rights, which limit the action of others. […] a system forbids an action to a person if it imposes […] some penalty upon him for doing the act [that violates the aforementioned line], in addition to exacting compensation from him for the act's victims.[3]

A perpetrator-centric account of reparative justice would hold individuals liable for remedying the negative outcomes that they distinctly cause. The perpetrator's reparative responsibilities towards the victim arise uniquely from the fact that a perpetrator of injustices inflicts a form of morally salient injury upon their victim, and it falls upon them to rectify this moral imbalance between the two parties. The only means through which such balance could be restored, is if the perpetrator opts to compensate the victim, such that they are *no worse off than they otherwise would have been*.[4]

Some clarity concerning the *conditions* required for our identifying a *causal* relationship between the perpetrator and injustice, is indeed warranted. Here, we begin with a view of liability that is held dominantly within the existing literature, as espoused by certain theorists ranging from Fletcher[5] to Young who criticise the theory in the context of reparative justice.[6]

[3] Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 57.

[4] Victor Tadros, *Ends of Harm: The Moral Foundations of Criminal Law* (Oxford: Oxford University Press, 2013).

[5] George Fletcher, *Basic Concepts of Criminal Law* (New York: Oxford University Press, 1998).

[6] Iris Marion Young, 'Political Responsibility and Structural Injustice', The Lindley Lecture at the University of Kansas, 2003, p. 9, available online:

Provisionally, P is responsible for act X, and hence liable to repair the injustice I induced by X, iff:

1) Causality Premise: P is *causally connected* to I, *AND*
2) Voluntariness Premise: P *voluntarily* undertakes X;

These two criteria operate as a starting point for our subsequent exposition; they comprise a straightforward *prototypical model* of assigning responsibilities to perpetrators that reflects our standard intuitions.

2.2.1 Causality Premise

In relation to the notion of causal connection, consider first a relation of *strict causation* – here taken, per Lewis [7], to denote a counterfactual-sensitive form of dependence between the perpetrating agent P's action X, and the effect E constitutive in the injustice I. For instance,

Consider *Stabbing.* Bob stabs Susan with a knife, causing her to bleed profusely and suffer from severe sepsis. Had Bob (P) not plunged a knife (X) into Susan, given that there was no one else around to perform the same act on Susan, it is clear that Susan's suffering the knife injury (E) is counterfactually dependent upon P's X-ing. P's X-ing clearly and unambiguously caused Susan's injury.

For cases of strict causation-induced injustices, Kutz argues that our judgments over liability are heavily shaped by the Individual Difference Principle, "I am accountable for a harm only if what I have done made a difference to that harm's occurrence … I am accountable only for the difference my action alone makes to the resulting state of affairs."[8] Kutz goes on to reject counterfactual-sensitivity as a *necessary condition* for the allocation of responsibility, for reasons that we shall see shortly.

Indeed, I suggest that *strict causation* is not the only type of causation that ought to count as relevant under the PM. Indeed, individuals should and can be deemed to have been causally implicated in producing injustices through means other than *strict causation*. Let us consider

https://kuscholarworks.ku.edu/bitstream/handle/1808/12416/politicalresponsibilityandstructuralinjustice-2003.pdf?sequence=1.

[7] David Lewis, *Counterfactuals* (Cambridge: Harvard University Press, 1973), and 'Causation', *Journal of Philosophy*, vol. 70, issue 17, pp. 556-567.

[8] Christopher Kutz, *Complicity* (New York: Cambridge University Press, 2007), p. 116.

instances of causal *overdetermination* – where the causal involvement of the perpetrator can nevertheless still be reasonably identified. Even for those cases, liability should still be assigned despite the fact that the counterfactual sensitivity exemplified above is absent.

Consider here Frankfurt's[9] refutation of the Principle of Alternative Possibilities: even if the victim would have been shot anyway, they were shot with *the perpetrator's bullet*. It is, uniquely and distinctly, the perpetrator's act to which the deleterious harms suffered by the victim can be traced.

Recall *Stabbing.* Suppose Colin was walking past Bob and Susan – and, had Bob not stabbed Susan, Colin would have done exactly the same, at exactly the same time (and in the same manner). The injury endured by Susan, in other words, is identical across both scenarios – there is thus causal overdetermination.[10]

This fact does not render Bob any less morally responsible for Susan's death. In getting to grips with responsibility, note that evaluation of moral responsibility does not take as the sole determinant or relevant factor the *end-states or outcomes* of actions. The mental states of agents driving these processes, also matter. As an independent moral agent who operates cogently or reasonably according to their own preferences, it is reasonable for us to judge or appraise the perpetrator's moral character on the basis of their actions, unless further excuses or exemptions are warranted. Should the perpetrator will the act and its consequences, even if across *all proximate possible worlds*, the *outcome remains the same*, the act – which could be uniquely *attributed*[11] to the agent - remains something for which the agent is distinctly responsible.

In articulating the theoretical foundations for his collective responsibility account, Feinberg argues that "contributory fault" … "liability" can be attributed to individuals who instantiate "certain responsive attitudes, judgments, or actions" that contribute towards – even if not determinately bringing about – particular outcomes[12]. Zakaras[13] notes that what in fact matters

[9] Harry Frankfurt, 'Alternate Possibilities and Moral Responsibility', *Journal of Philosophy*, vol. 66, no. 23, 1969, pp. 829-39.

[10] I assume here that there exist no substantive differences here whatsoever, between Colin's stabbing and Bob's stabbing of Susan.

[11] See Frankfurt cases per Harry Frankfurt, 'Alternate Possibilities and Moral Responsibility', *The Journal of Philosophy*, vol. 66, no. 23, 1969, pp. 829 – 839.

[12] Joel Feinberg, 'Collective Responsibility', *Journal of Philosophy*, vol. 65, no. 21, 1968, p. 674.

[13] Alex Zakaras, 'Complicity and Coercion: Toward an Ethics of Political Participation', *Oxford Studies in Political Philosophy*, vol. 4, 2018, pp. 192-218.

here is the individual's state-of-mind, which determines the particular relationship between the individual and the injustice in question.

An ideal account of causation in the context of responsibility should be distinctly *attributability- centered* (attributionism).[14] Applying attributability to justifying the PM approach to reparative justice is rather straightforward: *some* individuals who perpetuate injustices are capable of, and hence must account for the specific injustices that can be *attributed* to their intentions, even if their actions do not *strictly induce counterfactually sensitive differences*. Therefore, so long as the act (and its effect) could be reasonably *attributed* to the perpetrator, the perpetrator is to be held responsible for the act – responsibility for an act, and thus liability for reparation under PM, need not be counterfactually sensitive.

To recap quickly – perpetrator P is *causally responsible* for the effects E through act X, iff either of the following is true: i) had P not X, E would not have occurred (*counterfactual-sensitivity*), or, ii) E can be reasonable attributed to P via P's performing X, *even if* E is overdetermined (*counterfactual-insensitive attribution*). Where there is overdetermination, attribution is still possible, so long as there exists sufficient intentionality in P's performing X.

2.2.2 Intentionality requires Awareness and Specific Mental Propositions.

Intentionality should be disaggregated into two components. First, intentional agents bear the specific mental proposition that either directly or indirectly maps themselves onto the acts that they perform. For instance, the agent putting together the Molotov Cocktail holds the mental proposition, that "I [the agent] assemble this Molotov cocktail", or, "I [the agent] assemble this weapon to throw at the shop." In contrast, individuals who lack such mental states – who are, say, driven purely by forces of nature (e.g. a man who accidentally slips on a banana peel, and inadvertently plunges a butter knife into someone else's elbow, is under the strict influence of physics) – cannot be deemed as acting intentionally in relation to the purported act (e.g. 'plunging the knife into another's elbow').

Second, intentional agents are *aware* of the nature of their actions, and at least the *immediate outcomes* that follow from their actions. For instance, an agent throwing a Molotov Cocktail at a vacant shop is acting intentionally, so long as they are aware of their throwing the same

[14] Susan Wolf, *Freedom within Reason* (Oxford: Oxford University Press, 1990); David Shoemaker, 'Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility', *Ethics*, vol. 121, no. 3, April 2011, pp. 602-632.

projectile, as well as the physical reactions that are likely to follow (e.g. the shop is set alight). They do not need to possess any knowledge or foresight of the remote effects of this decision (e.g. the triggering of secondary explosions, the fire spilling over to other shops), in order for them to be deemed sufficiently *aware* in this case. In contrast, the child delivering a poisonous capsule to their mother, thinking that it is merely a candy, cannot be said to be intentional – for they are not at all *aware* of the nature of what they are doing (e.g. delivering poison).

As such, in instances where someone carries out an act with knowledge of the *immediate effects* of the act, and who *should* reasonably have foreseen the downstream implications of the act, and yet do not – we would classify these individuals as *intentional* and *negligent*. Consider a doctor who should have warned his patient on the potential downsides to a medical operation, and yet fails to do so; as a result of this, his patient is misled into making a choice that he subsequently comes to regret. Even if he had not intended to inflict such harms upon his patient, the doctor has behaved negligently, in ways that render him culpable *qua* intentional agent.[15]

2.2.3 Voluntariness Premise

The Voluntariness Premise stipulates that P must voluntarily undertake X. Attributability-centered accounts require that individuals are not only endorsers of the acts they perpetrate, but that such endorsement must reflect upon their character or will, in a way that at least somewhat resembles a *rational connection.*[16] If Bob is held at gunpoint by a spectator and forced to stab Susan, Susan's injuries are not attributable to him, even though he very clearly is *causally* responsible for her injuries.

Watson terms these caveating conditions "exempting conditions"[17], under which we are invited to suspend our ordinary reactive attitudes towards the particular agents. Given the nature of these conditions, we do not hold responsible individuals who a) are under *extreme* duress or coercion, or b) do not possess the minimum capacity to make autonomous decisions. Per Watson's interpretation of Strawson, b) denotes individuals who are "psychologically abnormal or morally undeveloped in such a way as to be incapacitated in some or all respects

[15] Larry Alexander, Kimberly Kessler Ferzan, Stephen Morse, *Crime and Culpability: A Theory of Criminal Law* (Cambridge: Cambridge University Press, 2012), Ch. 3.

[16] Angela Smith, 'Responsibility for Attitudes', *Ethics*, vol. 115. no. 2, 2005, p. 238.

[17] Gary Watson, 'Responsibility and the Limits of Evil: Variations on a Strawsonian Theme', in Ferdinand Schoeman (ed.), *Responsibility, Character, and the Emotions: New Essays in Moral Psychology* (Cambridge: Cambridge University Press, 1987), pp. 256 - 286.

for 'ordinary adult interpersonal relationships.'"[18] *Exemptability*, is a sufficient condition for us to interpret the agent as behaving *involuntarily* in carrying out the act.

Watson also introduces a second type of defense – e.g. excuses. Excuses refer to instances where individuals behave without the explicit intentions or awareness of the nature of their acts. Consider, for instance, someone who prepares a Molotov cocktail without knowing that the cocktail would be thrown at a large chain-store by someone else, and yet is clearly capable of making autonomous decisions and not acting under duress. Note, individuals can be behaving voluntarily, even if their voluntary acts come with reasonable *excuses*.

To recap, consider the following, more fleshed-out restatement of the above principle – and term this the Perpetrator Model (PM). P is responsible for act X, and hence liable to repair the injustice I induced by X, iff:

1) *Causality Premise*: P is *causally connected* to I,
    a. Where causal connection is defined in terms of reasonableness of attribution – itself comprising two components:
        i. P intends for I to occur via X (*Intentionality Condition*);
        ii. P's X-ing is counterfactually correlated with I, or, where I is overdetermined, I can be traced to P through P's intentions (see i) (*Connection Condition*),

AND

2) *Voluntariness Premise*: P *voluntarily* undertakes X.

The above may seem relatively straightforward, yet is included for a reason: much of the core concepts touched upon in the exposition above will recur throughout subsequent sections - e.g. attribution, exemption and excuse, and the difference between blameworthiness-centric and non-blameworthiness-centric accounts of responsibility.

2.3 PM and Authoritarian States

[18] Watson, p. 256.

2.3.1 Application

How do individuals qualify as having *perpetrated* injustices committed by an authoritarian state? PM is normatively and analytically desirable insofar as it enables us to identify clearly and directly the identity of prospective responsible agents under such conditions, as well as assign to them a binding, blame-centric form of responsibility.

Perpetration of Injustices. Individual agents could be said to be *direct perpetrators* of injustices under both authoritarian and non-authoritarian conditions alike, if they are – on behalf of their state government – involved in i) planning and researching[19], ii) coordinating and organising, iii) directing and leading[20], iv) executing and implementing, v) actively facilitating, or vi) engaged in any other actions that are individually sufficient in generating responsibility, in relation to particular injustices.

Let us consider the *Litvinenko case.* On November 1, 2006, former Russian security agent Alexander Litvinenko fell ill, and died three weeks later in what was widely agreed-upon[21] as a case of Polonium-210-induced poisoning. British authorities have concluded that the Russian state was implicated in the killing of Litvinenko. One of the primary suspects – Andrey Lugovoy – had initiated various failed attempts to poison the victim, through which important intelligence was gathered; another – Dmitri Kovtun – deposited polonium into the victim's cup of tea. The polonium was stored in and procured from a nuclear power plant in Russia.[22]

Granting the truth of these credible allegations, Lugovoy and Kovtun clearly were liable for the injustice inflicted upon Litvinenko, through their direct involvement with poisoning the man. Whilst they might have been operating under the orders of the state, this fact does not absolve them of their moral responsibility for the injustices, and their liability to repair their

[19] Christopher Macleod, 'Towards a Philosophical Account of Crimes against Humanity', *The European Journal of International Law*, vol. 21, no. 2, 2010, pp. 281-302; Norbert Anwander, 'Contributing and benefiting: two grounds for duties to the victims of injustice', *Ethics and International Affairs*, vol. 19, issue 1, 2005, pp. 39-45.

[20] Anwander, 'Contributing and benefiting'; Kathleen Gill, 'The Moral Functions of an Apology', *The Proceedings of the Twenty-First World Congress of Philosophy,* vol. 1, 2007, p. 105-110; Daniel Butt, *Rectifying International Injustice: Principles of Compensation and Restitution between Nations* (Oxford: Oxford University Press, 2009)

[21] The Guardian, 'Alexander Litvinenko murder inquiry opens in high court', *The Guardian*, Jan 27 2015, online: https://www.theguardian.com/law/2015/jan/27/alexander-litvinenko-public-enquiry-crown-court-murder-russia-polonium-poisoning.

[22] The Times, 'Alexander Litvinenko', *The Times,* London, Nov 25 2006, online: http://www.timesonline.co.uk/article/0,,60-2470058,00.html.

wrongdoings – they orchestrated and implemented actions (i and iv) that were apparently attributable to their own political motivations and self-interests. The poisoning can be attributed to them – a *causal relationship* could thus be established.

Note that Lugovoy and Kovtun had been veteran Russian intelligence agents, with the latter having cultivated an independent business practice at the time of the incident. They have remained in the field for an extended period of time - and were not direct subjects of coercion in perpetrating their actions. Per PM, Lugovoy and Kovtun should be deemed responsible for the poisoning of, and the ensuing burdens to compensate Litvinenko – and, given his death – others who should be compensated in association.

More generally, PM suggests that individuals who are voluntarily involved in the perpetration of the injustice – ranging from senior political leaders who issue the executive orders for the injustices, to the individuals on the ground who intentionally carry out oppressive actions – ought to be held responsible under authoritarian states. Such actions are nominally attributable to the state, yet this does not absolve the individual agents of their particular responsibilities.[23]

Across such states, perpetrators often are members of governmental institutions – such as senior governmental or military leaders. Others may operate as collaborators, alongside authoritarian governments, in perpetrating said injustices – consider, for instance, Burmese civilians who voluntarily and, out of genuine beliefs, collaborate with the military in the Rakhine state, in partaking in vigilante violence and assault targeting the Rohingya people.[24]

In contrast, individuals who merely facilitated the production of the weapon (e.g. the worker at the factory), might not have been sufficiently aware of the remote effects of their actions (see the above stipulation concerning *awareness of direct effects* as a component of voluntariness), or intended to kill Litvinenko. Hence whilst they could well have engaged in v) (active facilitation), PM would argue that these individuals lacked the specific *intentionality* to be held responsible.

2.3.2 Two Instinctive Worries

[23] Michael Hardimon, 'Institutional Racism and Individual Responsibility', in *The Routledge Handbook of Collective Responsibility* (Routledge, 2020), pp. 501-512.

[24] Ian Holliday, *Burma Redux: Global Justice and the Quest for Political Reform in Myanmar* (Columbia University Press, 2011), Ch. 4.

So far, so good. The PM offers us a seemingly accurate rendition of responsibilities in relation to wrongdoings committed under authoritarian states. A core feature of the PM, indeed, is that it is *proportional* in its distribution of responsibilities – when it comes to state-perpetrated injustices, the allocation of reparative responsibilities to individual citizens is proportional to the extent to which they are *blameworthy* for such acts. For instance, in the poisoning example, the chief perpetrators of the poisoning could be said to be primarily liable for reparation (whether they could carry out such reparation towards Litvinenko, given that the latter died, remains a separate matter), whilst those who transported the poisonous reagent to them – with the knowledge that the reagent would go towards killing Litvinenko – are equally *blameworthy* for enabling, though not directly causing, Litvinenko's poisoning. Proportionally, Lugovoy and Kuvtun are both *more* responsible for (degree) and ought to repair *more* of the inflicted damage (scope), as compared with the factory workers assembling the agent in the first place.

There exists a multitude of dimensions at play here: first, the *scope* of damage for which the agents in question (e.g. Lugovoy and Kuvtun) ought to be held responsible; second, the *extent* to which, *ceteris paribus,* the agents in question are responsible for the acts. The former question constitutes a question concerning the *limits to responsibility* – what can, and what cannot be, reasonably attributed to the agents in question; the latter turns on parameters that have long been featured in literature on liability – e.g. the extent to which these agents *intend* to perpetrate the acts in question, the extent to which these agents possess *advance knowledge and awareness* of the consequences of the acts, and beyond.

Yet here is where the tentative objections to the PM's application arise. As noted by Pasternak in her critique of what she terms *proportional distribution*[25] of responsibilities, there exist two worries with respect to applying the PM to the theoretical task of identifying citizens who ought to bear responsibility for their state's wrongdoings.

Firstly, relatively few members within the state tend to share the blame for their state's wrongful policies, thereby producing what Pasternak, per Fabre, terms *Responsibility Shortfall*[26] – remedial obligations to victims of its actions are left unfulfilled by a reticent, if

[25] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), p. 44.
[26] Cécile Fabre, *Cosmopolitan Peace* (Oxford: Oxford University Press, 2016), p. 157.

not downright unwilling, state. Per the language coined in Chapter 1, there is a clear problem of *inadequate resolution* (Criterion 3).

Secondly, "the model requires a complex and costly fact-finding process, which may inhibit the state's capacity to deliver on its other obligations". [27] There are clear epistemic and investigative costs involved in the process of parcelling liabilities in relation to injustices. This, in turn, could undermine the *feasibility* of the model (Criterion 3).

Preemptively, let us address a tentative rejoinder to both of Pasternak's critiques – that we should draw an active distinction between *policies* founded upon normative principles, and the very *principles* themselves. Endorsing the PM need not mean that we implement policies that correspond exactly to the PM – indeed, even if Pasternak's critiques held, at best they merely demonstrate that if the state were to use PM as an overarching heuristic in parceling out responsibilities, deleterious consequences would follow.

To this tentative rejoinder, I will make two comments. First, a theory of reparative justice, as discussed in 1.6, must not only be internally or theoretically coherent – it must also produce actionable prescriptions that can at least be partially feasibly implemented in the short to medium term, in redressing the *Responsibility Shortfall*. Second, and perhaps more problematically for the account from a purely normative perspective, we may have good grounds to believe that the shortcomings identified above are not merely a question of implementation. There is instead something more deeply problematic about the inability of the PM to identify responsible stakeholders where the presence of clearly defined causal chains (even in the loosened sense outlined above, without strict counterfactual sensitivity) and mental states giving rise to moral blameworthiness is lacking. The problem kicks in, when amongst these individuals whose responsibility PM *fails* to identify are individuals who we intuit and have external grounds to believe *should* be deemed responsible. Pasternak proceeds to argue that at the very least, we should accept that "sometimes we will have to deviate from the blame-tracking model in order to raise additional resources".[28]

2.3.3 Enhancing and Revamping the PM

[27] Pasternak, *Responsible Citizens*, p. 44.

[28] Pasternak, *Responsible Citizens*, p. 44.

An alternative approach that a PM defender could adopt is to build in more reasonable, robust bases for the assignment of moral responsibility, and ensuring that doing so could lower the costs of fact-finding, as well as covering a wider scope of responsible individuals. The prerequisite for the following is that the individuals held responsible *should* in fact be responsible, on grounds of acts, mental states, or other agent-specific characteristics that they exhibit, as opposed to purely on grounds of moral necessity. In other words, that there exists a *Responsibility Shortfall* does not justify holding *anyone* responsible, unless there truly are *particular* reasons that apply to them, and them only, that render them responsible.

It is on this basis that I propose two expansionary amendments to the PM:

Culpable Inaction Principle

Firstly, not only can individuals be held morally responsible for acts they commit – and the consequences of said acts; they can also be held morally responsible for acts others commit that they neglect to *prevent/intervene and* where such specific negligence therefore results in harmful outcomes to other individuals. This amendment stems from a more 'liberal' interpretation of causality – note that in PM, our understanding of causality is strictly restricted to instances where the perpetrator actively intends, or is at least culpably aware of, the consequences of their actions (e.g. the injustices). Per our amendment here, individuals can be treated as *causes* of injustices even if they are not directly involved as actors, so long as it is – once again – reasonable to attribute the injustice in question to their *inaction*. Attribution to any individual's inaction here, of course, requires the individual to possess at least some minimal awareness of the consequences of their failure to act (state-of-mind), and for the individual's hypothetical (non-performed) act to be at least one amongst multiple, possible *intervening events* that could have thwarted the injustice from occurring. Note, if one subscribes to the act-omission distinction, one would plausibly find a negligent act to be more morally concerning than a negligent omission.

Now consider *Complex Stabbing.* Going back to the Stabbing example above, suppose a pedestrian Angus is walking past Bob and Susan, and he knows that if he intervenes, Bob will not injure Susan; he also knows that confronting Bob will not pose a grave risk to his (Angus') life. Angus opts to walk by the pair, and thus leaves Bob to carry out his stabbing.

Angus' very failure to intervene itself constitutes a reasonable ground for holding him responsible. The normative underpinnings of this judgment stem from literature concerning

duties to intervene in face of gross suffering and/or injustices[29] – e.g. that individuals bear responsibilities to prevent injustices and see to the fulfilment of essential obligations owed towards third parties, even if they are not directly involved in causing the potentially unjust conditions that afflict them. Of course, failing to save someone from getting killed is not the same as killing someone directly. Yet such equivalence is not needed for our argument to stand: individuals accrue responsibilities to repair wrongdoings others commit, if they are in a position to stop them and yet do not do so; such responsibilities may not be as significant as those that accrue to those who perpetrate wrongdoings in the first place – yet this does not render these responsibilities any less clearly established. Term this the *Culpable Inaction Principle.*

Strict Liability Principle

Secondly, it is admittedly difficult to figure out if individuals possess the specific intentions in relation to their actions. What would thus reduce the epistemic and cognitive costs significantly here, would be a principle that could reliably and justifiably hold individuals *responsible,* even if they do not necessarily harbour intentions that render them blameworthy for their actions.

Hence consider *Strict Liability Principle*. In his attempt to offer a case for *faultless responsibility* in the law, Tadros examines individuals who commit actions with consequences over which they do not – given their lack of prior knowledge – possess *intentionality* (e.g. the individual transporting the knife to Bob did not do so with the knowledge that Bob would therefore wield the knife to seriously injure Susan), we may have reasons to hold these individuals liable to repair the wrongdoings they have indirectly or directly caused, on grounds that "in these cases the harms that are caused fall within a general class of things where one is agency responsible for other instances of that class"[30]. For instance, I may not intend at all for my child to bully another child such that the victim experiences severe emotional harm – yet I am *vicariously responsible* for the consequences of my child's bullying, given that I am responsible for raising and educating my child.

[29] Peter Singer, 'Famine, Affluence, and Morality', *Philosophy and Public* Affairs, vol. 1, no. 3, pp. 229 – 243; Christopher Wellman, 'Samaritanism and the Duty to Obey the Law', in Christopher Wellman and A. John Simmons, *Is There A Duty to Obey the Law* (Cambridge: Cambridge University Press, 2012); Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2008).

[30] Victor Tadros, 'The Scope and the Grounds of Responsibilitty', *New Criminal Law Review: An International and Interdisciplinary Journal*, vol. 11, no. 1, 2008, p. 109.

Indeed, it is based upon Tadros' view here that I advance the *Strict Liability Principle* amendment to the PM: individuals can be held "responsible for the breach of a regulation, even if he is not at fault". As Tadros then observes, "strict responsibility is still a form of responsibility, and hence imposing sanctions on the basis of strict responsibility may still involve treating the defendant with the respect […] due to an autonomous human being."[31]

Now, Tadros' conception of liability most certainly differs from the narrower, intentionality-centric account offered above. Tadros' account could be viewed purely centered around the law (and ensuing regulations), with no bearing whatsoever on questions of ethics. Yet this is by no means incompatible with our discussion of moral responsibilities above. Recognise that we are not interested in exclusively moral responsibilities, but in identifying grounds for normative responsibilities – whether they be moral or legal in kind – to repair, and the individuals who fulfill these requirements.

Given the above, hence consider the *Perpetrator and Liability Model* (henceforth PLM):

P is liable to repair the injustice I induced by X or P's failure to undertake X', iff:

1) *Causality Premise*: P is *causally connected* to I,
    a. Where causal connection is defined in terms of reasonableness of attribution – itself comprising two components:
        i. P intends for I to occur via X or not-X' (*Intentionality Condition*);
        ii. P's X-ing or not-X'-ing is counterfactually correlated with I, or, where I is overdetermined, I can be traced to P through P's intentions (see i) (*Connection Condition*),

AND, EITHER:

2) *Voluntariness Premise*: P *voluntarily* undertakes X or fails to undertake X';

OR

3) *Strict Liability Premise*: P is *strictly liable* for X or failure to X', and hence to repair I.

[31] Tadros, 'Scope and the Grounds', p. 116.

2.4 Objections to Applying PLM to Authoritarian States

Authoritarian states are, as highlighted in Chapter 1, normatively and phenomenologically distinct entities, with both institutional and non-institutional features that render them distinctive from non-authoritarian settings. In critically scrutinising the application of PLM to authoritarian conditions, we must ask ourselves two questions – firstly, does PLM *undershoot*, in failing to explain why we should hold certain individuals responsible, when they in fact are? Secondly, does PLM *overshoot*, in compelling the holding responsible of individuals who in fact are not? I am of the view that the PLM both overshoots and undershoots, and thus struggles to be a sufficiently comprehensive theory – more important, such discrepancies render it a normatively faulty and ill-suited model for authoritarian settings.

Some may argue that it seems implausible to think that the account is concurrently overshooting and undershooting – surely, there exist adjustments that allow the account to strike the ideal balance, and thereby dodge both challenges concurrently. In response to this, I make two preemptive comments: first, the subset affected by the overshooting is different from the subset impacted by the undershooting. The two subsets feature different *individuals* and agents. Second, the '-shooting' occurs in relation to different individuals: whilst the account undershoots in leaving out large swathes of individuals who should be held responsible – in order to both meet pragmatic demands and acknowledge their distinctive connections with the injustices at hand, it overshoots in holding *unduly morally blameworthy* individuals who should not, ideally, be deemed blameworthy. There is thus no tension between the two - as we shall come to see for other accounts, too.

2.4.1 Objection #1: Theoretical Undershooting

PLM has at best limited explanatory force in accounting for, empirically, most of the injustices perpetrated by authoritarian states. The following worry thus concerns the *descriptive inaccuracy (undershooting)* (Criterion 1) of the proposed account, as well as the ensuing *defectiveness* in the account's ability to hold individuals responsible (Criterion 2).

First, perpetrators of unjust acts often do not voluntarily commit such acts under authoritarian states – thus the *Voluntariness Premise* is frustrated. Authoritarian governments are adept at employing actual or potential force and sanctions in *coercing* individuals into performing

actions on their behalf. Lu recounts that in the context of the Japanese occupation of China, ordinary Chinese citizens were coerced by the militaristic state in providing information, offering supplies, and participating in injustices – such as the delivery of 'comfort women' and razing of farmland – in exchange for survival or basic goods. [32] Note that such coercion is *structurally* far likelier to occur under authoritarian rule than democratic rule: through unchecked state powers, extensive surveillance practices, and concentration of violence in the hands of a few select and unaccountable officials, authoritarian states easily instrumentalise ordinary civilians as extensions of their reign of terror.

Even where there exists no specific coercion concerning particular acts, a more general objection could be raised here – authoritarian states tend to *indirectly* coerce their citizens into complying with immoral demands, through engineering conditions where citizens depend upon the arbitrary whims and goodwill of their rulers in order to survive. I preface this by noting that this thesis does not eliminate the room for agency *over the particularities of decisions* – indeed, the soldier that is compelled to shoot a prisoner could always choose to aim at the prisoner's feet or hands, as opposed to their chest. Through repressive violence or threat of such, states could silence academic freedom and clamp down on political discourse[33]; that they can arrest dissidents and members of their community at will with minimal repercussions. The fears associated with their possibility of being interfered with or sanctioned may *alter* the ways individuals behave.

As for the *Intentionality Condition*, this is often frustrated under authoritarian states, too. Authoritarian states possess disproportionate abilities to skew, limit, or control information dissemination.[34] The average Russian citizen contributing taxes to the Kremlin, or 'voluntarily' sharing on social media false information disseminated by Russian state news media, could well be ill-informed as to where the money goes, or of the factual mendacity of the content they share. Attempts to both tell and learn the truth are widely suppressed, often through threats of imprisonment or worse treatment.[35] The ordinary Russian citizen is unlikely to subjectively

[32] Catherine Lu, *Justice and Reconciliation in World Politics* (New York: Cambridge University Press, 2017), pp. 123 and 139.

[33] Ahmet Erdi Öztürk, 'Lack of self-confidence of the authoritarian regimes and academic freedom: the case of İştar Gözaydın from Turkey', *European Political Science*, vol. 19, 2020, pp. 77-86.

[34] Stephen Haber, 'Authoritarian Government', in Donald A. Wittman and Barry R. Weingast (eds.), *The Oxford Handbook of Political Economy* (Oxford: Oxford University Press, 2009).

[35] Elisabeth Schimpfössl and Ilya Yablokov, 'Coercion or Conformism? Censorship and self-censorship among Russian media personalities and reporters in the 2010s', *Demokratsiya, The Journal of Post-Soviet Democratization,* vol. 22, no. 2, pp. 295-311.

know credibly the connection between their tax contributions, and the wanton ends to which their tax-money is devoted.

Furthermore, many of the leading politicians in more electorally driven authoritarian states in fact excel at media tactics of burying, engaging in 'alternative' framing or manipulation of popular opinion[36] – such tactics may not preclude perpetrators of injustices from recognising that they are engaged in the unjust act that produces particular injustices. Instead, they successfully legitimise many of the injustices in the eyes of the public – e.g. the Burmese army convincing local villagers that they ought to report the Rohingya people to the state, because of the alleged 'dangers' posed by these 'undocumented citizens'. It may be the case that the villagers are aware of the excruciating pain and suffering inflicted upon the Rohingya by the military, yet still opt to contribute towards the violence, on the (mis-shaped) assumption that the Rohingya people are, per the military's propaganda, threats to national security and order.

Nor can the *Strict Liability Principle* account for the assignment of responsibilities in these cases. Individuals residing under authoritarian states rarely possess the capacities – or ensuing responsibilities – to take care of subsets of fellow citizens, amongst which are victims of state-perpetrated injustices. If the state actively and systemically perpetrates injustices against a particular group of individuals (e.g. dissidents in the Philippines under Marcos, or those who oppose Putin under the current state), chances are, it would be rather unlikely that through professional or intimate contexts, individual citizens would come to possess responsibilities towards said victims. There may be a general duty on these agents' part to rescue or assist other individuals, but this duty does not manifest in form of strict liability.

If we are to adhere strictly to the PLM, there would be very few folks that we can assign responsibility to, in repairing the injustices perpetrated by their state. At the very least, an alternative account is needed, if the practical project (Criterion 3) is to gain any traction. Pasternak's fear concerning the *Responsibility Shortfall* problem remains salient. A further worry concerning the Strict Liability Principle here stems from Pasternak's second worry – concerning epistemic costs and difficulties of fact-finding. It is incredibly costly and difficult, on the part of third-parties, to seek to determine the most pressing and significant strict liabilities of individuals, especially those who do not have obvious roles.

[36] See Michael McKenna, 'Responsibility and Globally Manipulated Agents', *Philosophical Topics*, vol. 32, no. 2, 2004, pp. 169-192 for an excellent discussion of this point, also Alfred R. Mele, 'Manipulation, Compatibilism, and Moral Responsibility', *The Journal of Ethics*, vol. 12, no. 3 – 4, 2008, pp. 263-286.

We could, of course, assign 'general' strict liabilities – e.g. individuals are liable if they fail to rescue others in need (a failure of a responsibility to rescue/protect) – yet, in these cases, what really is the PLM account adding here, beyond merely a slight amplification of existing accounts of humanitarian duties of assistance? The introduction of further, secondary principles of responsibility assignment merely kick the 'epistemic costs' can down the road.

Objection rooted in Collective Responsibility

As the above objection unfolds, a preemptive worry arises: is this *really* a defect in the account, after all? Even if the account offered can't hold a 'large enough' number of individuals responsible, so what? Surely, we cannot simply assert that some individuals P_1, P_2, and P_3 are responsible – and then seek to rework our theory of responsibility such that P_1, P_2, P_3 etc. are indeed responsible. That a theory does not identify 'enough' individuals who should be held responsible, surely does not render it deficient, provided that the grounds for responsibility-assignment (or -non-alignment) are sound.

Indeed, per this 'logic', we would be putting the cart before the horse here, in assuming that *there are individuals who are responsible* yet not held responsible under the PLM. Trivially, it is worth noting that *the most liable actors* constitute those who intentionally manipulate and orchestrate injustices – e.g. the powerful elites, co- opted intelligentsia, and cronies of the authoritarian leadership. This does not, on its own at least, justify our holding non-liable actors responsible.

This allegation, that we are putting the cart before the horse, is susceptible to an obvious rejoinder. This objection is one that we shall only have room to unpack fully through Chapters 3 and 4. As it stands, the PLM has no clear response to this objection that can explain sufficiently why individuals who are non-perpetrators, yet are involved nevertheless as complicit agents and/or members of broader collectives that are, themselves, at fault. Indeed, the PLM risks ignoring the vast swathes of instances where it makes no sense to speak of individual agents being responsible qua morally blameworthy.

Most agents involved in injustices neither act alone, nor act as easily isolatable, atomic segments. The acts in which they partake, cannot be separated or attributed to them as

individuals – consider, for instance, soldiers fighting in an army that brutalises innocent civilians, or, indeed, Kutz's example of the Dresden bombers.[37] If we treat individuals as purely agents acting on their own, with no coordination or conjunction with others, then this would be both empirically and normatively misinformed – underpinned by a fundamental failure to understand the larger entities or collectives at work. The PLM has nothing to answer with across these cases, beyond allowing for the holding-responsible of leaders and prominent individuals that can easily be singled out for their actions (e.g. the assassins in the Litvinenko poisoning) – which suggests some serious theoretical undershooting in terms of the range of actors captured and reflected by the account.

More broadly, we may deem individuals who are not morally blameworthy nevertheless normatively responsible for repairing the injustices at large. Potential reasons range from the fact that they are beneficiaries, complicit in injustices, or, as aforementioned, involved in collectives that jointly perpetrate injustices. I do not think it is the remit of the PLM to account for such instances of injustices; yet it is also precisely this limitation-by-remit that renders the PLM, on its own, an inadequate account of reparative justice. There exist at least *some contexts* (albeit not all) where better models or explanations are needed.

The fundamental problem here is that the subset of cases that PLM encompasses – in justifying our holding agents responsible – remains rather limited under authoritarian states. Given the epistemic, pragmatic concerns raised by Pasternak, as well as the fact that even with the 'expansion' of the scope of responsibility under PLM, there remains a significant number of individuals whose relationships with injustices is not sufficiently accounted for, it seems reasonable to conclude that PLM struggles with accounting for or encompassing the reparative responsibilities of a vast majority of citizens residing under authoritarian states. This, per 1.6, poses a problem of *undershooting*.

2.4.2 Objection #2: Theoretical Overshooting

The following objection seeks to take on PLM from the opposite direction, and demonstrate that PLM *overshoots* in holding unduly responsible individuals who should not be (Criterion 1). In other words, there exists failure to define clearly the limits to responsibility under

[37] Christopher Kutz, *Complicity* (New York: Cambridge University Press, 2007), pp. 115-125.

conditions where individuals experience clear and unambiguous manipulation, in authoritarian regimes (Criterion 2).

This objection pertains to the very much real phenomenon of *manipulation*[38] under authoritarian regimes. Individuals may commit wrongdoings as a result of heavily skewed preferences and values, themselves the product of deliberate manipulation. To be clear, I do not argue here that such manipulativeness is a distinctive feature of authoritarian states – there are good reasons to think that democratic, capitalist states are also capable of engendering false consciousness. Yet it is my submission that the propaganda-fuelled deep manipulation under authoritarian states is forged through apparatus more resilient and enduring than that under democratic states, given the sheer volume of institutional control by these states' governments.

Consider this. Soviet era press outlets were heavily censored by the state, with radio and television stations alike tasked with broadcasting state-sanctioned ideologies, including unyielding loyalty towards the General Secretary and the Soviet state. [39] Many individual citizens were driven to report on political dissidents to the relevant authorities; dissidents often ended up in jail, or were executed. The question then emerges, were these informants responsible for repairing the unjust treatment of their dissident counterparts, in the unlikely event that they did indeed repent over their actions?

These are cases where such "snitchers" were *attribution-responsible* for the snitching (cf. criterion i), they were not operating under duress (ii), and were fully aware of – if not embracing – the consequences of reporting these dissidents to the police (iii)). Individuals' actions certainly reflected morally important features of themselves – e.g. their virtues and vices.[40] Attributionism does not excuse agents even if their characters were shaped under adverse conditions or if they fail to recognise the moral status of their behaviours. This is because these behaviours are "morally and interpersonally significant […] sufficient for an agent to be open to the responses involved in holding [them] accountable for their behavior."[41] Term this view the *attributionist view* of responsibility.

[38] Martha Augoustinos, 'Ideology, False Consciousness, and Psychology', *Theory and Psychology,* vol. 9, no. 3, 1999; Robert Wolff, Barrington Moore Jr., Herbert Marcuse, *A Critique of Pure Tolerance* (Beacon Press, 1965).

[39] Robert Service, *A History of Modern Russia* (Cambridge, Massachusetts: Harvard University Press, 2010).

[40] Watson, 'Responsibility and the Limits of Evil'.

[41] Matthew Talbert, 'Moral Responsibility', *The Stanford Encyclopedia of Philosophy*, Edward Zalta (ed.), section 3.1.2 Attributionism, also see Matthew Talbert, 'Moral Competence, Moral Blame, and Protest', *The Journal of Ethics*, vol. 16, no. 1, 2012, pp. 89-109.

Yet advocates of the *Real Self* view have sought to challenge such an attributionist view of responsibility. For individuals who hold *Real Self* views, an individual's actions may not necessarily reflect who they *truly* are, especially if there are artificial and external impositions that preclude them from acting and behaving in accordance with what they *truly*, were there no substantial distortion or external imposition, would choose. Whilst the attainment of a *real self* stripped of any and all coercive pressures in the *formative process* may be impossible, I posit here that the *denial* of an individual's access to their real self may well render that individual at least partially exempt from bearing the liability for actions they commit when they act 'out of character', or not in accordance with whom they really are.

Consider the son of a dictator, indoctrinated from a young age to be sadistic in nature. Here, Wolf's account would suggest that *even though* the son's choices and actions conform with his 'real self' in a trivial sense (i.e. he possesses no further second-order desires that his actions be non-sadistic), there must be *something said* about the son's state-of-mind that could at least partially mitigate his responsibility for his actions.[42] Wolf posits the 'cut' lies in the real self's sanity – i.e. it should be the case that the individual (e.g. the dictator's son) can adequately tell right from wrong.[43] Term this the *sanity cut*.

The primary issue with this proposed cut, is that we could imagine a world where the dictator's son is indeed capable of telling right from wrong using a cogent, consistent set of standards – and therefore qualifies as *sane.* Even if sane, he is no *more* responsible per our judgment despite his sanity – given that he was systemically enrolled into very particular doxastic and normative commitments under the influences of others. We could, of course, push back concerning the judgment of sanity by judging the standards and criteria he employs erroneous, and deem the son as fundamentally misinformed about ethics, yet doing so would commit us to making potentially controversial and plausibly unfounded thick judgments concerning what counts as rational capacities. Hence Wolf does not establish convincingly the cut of responsibility.

Now, the *True Self* view could seemingly be salvaged, using a cut as follows:

The Trumpman Experiment. Trumpman is conceived, born and raised as the subject of an experiment, with this fact unbeknownst to him. From a young age, Trumpman is exposed to

[42] Wolf, *Freedom within Reason*, p. 33.
[43] Wolf, *Freedom within Reason*, p. 34-35.

music, peers, and information that inculcate in him an extreme level of jingoistic, militaristic patriotism. He grows up to become a devout patriot, and commits inane atrocities in the name of his country. Trumpman would not have been born had it not been for the experiment.

Several observations here – the first is that Trumpman's behaviours and attitudes can be (broadly) causally attributed to exogenous factors beyond his control; the second is that such forms of control are anthropogenic at their core – unlike 'natural influences' (e.g. the weather, or the genetic composition of Trumpman) – Trumpman's thoughts and values can be clearly attributed to third parties; finally, whilst Trumpman approximates, in every meaningful sense, a fully functional and autonomous individual, both his first-order and second-order preferences are the products of indoctrination. To borrow Sunstein and Thaler's [44] nomenclature, Trumpman's 'choice architecture' is the direct product of covert *nudging* (and priming), as opposed to overt *coercion*. Despite the apparent lack of coercion, Trumpman could not have acted 'differently' when it comes to acts brought about due to his induced value systems – his birth is innately pegged to the experiment's occurrence and subsequent manipulation; it is empirically *infeasible* for him to act otherwise.

Hence consider a prospective amended basis for the *True Self* view, centered around *structural non-autonomy.* To the extent that the entirety of individuals' core choice architectures is primarily determined *by historical influence by others' intentional actions*, they could be said to lack structural autonomy. Structural non-autonomy suffices in rendering an individual *not a true self*, and thus *not responsible* for their actions in the way described by Wolf.

A prospective rejoinder here is that my structural non-autonomy defense 'proves too much' – after all, this would seemingly legitimise the absolution of any and all individuals charged with 'crimes' that they perpetrate with intentions and preferences developed as a result of their *cultural or personal upbringing*. A further, deeper worry is that squabbling over moral responsibility in these cases requires resources that are neither available to the PLM nor particularly fruitful in authoritarian contexts, given that there may be a large number of individuals who are indeed subject to structural non-autonomy based on this cut, and thus should not be deemed responsible (thereby running into the *undershooting* objection).

[44] Cass Sunstein and Richard Thaler, *Nudge: Improving Decisions about Health, Wealth, and Happiness* (New Haven: Yale University Press, 2008).

Furthermore, there may be a large number of contingent reasons to hold individuals responsible *even if* they could not have opted out of their preference-shaping and -forming structures; these reasons, however, do not come from PLM. What appears to be more plausible and workable here is an alternative theory of responsibility that avoids blame-centric discourse, and thus avoids running into the same kind of theoretical cans of worms. It is clear that PLM does not suffice in providing us with an adequate RJAS across many of the more pernicious authoritarian contexts.

2.5 Recap

Throughout this section, we have surveyed the motivations and justifications for the Perpetrator and Liability Model. We began with the relatively straightforward intuition that perpetrators of injustices ought to be held reparatively responsible, drawing upon literature in liability, tort law, and reparative justice. With that said, the plethora of epistemic, pragmatic, and moral responsibility-affecting conditions compelled us to augment and buttress the original account with a combination of more specific fine-graining and more broadly applicable liabilities (e.g. strict and/or in relation to omissions). The PLM was thus developed to account for the empirical subtleties and circumstances of authoritarian states.

Even then, the PLM remains susceptible to two broad sets of objections – first, it clearly undershoots, in failing to hold responsible vast swathes of individuals who should be deemed responsible, yet for which the PLM lacks both the theoretical resources and precision to account; whilst this does not totally nullify the value of the PLM, this does suggest that the PLM cannot be viewed, in absence of robust evaluation of competing accounts, as the ideal RJAS. Second, the PLM is excessively expansive in deeming individuals responsible even where and when they should not. This subset of individuals features victims of manipulation to the extent and degree to which the PLM – in its current version – cannot provide a satisfactory rejoinder.

Both objections are in turn undergirded by a more fundamental ontological criticism – the PLM strains to make sense of instances where responsibility is collective, as opposed to individual. The empirical, practical, and epistemic difficulties of assigning responsibilities to individuals in authoritarian regimes render the PLM a misguided approach in such settings.[45]

[45] I am indubitably grateful to the Oxford Works in Progress Political Theory Workshop (OWIPT) for its members' wonderful and incisive comments on this chapter.

3 Collective Responsibility Model (CRM)

3.1 Roadmap

We now turn to an alternative to the PLM, with the hope that this model can better capture instances where individuals' involvements and contributions towards injustices cannot be easily isolated, and yet where there exists a clear and robustly substantiated theoretical ground to hold individuals responsible – on grounds of their belonging to particular collectives, for one. The Collective Responsibility Model (CRM) helpfully suggests we can hold responsible individuals, not *qua* individual actors, but in virtue of their being part of wider groups or sets of individuals.[1]

The CRM places at the forefront of its account of responsibilities, a distinct focus on individuals' roles as members of responsible collectives – that is, even where they are neither directly perpetrators nor indirectly involved through individual strict liabilities with acts of injustices (per Chapter 2), individuals should bear responsibilities to repair injustices committed by their collectives, so long as they meaningfully belong to them in a way that is normatively significant. An initial account is needed to clarify the theoretical landscape at stake here. Anchoring our investigation is List and Pettit's influential collective responsibility-centric account concerning collective agency. We begin this section by examining reasons for which we might find that the approach they propose outperforms the PLM – not just in general, but also in certain authoritarian contexts. The CRM seems to possess the ability to tackle some of the objections raised in the previous section, particularly, concerning undershooting.

We then look at a number of theoretical shortcomings afflicting the CRM, which would motivate us to make constructive amendments to strengthen its potency. Upon our examining two further structural objections rooted in authoritarian contexts, and incorporating newer accounts of collective responsibility, such as ones rooted in decisional rules and higher-order consensus, the post-revision account will be shown to be still leaving much to be desired.

The two 'sticking' objections are, namely, that it does not take coercion of individual members in collectives seriously enough; and that it does not provide a sound rationale for holding

[1] List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford: Oxford University Press 2011).

individuals responsible where they lack the capacity to have effected change or altered the course of events in the first place. The conclusion is that whilst the revised and strengthened CRM retains a level of plausibility and credibility in authoritarian settings, it is not the best candidate for RJAS; we must look elsewhere.

3.2 List and Pettit's Collective Responsibility Account

A pivotal attempt to cogently explain collective responsibility in ethical and political spheres, is List and Pettit's 2011 influential account[2], which posits that collective responsibility can be assigned to *members* of groups that possess *moral agency*, defined in terms of the intelligibility of holding these groups as *collective agents* that can act in conjunction in relation to particular objects, individuals, events, or outcomes. Provided that they meet the criteria required for collective agency, groups can come to develop rights, obligations and duties, and relations to external, non-group agents.

In making sense of List and Pettit's Collective Responsibility Account, I suggest a more detailed reconstruction of the argument through the following:

P1: An agent satisfies three core criteria – *representational states*, *motivational states*, and *the capacity to process its representational and motivational states*. Symmetrically, tentatively, a group agent satisfies the *group versions* of these three criteria, too (*Mirroring Premise*);

P2: Individuals $\{P_1, P_2, P_3, \ldots, P_n\}$ constitute a group G, provided that they satisfy a) *Holistic Supervenience*, and b) *Robust Group Rationality* – a) and b) are satisfied through meeting three specific conditions on agency proposed by List and Pettit; provided satisfaction of such criteria, G is responsible for act A (*Agency Premise*);

C: $\{P_1, P_2, P_3, \ldots, P_n\}$ are responsible, as a group, for A.[3]

The following explains the two premises, prior to offering a few internal critiques that are designed to strengthen the account, and examining it under authoritarian contexts.

[2] List and Pettit, *Group Agency*, Introduction.

[3] List and Pettit, *Group Agency*, pp. 32-36.

3.2.1 Mirroring Premise

What makes an agent? Tuomela[4] suggests that, for some X to constitute an agent per List and Pettit's view, X must satisfy three criteria that are jointly necessary and sufficient.

X is an agent, if X has:

> a) Representational states that depict/represent/reflect their external environs;
>
> b) Motivational states that map specifically onto how X seeks things to be in their external environs;
>
> c) The capacity to process a) and b), such that X intervenes in the environs whenever the environs fail to match X's motivating specification.[5]

Here, representational states constitute beliefs – per a), the beliefs held by individuals should bear a reliable and accurate relationship to their external environs. In other words, X must not suffer from delusional or hallucinatory interferences with their perceptions, or deeply impaired reasoning capacities, which render them unable to develop the necessary beliefs in accordance with the external reality. The minimalist conditions here are nevertheless necessary in ensuring that the agent does not act under false beliefs that have little to do with reality.

As for b), these motivational states are desires – that is, X should possess the capacity to formulate desires that in turn guide their anticipation and expectation of the external reality around them, in a normative sense. The operative phrase is *seeks* – it must be the case that X is motivated by desires that X endorses in some sense; if X is merely an automaton that acts, without motivational states in support, then X cannot be deemed an agent. X must possess a vision of what the world looks like – it does not matter if this vision is incompatible with the status quo; it does matter, however, if the vision is complete – or not.

Finally, on c), as Hirvonen notes, List and Pettit adhere to a straightforward "belief-desire-action model", where an agent should also possess "an ability to act according to

[4] Raimo Tuomela, 'Review of *Group Agency*', *Notre Dame Philosophical Reviews*, 2011, online: https://ndpr.nd.edu/news/27604-group-agency-the-possibility-design-and-status-of-corporate-agents/

[5] List and Pettit, *Group Agency*, pp. 18 – 21.

[representational states and motivational states, which are combined]". [6] In short, the agent must possess a reliable and consistent ability to possess and fuse both a) and b) together, in guiding the agent's interactions with the environment around them. The agent should have the ability to *try* to mold their surroundings into their vision per b) – this, in turn, requires an accurate grasp of what the world looks like, per a).

Now, one may correctly note that List and Pettit appear rather adamant in establishing what constitutes a group – what, then, would a set of individuals falling short of a group agent be? The distinction in question stems from an account first expounded by French [7], which differentiates between a mere collection of individuals (referred to by French as a "clod") and an organised, coordinated collective of individuals (a "conglomerate"). The former does not meet the necessary conditions for the loosely defined collection of individuals to amount to a cogent, independent moral whole, i.e. a group. Groups are not clods.

List and Pettit then argue that a collective of individuals can only be considered a *group agent* X' if they – tentatively – satisfy the *group versions* of the above criteria. This is where the *mirroring* comes in:

> a') Group agent X' possesses joint representational states that depict/represent/reflect their external environs;
>
> b') X' possesses joint motivational states that map specifically onto how X' seeks things to be in their external environs;
>
> c') X' possesses the capacity to *process* a) and b), such that X' intervenes in the environs whenever the environs fail to match the motivating specification of X'. [8]

As with individual agents, group agents are determined to be "relatively autonomous entities -- agents in their own right with minds of their own"[9], and are real in the sense that group agents comprise individual persons with suitable coordination in their dispositions to think and act, such that the group properties depend structurally on individuals' dispositions. Indeed, in his

[6] Onni Hirvonen, 'The Problem of the First Belief: Group Agents and Responsibility', *Journal of Social Ontology*, vol. 6, issue 1, 2020, p. 9.

[7] Peter French, *Collective and Corporate Responsibility* (New York: Columbia University Press, 1984), pp. 13-15.

[8] List and Pettit, *Group Agency*, pp. 33 – 37.

[9] List and Pettit, *Group Agency*, p. 77.

critique of Pettit and List's account, Chiao suggests that these conditions are necessary for "a basic level of rational coherence"[10] amongst the group agent's constituents' attitudes.

Whilst across both group agents and incidental groups, individuals can act according to shared goals to which each member *individually contributes,* only agents within a *group* would possess the necessary capacity to *process* a) and b), through which individual members of the group come to be *interdependent upon one another*, and are mutually *aware* that these conditions obtain for their collective[11], in a way that is underpinned by *interconnecting rules* that unify the system of beliefs and action-guiding motivations propelling group members. The combined set of beliefs must be true about the world which the group inhabits and internally coherent. When these three conditions are met, it is then "methodologically defensible to regard [the] group as an agent"[12], as opposed to merely a bunch of loosely connected individuals.

3.2.2 Agency Premise

So far, so good. Yet what does this 'mirroring' look like in practice? Consider a loose set of agents $\{P_1, P_2, P_3, \ldots, P_n\}$. If we state that these agents come together to comprise a group with agency, what, *really*, are we saying here about these agents? What is the precise nature of the relationship between individual members of a group, and the group itself?

List and Pettit propose two particular jointly necessary conditions to capture this view:

> a) *Holistic Supervenience*. The set of group attitudes across propositions is determined by the individual sets of attitudes across these propositions, but not in a strictly fixed manner – instead, the manner of connection is *holistic*;
>
> b) *Robust Group Rationality*. The supervenience relation determines consistent and complete group attitudes on the relevant propositions for any possible profile of consistent and complete member attitudes on these propositions.[13]

[10] Vincent Chiao, 'List and Pettit on Group Agency and Group Responsibility', *The University of Toronto Law Journal*, vol. 64, no. 5, 2014, p. 756.

[11] List and Pettit, *Group Agency*, p. 33-34.

[12] List and Pettit, *Group Agency*, p. 39.

[13] List and Pettit, *Group Agency*, pp. 69 – 71.

A helpful way of understanding a) would be to consider a group of five individuals, choosing whether to purchase apples, oranges, or pears. At the onset, two of the individuals prefer apples to oranges; three of the individuals prefer oranges to apples. Yet the group operates by an intriguing decisional rule – it prefers to take the minority viewpoint, on grounds that it is more emblematic of the 'road not taken'. As such, despite the majority of the group opting for apples instead of oranges, the group eventually goes with oranges instead of apples. There is supervenience, in that the group does not decide to – *arbitrarily* – buy pears. Here, the supervenience relation is holistic, and not majoritarian, given that the decisional rule employed may not necessarily map onto what the group majority in fact wants. It is key that there exists a relation of supervenience – the *exact nature* of this *relation* of supervenience (majoritarian, counter-majoritarian), however, is not a question that particularly concerns List and Pettit.[14]

What about b)? Suppose the options are now lemons, strawberries, and bananas, and the group is invited to again decide on what to buy, as a collective. This time, one opts for bananas, two opt for strawberries, and two opt for lemons. Per the very same decisional procedure that underpins the group's deliberation, the group goes for bananas. These attitudes are consistently and completely determined by the attitudes of the group – it is not the case that there exists any indeterminacy over which fruit the group should purchase. The resultant attitudes are complete and consistent – there exist neither internal contradictions nor undefined group preferences.

In seeking to further clarify what the above would look like in practice, List and Pettit introduce the following four criteria (somewhat confusingly, without clarifying their interactions or interrelations with the two conditions outlined above), as the starting-point for the determination of *group agency*: "[i] universal domain, [ii] collective rationality, [iii] anonymity[15], and [iv] systematicity"[16]. Collectively meeting these four stipulated criteria, the two authors argue, would be *impossible* for collectives of individuals *in empirical reality*, and thus – through an argumentative approach of *reductio ad absurdum* – a relaxation/rejection of at least some amongst these criteria is in order. Instead, List and Pettit are seeking to establish a set of criteria that would be jointly necessary and sufficient for group agency, and thus, responsibility.

[14] Chiao, 'List and Pettit', p. 760.

[15] The nomenclature is admittedly a tad esoteric – it remains unclear how this condition has anything to do with anonymity as we understand it per ordinary language.

[16] List and Pettit, *Group Agency*, p. 50.

Criterion i] requires that the decision-making function accommodates as inputs any and all individual sets of attitudes about items considered by the group to be potentially relevant. In a separate article on aggregating sets of judgments, List suggests that "provided each person's set of judgments […] satisfies the conditions of completeness, consistency, and deductive closure" [17] , these individuals' judgments should be accepted by the function as possible elements in its domain. It would be arbitrary and counterproductive, List and Pettit suggest, if the aggregation procedure were to (unduly) rule out particular attitudes without justification -- this would defeat the whole point of aggregation, which is to allow for any and all attitudes to be *considered* in generating the final account.

Criterion ii] requires that the resultant attitudes be both consistent and complete. That is, it cannot be the case that the group possesses attitudes that are internally contradictory, or that are ill-defined over particular value sets. More precisely, recall the Mirroring Premise discussed above – if it is indeed the case that a group agent X' mirrors an individual agent X, and that we would expect a *rational* agent X to not hold internally inconsistent and incomplete attitudes towards the world, then, the argument goes, we should apply the same standards to group agents. For example, the group of fruit-choosers with $10 cannot decide to spend $10 on apples *and* $10 on oranges – that is contradictory, given that the group only possesses $10.

Criterion iii] requires that all members' attitudes ought to be weighed equally, regardless of their identities. As List and Pettit insist, "no one individual's judgments should be given special weight in determining the collective judgments"[18] – all people involved should be treated in an even-handed way by the function, such that all "do have equal weight in determining the group attitudes"[19]. Say in a group of six adopting a majoritarian procedure for their decisional rule, four individuals opt for peaches and two for oranges – the group cannot abruptly conclude that because the two orange-loving individuals 'matter more', the group shall settle for oranges in lieu of peaches. Everyone's attitudes must be weighed equally.

Finally, criterion iv] stipulates that the group's joint attitudes on any given proposition should depend solely and exclusively on the attitudes of individual members towards that proposition.[20] There are two dimensions to this: first, the collective judgment of the group

[17] Christian List and Philip Pettit, 'Aggregating Sets of Judgments: An Impossibility Result', *Economics and Philosophy*, vol. 18, issue 1, 2002, p. 98.

[18] List and Pettit, 'Aggregating', p. 99.

[19] List and Pettit, *Group Agency*, p. 49.

[20] List and Pettit, *Group Agency*, pp. 55 – 60.

should depend only on the individual members' personal judgments in response to said proposition, as opposed to their attitudes towards other propositions (what List and Pettit term *independence)*; second, the group should consistently apply the same decision-rule (or rule of dependence) across all issues (*neutrality*) – e.g. it should not be the case that the group adopts a minoritarian rule when considering what to buy between apples, oranges, and pears, yet arbitrarily switches to 'whatever is desired by only one person in the group' rule when it comes to lemons, strawberries, and bananas. The rule applied must be consistent throughout all issues considered by the group.

Here is why the satisfaction of all four criteria is inherently impossible: adopting both the anonymity and systematicity requirements would require the group to hold the same attitudes towards any pair of mutually exclusive propositions arising from the group's members, if these two contradictory propositions are equally supported (or not) amongst the members[21] – e.g. "That the state raises the tax rate to 3%.", and "That the state reduces the tax rate to 0.5%." With no weightings and under a standardised 'filter' translating individual attitudes to group attitudes, embracing both propositions in practice would likely yield an apparently non-viable result of practical indifference, and/or indeterminacy over prescribed actions. This cannot be action-guiding, and cannot be implemented feasibly in practice. Pettit and List's solution to this is hence to opt for the tricolon of i, ii, and iii, and to ditch iv.

After considering a number of options and concluding with the relaxation of the *systematicity* requirements, List and Pettit preserve the practical functionality and general cogency of the group. Dropping *systematicity* requirements means that whilst certain group attitudes towards some items can be dependent upon individual attitudes, others would be derived from processes that indirectly yet adequately capture other group members' attitudes – through stipulated rules and procedures that reflect considerations of preferences of others in the group, yet are certainly not based exclusively on them.

If such criteria are satisfied, then the group of individuals mentioned above $\{P_1, P_2, P_3, \ldots, P_n\}$ can be held responsible in virtue of their being a *group*. Pettit and List join other authors[22] in arguing that the group should be treated as an *agent* provided that the above conditions are met,

[21] Bruce Chapman, 'Rational Aggregation', *Politics, Philosophy and Economics*, vol. 1, 2002, p. 339.

[22] See Michael Bratman, *Faces of Intention* (Cambridge: Cambridge University Press, 1999); Margaret Gilbert, 'Obligation and Joint Commitment', *Utilitas*, vol. 11, 1999, pp. 143–63; also, to a lesser extent (there exist some divergences), Raimo Tuomela, 'The We-Mode and the I-Mode', in F. Schmitt (ed.), *Socializing Metaphysics: the Nature of Social Reality*, Lanham, MD: Rowman & Littlefield, 2003, pp. 93–127.

which ensure that the identification of and attributability to a group will are both *intelligible*, and that the group indeed shapes its behaviours and expressed attitudes in a salient manner.

The implicit assumption, is that there exists a reasonable degree of similarities between a group agent and an individual agent. Whilst the group agent's attitudes are shaped by their members (through *supervenience*), the group agent is fundamentally *irreducible* – both epistemologically (in terms of *our knowledge* of the behaviours and attitudes of the agent) and attitudinally (in terms of possessing attitudes that may not reflect a straightforward majoritarian consensus amongst its members) – into its individual members. We must take the group, not the individual members, as the ontological basis in our analysis. To treat X' as just the aggregation of its individuals would be a misrepresentation of its *degree* and *mode of agency*.

When, then, could group agents be held *morally responsible* for a particular act A? Pettit and List argue that G can be held responsible for A when i) A constitutes a normatively significant choice; ii) G is evidentially or otherwise in a position to judge the normative merits and demerits of the choice over A, and iii) G is in control of its choice over A.

Per Chiao's paraphrasing, Pettit and List:

> …claim that group agents are fit to be held responsible in their own right, and that there may also be good reason to in fact do so. Responsibility—not simply accountability—is appropriate because group agents, like individual agents, face normatively significant choices that they are capable of understanding and evaluating, and over which they exercise some degree of control.[23]

3.3 Internal Critiques of List and Pettit's Account – Towards a Revised CRM

There are at least two substantial critiques of List and Pettit's account – they cut across both authoritarian and non-authoritarian contexts, yet addressing them would require vital revamps to the view across all contexts, in a manner that strengthens the account. We shall term the product of this amendment process the *Revised CRM*.

[23] Chiao, 'List and Pettit', p. 762.

3.3.1 On the Mirroring Premise – Ambiguity Worry

The mirroring move made by List and Pettit is elegant and parsimonious. A significant challenge here, however, is that List and Pettit's view seems to neglect to clarify what *exactly* follows from the mirroring between individual agents and group agents: that is, an intrinsic ambiguity exists over the contents of the motivational and representational states that are 'mirrored' between group/individual agents – and List and Pettit fail to resolve this issue. Their model thus fundamentally struggles with satisfying the *justification criterion* under the criterion of *explanatory precision* (Criterion 2). The two authors suggest a group agent comprises individuals with *joint intentions* – as for what precisely counts as *joint intentions*, they do not explicitly stipulate.

Borrowing Tuomela's[24] nomenclature, individual agents broadly engage in two different forms of thinking – "I-thinking" and "we-thinking": whilst Tuomela does not offer an explicit definition of the former, I posit that it denotes thinking that is distinctly private and self-centered, that views and treats the individual as the *sole* pertinent agent with subjective agency; the latter, on the other hand, features the notion of a group viewed from the "inside" – that is, the individual engages in thinking as a *member* of a particular group.

This is vital, for Tuomela posits that only individuals engaged in we-mode thinking, should be deemed members of a group – the rationale, he adds, is centered around the notion of *collective acceptance*: only with we-mode thinking, do we get agents who act with a shared sense of purpose, goals, beliefs, and values to which the members are voluntarily and consciously committed. Such agents are driven by a meta-motivation to maintain consistency and coherence with one another – and the intactness of the group's attitudinal profile is thus secured and preserved over time. Per game-theoretical accounts[25] of collective agency, individuals within groups come to think in terms of "What should *we* do as a group?", as opposed to merely "What should *I* do given that I *am in a group*?" Tuomela thus concludes that the individualism espoused by List and Pettit does not "suffice for adequate social theorising but needs to be complemented by collectivist ingredients such as *we-mode notions*, e.g. "What should *we* do?"

[24] Raimo Tuomela, *Social Ontology: Collective Intentionality and Group Agents* (Oxford: Oxford University Press, 2013).

[25] See Michael Bacharach, *Beyond Individual Choice: Teams and Frames in Game Theory* (Princeton: Princeton University Press, 2006); Cristina Bicchieri, *The Grammar of Society: The Nature and Dynamics of Social Norms* (Cambridge: Cambridge University Press, 2006).

(e.g. non-aggregative group attitudes [where disputes over decisions are resolved through non-aggregative functions])".[26]

Hence consider the *Amended Mirroring Premise*, which is the Mirroring Premise, but this strictly applies to only cases where members engage in We-mode thinking (both We-thinking and I-thinking). In other words, the mirroring occurs strictly between group members' representational and motivational states where they *explicitly think qua members of their group*, and the group's capacity to intervene in its environs whenever its motivating specification is not met. There needs to be further specificity than in List and Pettit's initial model, concerning *how* individuals think.

3.3.2 On the Agency Premise – Stringency Worry

The second worry pertains to the stringency of the Agency Premise. Recall that List and Pettit opt to eschew the *systematicity* requirement, and grant that merely i] universal domain, ii] collective rationality, and iii] anonymity are sufficient conditions for responsibility assignment. This worry seemingly violates Criterion 1 of our desiderata: our theory must avoid *descriptive overshooting* in holding responsible agents who should not be.

Here, Chiao suggests that even i, ii, and iii appear to be rather too strict for any sensible theory of (collective) responsibility. I am inclined to agree with his comments on all three fronts. Whilst List and Pettit are indeed correct in wanting to revise down/relax the four criteria they offer, in order to generate an account that is *not* too narrow and limited in scope, the issue with their moves is that they do not go nearly *far enough* in loosening the criteria.

On i), there may be good grounds to think that the domain for the group's inputs need not be universal; after all, organisations that we may idiosyncratically and intuitively take to be *group agents* – e.g. the United Nations General Assembly or the World Trade Organisation – do not necessarily have to accommodate *all possible inputs* of their members; they do and can justifiably exclude from the decision-making processes attitudes that do not adhere to the stipulated charter or profile of the organisation.

Furthermore, on ii), it remains unclear why the group must have their *resultant* attitude profile be *totalistic and comprehensive.* Not all members of such groups would possess *complete*

[26] Tuomela, 'Review', *Notre Dame Philosophical Reviews*, 2011.

attitude profiles over issues; indeed, some would posit that the Abstention function in the General Assembly serves precisely the function of representing non-existent input values for certain member states. I suggest here that there exists a minimal threshold in the number of individuals whose attitudes – once satisfied – would render the collective *sufficiently* inclusive (i.e. determinate and complete) in its attitudes to count as a group. Obviously, the exact contents of the metrics employed to filter out inputs remain contestable – but such contestability, I suggest, does not detract from the fact that such a threshold does indeed exist.

Presumably, so long as the set of resultant attitudes is not *internally* contradictory (e.g. it holds both P and ~P concurrently), the group is sufficiently rational for consistent practical action connecting inputs with outputs. Most 'groups' we can think of are unlikely to possess a determinate and complete set of output values for each and every possible issue of contention – such output incompleteness does not detract from the individuals within it exhibiting relations of group membership in relation to one another; it may render this group's agency *limited,* in that it does not have determinate answers that map onto all possible values within the range of outputs it adheres to – but this should and does not disqualify the group from being deemed as possessing at least a modicum of independent agency in the first place.

Hence consider weaker versions of i and ii – i.e. i* and ii*:

i*) *quasi*-universal domain – where the group is able to accommodate a *sufficiently large set* of possible inputs without foregoing its ability to act in a coordinated manner, and

ii*) *weak* collective rationality – there must be internal coherence amongst attitudes that are reflective of the external environs and factors experienced by the group agent; individual members' attitudes *can be incomplete*, but *must not be inconsistent.*

i*) seems relatively straightforward – it need not be the case that the group can accept *all* inputs; the group *can* set barriers or thresholds concerning acceptable inputs. Yet these exclusionary mechanisms must not render it the case that the scope of inputs accepted is *too small*. The needed gate-keeping here cannot be stringent to the point that stymies the group's own operations in coordinating between different members.

As for ii*), this is to say that the collective rationality requirement can be somewhat relaxed – there need not be *completeness* in individuals' attitudes, i.e. they may not possess attitudes on

any and all issues that the group will come to decide over, but each of these individuals must still possess consistent attitudes. No one should hold an attitude and its exact negation at once.

Now, Chiao does not think that the above moves alone are sufficient.[27] He rejects the relevance of List and Pettit's impossibility result – he opines that they do not sufficiently establish why the three criteria offered are in fact pertinent to any thresholdist account of group agency; after all, groups that do not meet those criteria may perhaps be *bad* group agents, yet this does not negate the fact that they *are* still group agents of some kind. Consistency is apparently significant, yet the constraints of universal domain, systematicity, and anonymity neither seem necessary nor constitutively embedded in an ideal group agent. Indeed, Chiao suggests that we drop the iii) anonymity condition altogether, and retain solely variants of criteria i*) and ii*).

Here, I think Chiao instead goes too far. In partial defense of iii) (anonymity), note that one of List and Pettit's primary (though by no means the only) objectives in developing the account constitutes the outlining of a cogent account of *moral* group agency. It is insufficient for a set of individuals to potentially *resemble* a group – it must also be the case that it is at least reasonably conceivable that they could be held *responsible qua a group* (consider, for instance, the Imperial Japanese Army, or the Schutzstaffel, during WW2), as opposed to *qua a mere clod*. This is of particular importance in authoritarian contexts, where we can easily envision instances of political groups, state structures, and collective entities that are so fundamentally disparate, disjointed, and internally fragmented, to the point where group agency cannot be reasonably attributed to them. They are, indeed, mere clods.

When moving from the individual to the group, I suggest the *bare minimum* for the group to count as a morally responsible *group agent* is for the group to *non-arbitrarily reflect* the volitions of all of its individual constituents, where no agent's attitudes suffer from *arbitrary dismissal* relative to other agents within the same clod. For instance, a clod of schoolchildren, that *arbitrarily* ignores the voices of one of its members over certain decisions, cannot be said to be a group that possesses moral agency, for that single member's inputs *are arbitrarily excluded* from all of the group's resultant attitudes. Collectives with internal unfairness can still constitute groups – so long as they do not systemically engage in consistently arbitrary (note: *consistent arbitrariness* is not *consistency* per se – there may still be occasional

[27] Chiao, 'List and Pettit', p. 758.

acceptance of such attitudes, but on equally arbitrary grounds) dismissal/overriding of the attitudes of one or more of their own purported members.

Hence the normatively loaded *anonymity condition* may yet be needed – precisely because there needs to be something more to group moral agency than merely the aggregation of individual agency, that is why no member should have their attitudes weighed over others' attitudes *unless there are good grounds to do so*. In the same way that someone acting erratically in accordance with the consistently arbitrary weighing of their *own* preferences and attitudes, would constitute an individual with *impaired agency*, the same logic could be applied to *group agents.*

The question is whether there *are* good grounds to weaken significantly the anonymity condition, even with our above caveat concerning consistent arbitrariness. For an affirmative answer, consider the following passage, where List and Pettit raise one possible ground:

> Further possibilities open up when the group relaxes anonymity as well as systematicity. It can then use an aggregation function that not only assigns priority to certain premises but also implements a division of labor among its members: a 'distributed premise-based procedure' (List 2005). Here different group members are assigned to different premises and form attitudes only on these premises […] The group then determines its attitude on each premise by taking a majority vote on that premise among the assigned individuals – the 'specialists' – and derives its attitudes on other propositions from these attitudes on the premises.[28]

Their proposed approach is broadly reasonable, given that the 'distributed premise-based procedure' is grounded in the (relative) epistemic merits of particular individuals in relation to the areas over which they specialise. For instance, we would accept that nuclear scientists ought to possess more significant say over nuclear weapon-related policy in governmental decision-making, as compared with, say, a butcher or a literature teacher. More generally, so long as there exists a justifiable procedure by which the group in question processes the attitudes of its members – where the metric determining what constitutes justifiable here involves minimal acceptability to *everyone* within the group. One way through which broad acceptability can be

[28] List and Pettit, *Group Agency*, pp. 56 – 57.

determined in practice, is via resorting to what is advocated by some accounts[29] [30], i.e. the identification of a common decision-making and attitude-filtering/sifting procedure over which individuals unanimously agree upon via informed deliberation – though this is neither necessary nor sufficient for the procedure employed to be justified. I suggest we term this variant of anonymity, *quasi-anonymity.*

Hence consider *Amended Agency Premise,* which is pertinent to the process of *responsibility assignment*: it is necessarily the case that G possesses i*) quasi-universal domain, ii*) weak collective rationality, and iii) *quasi-anonymity* in relation to $\{P_1, P_2, P_3, \ldots, P_n\}$, in order for $\{P_1, P_2, P_3, \ldots, P_n\}$ to be held responsible, qua group G, for any act A committed by G.

Through the above, we have arrived at the *Revised CRM*, which constitutes List and Pettit's proposed account, paired with two further stipulations:

First, a restriction of the attitudes in question to exclusively *We-mode reasoning*, excluding I-mode reasoning, as inspired by Tuomela;

Second, a semi-weakening of the conditions required for assignment of group responsibility, based on the *Amended Agency Premise*.

Note the Revised CRM is *not* List and Pettit's original view, but is instead *my* proposed amendment to the account on offer – it is a different account of collective responsibility, but shares many undergirding assumptions and premises as List and Pettit's.

3.4 Applying the Revised CRM to Authoritarian States

How well does the Revised CRM fare under authoritarian states? The above exposition has crucially bolstered the credibility of List and Pettit's CRM in ensuring that it can avoid some of the more common pitfalls and shortcomings, as outlined above.

When it comes to applying the model to authoritarian contexts, I submit that the revised CRM has clear merits in a limited though clear set of authoritarian regimes. There are two steps to applying the model. The first involves identifying, under authoritarian states, a group that

[29] Stephanie Collins, 'Filling Collective Duty Gaps', *Journal of Philosophy*, vol. 114, no. 11, 2017, pp. 573-591

[30] Emanuela Ceva, 'Beyond Legitimacy. Can Proceduralism Say Anything Relevant about Justice?', *Critical Review of International Social and Political Philosophy*, vol. 15, no. 2, 2012, pp. 183–200.

passes the tentative litmus test, e.g. the *Amended Mirroring Premise*, concerning we-mode intentions. The second requires us to establish the group in question does fulfil requirements stipulated by the *Amended Agency Premise* per responsibility assignment.

Consider the subjugation of the Rohingya people by the Tatmadaw, Myanmar's armed forces and police. Since 2016, backed by Buddhist nationalists, the Burmese military has partaken in extensive persecution and expulsion of Rohingya Muslims residing in the country, with evidence of gross human rights violations such as extrajudicial killings, summary executions, sexual assault against the Rohingya people and looting of Rohingya villages. Thousands of Rohingya individuals have been killed, with many more beaten, burnt, and gang-raped.[31] The operative question here is, is the Burmese military – including those who have not and are not involved in the perpetration of such gross injustices – collectively responsible for the injustices perpetrated by and in name of the Burmese state?

Given the *Amended Mirroring Premise,* I suggest that we should first establish whether the entirety of the Tatmadaw meets the requirements stipulated under the premise, in accordance with the conditions outlined in the premise. Criteria a') and b') indeed hold true – the Tatmadaw does possess joint representational and motivational states concerning their external environs – these joint states are undergirded and stipulated by the constitution and codified laws and norms of the military.[32] The Tatmadaw is underpinned by rigid party disciplinary protocol, which enables it to satisfy criteria a') and b'), and c) intervenes in its environs, whenever, wherever, and however the environs fail to match the Tatmadaw's motivating specifications. The Tatmadaw instituted collective leadership via committees for territorial administration – party orders would flow from the Regional Central Command to respective sub-regions, followed by districts, townships, villages, so on and so forth. Local party members were *democratically elected by local populations*, but were required to abide by and uphold firmly the tenets of the party, which were made publicly known through extensive propaganda and popular discourse.[33]

[31] Amnesty International, 'Myanmar 2021', *Amnesty International*, online: https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar/.

[32] Brian Y.S. Wong, 'Why China Favors Democracy Over Dictatorship in Myanmar', *Foreign Policy* (Feb 26 2021), online: https://foreignpolicy.com/2021/02/26/china-myanmar-coup-democracy/; Anthony Ware and Costas Laoutides, *Myanmar's 'Rohingya' Conflict* (London: Hurst Publishers, 2018).

[33] Timothy Michael Carney (ed.), *Communist Party Power in Kampuchea (Cambodia): Documents and Discussion*, Southeast Asia Program, Department of Asian Studies (New York: Cornell University, 1977), Data Paper no. 106, p. 8.

It would be reasonable to suppose the intentions in question held by members of the Tatmadaw, in relation to the persecution of the Rohingya people, are *we-mode intentions*, as opposed to *I-mode intentions*. These soldiers perceive their actions as a part of a wider, broader cause of obtaining political justice on behalf of the Buddhist majority in Myanmar, against the ostensible 'invasion' and 'imposition' by the Rohingya minority. The collective 'we' here stems from the highly centralised and loyalty-driven nature of military command in the country, which has endured decades of challenges and pushbacks from the domestic population. The military apparatus is designed to inculcate a sense of collective solidarity and identification, that in turn undergirds how soldiers come to narrate their own actions and motives for such actions. Hence the *Amended Mirroring Premise*.

The next question, then, is whether responsibility assignment – in accordance with the *Amended Agency Premise* – is warranted.

Recall the criteria that we set out above for group agency: i*) quasi-universal domain, ii*) weak collective rationality, and iii) quasi-anonymity.

Criteria i*) and ii*) are satisfied for an overwhelming majority of the party members, who *voluntarily and avowedly shared* largely homogenous attitudes, which were 'incorporated' into or mirrored by both the top-down orders and the bottom-up local execution of said orders. On the particular question of collective rationality – there were of course discrepancies on fine-grained matters – e.g. logistical or implementational questions; yet such questions did not detract from the higher-order convergence of party members upon the value systems that guided the party's decision-making (e.g. the persecution of dissidents, the cruel oppression of the country's Rohingya minority).

It is iii) that is more problematic. The obvious criticism would be that the Tatmadaw is largely steered by a highly concentrated and influential leadership (spearheaded by the Commander-in-Chief Min Aung Hlaing in the run-up to and immediate aftermath of the 2021 coup. Presumably such leaders' attitudes are granted disproportionate representation weighting, over any and all others within the party. Where conflicts arise, it is implausible to suggest that the attitudes of the grassroots apparatchik could have overridden the orders from the party leadership. More specifically, it is clear that the attitudes of the grassroots tend not to be taken seriously by the leadership, in ways that would allow for *equal* consideration of the attitudes of the rank-and-file and upper echelons of the party. There is structural power and decisional

asymmetry to the relationship between elite and front-line officials, given the differential access to wherewithal and resources. If so, however, then quasi-anonymity does not seemingly hold – at least, in accordance with the criterion set out above.

In response to this, firstly, on a more empirical note, the Tatmadaw is – across many particular issues, such as municipal governance, implementation of punitive and persecutory measures, and the subjugation and expulsion of dissidents – largely devolved: provincial and local party leaderships play an arguably greater role in steering the execution of centrally issued orders, than the central authorities. There is a largely even distribution of decisional capacity – an approximation of (quasi-)anonymity – on a local and regional level, over a significant number of local and regional agenda.

Secondly, even if we acknowledge that the *quasi-anonymity* criterion is not *robustly* met, this at best implies that we ought to discount the extent to which more junior and less influential military members should be held collectively responsible for the decisions made exclusively by the upper echelons of the army. This does not, however, imply that members of the Tatmadaw should bear no responsibility whatsoever – the lack of *total quasi-anonymity* is a mitigating, but non-negating factor. So long as individuals' attitudes on all matters are not arbitrarily and whimsically rejected by the decision-making process, even if they are not *equally* treated as compared with the most powerful and influential agents, they could be said to be collectively responsible.

In general, many individuals residing in various authoritarian states constitute members of responsible collectives that are often implicated in the state in some capacity. Consider the ruling United Russia Party in Russia, and the homophobic policies pursued by the government – the party had 2,000,000 members (who paid membership fees, signed up for and participated in internal elections within the party, and whose attitudes are incorporated, per the mechanisms upon which the Amended Mirroring Premise depends, into the party's decision-making) in 2013[34]. Clearly, not all of its members were involved in perpetrating (directly or indirectly) the oppression of LGBTQIA+ or Chechen dissidents within the country, nor, indeed, are all

[34] Ministry of Justice of Russian Federation, 'Information on the number of members of the political party "UNITED RUSSIA" in each of its regional offices' (as of 1 January 2011), online, https://web.archive.org/web/20121025025351/http://www.minjust.ru/common/img/uploaded/docs/2011.02.01_Edinaya_Rossiya_perechen.doc.

members directly involved in voting for or supporting – through political or financial means – the Russian invasion of Ukraine.

Such moral atrocities could neither be attributed to, nor causally traced back to the actions of individual party members. Yet this does not de facto eliminate their *collective responsibility*, as members of a party whose decisions supervene upon their individual attitudes.[35] Indeed, the revised CRM above provides us with the resources to explain our considered judgments concerning such responsibility.

3.5 Objecting to the Revised CRM in Authoritarian Contexts

The above has developed and sought to apply to authoritarian contexts a comprehensively revised CRM. Yet it fundamentally falls short, in relation to authoritarian contexts: here is how.

3.5.1 The Coercion Objection

There is clearly a problem of *responsibility overshoot* without *adequate justification* (Criteria 1 and 2). In holding individual members responsible for the actions of the collective of which they are a part, we may find this model excessively punitive towards individuals who, even despite fulfilling all the prior criteria determining group membership, do not consent to their being parts of the group, let alone the specific acts committed by the group. Tinnevelt posits that List and Pettit's approach to collective responsibility – more specifically, Pettit's conception of national responsibility, as founded upon List and Pettit's proposed account – fundamentally neglects "issues like coercion or manipulation". [36]

Indeed, even notwithstanding the revisions made to CRM such that we emerge with the Revised CRM, this problem also persists with the latter – I term this the *Coercion Objection*. Even though we could indeed describe certain groups discussed by List and Pettit as *agents* with collective agency, we cannot reasonably hold all individuals within those groups responsible purely on the basis of their being members of such groups – i.e. group membership is an

[35] List and Pettit, *Group Agency,* Ch. 3.

[36] Ronald Tinnevelt, 'Collective Responsibility, National Peoples, and the International Order', *Netherlands Journal of Legal Philosophy*, Issue 2, 2009, p. 151.

insufficient condition for accepting collective responsibility. For one, it would be deeply unjust to hold responsible *innocent* individuals for acts of injustice to which they are bound through pure coercion. Yet, besides a casual reference to "members of a group agent, like those of an unincorporated collection, may be less than fully responsible […] if they act under duress or pressure from others"[37] in Chapter 7, List and Pettit appear to systemically downplay the role and presence of coercion in their otherwise-excellent monograph.

Let us, for the moment, grant that individuals' being "less than fully responsible" is their primary rejoinder – even then, it appears that this requires significantly more fleshing out. What if the group is systemically built upon and constantly enacts coercion? What if the group agent – despite satisfying all of the stipulated criteria – remain coercive towards its members? Could there be a case for waiving responsibility altogether, for individuals who experience coercion above and beyond a certain threshold?

Now, I do not by any means suggest that the condition of coercion applies to *all* cases of collective responsibility in authoritarian settings – there are obvious cases where individuals' being part of groups is aligned with their voluntary wishes, and it would be erroneous to dismiss the value of the Revised CRM in those cases. Yet where coercion arises, the Revised CRM lacks a tenable account as to what we are to do; by stipulation, it appears that we should ignore the morally salient feature of coercion, and proceed as usual in assigning responsibility to the collectively responsible individuals.

3.5.1.1 The Development Rationale

A potential rejoinder, is to argue that moral blameworthiness may not always be applicable as the primary mode through which individual responsibility is discharged; given this, then, we can hold individuals responsible, even if they are not blameworthy on grounds of enduring coercion and duress. Indeed, List and Pettit argue that for a group to be morally blameworthy, its actions must be associated with a "grave matter", the group must have "full knowledge of guilt", and there must have been "full consent of the will"[38]; elsewise, no blame should be ascribed to individuals. We may find these criteria inapplicable for most contexts.

[37] List and Pettit, *Group Agency,* Chapter 7.

[38] List and Pettit, *Group Agency,* p. 155.

In advancing their account of *blameless responsibility* – which conveniently helps them sidestep many of the above concerns concerning knowledge and consent, List and Pettit propose a forward-looking 'developmental regulation' defense of moving from the responsibilities of the group, to those of individual members of the group. In his 2007 article, Pettit calls for cultivating in individuals "the sort of self-awareness and self-regulation"[39] that parents would inculcate in children. Per the revised CRM, we hold individual agents responsible as a way to *responsibilise* them, to encourage them to think carefully and prudently over their own actions, to contemplate how they can better discharge their outstanding responsibilities, and to deter problematic behaviours and communicate positive expectations.

At first glance, the strengths of this approach are two-fold: firstly, the defense bypasses the backwards-looking quagmire above, concerning whether individuals are truly *morally* responsible for the actions that their groups commit; secondly, this accounts blends in well with external considerations concerning the *effects* of the principle – adopting the principle would facilitate, on a practical level, reduction of transgressions in the future, through prompting both individual and collective action in averting future injustices and recognising "the true contours of the moral and political world we inhabit"[40]. Indeed, Pettit is of the view that even individuals that do not comprise a group at present, could become a group agent in the future if they "organize against the condemned behavior"[41] to keep their governments in check.

3.5.2 Why the Developmental Rationale Is Faulty

However, I submit that we should also reject this line of argumentation for three reasons. Firstly, the efficacy of blame as an apparatus of structural and individual transformation has come under significant scrutiny over recent years[42]; in particular, from past experience with authoritarian states, we should be wary of the employment of blame or guilt as a means of incentivising ostensibly better behaviours in highly fraught and divided societies. [43]

[39] Philip Pettit, 'Responsibility Incorporated', *Ethics*, vol. 117, no. 2, 2007, p. 176.

[40] List and Pettit, *Group Agency,* p. 185.

[41] Pettit, 'Responsibility Incorporated', p. 201.

[42] For the original criticism, see Iris M. Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), pp. 113-18. For an emphatic defence of blame, see Martha Nussbaum's foreword in the same book; also see Robin Zheng, 'What is My Role in Changing the System? A New Model of Responsibility for Structural Injustice', *Ethical Theory and Moral Practice*, vol. 21, 2018, pp. 869-885; Jeffrey Reiman, 'Review: The Structure of Structural Injustice', *Social Theory and Practice*, vol. 38, no. 4, 2012, pp. 738-751.

The operative assumption here is that encouraging individuals to take up responsibility is useful – but this only holds true insofar as it is the *right individuals* who are blamed, and that the deployment of blame is done *appropriately*. This seems rather unlikely given the political divisions and subjugation within authoritarian states.[44]

Secondly, there may be instances where responsibilisation *qua* developmental regulation is innately inefficacious, because the agents involved possess limited to no agency to transform their conduct. Consider, for one, low-ranking members in the Burmese Tatmadaw, or, alternatively, ordinary citizens residing under Putin's regime – these are individuals whom we could, in theory, 'responsibilise' through imposing sanctions, costs, and judgments of responsibility, in relation to the injustices perpetrated by the collectives of which we identify them as being a part (e.g. the Tatmadaw, or the Russian state apparatus). Holding these individuals responsible does not make sense – they cannot defy, without substantial costs to themselves, the orders from above; nor can Russian citizens and grassroots Burmese soldiers overthrow their respective administrations and/or command. The developmental regulation rationale does not make sense, as Tinnevelt[45] argues, unless there exists at least a modicum of practical agency on the part of agents to change their circumstances.

Thirdly and fundamentally, this rationale appears to problematically justify the *instrumentalisation* of individuals in an attempt to accomplish societal ends. Under this pedagogical approach, individuals are treated as tools to further the end of more uptake of responsibilities and opposition to future injustices on the part of their society. Note, the obtaining of such ends is unlikely to directly benefit themselves, or – even where such incidental benefits arise – be sufficiently significant as to ensure that individuals here are treated as ends-in-themselves. Perhaps some individuals allegedly do benefit from having their own moral agency recognised through the practice of responsibilisation, but it remains vastly unclear as to why this 'benefit' entails holding *all members of groups* responsible under authoritarian circumstances.

[43] See Tom Bentley, *Empires of Remorse: Narrative, postcolonialism and apologies for colonial atrocity* (London: Routledge, 2015) for an in-depth exploration of the role of apologies (or the empirical lack thereof) in cementing problematic power dynamics undergirding colonialism; throughout the book, the efficacy of blame (alongside faulty apology embedded with neo-colonialist assumptions) comes under significant scrutiny.

[44] See Chapter 1.

[45] Tinnevelt, 'Collective Responsibility', p. 148.

To conclude, the Developmental Rationale does not successfully establish why we should treat individuals as if they were responsible for the injustices committed by the collectives of which they are members. At best, the rationale may provide some level of tentative justification to those seeking to develop principles of international or domestic law governing state behaviours in the aftermath of large-scale injustices – yet in the domain of political and moral responsibility, it remains deeply unclear why citizens should accept the prescriptions invoking this rationale.

3.5.3 Could the Nationalist Account of Responsibility Come to the Rescue?

The keen-eyed reader may make the valid observation here, that we have perhaps neglected a potential model that could be emphatically powerful as a means of rescue for the CRM. That is, the model I speak of here is Miller's substantive *Nationalist Responsibility Model*[46] – one that uniquely attributes collective responsibility to *nations*, and that allows for such attribution even if individuals within such nations do not possess full voluntary control over the acts of injustices perpetrated by their *nations* (collectives), per se. Whilst Miller's account is by no means *merely* a collective responsibility account, it potentially contains many a virtue that can aid the collective responsibility-centric account in sidestepping the above objections – e.g. that responsibility need not arise from voluntary consent (e.g. individuals may not *consent* to their nationalities, yet this does not diminish the prospects of holding them responsible in Miller's conception), or that individuals within particular collectives can come to share remedial responsibilities even if there is some degree of coercion afflicting their decisions.

The reasons why I hesitate to apply the nationalist model to authoritarian contexts, are numerous – none has to do with its internal strength and coherence, but by-and-large instead to do with its applicability to non-democratic contexts. To begin with, Miller himself is skeptical of whether the model can be applied to non-democratic settings. Noting that "where nations are subject to external or to autocratic rule, it is usually difficult to identify acts undertaken by individual members or by the state as genuinely national acts, and so it becomes inappropriate to spread responsibility for those acts throughout the population in question".[47] Elsewhere, Miller notes that "the more open and democratic a political community is, the more justified we are in holding its members responsible for the decisions they make and the policies

[46] David Miller, *National Responsibility and Global Justice* (New York: Oxford University Press, 2007), pp. 105 – 130.

[47] Miller, *National Responsibility,* p. 133.

they follow"[48]. The rationale for this exclusion stems from two sets of observations – the first is explicitly stated by Miller, and the second can be found through his various other comments on responsibility throughout his works.

Firstly, there are two ways in which appraising responsibility – even in the sense Miller prescribes – is epistemically difficult and cumbersome: i) it is empirically hard for observers to establish the "correct judgment on […] matters […such as] whether resistance is feasible, what the costs of resistance are, and whether sufficient numbers of people can act together to make their resistance effective]"[49], and ii) there is the "possibility that the ordinary subjects of the autocracy were effectively brainwashed into holding views that support the policies in question"[50], which undermines the extent to which ordinary people can be held responsible for the attitudes and preferences they develop under circumstances of coercion and manipulation. Miller implicitly suggests that we should err on the side of caution before we engage in responsibility distribution – I am inclined to agree with him, given – as we shall shortly see in Chapter 5 – the moral and practical implications of assigning to individuals responsibility, even if wholly detached from judgments of blame.

The second set stems from Miller's opposition to responsibility assignment within nations that are subject to "outside rule". He argues that such nations "…are governed in a certain way, but [they do] not act politically at all. And even where we witness forms of collective behaviour that significantly affect the well-being of members or impose burdens on outsiders, it will be difficult to say which of these are authentic expressions of national culture, and which are merely the work of individuals who claim that what they are doing reflects that culture."[51] Whilst Miller tacitly maps this onto instances where nations are governed by outsiders, I would suggest that similar worries – concerning the inauthenticity and distortionary effects of rulers' claims over culture, as well as the absence of cooperative political action (following on from our earlier critique of the revised CRM's defects) – would transpire in authoritarian contexts, thereby inhibiting the relevance of the nation-based model of responsibility.

Miller also offers a helpful caveat – he notes that "rulers may hold beliefs and values that correspond more or less closely to those of their subjects even though they are not formally

[48] Miller, *National Responsibility,* p. 130.
[49] Miller, *National Responsibility,* p. 129.
[50] Miller, *National Responsibility,* p. 130.
[51] Miller, *National Responsibility,* p. 127.

accountable to them"[52]. Should this be the case, then it would be possible, he adds, to draw a connection between the authority of these rulers, and some kind of support (albeit unspecified in kind and nature) coming from their people over their actions and inactions. Miller proceeds from this to then argue that some share of the responsibility falls on the nation as a whole – if the undergirding rationale cited by the rulers is "common national property"[53].

Here, a question arises: in this particular context, what is performing the justificatory legwork for the assignment of responsibility seems to be a combination of a) a *quasi-contributory* relationship between citizens (their cultural beliefs, norms, and values) and their presiding state, and b) the *particular mental propositions and cultural attitudes* held by citizens, from which rulers draw upon to making their claim to rule – and to decide upon policies. Neither a) nor b) seems to have much to do with the kind of collective responsibility explored above, or, indeed, the two models of responsibility as expounded by Miller across more benign, democratic contexts. Hence whilst both a) and b) are promising grounds for assignment of responsibility, I shall opt to instead examine them in sections where they would better fit. For a), we may read this as a special form of complicity, to be discussed in Chapter 4. For b), that would be as part of the eventual account we settle upon in Chapters 6 and 7. For now, let us conclude that the collective responsibility approach cannot be rescued by an appeal to Miller's robust – yet perhaps non-authoritarian-state-suited – account of national responsibility.

3.6 Recap

The above has demonstrated that existing accounts of collective responsibility – even after numerous amendments in light of internal defects – cannot serve as satisfactory candidates in explaining whom ought to be held responsible under authoritarian states. List and Pettit's model both overshoots in holding responsible coerced agents who should not be; and fails to provide ample normative justification for the assignment of responsibility to individuals.

Furthermore, there may be contextually no case to tell for or against responsibility under either the revised CRM or the PLM, for the conditions are not met – yet does this therefore imply that no further agents are to be held responsible? I do not think so. Neither PLM nor the revised CRM offers an adequately robust account of responsibility under authoritarian states – another

[52] Miller, *National Responsibility,* p. 128.
[53] Miller, *National Responsibility,* p. 128.

answer is needed. Miller's national responsibility account contains valuable insights, yet is ultimately inapplicable. That said, the invaluable insights within it will be incorporated into later sections in this thesis.

Having established that CRM/its modifications cannot serve as the best RJAS – even though they certainly can still be applied to a small number of clearly delineated, non-coercive, voluntary participants in group agents under authoritarian states, we shall now turn to Chapter 4, which looks at complicity and intentional citizenship.

4 Complicity Frameworks and Intentional Citizenship

4.1 Roadmap

This chapter surveys a number of complicity-related frameworks. We begin with Kutz's complicity account[1], which will be shown to possess two core weaknesses, first in terms of its amorphously defined conception of liability and responsibility for injustices; second, in relation to its indeterminacy over how we ought to credibly and justifiably interpret individuals' actions. An amendment, based on Pauer-Studer's critique[2], is introduced to the account, prior to further evaluation and our eventually concluding that the amended account, too, struggles to meet the objectives of our enquiry. The amended account also fails to provide a distinctively reparatively grounded kind of responsibility, thus failing the *particularity criterion.*

This takes us to Lepora and Goodin's account[3], which presents a viable alternative to Kutz's in the field of complicity literature. Whilst Lepora and Goodin's emphasis upon contribution helpfully circumvents many of the concerns pertaining to vagueness and unspecified scope that afflict Kutz, the approach they advance will also be shown to be seriously defective. We close by examining the most plausible account that draws and improves upon the Kutzian concept of participatory intentions: Pasternak's recent work [4] on intentional citizenship. After an empirically grounded application of her robust account, this chapter offers some independent critiques of the advanced argument, prior to concluding that whilst Pasternak's view is by far the most plausible, there yet remain issues of underdetermination and theoretical shortcomings that require further clarification or an alternative account.

4.2 Kutz's Complicity Account

4.2.1 Overview

[1] Christian Kutz, *Complicity: Ethics and Law for A Collective Age* (Cambridge: Cambridge University Press, 2010).

[2] Herlinde Pauer-Studer, 'Complicity and Conditions and Agency', *Journal of Applied Philosophy*, vol. 35 issue 4, 2018, pp. 643-660.

[3] Chiara Lepora and Robert Goodin, *On Complicity and Compromise* (Oxford: Oxford University Press, 2013).

[4] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021).

Kutz's account[5] stands out for being a complete and ambitious attempt at articulating a *moral* conception of how complicity can ground individuals' responsibility for injustices. He resists the Collective Responsibility approach (see Chapter 3) for a variety of reasons, not least due to the discrepancies between holding the collective responsible in theory, and the practical enforcement and discharging of such responsibilities via individuals.

In developing his alternative, complicity-centric account, Kutz[6] seeks to construct a model of responsibility cognizant of two particular subsets of cases: a) firstly, the difficulty of precisely isolating and pinpointing individual causal responsibility for particular outcomes within *structured groups*, and b) secondly, the existence of *unstructured collectives* whose production of injustices could neither be attributed to individual elements within those collectives, nor be resolved through a model of collective responsibility, for there is no cogent "collective" to speak of, given the above.

Kutz posits that the answer to the responsibility question rests with constructing a broader and more expansive account of group action; rather than stipulating that in accounts of responsibility, groups must comprise voluntarily formed associations of individuals who are perfectly cognizant of their membership of such groups, mere intentional participation in *joint projects* allegedly suffices in rendering individuals involved in the joint activities undertaken for the project responsible for the outcomes of such actions. In short, it is *collective action*, not *group membership*, that grounds responsibility.[7]

Per Kutz, complicity in a joint act involves individual group members intentionally doing their part in promoting a particular outcome Z following from a joint activity G, without necessarily intending for Z to occur.[8] Individuals $\{P_1, P_2, \ldots, P_n\}$ are responsible for the outcome Z, even if they neither intend for Z to occur, nor specifically cause Z to occur in a counterfactual-sensitive manner, provided that they *intend to play a part* in the joint activity G that produces effects *including* Z.

I propose a presentation of Kutz's rather complex account through three premises:

[5] Kutz, *Complicity*, pp. 64 - 65.

[6] Kutz, *Complicity*, pp. 67 - 70.

[7] David Atenasio, 'Collective Responsibility by Agreement', *Loyola University Chicago*, Dissertation, 2019, pp. 8-9.

[8] Kutz, *Complicity*, p. 69.

Premise 1: Complicity in joint act G leading to an outcome Z is best interpreted as individuals a) possessing collective intention to G (conditions to be specified), and b) actually performing their *part* in G, with G resulting in an outcome Z (*Ontological Premise*);

Premise 2: An individual's being complicit in G causing Z, would give rise to some sort of normative responsibility on their part to redress Z (*Normative Premise*);

Premise 3: Such responsibility to redress Z is best understood through the lens of moral liability (though not necessarily blameworthiness), as opposed to mere legal liability (*Moral Liability Premise*).[9]

Ontological Premise

Individuals are complicit in G if they possess the collective intention to G, and perform their part in G, with G resulting in Z's occurrence. Kutz construes collective intention here as participatory in kind. He begins by outlining what he takes to be an *over-stringent* conception of what participatory intentions are, prior to delving into ways in which collective intentions can be defined less stringently, through the relaxation of some (albeit not all) of the following:

a) P_1 is *strategically responsive* to others' actions or anticipated actions in the process of G-ing;
b) P_1 possesses *shared goals* with others concerning the eventual outcomes that are to follow from their G-ing;
c) *Mutual openness* underpins the interactions between individual co-participants;
d) P_1, alongside all other members of $\{P_2, P_3 \ldots\}$, must bear *intentional commitment* to the specific group act in question.[10]

Kutz eventually argues for our embracing a *minimalist* conception of participatory intentions, and drops a) and c) from his proposed list of requirements, leaving only intentional commitment (d) centered around shared goals (b) as the sole overarching criterion for participatory intentions in a project to be ascribed to particular individuals. Two reasons for this: first, the "superior descriptive coverage" of the minimalist conception; second, the fact

[9] Jinyu Sun, 'Political Obligations in Non-Democracies: A Natural Duty Account of the Obligation to Resist', Doctoral thesis (Ph.D), UCL (University College London), 2019.

[10] Kutz, *Complicity*, pp. 79-81.

that "ethically complex cases of joint action rarely involve perfect common knowledge, wholly shared conceptions of the joint act, or highly responsive strategic interaction".[11]

This, of course, leaves the question of what *counts* as the necessary criteria for the ascription of participatory intentions – Kutz posits that the only jointly necessary feature constitutes agents' *overlap* in intentions, in accordance with a reasonable *description* of agents' joint activity. As for what constitutes a *reasonable description*, the account leaves the user hanging – he suggests that defining what constitutes overlap is a fundamentally pragmatic exercise.

How do we determine where the line is reasonably drawn concerning 'overlap'? First, participatory intention does not require that participating agents expect that others would *necessarily* join, but that it is *possible* that others do join them. Second, participants need not intend for the entire joint project to be realised – so long as they intend for some of the collective goals under the project to be accomplished.[12] Third, so long as the participating agents' actions feature an awareness and acknowledgment of *other agents' presence* in their plans, then they could be dubbed to be in possession of a participatory intention that overlaps with others' participatory intentions.

Finally, Kutz's conception of complicity tracks actions – he presumes that complicity can only be ascribed to individuals who perform concrete actions, as opposed to exhibit incidental mental states and attitudes that may, or may not, affirm the actions performed by others. It is thus integral to Kutz's ontology, that complicit agents are those who *act* whilst bearing *participatory intentions through acting.* The act and the intention must be correlated – it cannot be that the intention pertains to an act that the individual does not undertake.

Normative Premise

The question then becomes this: why should 'complicit' individuals be held responsible for the outcomes of their complicit acts?

Kutz does not make the claim that individuals' intentions and subjective states of mind do not matter – indeed, he argues that it is necessary that individuals intend for their specific acts (as

[11] Kutz, *Complicity*, p. 91.

[12] Sun, 'Political Obligations', p. 108.

a part of the joint act G) to occur, and that they carry out such acts consciously; he does not, however, elaborate on the extent to which such intentions must *precisely* map onto the activities for which we are holding individuals responsible. Nor, indeed, does he take sufficiently seriously the possibility that such individuals are acting under coercion and other forms of external manipulation. Such omissions pose a fundamental problem for his theory.

To understand why Kutz struggles with these ambiguities, we must examine closely the Kutzian methodological commitment to functionalism in ascribing and interpreting acts. He posits that even where individuals do not intend for particular outcomes to follow from their joint activities with others (e.g. a musician plays a particular viola in an orchestra), these joint activities may be *redescribed* in functionalist terms (e.g. the musician is performing, alongside others, a certain symphony). Such redescription is warranted, because the individual's "intention to participate in a collective act", both *causes* and *rationalises* the individual's specific action (e.g. viola playing), and thus licenses our describing their action as a part of the collective act (e.g. symphony performance).[13]

Citing examples where "a pacifist takes a job at the nuclear weapons plant, because it is the only job available; an accountant processes the astonishingly large receipts of a pizza parlor, not inquiring too carefully into their explanation", Kutz identifies these as "cases in which the collective activity is jointly intentional and the product of individual intentional participation, for they involve individuals who see themselves as acting in concert, contributing to a collective end though they disavow that end."[14] He insists that it would be reasonable to view these individuals as contributing intentionally towards the collective end – even if they do not, personally, agree with or support such an end. This is because they are *sufficiently knowledgeable of their probabilistically likely contributing* to Z's occurrence, such that even if they do not intend for their G-ing to contribute to Z, or for Z to occur, they can still be deemed as having participated in bringing about Z. Kutz later further expands his scope requirement, in noting that so long as one is aware of the *possibility* of one's contributing to Z, such minimal awareness suffices in rendering one *accountable* (Kutz does not spell this out explicitly, but we address what such accountability looks like under the Moral Liability Premise) for one's being complicit in the collective action.

[13] Kutz, *Complicity*, p. 73.

[14] Kutz, *Complicity*, p. 102.

As such, an individual P_1 is responsible for not just what P_1 does in relation to their part of G, but also the outcome Z that follows from G; additionally, P_1 is also responsible for what P_1 does jointly with P_2, P_3, etc., provided that P_1 a) intends to perform their part of G, and b) it is *reasonable* to ascribe the collective expectation of G to P_1. Responsibility for some G follows from the *reasonableness of ascription* of G to the joint intentions of the responsible agents P_1, P_2, P_3, etc. Note further here that Kutz posits that difference-making – i.e. the occurrence of a counterfactually sensitive difference – is not necessary for an individual to be deemed to be a participant of a *collective action*, and *therefore* not necessary for the individual to be responsible in some sense for the outcomes of said action.

Moral Liability Premise

Fundamentally, Kutz's conception of responsibility remains somewhat amorphous. He never explicitly stipulates whether his brand of responsibility *necessarily* comes with blame or praise – opting instead for the negative thesis: that the complicit actors involved are liable in a way that *is not* mere legal liability.[15] Whilst he offers no determinative statement over whether complicit actors must therefore be deemed *blameworthy* for their actions, he does argue that complicitous accountability requires an openness to a plethora of responses that are tailored uniquely to the roles and identities occupied by individuals in the shared projects.

The trouble, of course, is the indeterminacy over how we ought to interpret moral liability. If we grant that Kutz views complicit actors as *morally distinct* from those who are non-complicit, in ways that reflect upon our judgments "about their character and conduct"[16], then we could plausibly hold that some degree of resentment – thus blame – can be reasonably apportioned to individuals who violate particular moral duties of theirs, or rights of others. Indeed, Kutz himself makes the suggestion that our intentionally participating in a group act "expresses what we desire, what we will tolerate, and what we believe,"[17]. Such moral embeddedness renders us thereby *pro tanto* blameworthy, unless stronger countervailing reasons are offered to render blame inapplicable to the situation at hand. Notably and helpfully, Pasternak interprets Kutz as potentially offering a non-blame-centric account of *forward-looking duty* -- this is a much more

[15] Kutz, Complicity pp. 150 -- 160.

[16] Kutz, Complicity, p. 160.

[17] Kutz, Complicity, pp. 140–41.

plausible version of the account, but I am reticent to attribute this view to Kutz (as opposed to Pasternak), given the innate indeterminacy in his account.

4.2.2 Issue of Action Description

We now turn to a structural objection to Kutz's account that cuts across both democratic and authoritarian contexts. Undergirding Kutz's engaging with complicity – and not perpetration – as the primary basis of his account of responsibility, I suggest, is a core endeavour of identifying and justifying why individuals can be held tentatively responsible uniquely on grounds of reasons pertaining to *complicity*, as opposed to (merely) their being *perpetrators of* or *collectively responsible for* such injustices.

If the perpetrator and complicity accounts were to overlap entirely, it would then be rather unclear what the theoretical value-add from Kutz's intervention would in fact be – save from, perhaps, the inclusion of one *further reason* amongst the long list of explanations as to why intentional perpetrators of injustices ought to be held morally responsible. Recall the *particularity criterion* under Criterion 2 in Chapter 1, in which we argued that there needs to be the right kind of responsibility that is generated and justified by the account proposed.

Given this, the following objection poses a significant challenge to his efforts – it demonstrates that as it stands, either it is the case that Kutz's account is superfluous, or it unjustly views as responsible individuals that should not, in fact, be deemed responsible. In other words, Kutz's original account is sandwiched between unjustifiably *overshooting*, or a lack of *distinctiveness* from the aforementioned models of liability-responsibility.

Kutz makes the argument that "we are properly held accountable for the actions of groups […] in which we participate, because these actions represent our own *conception of our agency and our projects.* […] the logical *overlap* [between agents with participatory intentions] permits us to say that they manifest their attitudes through one another's actions."[18]

The problem with clarifying what constitutes a reasonable interpretation of a) the actions undertaken and b) the intentions held by individuals, is an issue of what Pauer-Studer terms *proper action description*.[19] How can we credibly and justifiably identify, per the *Ontological*

[18] Kutz, 'Complicity', p. 140.

[19] Pauer-Studer, 'Complicity', p. 645.

Premise, the appropriate action description to ascribe to individuals? It may be obvious in some instances – consider:

Gun seller. A gun shopkeeper selling a gun to someone whom they know to be a gangster and is thus likely to commit a violent crime using the gun, is plausibly complicit in the *criminal's murdering a victim using said gun*.

Yet also consider:

Hedge Cutter. A man cuts down a hedge in his backyard that is the last habitat of an endangered species. He does not know that this hedge houses that endangered species. He does not seem to be *complicit* in the *elimination of the species* from the face of the planet.

More generally, what standards are we to employ in arbitrating clearly the correct action description for such complex, multifaceted situations?

Such indeterminacy need not be unfixable – there could be, in theory, further criteria introduced in clarifying what the grounds are. Yet as far as Kutz's account currently stands, there are three reasons why its indeterminacy ought to trouble us – firstly, there may be instances of individuals who strongly oppose the eventual outcomes that follow from their actions (e.g. the hedge-cutter above may vigorously hold the *ex-ante* preference that they do not kill off the last of the species), and where such opposition pertains precisely to the capaciousness of the 'scope' prescribed by the account of responsibility (*opposition)*; secondly, there may be individuals who are fully conscious of their initial actions, yet completely oblivious to the causal chain of events that may follow from their actions (*ignorance*), and thirdly, it is often very difficult for external observers to parse through the mental states of agents to determine what the exact, genuine contents of individuals' intentions in fact are (*pragmatic constraints*). These three reasons, combined, render Kutz's account unhelpfully underdetermining. Exactly *when* are we, and for *what* actions by *whom else*, to be held accountable for our being complicit? If we are to take responsibility seriously – as a normative concept, as opposed to merely descriptive - what justifies our extracting from individuals' specific intentions, more generalised participatory intentions that we ascribe to them?[20]

[20] Chiara Lepora and Robert Goodin, *On Complicity and Compromise* (Oxford: Oxford University Press, 2013).

There are two moves that Kutz partially adopts to defend his case against the charge of inherent indeterminacy over the participatory intentions assigned to individual agents per his account – the first is unconvincing; the second partially succeeds, though at a significant cost to his account's independence.

Functionalist Rejoinder

To the first, Kutz acknowledges that joint actions often come under a "vague description" that "sustains a compartmentalised attitude towards one's own participation". [21] However, in instances of *detachment*, such as the above, Kutz posits that individuals' attempts at severing the ties between their specific acts and the group acts they engage in, are "functionally [un]intelligible" [22] . In a non-trivial subset of cases, individuals cannot intend for specific outcomes without also accepting the ascription to them of the wider intentions embedded with the collective perpetrator of injustices – he posits that it would be unintelligible for the gun seller above to sell the gun to a man he knows to be a criminal, without also some degree of recognition that they are complicit in the criminal project due to take place.[23]

This reply seems unpersuasive to me – clearly, it is *possible* for the gun seller to imagine, with some level of credibility and subjective heuristics, that they are selling the gun to someone who needs it for righteous self-defense and/or protecting their home (and not for murder). The hedge-cutter could view themselves as merely cutting down another hedge, and not be killing off the habitat for a dying species. Such self-conception is possible, as Pauer-Studer notes, for:

> some people might face no psychological difficulty in coping with the tension between their compartmentalised description of their professional role and their actual professional activities […due to] their capacities for rationalisation, or even, self-deception [...][24]

In these cases, the empirico-psychological premise Kutz's argument hangs on does not, in fact, hold. I would submit that across a large number of instances in both democracies and non-democracies alike, individual citizens *do* go about their lives having largely cordoned off their specific act-centric intentions, from the broader collective intentions at large. We are perfectly

[21] Pauer-Studer, 'Complicity', p. 646.
[22] Pauer-Studer, 'Complicity', p. 646.
[23] Let us assume that the profiling here is epistemically justified and non-erroneous.
[24] Pauer-Studer, 'Complicity', p. 647.

capable of refusing to recycle, without concurrently intending to not save the environment from plastic waste – indeed, it is this cognitive gap, as epitomised by the *ignorance* subset of cases above, that poses a further challenge to Kutz's attempt at defining the action properly. The first approach thus does not work empirically.

Independently Grounded Obligations Rejoinder

The second approach is more promising. Here, Kutz suggests that individuals can be held accountable – even if they are subjectively *ignorant* or seek to *detach* themselves cognitively from their actions' precipitating the eventual unjust outcomes – if they have independently grounded obligations to be aware of the connection between their actions and the outcomes in question. They may not be subjectively aware of the possible consequences, but they *should* be – this verdict clearly diverges from the simple Perpetrator Model, in enabling us to deem responsible those who fail to meet obligations that are independently grounded. Pauer-Studer supplements this view, by noting that individuals' role-specific normative commitments and requirements concerning their moral reasoning (e.g. consistency, coherence, and intelligibility)[25] render it the case that as external observers, we can assign to individuals obligations rooted in professional identities[26] (e.g. their occupational and institutional roles).

Term this hybridised view the *Neo-Kutzian View***.**

A statement of the Neo-Kutzian View is as follows:

1) Ontological Premise with *Clarification*:

When looking into 1), we should ascribe complicity to actors in instances where individuals bear *role-specific* normative requirements, stemming from their professional identities, to *be aware* of what it is towards which they are contributing. We determine the correct standard of action description through looking at the roles possessed by individuals;

2) Normative Premise (as above);
3) Moral Liability Premise (as above).

[25] Pauer-Studer, 'Complicity', pp. 646 - 650.
[26] Pauer-Studer, 'Complicity', pp. 646 - 650.

Per the Neo-Kutzian View, then, we can justifiably assign to agents the *expectations* that they know more (or better), and can hold them accountable – in turn – where their ignorance or detachment arises from or constitutes a violation of their particular role-based normative requirements. Suppose the hedge-cutter has been trained extensively in the protocol of horticulture and wildlife conservation; for him to continually cut the hedge that he *should* have recognised as of particular bio-habitat importance, does indeed render him responsible- via-complicity in habitat destruction, even if he lacks the exact intent to inflict damage.

Two worries exist, however. The first, as will be developed shortly through evidencing in authoritarian contexts, is that this approach is too harsh (i.e. overshoots, per Criterion 1; and fails to justify the allocation of responsibilities, per Criterion 2) towards individuals who may – due to circumstantial factors beyond their control – come to cultivate role-based obligations, yet for which they should not be deemed responsible. Here, it may be that individuals *should* be aware, *should* not be permitted to detach themselves from the group intentions and the consequences that follow from such collective actions, and yet it may be *permissible*, or *excusable*, for them to be *unaware* of such consequences. This could be the case, on the grounds that it would be very difficult and costly for them to be more aware of such consequences. There hence exists a gap between those who bear objective obligations, and those who, all things considered, should bear moral responsibility for not discharging such obligations – note, it is explicitly the third condition above (the Moral Liability Premise) with which I take issue. Even if we can describe these agents as 'involved' in the acts in question, they should not have moral liability ascribed to them, for reasons Pasternak offers – and with further elaboration shortly.

The second pertains to *theoretical redundancy* (e.g. running into the same kind of *Particularity* concerns that the aforementioned model faces, per Criterion 2). Granting Pauer-Studer's amendment may somewhat salvage the normative intactness of Kutz's conception of complicity – by centering complicity around individuals' professional identities and the coherence of such; yet in so doing, this also undercuts significantly the extent to which the resultant account of responsibility has to do with *complicity*. Agents acting with the full awareness – given their professional identities – that their actions may result in particular injustices, should be held responsible on grounds of role-based strict liabilities; agents who *ought* to know and do better given their epistemic access *qua* professional identities, should indeed be held responsible on basis of their failure to perform professional duties. What is

doing the legwork here, however, is these professional duties. At best, therefore, the *Neo-Kutzian View* remains largely dependent upon accounts of duties arising from professional identities and the importance of their being intact.

4.2.3 Application of Neo-Kutzian View to Authoritarian Context

Having surveyed an intrinsic weakness and potential rejoinders to the Complicity Account, we now turn to applying the Neo-Kutzian View to the case study of Russia today.

Consider the brutal Russian invasion of Ukraine, which broke out in late February 2022. The atrocity- ridden Russian war campaign was backed by a vocal and politically influential coalition of wealthy oligarchs, radical pro-Russian Ukrainian nationalists, military generals, and senior intelligence officers.[27] These individuals were, in turn, bolstered by online commentators (paid shills and astroturfers etc.) and offline nationalist, militant activists within Russia that had aligned themselves voluntarily with the Kremlin, in advancing the military offense. [28]

Whilst a vast majority of backers involved would not necessarily be directly involved with the violence and bloodshed on the frontlines, it was clear that these individuals a) participated in an act that at least partially contributed towards the Russian invasion (e.g. assembling ammunition, paying taxes, backing the military, voting for Putin in the prior election) and b) held participatory intentions that met Kutz's stipulations concerning complicity. I submit that those who voluntarily, autonomously backed the Russian invasion must thereby be deemed responsible for these injustices.

In applying the Neo-Kutzian Model, I draw upon Sun's salient observations in her attempt to apply the Complicity Model to non-democratic states.[29] Even in authoritarian settings, there remain citizens who operate in a *free space*, with relatively ample knowledge and understanding of a) the consequences of their own actions in relation to the collective act (G), and b) the relationship between G and the ensuing consequences Z; additionally, there are also individuals who are sufficiently free of state manipulation and deception, that it would be disingenuous to dismiss their being complicit in state-perpetrated injustices. The account does

[27] Luke Harding, *Invasion: The Inside Story of Russia's Bloody War and Ukraine's Fight for Survival* (Vintage, 2022), Introduction.

[28] Bloomberg News, 'Russian Support for Putin's War in Ukraine Is Hardening', 23 February 2023, https://www.bloomberg.com/news/articles/2023-02-23/ukraine-latest-russia-support-for-war-hardens-as-putin-cracks-down#xj4y7vzkg.

[29] Sun, 'Political Obligations', pp. 129-130.

seem to succeed, and the bottom-line is this: even if these citizens are not blameworthy for their state's abuses, they must still be held responsible in some sense qua their complicity.

Yet it is also across authoritarian contexts that the Neo-Kutzian View's defects most evidently manifest. Whilst I accept the claim that complicit agents *should* be deemed responsible for repairing the wrongdoings that follow from the acts in which they are complicit, the Neo-Kutzian View is insufficiently fine-tuned and over-expansive. This view construes as complicit individuals who are not – and therefore *overshoots* in assessment of complicity. The following comprises three specific contexts in which such overshooting occurs, and, erroneously, causes us to assign moral responsibility to individuals who should not, in my view, bear any.

4.2.3.1 First Context: On Coercion

Authoritarian states are highly coercive towards their citizens. Much of the empirics concerning coercion at large has been detailed in Chapters 1 and 2, and thus will not be reiterated in detail. On coerced agents, Kutz bites the bullet[30], in suggesting that even coerced agents should fall under the scope of complicit and hence responsible agents – though he does leave open here the possibility that they should be assigned different levels of responsibilities as compared with their counterparts that are not complicit.

The participatory intentions account leans into what could be construed as an objective interpretation of the intentions harboured by individuals in relation to the projects in which they co-participate as complicit agents. Yet in classic instances of coercion, there are no real choices confronting individuals – such that their fundamental *intentions* qua complicit agents, are frankly to *avoid the substantial costs* involved in the counterfactual, as opposed to *perform the act* in question. Russian citizens may be complicit in the war efforts in virtue of their paying taxes to the Russian state (or they would otherwise be punished through draconian penalties), partaking in mandatory military service (or face arrest and imprisonment), and performing bare minimums just to *survive.* Yet as a result of such actions, they could be deemed to be *complicit*, for partaking in sustaining the Russian state's fiscal reserves, infrastructural stability, and prosecution of the unjust war in Ukraine. This, I would submit, is unreasonable.

Across both subsets of individuals, I posit we should not construe them as being *complicit* – at least, in the way that gives rise to *moral burdens* that are affixed to them. These individuals do

[30] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), pp. 53, 62

not possess intentions that merit the judgment of complicity in the acts in question, given that they *only* engage in the acts as a result of circumstantial constraints, and remain strongly opposed to and disavowing of the ends attached to the acts. They may be causally involved, but their intentions do not suffice in rendering them complicit at all.

Cursorily, the case for a forward-looking version of responsibility may indeed present a viable way out. Adopting this blame-free approach, Sun seeks to argue that *some* agents under authoritarian states remain non-coerced and sufficiently autonomous [31] ; on the subject of coerced dissenters who knowingly and actively contribute towards the injustice in question, Sun posits that even though such individuals are coerced and disagree with the eventual end to which they are contributing, the very fact that they are *consciously* contributing towards the project renders them therefore complicit in the project (e.g. producing weapons for Russian militants and soldiers). Per both the Neo-Kutzian and Sun's accounts, individuals' possessing participatory intentions – and therefore being complicit – is construed as a *sufficient* condition for assignment of responsibility, though Sun jettisons, as does Pasternak, the lenses of moral blame and responsibility underpinning Kutz's approach.

Yet Kutz himself does not offer sufficient clarity or theoretical resources to articulate in full the parameters and grounds on which the responsibility associated with complicity should be wholly independent of notions of blame and moral liability. More fundamentally, the problem runs deeper: given the inherent ambiguity and openness to normative discretion in the *action description* process of the Neo-Kutzian account, it is unreasonable for us to read into individuals' actions intentions in ways that are non-cognizant of the conditions under which such 'intentions' are developed. When parsing the intentions of the Russian citizen confronted by state coercion, we *should* recognise and incorporate into the ascription the actual states of mind of these individual citizens, which may well emerge to be, "I am behaving in a way that is necessary for me to not endure severe, extreme harm inflicted upon me as a cost for non-compliance." (*Harm Avoidance Intention*). As it stands, the Neo-Kutzian View does not capture at all these considerations, and thus unjustly assigns far too much responsibility to coerced individuals.

4.2.3.2 Second Challenge: On Professional Identities

We now turn to the second challenge. Recall that one of the merits of the Neo-Kutzian View is that it draws artfully upon individuals' professional identities and specific roles in devising a

[31] Sun, 'Political Obligations', p. 17.

set of determinate expectations that we anticipate to be normatively binding in relation to how agents behave. This, in turn, allows for us to shift away from Kutz's amorphous *functionalist conjectures* to a more *robust normative basis*.

Under authoritarian states, individuals with nominal professional identities may find themselves perpetrating injustices owing to their roles – and yet, intuitively, we would deem the corresponding imposition of responsibility unjustified. Consider Russia's harsh conscription regime (a 12-month draft mandatory for all male citizens aged 18-27, with few exceptions); young men are brought into the army, and assigned professional responsibilities ranging from weapon manufacturing, waging cyber-warfare and -espionage campaigns, and sabotage and destruction of enemy territories' infrastructure.[32]

Setting aside those who come to genuinely and unequivocally support the Russian regime's actions, it is likely that there remain soldiers who do not seek to go to war; who find militaristic campaigns in contravention of their own conscience, and who act only out of the nominal instinct of adhering to orders from above. I would suggest that there are at least three ways in which, notwithstanding their professional identities, we should grant that some of these individuals should be exempt of responsibility.[33]

First, under authoritarian states, many such individuals do not have access to even a reasonable minimum of *discretionary control* over their professional identities. They cannot – without incurring substantial costs – decline the request to perform such professional roles; nor can they, when enrolled into such entities. Indeed, to opt out of such professional identities would impose upon individuals vast physical and psychological costs. All of this is to say that whilst individual soldiers seeking to detach themselves from the group intentions and the ensuing outcomes of their actions may well cause their professional identities to become unstable, such instability is – if anything – understandable and indeed permissible.

Second, authoritarian states often request that individuals perform *role-bound immoral actions* that, whilst not strictly beyond the remit (*ultra vires*) of their occupational tasks, do take them beyond realms of what could be reasonably expected from a normal moral agent. Consider, for

[32] Mike Eckel, 'Russia Proposes Major Military Reorganization, Conscription Changes, Increase In Troop Numbers', *Radio Free Europe*, December 23, 2022, https://www.rferl.org/a/russia-military-reorganization-expansion/32190811.html

[33] My focus here is distinctly centered around the limits and grounds of individual responsibility for the injustices committed *within* wars. It would be beyond the scope of this project to delineate a robust account of just wars.

instance, a military command demanding that soldiers under their watch seize upon the property and resources within captured territories. These demands may be intelligible from the lenses of one's professional obligations qua a soldier in a combat context, yet are deeply morally questionable – if not downright unjustifiable.

Finally, and most specifically a problem to the Pauer-Studer rejoinder, the Neo-Kutzian view leaves little to no room whatsoever for acknowledging and recognising the moral worth of individuals who seek to *resist internally* within their professional practices (we shall revisit this objection shortly in greater detail, for a different account). To see why, consider:

Konrad Morgen. Morgen was a SS judge in Nazi Germany that played a pivotal role in prosecuting and holding to account lower-level SS officers for corruption and 'ultra vires' (nominally) killings beyond technical remit.[34]

Pauer-Studer argued that whilst Morgen "had anything but participatory intentions for notorious SS crimes", and noted his devotion to "cleansing the SS of corruption and crime"[35], Morgen was bound by the normative commitments and corresponding practices of his professional role. His professional role, of course, was no ordinary legal occupation – but to serve as a court judge in the SS-military machinery. Swiftly, Pauer-Studer argues that, Morgen has every reason to realise, through both subjective and objective lenses, that his claim to be an advocate for justice cannot be reconciled with his professional role as a SS judge.

Yet even if we are to accept that Morgen cannot – subjectively or objectively – reconcile his role with his actions, I remain unconvinced that this inconsistency alone sufficiently grounds our holding Morgen *morally responsible* in virtue of his complicity. Indeed, individuals who seek to subvert, resist, or challenge the nature of their work, whilst serving in their professional roles, should have their intentions and correlated acts fully *recognised* – this requires acceptance that we should not, perhaps, judge these individuals in accordance with what their professional identities *nominally* are, but with what they have actually sought to do with the resources afforded to them by their professional identities. The *normative incoherence* of someone who genuinely seeks to instrumentalise their professional capacities fully to do as

[34] Admittedly, this is not an example of an authoritarian, but a totalitarian and genocidal regime – yet the undergirding logic holds.

[35] Pauer-Studer, 'Complicity', p. 652.

much good as is feasible – should not be a basis for us to conclude that that said agent must therefore be held *morally* responsible, qua their being complicit.

The three contexts above present us with cases where we may not wish to hold individuals responsible purely in virtue of their nominal professional identities. Responsibility qua complicity is not approximated well by the roles assumed by individuals.

4.2.3.3 Third Challenge: Constricted Reasoning Capacities

The final challenge takes on Sun's optimistic claim that "state manipulation does not directly make citizens blind and insensitive to the facts about the non-democratic order and their contributions to it"[36], which – if successful – would affirm the fact that citizens are indeed responsible even under non-democratic orders. In response, state manipulation does often render citizens "blind and insensitive", through constricting or distorting the reasoning capacities of citizens in several ways: firstly, weakening the subjective capability on the part of individuals to realise that their individual actions end up contributing towards a broader, wider joint project with insidious consequences; secondly, molding citizens' value systems and moral judgments, such that they do not – subjectively – perceive the end outcomes of the joint project as morally problematic; thirdly, engineering citizens' perceptions such that they subjectively view themselves as having no option but to acquiesce to and accept the state (even if there indeed exist alternative options to their actions).

An example of the first kind involves authoritarian states suppressing information concerning where the government budget – supported by citizens' taxation and economic activities – is allocated. An example of the second involves cases where states adopt patriotic, brainwashing education to condition their citizenry into accepting the normative tenets underpinning their rule. As for the third, consider cases where authoritarian states present themselves as being better than all alternative governments.[37] All three of these contexts are centered around how individuals *actually* feel and think – thus, the Neo-Kutzian test, which holds individuals accountable to the professional identities of agents and leaves limited room for considering the precise mental states of individuals, would judge these individuals as complicit and thus responsible.

[36] Sun, 'Political Obligations', p. 129.

[37] Alexander Dukalskis and Johannes Gerschewski, 'What autocracies say (and what citizens hear): Proposing four mechanisms of autocratic legitimation', Contemporary politics, vol. 23, no. 3, pp. 251- 268.

The issues posed here for the Neo-Kutzian view are two-fold: first, it struggles to explain why these individuals ought to be held responsible in the first place; second, it does not demonstrate why the mode of responsibility involved must be *moral* in kind. Kutz eschews talk of blame, yet equally fails to clarify the exact nature of the responsibility of which he speaks. Given this and the above, it is clear that the Neo-Kutzian account remains inadequate as a RJAS.

4.3 Contributory Account of Complicity

We need a viable alternative. Lepora and Goodin seemingly present this, through a promising *Contributory Account*, which posits the following:

> Voluntarily performing an action that contributes to the wrongdoing of another and knowing that it does so […even] without necessarily sharing the other's wrongful purpose), represent the necessary *actus* and *mens* conditions, respectively, that are minimally required for one to be complicit with the wrongdoing of another.[38]

Lepora and Goodin's view offers two significant departures from the afore-discussed accounts:

First, on the nature of responsibility. Recall that the Kutzian/Neo-Kutzian approaches both place a significant premium on the moral nature of liability that individuals must bear in relation to their being complicit in injustices. On the other hand, the Contributory Account strives to offer a distinction termed by Pasternak as a "wedge between co-Principals and secondary agents" (complicit actors).[39]

A nomenclatural clarification is needed here. Per the proposed framework, *co-principals* of joint actions refer to individuals who perpetrate and actively intend to perpetrate the particular actions (and the outcomes that follow) in conjunction with one another (e.g. those who conspire to actively rob a bank). In contrast, *secondary agents* who are 'merely' complicit denote those who fulfil the above conditions for complicity. Co-principals are *morally responsible* for the injustices they perpetrate; complicit actors, on the other hand, fall outside the relevant scope of moral responsibility. Merely complicit actors, as Lepora and Goodin[40] argue, must still take up

[38] Lepora and Goodin, *On Complicity,* pp. 83-84.
[39] Pasternak, *Responsible Citizens,* p. 5.
[40] Lepora and Goodin, *On Complicity,* pp. 15 -- 16.

and discharge *forward-looking responsibilities* in relation to redressing such injustices, even if such responsibilities are not *moral* in nature.

Second, on the necessary conditions for responsibility to be assigned - recall that the Kutzian/Neo-Kutzian approach takes as the grounds for responsibility a) individuals' intentions that in turn render them co-participants in joint projects (Kutz), and b) individuals' role-specific responsibilities, which objectively determine the standards by which they ought to be appraised (Pauer-Studer's amendment). It is thus *intentions*, and not anything else, that lie at the core of the assignment of responsibility exercise.

On the other hand, Lepora and Goodin's vision of contribution casts aside the *participatory intention* account undergirding Kutz's approach, favouring instead *intentional contribution* as the core linchpin for responsibility. Three conditions are in turn necessary for this vision to be fulfilled: a) there exists a contribution that is neither involuntary nor accidental; b) there is sufficient knowledge or culpable ignorance of the contributory role of one's actions, and c) there is sufficient knowledge or culpable ignorance of the wrongfulness of the other's act to which one contributes.[41]

4.3.1 Applying the Contributory Account to Authoritarian Contexts

Whilst Lepora and Goodin's central example revolves around Rwandan refugee camps during the genocide, we shall be examining specifically the pre-war Russian context - that is, prior to the substantial sanctions placed on the country from early 2022 onwards.

In 2020, Russia was the fifth largest partner for EU firms exporting and importing goods – with the EU the largest trade partner to Russia.[42] Most EU firms do not, presumably, enter into the Russian market with the intention of participating in the Kremlin's eventual invasion of Ukraine – the Neo-Kutzian account would not rule EU firms as in possession of the participatory intentions (qua both intention to partake in a joint project, or subjective awareness of the effects of such contributions), to enable Putin's regime's move on Ukraine.

Nor, indeed, do they possess *professional identity-related* reasons to take up responsibilities concerning repairing the population with whom they trade – trade is a process of equal-

[41] Lepora and Goodin, *On Complicity,* p. 84.

[42] European Commission, 'EU trade relationships by country/region, Russia', https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/russia_en

value exchange, and institutions of trade are nominally free of political judgment. Similar examples can be found where merchants and businesses engage in extensive business operations and transactions with other authoritarian regimes around the world. Therefore, in the absence of clearly ascribable intentions concerning contribution towards the Russian state – and its prosecution of injustice against its own citizens – it would be ill-advised for us to describe the actions of merchants here as *complicit* due to their *intentions*.

Yet clearly, the ruling Russian government has benefited counterfactual-sensitively from trading with the EU.[43] From contributing to the Russian government's reserves through tariffs and spill-over taxes, supporting prominent Russian oligarchs – themselves leading backers of Putin – whose business interests are heavily intertwined with the European markets, to enabling the ruling regime to claim performance legitimacy in the name of accomplishing economic gains, to propping up the Russian military[44], those who trade with the Russian economy indubitably contribute towards the human rights violations practised by the current government.

To the extent that we may view EU businesses that had been trading with the Putin regime as, at least in part, complicit in the atrocities perpetrated on Ukrainian soil - much of this stems from a causality-rooted understanding of contribution. EU corporate engagement contributed significant volumes of wealth to the Kremlin, who eventually deployed them in prosecuting their war. It is not intentions that are doing the work here – but net causal *contribution* instead.

As such, European businesses a) neither *involuntarily nor accidentally* contributed towards the Russian government's capacity to prosecute egregious human rights abuses, b) were *sufficiently knowledgeable* of the implications of their actions, or – even where ignorant, can be held *culpable* for their ignorance given the plethora of information concerning the oppressive and imperialist nature of the Russian regime, and c) were *sufficiently knowledgeable*, one can presume, of the wrongness of the Russian regime's ongoing encroachment and expansion in Ukraine. As such, firms trading with Russia can clearly be deemed responsible to repair the injustices, *qua* their being complicit causal contributors.

4.3.2 How the Contributory Account Contextually Supersedes the Neo-Kutzian Account

[43] Andrew Gardner, 'EU offers trade deal to improve relations with Russia', POLITICO, January 29, 2014, https://www.politico.eu/article/eu-offers-trade-deal-to-improve-relations-with-russia/.

[44] Chris Armstrong, 'Dealing with Dictators', *Journal of Political Philosophy*, vol. 28, no. 3, 2020, pp. 307-331.

The Contributory Account helpfully supersedes the Neo-Kutzian Account on three counts.

Issue of Action Description

Recall the issue of action description afflicting Kutz's model – we came to the conclusion that either Kutz's model must lean heavily upon professional identity-*cum*-role-specific ethics, as stipulated by Pauer-Studer, or that it normatively overshoots. This is because the inherent amorphousness of the task of 'describing' individuals' actions renders it rather difficult for observers to provide sound, cogent, and independent criteria for the exact contents of actions that would be reasonable for individuals to be ascribed.

In juxtaposition, the Contributory Account overcomes this by offering three discrete interventions: firstly, the test of reasonableness rests with whether a normatively meaningful *contribution* is in fact made by the individual agent's act (*causal-empirical premise*); secondly, the root of responsibility stems from the agent's being *aware* of the possible consequences of their actions – and not their sharing sufficiently overlapping intentions with others (*subjective awareness premise*), and, thirdly, to the extent that individuals *should have known* but *did not know* the consequences of their actions and the wrongness of such effects, they remain culpable (*objective culpability premise*). Combined, these three stipulations help clarify the precise scope – in a justified manner – as to when individuals should be held responsible. There is far less indeterminacy over whether individuals are aware (or not) of something happening, than over the exact contents of intentions that we should ascribe to individuals.

On Coercion

The Contributory Account explicitly and helpfully excludes instances of involuntary contribution from the scope of complicity. It also goes a step further, in acknowledging the importance of the precise mental states and the specific, subjective intentions held by individuals. There are two dimensions of wrongness in individual complicit agents' relations with the wrongdoing they commit – the first constitutes their knowing contributions to wrongdoing; the second constitutes their holding wrongful intentions (e.g. sharing a wrongful purpose, possessing wrongful states-of-mind when carrying out such actions). Lepora and Goodin argue that whilst the former suffices in rendering the actor responsible-through-

complicity, the extent to which the latter varies does play an additional role in determining the *extent* to which we should deem the actor responsible.[45]

The two variables Lepora and Goodin cite as germane on this front, are a) whether the purportedly complicit agent retrospectively condones or affirms the act committed by the primary actor in question (whom they dub the "Principal" in the action), and b) whether the complicit agent (the "Complicit") commits the act under a culpable mental stance.[46] The Contributory Account is thus more cognizant of both whether the act in question is affirmed, and can be reliably traced to a culpable *state-of-mind*, than the Neo-Kutzian Account. Per this model, individuals who contribute whilst dissenting may well be deemed more culpable on one metric – due to their heightened levels of awareness over the consequences of their actions; less culpable on another – given their lack of substantive affirmation of the acts to which they contribute. Additionally, different degrees of coercion can produce different levels of responsibility – again, a conclusion uniquely provided for by the Contributory, not the Neo-Kutzian, Account.

On Constricted Reasoning Capacities

To close this section, note that by placing *informed contribution* – and not intention – at the forefront, the Contributory Account explicitly rules out the instances (under Constricted Reasoning Capacities) where individuals are deemed to be responsible despite not knowing the implications and effects of their actions (and to what exactly they are contributing), and/or the normative wrongness of the outcomes that follow. This is vital – much of the prior analysis has demonstrated that in neglecting the *excusing conditions* (which include, of course, state manipulation and deception) that should let individuals off the responsibility hook, the Neo-Kutzian account veers on the side of problematically overshooting when it comes to identifying whom, and for what reasons, should be held responsible qua complicity.

The above three reasons demonstrate that the Contributory Account does, conditionally, perform better than the Neo-Kutzian and Kutzian Accounts within authoritarian settings.

4.3.3 Challenges to the Contributory Account under Authoritarian States

[45] Lepora and Goodin, *On Complicity,* pp. 146-7.

[46] Lepora and Goodin, *On Complicity,* pp. 23-26.

There nevertheless remain two primary challenges to the Contributory Account, which undermine its ability to be descriptively precise (Criterion 1) and explanatorily justified (Criterion 2) in identifying responsible agents.

Normative Insensitivity

The first issue is the account's inability to differentiate between different *kinds* of circumstances by which individuals contribute 'intentionally' towards injustice. Recall that *informed* contribution *on its own* is deemed a sufficient condition for responsibility through complicity. This fixation upon contribution for its own sake is not sufficiently sensitive to the normative particularities of contribution, leading to our ruling in as responsible individual agents who, despite informedly and knowingly contributing towards injustices, should not be held responsible *at all* for their actions. The Contributory Account hence overshoots (lacks precision), for the wrong reasons (lacks explanatory accuracy).

Is there at all a positive case for us to not hold as responsible (in the complicity sense) for injustices, purportedly exonerated agents in *authoritarian contexts*, such that compensation would clearly be *morally praiseworthy* and thus *supererogatory* -- but not required per both blame-centric and forward-looking senses of responsibility?[47]

I believe so. Amongst the many individuals who perform "their share" of joint activities under coercion by the state, there exists a sizeable group that does not, fundamentally, concur at all with the tasks they have been required to perform by their government – it is imperative that we differentiate between the various subsets of individuals involved here. If individuals' only, genuine motivations – in their being complicit in others' acts of injustices – are to *prevent, subvert, challenge, and resist* the injustices through so doing, then these individuals should not be held *responsible at all* for the resultant injustices. I term this a case of *moral exoneration.*

There are tentatively two necessary conditions for *moral exoneration* in relation to complicity. Both are anchored in the principle that those who oppose injustices, should not be burdened with the double bind of undue responsibilities in relation to their struggles.

The first condition, is that such complicity must be subjectively perceived as necessary in order for injustice to be opposed, by the individual. *Only if* individuals are purely guided by the

[47] Assuming here that these agents are not to be held responsible under alternative grounds, e.g. bearing collective responsibility.

intention to oppose injustice, and the subjective and belief that opposition of injustice *requires* (minimal) contribution towards injustices, should we grant that these individuals possess the right mental states in relation to the acts they commit - though even then, this is by no means sufficient.

The second condition, is that such complicity is in fact, objectively*, instrumentally necessary* for the individual in order for injustice to be opposed. There must be no reasonable practical alternative by which individuals can oppose injustice under authoritarian conditions, *without being at least complicit to a significant extent.* Indeed, many authoritarian states do not usually allow for the same level of open, politically structured contestation as democratic states do; in certain states, attempts to withdraw from existing power and economic structures as a means of escaping complicity are often expressly prohibited. Nor, indeed, do they allow for individuals to organise and arrange themselves in ways that are free of state interference and control in the public realm.[48] Many of these constraints been explored in Chapter 1.

Dirty hands literature can most definitely enrich our discussion. Existing literature[49] on dirty hands seems to be overwhelmingly concentrated in democratic contexts - and even then, primarily on politicians as opposed to individual citizens. Such limitations are lamentable, though the undergirding logic remains relevant.

In some ways, conditions under authoritarian regimes can be analogised with Walzer's contexts of "supreme emergency"[50] , where the continued existence of a political community turns on the leader's (or individual agent's) perpetrating certain, potentially immoral actions. Obviously, the scope and intensity of actions discussed here may seem more expansive than those examined by Walzer - cf. the British bombing of Germany in 1940 to 1942 - though the second condition above helps narrow this scope considerably.

In his defense of a more realism-informed approach to public ethic, Hampshire argues that *experience* in politics comes with the recognition that one's "usual choice will be the lesser of

[48] Milan Svolik, *The Politics of Authoritarian Rule* (Cambridge: Cambridge University Press, 2012), Chapters 2 and 3.

[49] See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1992); Stephen de Wijze, 'The Problem of Democratic Dirty Hands: Citizen Complicity, Responswibility, and Guilt', *The Monist*, vol. 101, no. 2, 2018, pp. 129-149; Stuart Hampshire, 'Morality and Pessimism', in Stuart Hampshire (ed.), *Public and Private Morality* (Cambridge: Cambridge University Press), pp. 1-22.

[50] Walzer, *Just and Unjust Wars*, p. 259.

two or more evils"[51]. Tillyris further notes that taking seriously how frequent and common conflicts are in the political, requires us to embrace "[not just that…] we should lower our political and moral expectations as non-ideal theorists dictate but, rather, that our entire system of moral and political expectations is confused and should be recalibrated."[52] Even if we are not to adopt a wholesale repudiation of political morality - as championed by more vocal political realists - we should nevertheless be substantially more cognizant and sensitive of the active restraints inhibiting actors operating under circumstances of significant state-engendered oppression and exclusion.

To illustrate this argument, a starting point for individuals whom we may reasonably take as morally exonerated is the category of *active resistors*, who engage in active resistance against their state through acting in the particular domain in which they are purportedly complicit. Consider, for instance, an owner of an arms factory who uses his position, as a manufacturer of ammunition for an authoritarian state, to produce and disseminate weapons used to take up the resistance efforts against the government. For him to continually supply these arms to the rebels, he must causally contribute towards the government's wartime efforts via overseeing the arms production process – though he clearly harbours no intention whatsoever to contribute towards the project, given his deep and fundamental moral convictions and distaste for the state. If the owner's subjective intentions are purely rooted in opposing injustice (as an end) via the means of supplying arms, we may have some grounds to exempt him from bearing even forward-looking responsibility – on grounds that his intentions reflect and stem from the broader cause of injustice prevention and opposition.

Indeed, there is also objective truth to this claim of causal necessity. The prerogative of resistance requires these individuals to contribute towards the unjust outcomes – if the factory owner opts out of complicity, he would possess nowhere near sufficient resources to make a positive difference to the rebels' war efforts. Indeed, as Hollis[53] argues, in situations of injustice where other strategies may yield equally bad consequences, dirtying one's hands may be necessary as a pragmatically motivated compromise of delivering a relatively just outcome.

[51] Stuart Hampshire, *Innocence and Experience* (USA: Harvard University Press, 1989), p. 170.

[52] Demetric Tillyris, 'Political Realism and Dirty Hands: Value Pluralism, Moral Conflict, and Public Ethics', *Philosophia,* vol. 47, 2019, p. 1599.

[53] Martin Hollis, 'Dirty Hands', *British Journal of Political Science*, vol. 12, no. 4, 1982, pp. 385–398.

Individuals here can be morally exonerated in virtue of their purity of intentions, and the *realistic empirical constraints* of which political theories should be cognisant.

A pushback is this: the *reductio ad absurdum* here may put that by such logic, we would exonerate individuals who commit heinous, gross violations of others' core interests, provided that their intentions are purely oriented towards opposing injustices, and that such violations are in fact necessary in order for injustice to be opposed. Consider, for instance, a second prison guard, who chops off a prisoner's arm and leg in order to save fourteen other unjustly imprisoned prisoners from being executed.

To prevent this 'slippery slope', we may turn towards the *Means Principle*[54]: individuals can be morally exonerated, only if they do not perpetrate actions that treat other individuals as *purely* a means in themselves. In other words, *only* individuals complicit in injustices that do not treat individuals as purely a means (e.g. environmental degradation, property seizure and theft, hate speech), can qualify for potential exoneration. Those who partake in heinous crimes that instrumentalise others' bodies – e.g. sexual assault, grievous bodily harm, or murder – cannot be exonerated from forward-looking responsibility, if not moral responsibility. The Means Principle 'blocks' the intuition concerning exoneration – for in opposing injustices through complicity, the complicit actor is behaving in a way that undermines others' fundamental dignity *qua* moral agents. My *exoneration principle* has clearly defined limits. Indeed, individuals may behave in ways that are all-things-considered justified (e.g. in order to effect justice, they must treat one individual as predominantly a means); they may be justified in prosecuting such action, yet this does not thereby render them exonerated.

The 'bar' for exoneration should be stringent. *Full* exoneration only holds if the agent in question treats *all* other individuals as *primarily ends in themselves*, and where any usage of others as means is *necessary* in order for such *treatment-as-ends* to obtain.

Hence consider:

Condition for exoneration. Individuals should be at least somewhat morally *exonerated*, where exoneration is defined as the waiving of *both forward-looking and moral responsibilities*, if their complicity in non-egregious injustices is a) both *objectively*, and *subjectively* taken to be *necessary* and *instrumental* in preventing, subverting, challenging, and resisting *worse/more*

[54] Samuel Kerstein, 'Treating Others Merely as Means', Utilitas, vol. 21, issue 2, 2009, pp. 163 - 180.

severe manifestations of such injustices, and b) there exist no alternatives that do not force them to incur a significant level of complicity. If the intentions to oppose injustices are the *sole* intentions at work here, then the individual should be fully *exonerated*, provided c) compliance with the *Means Principle*.

Fundamentally, the Contributory Account struggles with fine-graining and establishing different kinds of responsibilities for different kinds of complicit actors - it lacks explanatory precision as outlined in Chapter 1. On this front, consider individuals who are 'contributing' towards the injustices in question through completing designated tasks that are required as a part of their occupations; it is incredibly difficult for these individuals to opt out, yet they opt to minimise the actual harm caused by their action by intentionally completing their required tasks at a lower quality – e.g. the owner of an arms factory supplying the Russian war effort, who repeatedly delays the production of, and actively sabotages the quality of the weapons, citing a range of excuses for their non-compliance. Here, it is clear that the passive resistors prevent significant harm whilst contributing towards the broader project. Such intentions to actively reduce the level of harm caused – in the absence of further, active resistance – should suffice in diluting the extent to which these resistors are responsible, albeit not eliminating the responsibility altogether.

Differentiation Concern

The second challenge concerns the extent to which the dichotomy between complicit and co-principal agents could in fact be maintained under this view. This challenge applies to both authoritarian and non-authoritarian contexts, though arguably the point rings particularly true for authoritarian states where the lines between complicit enablers, and co-principals of injustices, are more blurred than usual. Pasternak cites the example of a racist attack: "Some attackers chase the victim, some catch and restrain him, some violently beat him. Some cheer from the side, while still others prevent the police from arriving at the scene."[55] It remains unclear which of these individuals are co-principals, secondary agents (complicit), and merely bystanders to the victim's injuries.

The reason why this objection matters is this: the potency of the Contributory Account, and the distinctive conception of complicity-therefore-responsibility it advances, is undergirded by the premise that contributors to, are qualitatively different from principals perpetrating said

[55] Pasternak, *Responsible Citizens*, p. 56.

injustices, in a normatively significant manner. In the absence of a clear-cut dichotomy between the two, the extent to which we should treat complicit actors as responsible but not liable becomes rather unclear; indeed, we may have reasons to believe that complicit agents who are closely related to injustices are not only responsible in a forward-looking manner, but can also be held morally liable and/or blameworthy for their actions. Fundamentally, Lepora and Goodin's approach pays insufficient attention to the possible spectrum of intentions held by individual actors, especially in terms of those who may, beyond contributing, harbour particular intentions that the outcomes in question obtain.

The intention-centric Kutzian approach could at least allow for a differentiation between those who clearly and unambiguously hold such intentions (on one end), and those who do not (on the other end) – whereas the Contributory Account cannot. Note, such differentiation cannot be accomplished even through introducing the range of considerations that Lepora and Goodin advance in disaggregating and classifying different degrees of complicity – the primary problem rests with Lepora and Goodin's unwillingness to entertain the view that there could well be morally responsible, nominally non-perpetrating agents, who voluntarily and critically facilitate the perpetration of injustices. Across these cases, then, the Contributory Account struggles to offer a precise and well-explained (justified) account of whom should be held responsible, on what grounds, and to what extent. All in all, whilst Lepora and Goodin's alternative to Kutz and the Neo-Kutzian Account shows much promise, it nevertheless fails to live up to our task at hand given the unique particularities of the authoritarian state.

4.4 Pasternak's Account of Intentional Citizenship

We now turn to Pasternak's account of citizens' responsibilities under (irresponsible) states, which amounts to plausibly the most substantive attempt at explaining citizens' responsibilities for state-perpetrated injustices through complicity theory. Through works including a 2013 article[56] and her 2021 book, Pasternak advances a comprehensive, innovative account drawing heavily from Kutzian theory whilst incorporating helpful insights from accounts such as the Contributory Account of complicity (without embracing fully the undergirding reasoning). In sum, Pasternak argues that individuals are to be held responsible for their states' actions if they are *intentional citizens*.

[56] Avia Pasternak, 'Limiting States' Corporate Responsibility', *Journal of Political Philosophy*, vol. 21, issue 4, 2013, pp. 361-381.

As the primary starting point of her critique, Pasternak sets up a contrast between proportional, and non-proportional distribution models of responsibility.[57] The former, in her nomenclature, denotes our allocating (moral) responsibility for state-perpetrated injustices amongst citizens, in accordance with the extent of contribution, intentional participation, and active causation/perpetration of the injustices in question, by individual citizens – e.g. the more they are actually, personally, involved in the wrongdoings, the more morally blameworthy and liable they are to repair the deleterious effects that follow.

The latter approach argues that we ought not base our approach to reparative justice upon proportional grounds, given that in so doing, we end up incurring substantial epistemic (in seeking to gauge and trace the causal chains of events, which may well be a futile exercise) and potential moral costs, in wrongly ruling as responsible individuals who, in fact, should be excused for their actions. Indeed, it is within this family of approaches that Pasternak situates her account of *intentional citizenship*, defined here as citizens' possessing intentions to act, behave, and exercise their capacities as *citizens* of a particular state.

Pasternak's critique can be summarised through the following propositions:

Firstly, individuals' possessing intentions to act, behave, and exercise their capacities as citizens of a particular state, is a sufficient condition for us to attribute to these individuals at least a *secondary role* in relation to the actions committed by their state (*Citizenship Proposition*);

Secondly, this *secondary role* – qua complicity literature – is sufficient in rendering these individuals *responsible in a forward-looking manner* for the outcomes that follow from their state's wrongdoings.[58] This is because "when we choose to act with others, or in the service of a collective goal, we consciously give up full control over what these others will do, and over the outcome of our shared endeavor."[59]

The upshot, then is that we are normatively (albeit not necessarily morally) bound to remain *open* to the range of outcomes that follow from our joint actions; this, in turn, means that one

[57] Pasternak, *Responsible Citizens*, p. 44 - 48.
[58] Pasternak, *Responsible Citizens*, pp. 55 - 57.
[59] Pasternak, *Responsible Citizens*, p. 61.

must be open to being called upon by one's group to provide for the needed remedial apparatus and resources (*Responsibility Proposition);*

Thirdly, in order to prevent our inadvertently holding non-responsible agents responsible, Pasternak explicitly stipulates elsewhere – in an earlier article – the following four conditions for responsibility assignment, outlining the conditions that are necessary in order for individuals' participatory intentions in any group (e.g. the state) to be *genuine (Conditionality Proposition)*:

1) *The individual is a group member as a matter of fact, according to the group's membership rules;*
2) *The individual is reflectively aware of the fact she is a group member, and some of her actions are informed and rationalized by that fact;*
3) *The individual is reflectively aware of—or at least can reasonably be expected to be reflectively aware of—the collective goals and activities of the group of which she is a member, and of 'the instrumental relation of one's part to the group act that is its end'*. (In the context of large complex groups like the state, the citizen is aware that she is ignorant of certain group activities).
4) *The membership status is not imposed on the individual against her will* (this is determined in terms of the reasonableness and weightiness of the exit costs).[60]

4.4.1 Evaluating Pasternak's Account's Applicability to Authoritarian States

Pasternak explicitly addresses the context of non-democratic states in her latest work. The question she asks, is whether the kind of intentional citizenship she offers, as outlined above, is extant under authoritarian states, which would in turn underpin a potent defense of the assignment of responsibilities for wrongdoings to individual citizens, even under this subset of states neglected by "much of the existing literature".[61]

The External Question

[60] Pasternak, 'Limiting', p. 369.

[61] Pasternak, *Responsible Citizens*, p. 112.

Pasternak posits that intentional citizenship is somewhat present under authoritarian states, though could well be more limited as compared with citizenship in democratic states.[62] There are two parts to her empirically rooted claim. The first concerns the external question, i.e. do citizens, in fact, participate in joint projects under their states?

Here, I diverge somewhat from Pasternak in her conception of non-democratic states – she posits that "while mass political participation is typical of totalitarian states, it is by far less prevalent in what Linz calls 'authoritarian states' […] which allow for some degree of political pluralism […but] discourage their citizens' political participation, preferring low levels of political mobilization and political apathy." She also argues that authoritarian states "tend to provide fewer public goods and services to the population".[63]

As we see in our prior empirical discussion, however, it is not the case that authoritarian states necessarily lack meaningful participatory political action from citizens. More specifically to this challenge, I suggest that we must be wary of conflating political *mobilisation* with political *participation* – the former may denote, as it could be reasonably seen, the kind of mass-centric, top-down-driven, frenzied crowd activities that may not be present in some authoritarian regimes; yet participation can in fact include a far greater range of activities – ranging from engaging in celebratory speech-acts affirming the tenets and ideology of the state (if the state does possess such), engaging in community-building activities on the local, municipal level (which is ubiquitous in authoritarian countries such as Myanmar and Philippines[64]), or, indeed, providing resources and moral support to unelected ruling politicians.

The threshold for participation is much lower – and authoritarian states, apart from those with a heavy emphasis upon complete de-politicisation, tend to allow for and encourage such activities, as a means of shoring up their governance efficacy and cooptation of potential or actual opposition.[65] Hence, contrary to Pasternak, I remain distinctly more positive on the question of whether political participation occurs under authoritarian states.

The Mental State Question

[62] Pasternak, *Responsible Citizens,* Chapter 4.

[63] Pasternak, *Responsible Citizens,* p. 117.

[64] George Lopez and Michael Stohl, eds., *Dependence, Development, and State Repression* (Westport: Praeger, 1989); Karl Hack and Tobias Rettig, *Colonial Armies in Southeast Asia* (New York: Routledge, 2011).

[65] See Chapter 1 discussion on the level of mobilisation under authoritarian states.

The second question has to do with mental states – do citizens in fact possess the requisite intentions, per the above stipulations, that render them responsible? Wave Six of the World Value Survey surveyed citizens on whether they saw themselves as a part of their country. 92% of respondents in Russia strongly agreed or agreed with this statement, and 97% in Iran did the same. When it came to the national vs. ethnic identities cleavage, 96.4% of respondents in Cameroon and 95.3% of respondents in Uganda demonstrated attachment to their countries.[66]

Beyond registering her skepticism towards the accuracy of polls conducted under authoritarian contexts, Pasternak offers a further condition (additional to the three above) concerning why we may have good grounds to reject the surface attitudes of *some* of those surveyed – specifically, if citizens' positive attitudes towards their countries are the product of non-coercive yet manipulative inculcation, then we should not take their attitudes as reflective of their genuine intentions (which they would have held had they not endured the external interference). Given this, these attitudes held by citizens must therefore be formulated under justified and appropriate conditions. Term this the *Formation Proposition.*

Let us now consider whether, with the four conditions above, including especially the Formation and Conditionality Propositions, Pasternak's account suffices in allowing us to hold – justifiably – responsible individuals who are complicit under authoritarian states.

I would posit that it is broadly successful. Pasternak's scope expansion allows for the inclusion of non-formal-citizens and temporary members of the state into the range of agents who could be complicit – which broadly capture our intuitions concerning the complicity of European merchants who trade and work extensively in Russia, in the aforementioned example (requirement 1 under Conditionality Proposition). Additionally, there exists a clear sense of group membership on the part of citizenry inhabiting Iran, Russia, Myanmar under the military junta – where individuals are cognizant of and act in accordance with their own citizenship of the said countries.[67] Hence there is, indeed, reflective awareness that they are group members (2 under Conditionality Proposition).

As Pasternak further adds in her analysis, even under authoritarian states, citizens are not *always* denied access to information concerning state policies – specifically, when it comes to

[66] Pasternak, *Responsible Citizens,* p. 114.

[67] See the discussion in Chapters 1 and 3 on the particularities and circumstances of the regimes in these countries.

the existence of *shallow secrets*, where citizens are aware of their existence and the barriers that render them not knowable in full to the public. The level of informational access amongst non-democratic states exists on a continuum – whilst totalitarian states can successfully transform most policy domains into domains that are inherently opaque to the public, with their very existence and opacity unknowable to the public; most authoritarian states tend to allow for a certain level of access to the internet and constricted yet public discourse over policies. As such, most authoritarian states do not leave their citizens entirely unaware of the collective goals of their governments, or, indeed, of the links between their individual actions and the group acts that comprise their states' ends (3 under Conditionality Proposition).

Finally, Pasternak addresses the Formation Proposition and the 4th component in the Conditionality Proposition in conjunction, via her discussion of state repression and manipulation. She notes that coercive actions by the state "undermine the idea that citizens accept their participation in the state" and also undermine the extent to which citizens' attachments to their states ought to be deemed as "genuine in a full sense, if they have been shaped in light of extreme forms of 'brainwashing'"[68]. This, I suggest, helpfully and accurately excludes instances where individuals should not be held responsible under authoritarian states.

4.4.2 Comparing Pasternak's Account with the Neo-Kutzian and Contributory Accounts

Whilst Pasternak couches her account as one inspired by – but that also develops – Kutz's account of complicity, it is my view that the Intentional Citizenship Account in fact draws upon the 'best of two models' – both the (Neo-)Kutzian and the Contributory Accounts.

To begin with, much like the Contributory Account, the Intentional Citizenship Account places a significant emphasis upon individuals' *mental states* – taking into full consideration the precise *motivations* undergirding their relationships with and actions within their state. Both accounts affirm that individuals should not be deemed responsible if they can be excused or exempted from such responsibility – especially under conditions of significant duress, coercion, and (only in Pasternak's account) manipulation. There is a clear cognizance of how individuals' subjective states of mind can and should matter in determining the degree to which they are responsible – though Pasternak is more charitable and accurate than Lepora and Goodin in how she treats non-intentional, aware yet coerced contributors towards injustices.

[68] Pasternak, *Responsible Citizens,* p. 117.

Whilst Lepora and Goodin would submit that the very act of contribution towards injustice by a secondary author, would render that author responsible-qua-complicity for the injustice in question, Pasternak offers a different reading: she posits that beyond a certain intensity, coercion and state manipulation suffice in eliminating the case for both holding the agent morally responsible *or* as bearing forward-looking responsibilities, even if they do contribute towards the injustice. This seems to far better comport with our moral intuitions and discussion above concerning over-shooting for coerced individuals.

Furthermore, like the Contributory Account, the Intentional Citizenship Account tackles the Issue of Action Description by positing that the scope of the joint activity in question is the scope of *citizenship* – in other words, it is through participation in citizenship-related practices, behaviours, and processes, that individual agents come to develop responsibilities for their state's injustices. Pasternak's theory offers a *political manifestation* of Kutzian complicity analysis, through conjoining complicity theory with the framework of citizen-state relations. Through this move towards citizenship, both contents and limits of the joint actions, which Kutz struggles to define in his account, become much clearer.

Despite her revisions to Kutz's approach, it would be wrong to think that Pasternak's account is thus congruent with Lepora and Goodin's – it is not. The former, as with the Neo-Kutzian and Kutzian approaches, remains distinctively participation- and intention-centric, rooted in the concept of participatory *intentions*; the Contributory Account, on the other hand, revolves around *contribution*. In picking contribution over intention as the anchoring factor, Pasternak holds steadfastly onto the principle that there must be some degree of *intentionality* embedded in the citizen's interactions with the state – mere *awareness* alone does not give rise to responsibility, unless such awareness is paired with an intention to partake in the ends of the state. Lepora and Goodin's model is, whilst somewhat sensitive to and cognizant of such considerations, fundamentally too rigid and inflexible in failing to discriminate between different types and kinds of intentions. It is clear that of all frameworks influenced or shaped by complicity-centric considerations, Pasternak's is most plausible.

4.4.3 Three Limits to the Intentional Citizenship Account in Authoritarian Contexts

Despite the above, there exist three fundamental limits to the applicability of the Intentional Citizenship Account to authoritarian contexts, which, to be clear are not something on which

Pasternak focusses exclusively, so it would be erroneous to draw upon the following to criticise her account as a whole.

The first revolves around the demarcation of the *scope of responsibility* in the account. The second concerns the *praxis deficit*: that in authoritarian contexts, Pasternak's own stipulated criteria render it rather epistemically difficult, in practical terms, for a non-proportional distributive approach to be taken in relation to reparative responsibilities. The final and more methodological challenge, is that there exists inherent *underdetermination* in the upshots of the evidence Pasternak cites when it comes to non-democratic states: it remains unclear if it is the case that citizens bear *participatory intentions*, qua their being citizens of particular states, in relation to their states' injustices; or, perhaps more plausibly, citizens merely *affirm* or *support* their states, despite their injustices.

Scope of Responsibility

On the first, there indeed are limits to applying Pasternak's account to authoritarian contexts, given its approach to the question of scope of state actions over which individuals should be held responsible.

A more fundamental concern I have over the *ultra vires* rejoinder, is this. If what is *ultra vires* ("beyond the powers") is a descriptive question, so long as the officials in question are behaving *within their actual, legally defined mandate and role responsibilities*, they can be said to be not behaving *ultra vires*. Pasternak cites Porter's violation of the law and her legally stipulated duties in establishing her verdict. Yet should this be the case, it appears to open citizens up to an unreasonably wide scope of responsibilities within states that *descriptively* delegate vast amounts of power to select officials, e.g. the Stasi in the USSR, the martial law police in Marcos' Philippines, or the military in authoritarian Argentina. None of the actors performing the gross atrocities in these countries were acting *ultra vires* in committing the mass atrocities they did towards the citizenry – yet it strikes me that it would be implausible to rule these injustices as authored by these participatory citizens: most Soviet Union, Filipino, or Argentinian citizens did not appear to harbour participatory intentions in relation to an extensive human rights-abusing state.

If what is *ultra vires* is taken to be a more normatively loaded concept that takes into account normative (idealised) role obligations, e.g. the test rests with whether officials are behaving within what they *should be permitted to do qua their roles*, then this seems to be a more promising approach.

Yet even then, a further issue arises: what officials opt to do, may not in fact be knowable to individual citizens - and thus factored into consideration when they develop, or withdraw, their intentions to support state institutions qua participatory projects.

Pasternak takes a bold stance in seeking to establish the view that, "intentional citizens, I suggest, are participating in a very wide range of their state policies, including those they made marginal contributions to, those they disagree with, those they publicly protested against, and those they did not know about."[69] A reason as to why this may not hold for many in authoritarian contexts, is rooted in Jubb's concern that individual citizens should not be deemed responsible for actions that their state perpetrates in *secrecy* – citing the example of Dame Shirley Porter's gerrymandering of elections during the 1980s [70], Jubb argues that the *secrecy* of her actions renders it the case that citizens have no actual involvement with her policymaking, and thus the effects of her decisions should fall outside the scope of what citizens ought to be judged to have secondarily-authored as complicit agents. Indeed, Pasternak's rationale concerning holding American citizens responsible *qua* their participatory intentions, in relation to the war on Iraq, is that such citizens "perform […] certain roles with the intention to contribute to the project of maintaining the state as a corporate agent with the authority to make foreign policy decisions."

To be clear, Pasternak does address Jubb's claim here. The broad gist is that *some secret acts* remain within the range of acts authorised per the inclusive citizenship account. Pasternak suggests that the problem with Porter's case is not that she acted in secrecy, but that she acted *ultra vires* – e.g. she "violated her role obligations as a city councillor and enacted illegal policies"[71]. To clarify what she takes to be *ultra vires*, she draws a further distinction between *shallow* secrets and *deep* secrets – whilst the latter are indeed domains of secret state-policymaking that citizens could *not* possibly have known of, the former denote domains over which citizens should be well aware of their state's possible duplicity and/or discretionary rights. In other words, shallow state secrets do not fall outside the scope, for citizens are either *aware*, or *should have been aware* of these secrets' existence. For the Porter case, Pasternak makes the case that citizens living under democracies should very well be aware of the (at times *ad hoc*, at other times ignominious) means through which governmental powers concerning

[69] Pasternak, *Responsible Citizens,* p. 9.

[70] Robert Jubb, 'Participation in and Responsibility for State Injustices', *Social Theory and Practice,* vol. 40, no. 1, 2014, pp. 51 - 72.

[71] Pasternak, *Responsible Citizens*, p. 83.

electoral constituencies can be exercised – and thus Porter's gerrymandering is a *shallow secret*. Shallow secrets, unlike deep secrets, can in fact be considered a part of citizens' participatory intentions, Pasternak argues.

The overarching issue here is that beside deep secrets, we should also be reluctant to treat secrets that are *shallow* (for which the state actors in question are not acting *ultra vires*) as part of citizens' participatory intentions. It is often the case under authoritarian states (and certain democratic states) that whilst citizens are aware of their state's theoretical possibility of discretion over certain policy domains, they lack a sufficiently robust *comprehension* of *how things will, in fact, turn out* as a result of their state's actions.

We must differentiate between two concepts here – *bare awareness*, and *comprehension.* We are aware of an event E's existence, if we, with some confidence, believe in the proposition "E exists". Yet in order for us to comprehend E sufficiently in order to render E meaningfully a part of the participatory intentions that we harbour in relation to our state, we must also be able to develop a *sufficient* understanding of the manifestations and consequences of E's occurrence.

Secrets are nominally *shallow* insofar as citizens are cognizant of their existence, but these citizens do not *comprehend* – cannot make *sense* of – these secrets in terms of possessing a sufficient understanding of what these secrets' manifestations, consequences, and mechanics look like. This is important, for we should not deem citizens in these very particular situations as having meaningfully *co-participated* in bringing about such actions. Compare my knowing in abstract that a university may be involved in highly dubious and morally questionable transactions with authoritarian states as donors, with my *comprehension* that my university could in fact be seeking out, deriving gains, and interacting with authoritarian donors. I would argue that a higher threshold than bare awareness is needed, e.g. the latter, in order for my *intentional membership* of this university to include within it the university's affiliation with these questionable donors. Co-participation, as opposed to mere awareness, lies at the core of Pasternak's conception of intentional citizenship.

More generally, in my view, there is no categorical distinction that straddles deep or shallow secrets. Indeed, it is likely that there are elements of both involved across most cases – citizens may know the identities and mandates of the departments prosecuting particular tasks (that much is shallow, as a secret), yet do not know the exact operational contents or decision-making heuristics that undergird their movements (this is hence a deep secret). Most 'secrets'

are likely deep in some parts and shallow in others. The cut between deep and shallow secrets, from the perspective of authorship, is untenable, because it insufficiently captures all there is to our understanding of when and where we deem individuals as having held sufficient participatory intentions so as to render them complicit.

Now, one may stick firmly to the assignment of responsibility by noting that it may be *reasonable* to expect that the citizens in question *comprehend* the intricacies of the injustices in question. Yet this is an inadequate retort – it neglects the fact that it is often *not* reasonable on the part of an objective observer, to expect a reasonable grasp (qua comprehension) of what such injustices look like from individuals who live in environments where information is heavily censored, distorted, and skewed.

Alternative, the account may seek to grant the *comprehension* objection, and draw the line not at the shallowness/depth of secrets, but whether the nature of the injustice in question can in fact be comprehended by individual citizens, per the above criteria. Yet this is a path that Pasternak may not wish to undertake, given that her *participatory intentions* account does not appear to be fundamentally concerned with the *quality and depth of reasoning* (e.g. how considered, normatively attuned, or sophisticated) of individuals that goes into these intentions.

Praxis Deficit

The second worry I have, though partially addressed, concerns the limited scope of cases amongst authoritarian states to which her account can apply. Now, I am not asserting that the success of any account of reparative justice ought to be correlated with the volume of individuals whom it successfully 'prosecutes' and deems responsible. Yet given Pasternak's own aim of offering a more explanatorily useful and expansive account of citizens' responsibilities for state wrongdoings – which is admirable – this is thus one of the metrics we must employ in appraising her account; indeed, Criterion 3 in 1.6 sets out the need for *Adequate Resolution* and *Practical Feasibility*.

As Pasternak observes, "in the majority of nondemocracies in the world, [it] is not the case [that the stipulated conditions for responsibility are met]. In such states, the distribution of

liability to the population at large might be as unattractive as leaving the costs with the victims."[72]

Granting that we are unlikely to want to throw out – altogether – all of these countries from our scope of potential responsibility assignment, we may resort to advancing the more modest claim: that only individual citizens that meet Pasternak's stipulated criteria should be responsible – in a non-proportional manner – for their states' injustices. Just as she is right in pointing out that Stilz's account (cf. Chapter 6) may have limited applicability to but a "narrow set of cases" in general, Pasternak's account may struggle to cover authoritarian regimes where citizens do not meet the carefully stipulated criteria.

Even if we do hold all relevant individuals responsible per Pasternak's account, it is unlikely that their efforts alone could sufficiently resolve the residual Remainder that we discussed in 1.6 – i.e. the pressing and significant burdens of reparative justice that await individual uptake. To this, Pasternak's solution here is one that Fabre also advances – in the latter's "discussion of the reconstruction of states in the aftermath of unjust wars". Pasternak draws upon Fabre's argument in *Cosmopolitan Peace* concerning the possibility of assigning the task of post-war reconstruction to third parties uninvolved in the conflict[73] – but who possess a general duty of ensuring that all individuals on Earth enjoy a decent minimum standard of living, with basic human rights upheld. Pasternak suggests that the scope of these duties can be broadened to cover other costs of state-perpetrated injustices.[74]

I am sympathetic towards this move, but would note that this approach seems to pivot – perhaps unduly – prematurely away from attempts to seek further, specific solutions, e.g. that draw upon the political agency of the individual citizens residing under authoritarian states. Whilst individually, they struggle to make an actual difference to discharging the residual responsibilities, one could argue that through well-coordinated and -divided political action, solutions can be sought and pursued from within these countries. To shift from the fact that a numerical minority of citizens of these states are – per Pasternak's account – responsible, to the conclusion that we should thus turn to international institutions for help, may inadvertently pass over the normative and practical space for change and action by and amongst citizens on

[72] Pasternak, *Responsible Citizens*, p. 153.

[73] Cécile Fabre, *Cosmopolitan Peace* (Oxford: Oxford University Press, 2016), pp. 192 -- 193.

[74] Pasternak, *Responsible Citizens*, p. 154.

the ground. We shall revisit this strand of thought in Chapters 6, 7, and 8, in setting forth comprehensively an alternative account also rooted in citizens' relationship with the state.

Evidential Underdetermination

Finally, there exists a degree of underdetermination in what, exactly, is proven by the evidence cited by Pasternak. Examining evidence ranging from Afrobarometer surveys to World Values surveys[75], Pasternak draws extensively upon the *self-reported attachment* of individuals to their countries – which she takes to be indicative of their *acceptance* of membership in their states. Yet upon closer scrutiny, her methodology and evidence do not allow for sufficient, well-grounded differentiation between two possible hypotheses:

1) That individual agents living under non-democratic states possess *participatory intentions* in relation to their states;
2) That individual agents *mentally accept* and/or *endorse* their states as authorised to act on their behalf.

The first is a claim that ultimately revolves around *participatory* intentions in relation to citizenship (which grounds Pasternak's account); the second revolves around *acquiescence, endorsement,* and *acceptance*, which do not underpin complicity-centric claims.

The issue with the methods adopted by Pasternak – or, more generally, most mass polls and surveys, is that they do not disambiguate sufficiently between these two possibilities. It is difficult to design a survey that asks, "Would you say you accept/endorse your state, but do not necessarily intend to participate in its activities?" or the converse. It would be even less plausible to expect that people can answer these differentiating, nuanced questions fairly. More fundamentally, the methodological concern here reveals a problem in our quest today – how much can we read into the methodologically constricted polls we are given; where more detailed information cannot be secured, to what assumptions should we default, in enabling us to parse the demographic-attitudinal evidence that is presented to us?

If anything, both the evidence Pasternak cites and the argument she makes remains compatible, too, with an endorsement-/acceptance-centric interpretation – e.g. what respondents opt to answer to those polls, says less about their *participatory intentions in relation to their states*,

[75] Pasternak, *Responsible Citizens*, pp. 100 – 103.

and more about how they *subjectively feel* and/or what they *believe* about their governments (and countries). We shall revisit the empirical specificities of this question in Chapter 7.

Pasternak's account is at its strongest when it allows for individuals' mental states, awareness, and intentions to collectively provided the basis for and shape the extent of their responsibility. Yet the incorporation of mental states into her account is also – in some ways – where her view is most vulnerable to charges of underdetermination. Conceptually, there are grounds for us to be somewhat skeptical of the *intentional citizenship* reading of the evidence cited. Consider the following 'hard case' for Pasternak's reasoning:

The Privileged Non-participant. A citizen residing under an authoritarian regime is fully capable of exercising their right to determine the leader of their government, through a closed, non- democratic election in which their vote nevertheless receives full credit; they enjoy the same level of significant liberties, and are treated as by-and-large equal as other well-endowed, privileged citizens in the country.

This citizen does not *participate in any joint project* that constitutes *a part or manifestation of the state* – for one, they do not pay taxes, use the public infrastructure, or indeed move on lands that do not belong to them. However, the citizen also firmly believes that the state is the *right representative* standing for their interests. Should we hold the citizen responsible for their state's injustices?

Notably, Pasternak does adopt a very capacious conception of what counts as *participatory intention* – for one, she terms the *basic* intention requirement to be one where, "In institutional groups — given the gap between the representational and motivational states of the members and those of the group — members intend to perform their roles in the maintenance of the corporate agency of the group, meaning its ability to generate independent goals and to execute them."[76] Yet to this, we can ratchet up the level of detachment experienced by the citizen in relation to their state, such that they cannot be said to *perform their roles* in maintaining the *corporate agency* of the group. This can manifest in two ways: firstly, *complete free-riders* that view themselves as entitled to the benefits provided by the state, and yet do not view themselves as actively participatory or members at large in the state project; secondly, *detached sympathisers* who, not partaking in any state-affiliated or -rooted joint project (even under the

[76] Pasternak, *Responsible Citizens*, p. 71.

ratcheted-up scope of activities), do not see themselves as members of the state. Could these individuals be responsible?

I would suggest that the mere fact that they are not an intentional citizen, does not thereby negate the possibility of reparative responsibility on the part of this citizen. Across Chapters 6, 7, 8, I make the case that the best means of conceptualising the citizen-state relationship under authoritarian contexts, is to turn towards and develop robust, context-sensitive conceptions of *authorisation* that can apply well to authoritarian contexts.

4.5 Recap

We began this chapter with an exploration of Kutz's Complicity Account, as well as the Issue of Action Description that afflicts Kutz's argument. Through incorporating insights from Pauer-Studer, we proceeded subsequently onto devising a cogent Neo-Kutzian model, one that we nevertheless found to be insufficiently attuned to cases of coercion, dissenters, constricted reasoning capacities, and, above all, the defects of a professional identity-centric view.

We then considered two further accounts that sought to ground responsibility in complicity. The first, Lepora and Goodin's Contributory Account, argues that in lieu of holding responsible individuals with participatory intentions in relation to joint projects, a better approach rests with identifying those who are *knowing contributors* to injustices – with additional sensitivity to the mental states and intentions of these individuals. The second, as advanced by Pasternak in her original account of intentional citizenship, is that individuals who bear participatory intentions in relations to their states' wrongdoings, ought to take up the responsibility mantle to repair at least parts of these wrongdoings.

Both approaches – despite their varying successes (latter more than former) in improving upon the Neo-Kutzian approach – remained inadequate. Lepora and Goodin's argument neglects the nuances of practical action, which, in authoritarian contexts, render the complicit-principal divide undergirding their approach untenable; additionally, the account also ignores instances where individuals may be knowing – yet completely exonerated – in their commitment of injustices, e.g. in advancing a greater or more noble overarching objective.

Pasternak's model, on the other hand, struggles somewhat in authoritarian contexts for three separate reasons: first, it does not sufficiently justify or establish why its conception of scope of responsibility is appropriate. Second, it may not have much practical/praxis-related traction

on the ground, when it comes to identifying and holding responsible agents. Finally, the evidence cited by Pasternak – and the evidence concerning popular attitudes at large – may well support an endorsement-based model, as opposed to a complicity-/participatory-based model, of citizen responsibilities. I have no doubt complicity-based and intentional citizenship accounts can play a role in authoritarian contexts, but they are not the ideal account.

5 Structural Injustice Frameworks (SIF)

5.1 Roadmap

In this chapter, we examine Structural Injustice Frameworks (SIF), a cluster of frameworks that argue we should understand our responsibilities towards injustices through the lens of *structural injustices*. In our addressing injustices, we should not seek to pinpoint specific blame for past wrongs, but should instead be oriented towards predominantly tackling ongoing injustices, specifically those without clearly identifiable perpetrators, in a manner that does not invoke blame-centric conceptions of responsibility.

This chapter examines three sets of SIFs, with the aim of showing that whilst they each have some merits in accounting for injustices under authoritarianism, they remain fundamentally inadequate for authoritarian contexts.

The first framework examined is Iris Marion Young's Social Connection Model (SCM), which provides a helpful starting-point. Despite Young's never explicitly stipulating the nature of the state to which her account applies[1], in her quest to center discussions of justice around real, lived experiences and effecting practical change, it would be reasonable that we apply her theory to authoritarian settings.

Two distinctive problems emerge from applying the SCM to authoritarian contexts. The first problem is that Young's central ideal of *social connection* – even after the introduction of friendly amendments designed to strengthen its plausibility – is not sufficient for responsibility assignment. Trivially, there exist *connected* individuals – fitting this criterion – who should not be deemed responsible for rectifying the injustices, even per the Youngian, forward-looking sense of responsibility. This is because the connection between merely causally connected or significantly coerced individuals, and their actions, does not meet the threshold of normative significance for them to be assigned *any* responsibility – forward-looking or otherwise.

[1] Young orients most of her critiques in Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011) around democratic contexts, but elsewhere, she has grappled with the increasingly authoritarian tendencies of contemporary democracies, and the tenability of justice under such non-ideal circumstances, cf. Iris Marion Young, 'Feminist Reactions to the Contemporary Security Regime', *Hypatia*, vol. 18, no. 1, 2003, pp. 223-231.

The second issue is that the SCM unduly neglects and downplays ways in which *the agency* of powerful non-state actors under authoritarian states should render such individuals morally liable for repairing structural injustices – a normative judgment that Young's account is reluctant to make. Authoritarian states present a plethora of instances where structural injustices follow from the intentional actions of individuals who should be held liable, per the PLM in Chapter 2.

We turn subsequently to two further sets of structural injustice-centered frameworks – the first comprises Zheng's Role-Ideal Model, and the second constitutes the hybrid model. The former features a shift from structures to roles as the basis of forward-looking political responsibilities. The latter grants that liability and blameworthiness have *some role to play* within structural injustice accounts. We will see that they are more promising than Young's in tackling respectively the first and second of the two aforementioned challenges, yet each possesses fundamental defects of its own.

An important nomenclatural point here: I take *political* responsibility here in the strictly Youngian sense – i.e. not in the sense of *obligation to obey the law*, but in the sense of the blame-less, forward-looking, collective action-rooted responsibility Young views as central to her account. In line with structural injustice literature, we will be employing *forward-looking* and *political* responsibilities interchangeably throughout the rest of this chapter, when referring to this particular conception of responsibility.

The upshot of this chapter is this: authoritarian states present a context where individual citizens' lack of effective agency in changing or resisting their states' actions precisely render structural injustice accounts inadequate. Where injustices are so radical, fundamental, and rampant, the very justificatory pillars underpinning structural injustice accounts themselves buckle. SIFs cannot be the primary answer to the challenges identified here.

5.2 Social Connection Model (SCM)

5.2.1 Overview

Young's Social Connection Model (SCM) can be summarised as follows:

> Individuals bear responsibility for structural injustice because they contribute by their actions to processes that produce unjust outcomes.[2]

At the core of Young's argument lies the notion of structural injustice. I take structures here to denote both *formal institutions* – with clearly defined responsibilities, roles, and functions; and *informal processes* flowing from interactions between disparate agents. Structural injustices occur when such institutions and processes render individuals vulnerable to both a) a systematic threat of continued domination, and b) deprivation of means to develop their capacities.[3] These structures are constituted by decisions and actions that are seemingly morally permissible on their own, that nevertheless – collectively – culminate in deeply undesirable outcomes for individuals.

As Sangiovanni[4] notes, the *vast majority* of participants in these injustices have *not* engaged in any blameworthy conduct in bringing about such structures and processes – they may be *wrongdoers*, but they are not to be *blamed* for their wrongdoings. To be a wrongdoer, one need only be causally implicated in producing undesirable states of affairs – yet this need not imply blame: blameless wrongs exist, and manifest in forms such as structural injustices.

Indeed, Young cites the particular example of a single working mother *Sandy*, who is threatened by the prospects of eviction due to her inability to pay rent, whilst caring for her two children; her displacement causally follows from processes Young deems to be conventional market design (e.g. the landlord collects rent, the tenant pays rent, and property developers price their apartments in a way that fix a price floor to the rental market)[5], as opposed to deliberate malice, intentional action *or* culpable negligence that can be attributed to particular agents. Whilst Sandy suffers viscerally under her eviction and ensuing homelessness – no one, Young argues, is to *blame* for her plight.[6]

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[2] Young, *Responsibility*, p. 105.

[3] Young, *Responsibility*, p. 52.

[4] Andrea Sangiovanni, 'Structural Injustice and Individual Responsibility', *Journal of Social Philosophy*, vol. 49, 2018, pp. 461-483.

[5] Young, *Responsibility*, p. 44; also see Jeffrey Reiman, 'The Structure of Structural Injustice: Thoughts on Iris Marion Young's "Responsibility for Justice"', *Social Theory and Practice*, vol. 38, no. 4, 2012, pp. 738-751.

[6] One may reasonably observe that whilst the above may involve an episode of undesirable outcomes, it remains unclear as to why this is the result of a "structural process". Over a conversation, David Miller raises a helpful hypothetical involving panic buying at a supermarket, which leaves it with empty shelves and the next incoming visitor with no commodity left to buy – would this, he asks, be an episode of structural injustice? To this, I suggest that Young would bite the bullet: the interactions between panic buyers result in the deprivation of the next-

What does the SCM stand for?

At the core of the SCM lies Young's mission of articulating an alternative to a liability- and blame-centric model of responsibility (e.g. PLM). In setting out her account, the following will contrast 'structural' responsibility against the more conventional 'liability'-centric conceptions of responsibility across three key dimensions:

Firstly, the SCM is *non-isolating when it comes to responsibility* (i). Liability-centered frameworks see responsibility as attributable to distinct, isolatable, and identifiable agents – often in the form of individual or collective agents. Yet the SCM disputes this, in arguing that many injustices cannot be easily causally and morally attributed to individuals (or collectives), and that the individualistic conception of responsibility ignores the dimensions of injustices that exist independently of singular agents. Whilst the SCM does identify individuals as the primary *agents* who bear the responsibility for mitigating injustice, it does not do so – Young claims – through *singling* individuals out on the basis of their ostensible contributions to injustices.

Secondly, the SCM ostensibly uniquely allows for the *critique of injustice embedded in background conditions* (ii). As Young views it, liability-centric accounts seemingly lack the theoretical resources to explain why background conditions – the "normal" within society, or the implicit assumptions and heuristics that individuals are bound by as they act – are faulty. In contrast, the SCM acknowledges background processes can be *unjust* even if such injustice cannot be attributed to the blameworthy conduct of any particular individual. For one, the American housing market sees many middle-class families contribute towards inflating housing prices in sheltered neighbourhoods through incurring exorbitant costs in moving to them – thereby driving up socioeconomic inequality in schools across districts. Young argues that there is nothing intrinsically *blameworthy* about their actions, but they certainly contribute directly towards the *unjust* crowding-out of those who can ill-afford the housing prices.[7]

Thirdly, the SCM is *predominantly forward-looking,* as opposed to *backward-looking* in terms of the responsibilities involved (iii). Liability-centric practices are portrayed by Young as

incoming-visitor's abilities to purchase basic commodities; if there exists no alternative nearby, then a structural injustice has indeed been committed.

[7] It remains unclear if Young deems these *actions* as *unjust* albeit non-blameworthy, or only the *outcomes* (and not the causally involved actions) as unjust. To standardise our nomenclature, we will be centering our descriptions of justice/injustice around the *actions* of individuals.

"fault-finding", and thus predominantly backward-looking in their temporal orientation. Her SCM devotes substantially more space towards mitigating present and averting future injustices, as opposed to addressing past injustices using retrospective lenses. More specifically, the SCM's forward-looking nature is connected with its emphasis upon a *blameless* kind of responsibility – responsible individuals should be criticised, but not blamed:

> We should not be blamed or found at fault for the injustice we contribute to, and we should not be blamed or found at fault for what we do to try and rectify injustice, even if we do not succeed […] we can and should be *criticized* for not taking action, not taking enough action, taking ineffective action, or taking action that is counterproductive.[8]

5.3 Applying the SCM to Authoritarian Contexts: A Case Study

In seeking to identify where SCM applies best to authoritarian contexts, we ideally are searching for an example where we do not find the perpetrators of injustices *blameworthy* for their actions – yet would nevertheless deem them responsible in the Youngian sense.

The Chinese Cultural Revolution saw some of the worst crimes against humanity committed in contemporary Chinese history, with an estimated total of hundreds of thousands to millions of deaths induced by political persecution, violent in-fighting, and factionalist struggles for power.[9] Individuals ranging from the petty bourgeoisie to intellectuals were targeted for their alleged counter-revolutionary tendencies, with extensive harassment and physical subjugation of dissidents, political prisoners, and youth by rival groups vying for political power.[10]

It is difficult to justify our finding *all or a majority of* citizens involved in the atrocities *morally blameworthy* and thus responsible for the atrocities they committed, for three primary reasons. The first is that many of these individuals were largely ill-informed and genuinely ignorant – as a result of state action and firm grip over media and information – over the full extent of the casualties and damages that resulted from their (perhaps indirect) actions. The second is the significant coercion under which many of these individuals had acted – under the impression

[8] Iris Marion Young, 'Political responsibility and Structural Injustice.', University of Kansas, Department of Philosophy (2003), p. 144 (http://www.bc.edu/content/dam/files/schools/cas_sites/sociology/pdf/PoliticalResponsibility.pdf).

[9] Francis Mok, *Civilian Participants in the Cultural Revolution* (Oxford: Routledge, 2019).

[10] Mok, *Civilian Participants*, p. 30-35.

that were they not to comply with the whims of the mob, their families and loved ones would bear the full brunt of the wrathful crowds, urged on by members of the state apparatus.

The third is a more prudential claim: the substantial epistemic costs involved in our seeking to – retrospectively – disentangle the causal chains that had undergirded the injustices perpetrated during the era. Given the incompleteness of accounts and evidence, accurate responsibility determination seemed impossible then (as well as today).[11] In my view, these factors, per the SCM, render it unjustified for us to deem most of the involved agents responsible under liability-centered accounts.[12]

Yet these factors do not, in any meaningful sense, negate or reduce the substantial need for support on the part of the victims. Many victims were left permanently scarred and deeply traumatised – if not injured – by the decade-long upheaval. There was thus a sense of urgency – on behalf of victims' interests – to have individuals step up to address this outsized remainder of reparative responsibilities. Even if the reparative burden is to be taken up by the state, there remains the question of how the burden is distributed across citizens.

The above, then, tentatively constitutes the case for SCM. The SCM would argue that we should deem all individuals "connected" with the injustices of the Cultural Revolution – but also with the state (under the watch of which the revolution had occurred) – responsible in a forward-looking manner. Trivially, such responsibilities need to be taken up by agents, in order to resolve the practically urgent tasks at hand, but also in reflecting the extent to which they had been involved in the structural injustices during the Revolution.

More generally, the SCM seems to apply aptly to authoritarian states, where individual liabilities are seemingly difficult to identify. Under such conditions, the SCM seems to offer a path forward of discharging and uptake of responsibilities accrued towards victims of injustices, as well as accounting for how and why individual citizens in such conditions ought to step up to the task. As subsequent discussions shall reveal, however, there exist gaping flaws in this approach that render the SCM – ultimately – ill-equipped for authoritarian contexts.

[11] Robin Zheng, 'What kind of responsibility do we have for fighting injustice? A moral-theoretic perspective on the social connections model.', *Critical Horizons*, vol. 20, no. 2, 2019, pp. 120-122.

[12] Peter Strawson, 'Freedom and Resentment', in Fischer, John Martin and Ravizza, Mark, Perspectives on Moral Responsibility (Ithaca: Cornell University Press, 1993), pp. 45 - 66.

5.4 Two Core Objections pertaining to the Authoritarian Context

Despite the above, I suggest Young's SCM does not offer a reasonable or adequate account of responsibilities under authoritarian states. There are two core objections in support of this view:

1) *Over-expansiveness Challenge.* Even with the most *theoretically sound* candidate for the criterion of assignment of responsibility, the SCM ends up deeming (forward-)responsible individuals who are not responsible (*over-shooting*);
2) *Agency Challenge*. The SCM unduly fails to account for the extent to which some individuals possess the agency to affect, cause, perpetrate, or maintain injustices in authoritarian settings (*under-shooting*).

These defects do not wholly negate the fact that the SCM possesses *reasonably potent* explanatory force in some cases, but we do also acutely need alternatives that can adequately address these challenges.

5.4.1 Over-expansiveness Challenge

This section addresses a particular way by which the aforementioned model fails on both fronts of descriptive accuracy and explanatory precision (Criteria 1 and 2). To preview this section briefly: we begin by first establishing what Young means by "connection". We then argue even following McKeown's helpful clarification [13] of what forms "connection" could take, the amended SCM here still wrongly deems as responsible individuals who should not, in fact, be viewed as responsible under authoritarian conditions. We outline both the specific reasons for which and conditions under which this shortcoming arises.

5.4.1.1 What does "Connection" mean?

[13] Maeve McKeown, 'Structural Injustice', *Philosophy Compass*, vol. 16, no. 7, 2021, pp. 1-14; Maeve McKeown, 'A Youngian Approach to Responsibility for Global Injustice', *UCL School of Public Policy*, 2014; Maeve McKeown, 'Iris Marion Young's "Social Connection Model" of Responsibility: Clarifying the Meaning of Connection', *Journal of Social Philosophy*, vol. 49, no. 3, 2018, pp. 484-502.

McKeown[14] suggests three possible readings of how we ought to construe the responsibility-generating "connection"[15] in Young's account – to which Young assigns surprisingly limited discussion, paraphrased as follows. Some agent P is responsible for redressing injustice I if:

1) *Connection as existence*: P is connected to injustice I induced by structure S, if P *exists as a participant* within S (e.g. as a member of a political community[16]); or
2) *Connection as dependence*: P is connected to I induced by structure S, if P is *dependent* upon the victims of I, or
3) *Connection as contributory-causation*: P is connected to I if P causes I via *contributing* towards the *causal processes* that sustain and enable structural injustice.

McKeown suggests that the most fitting – and accurate – reading of Young would be the third. [17] 3) suggests that individual agents are to be assigned forward-looking, political responsibility, if through their actions, they contribute towards, via participation and/or indirect support, the causal processes that sustain and enable structural injustice. The scope of what constitutes *contribution* towards *causal processes* is intentionally construed expansively – so long as an individual acts, cooperates and interacts with others *under* social structures, norms, or laws that result in structural injustices, the individual can be deemed politically responsible for repairing such injustices.

In Young's view, any such *contributory-causal involvement* as a *sufficient* condition for political responsibility. Such participating individuals do not possess the requisite mental states (intentions or understanding) for liabilities to accrue – but they, as interactive agents within broader social structures that precipitate injustice, must bear responsibility to rectify the unjust outcomes resulting from such structures, simply because they are contributing towards these processes. Per McKeown's critique, "Young seems to be arguing that if human agency is involved in creating any background conditions, then those human agents are politically responsible."[18] Abdel-Nour shares a similar reading of Young – Young views liability and

[14] McKeown, 'Youngian Approach', pp. 249 – 282.

[15] McKeown herself offers an alternative candidate for the ground for connection – one rooted in individuals' *support and affirmation of unjust institutions* perpetrating injustices. We shall revisit that in due course.

[16] I do take the point that a political community – such as a nation, whilst in possession of institutions, may not itself be intuitively viewed as an institution. Yet I would submit that per the structure-as-process interpretation advanced above, given that a political community can be understood as the sum aggregate and composite of all the interactions and processes occurring between consensual agents, it should be treated as a structure.

[17] McKeown, 'Youngian Approach', p. 263.

[18] McKeown, 'Youngian Approach', p. 266.

structural injustice frameworks as "qualitatively different"[19]; to Young, whilst the quality of the will of the individual matters in determining whether the individual in question is *blameworthy*, it *does not matter* when it comes to forward-looking responsibility. This is a key feature of Young's account, to which we shall return shortly.

5.4.1.2 Is this view of 'connection' a reasonable basis for reparative responsibilities under authoritarian states?

In the authoritarian context, the *contributory-causal* variant of 'connection' essentially requires us to endorse the view that all citizens who causally contribute towards causal processes that sustain and enable injustices, would possess forward-looking responsibilities. In response, I suggest that this account is over-demanding and normatively unjustified. Consider the following example:

Coerced Taxation. An authoritarian state imposes very stringent penalties for not paying taxes – e.g. individuals have their feet sawed off and removed if they refuse to pay taxes; their family will also be threatened with violence and excluded from social structures. Parts of the revenue *may* go towards funding the state's procuring of arms, with which they kill a small number of dissidents. The state is otherwise broadly cognizant and respectful of individuals' freedoms of speech and choice within the private sphere, and thus cannot be classified as totalitarian.

If no one pays taxes, the state is unlikely to have enough money to purchase such arms. If only one person evades (or pays) the tax, this is unlikely to have any effect on the number of dissidents killed. Tax paying, in other words, *does contribute* towards the state in its killing of more civilians, but there exists no counterfactual difference (along the dimension of dissident deaths) following on from *one person*'s payment of the taxes. More generally, individuals' tax-paying also contributes towards the maintenance of the other operations under the unjust state, amongst which some may – in fact – be just in their own right (e.g. infrastructure upkeep). We therefore have here a seeming case of structural injustice – individually, these individuals do not make a significant difference to the end outcome (opposition being killed-off); yet collectively, their actions result in egregious injustices. Notably, these citizens do not, given

[19] Farid Abdel-Nour, 'Responsibility for structural injustice', *Ethics and Global Politics*, vol. 11, no. 1, 2018, p. 16.

their being coerced and threatened with such egregious repercussions, seem to be morally blameworthy – they are, per Sangiovanni,[20] *excusable* in their decisions.

Now, the question is, do these tax-paying citizens accrue forward-looking, reparative responsibilities *purely* from the fact that they have paid taxes that go towards – collectively – funding the killing programmes the state establishes?

5.4.1.3 Towards clarifying the lack of responsibility

I suggest that individuals *do not* possess such responsibilities.

In rejecting the above postulate concerning forward-looking responsibilities in these cases, one may read me as arguing at least one of these two claims:

First (I), that mere *causal responsibility* does not give rise to the kind of forward-looking responsibility Young envisions in SCM. If individuals are only (distantly) involved in causal chains that give rise to injustices eventually, such individuals should not bear any kind of *particular* forward-looking responsibility to repair such injustices.

Second (II), that individuals such as the tax-payers are not *responsible* for repairing the wrongdoings committed by the state, in the forward-looking sense. This is for reasons that should be analytically distinct from those that render their behaviours merely excusable – given that reparative responsibilities can still arise from excusable wrongdoings.

Claim I: Mere causal responsibility should not give rise to forward-looking responsibility.

Claim I posits *mere* causal responsibility (independent of all other intervening variables[21]) is not sufficient in grounding reparative responsibility, even if such responsibility is purely forward-looking. This claim is significant in authoritarian contexts, for it allows us to helpfully rule out – in practice – a large number of individuals who may be "connected" with the structural injustices, yet nevertheless should not be held responsible in either *forward-looking* or *blame-centric* senses of responsibility. In absence of relevant *awareness* concerning the outcomes in question, mere causality cannot feasibly ground *reparative responsibility – political or not.*

[20] Sangiovanni, 'Structural Injustice', p. 469.

[21] Such as the extent to which one is morally blameworthy, or has benefited from the unjust act in question.

Consider, for instance, the *Switch-flicker*: someone who – in flicking on/off a light-switch in their own house – unknowingly inflicts painful electric shocks upon someone who is connected to the light-switch via wires that had, without their knowledge, been tampered with and altered to conjoin with the electric shocker.[22]

Now one may argue -- it may be a case of pure moral bad luck that the switch they flick is not connected to their house lamps, but to a victim – yet as Thomson argues[23], there is something distinctive about the fact that it is the *conscious* act of switch-flicking that causally precipitated the pain inflicted upon the victim; this is a fact that should give rise to the switch-flicker's *regretting* that they had acted as such, if they were presented with the knowledge that they had been involved in causing such pain. Surely, such regrettability would give rise to special responsibilities that only the switch-flicker bears?

I beg to differ. The switch-flicker may have reasons to regret their actions – which they did not, and could not have possibly known would result in the harms caused to their victim. Yet this does not adequately prove that they possess reparative *responsibilities* in virtue of the specific *kind* of forward-looking reasons Young identifies.[24] Indeed, mere causal responsibility alone – even if *proximate* – does not give rise to the kind of responsibility that Young envisions, because there exists no meaningful normative value in the intentionality (or lack thereof) possessed by the switch-flicker in question. In the respect of intentionality, then, the switch-flicker is no different from a three-year-old toddler who accidentally mixes two reagents in a flask, thereby producing a toxic solution that kills nearby persons. He is wholly ignorant, and could not have possibly known, that his switch-flicking would result in such injustice.

Perhaps the rejoinder question is, how do we draw the line between *mere* causal responsibility, and responsibility beyond that? A potential cut, as flagged by Sangiovanni in drawing upon literature on imperceptible harms[25], is as follows. In *knowingly* contributing one's part towards what *could*, provided enough others do the same, lead to significantly unjust outcomes, it

[22] Judith J. Thomson, 'The Decline of Cause', *Georgetown Law Center's Philip A. Hart Memorial Lecture*, 1987, p. 141 draws upon a slightly different example, one centred around a pair of train track switch-men tasked with controlling the railway switch. In their omission to flick a switch, one causes no accident, whilst the other results in a terrible train crash. The offered example here differs from Thomson's somewhat, in that the protagonist has no knowledge whatsoever of the switch's effects – yet the undergirding point concerning responsibility causation (or the lack thereof) arising from pure causation, remains.

[23] Thomson, 'The Decline of Cause', pp. 147-9.

[24] See Sangiovanni, 'Structural Injustice', p. 467 for a similar critique.

[25] Sangiovanni, 'Structural Injustice', pp. 469 – 472. Also see Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984); Shelly Kagan, 'Do I Make a Difference?', *Philosophy and Public Affairs*, vol. 39, 2011, pp. 105-41.

does not matter that *ex post*, one's actions has made *no marginal difference* to the eventual outcome. What matters instead is that one can expect, *ex ante*, that one's actions *could* potentially be contributing towards the pivotal tipping point – beyond which harm materialises; or that one's actions are a *necessary part* of a *jointly sufficient* set of conditions that produce the resultant harm.

Hence in contrast, it follows that for causation to not give rise to forward-looking responsibilities, it must be the case that there exists a complete lack of awareness on the part of the individual, of the potentiality that one's actions would lead to injustice, as well as the lack of intention to cause such injustice. If individuals have even a modicum of intention concerning the *possibility*[26] that their actions will result in harm to others, they can be judged as being more than just causally responsible actors. We are all implicated in a vast number of incidental causal chains that connect us with resultant injustices in our lives; these chains exist independently of our *intentions and knowledge*. Given we lack any potential knowledge of even the possibility that injustices would result from our actions, it would be *unreasonable* to suggest that we accrue forward-looking responsibilities in making repairs for such injustices.

Claim II – Individuals do not develop forward-looking, political responsibilities in rectifying injustices across certain contexts, such as in the Taxation case above.

So far, so good. Having established via claim I one set of empirical counter-examples to Young's connection-based case for forward-looking responsibilities, the question then becomes, should we also accept II, which highlights a different subset of individuals who should not be deemed responsible, despite fulfilling the Youngian criterion of connection stipulated above?

At first glance, most individuals connected to injustices under authoritarian states are clearly *more than merely causally responsible* for injustices. The threatened tax-payer pays taxes, knowing that the money *may* go towards funding camps and attacks on the opposition; even if the tax-payer is wholly ignorant of *to where the money goes*, they still possess agency in making the *immediate decision* of paying the tax. These are *conscious* acts – they are not *merely causal*. As it stands, claim I does not suffice in justifying the claim that these individuals should *not* be held responsible.

[26] Frances Kamm, 'Failures of Just War Theory: Terror, Harm, and Justice', *Ethics*, vol. 114, no. 4, 2004, pp. 654-666.

Through II, I hope to demonstrate there exists a set of conditions that, if jointly and collectively satisfied, would suffice in *excusing the individuals in question* – who do act with intention in relation to the *specific acts* and are causally responsible for the injustice – from *any form of forward-looking responsibility.* These conditions are two-fold: i) the individual in question must experience what I term *radical coercion* in relation to the act; ii) the individual's contribution towards the resultant injustice must make *no counterfactual difference.*

Radical Coercion

Consider the following features as individually *sufficient* for individuals to be deemed as *radically coerced* to perform some act x:

1) Individuals (will) experience *significant personal costs* if they fail to x;
2) Individuals (will) experience *significant moral costs* if they fail to x;

Additionally, 3) Individuals must believe that 1) or 2) are true.

On 1), for someone to be radically coerced, it is not sufficient that they will face *some* (potentially disproportionate to the injustice in question) costs for failing to x. It must be the case that such costs are, in an absolute sense, significant. In the scenario discussed above, non-tax-paying individuals are not merely suffering a passable inconvenience, they are confronted with an egregious violation of their bodily integrity.

An alternative to significant personal costs, is that individuals are, per 2), confronted by *significant moral costs* if they fail to x, e.g. the violation of core, substantive moral obligations. It is likely that the family and loved ones of the individual in question would come under significant attack and harassment, should the individual fail to duly pay taxes. Hence in view of their obligations towards their loved ones, it is apparent that the refusal to pay taxes could also pose concerns rooted in how others are affected. These costs, once again, are *significant*: there is, indeed, a real and pressing threat to individuals *qua* undermining their moral integrity.

Finally, per 3), individuals must believe – with at least strong subjective mental states and on partially reasonable grounds – that at least 1) *or* 2) is true. An individual who is non-cognizant of the dangers befalling them, cannot possibly be said to be subjectively coerced. I take it here that subjective coercion is a necessary condition for radical coercion: it is only when they are aware of and decisionally affected by such costs, both to themselves and to others (to whom

they owe moral obligations), that we could characterise them as being *radically coerced* to undertake decisions that do not reflect their genuine preferences and judgments.

What differentiates *radical coercion* from *non-radical* (standard) *coercion*? The costs – moral or personal – with which the individual is threatened must be *significant* and *weighty*; these costs cannot be merely weightier than the original motivations the individual possesses in undertaking the action they are coerced out of – a mere *comparative* disparity between the individual's genuine preference, and the option they end up going for, does not suffice.

Counterfactual Non-difference

A second criterion for negation-of-responsibility is as follows: the individual agent's actions, on their own, must make *no counterfactual difference* to the outcome. That is, even had they not acted, this fact – alone – would not have made any material difference to the outcome. In the *Taxation* example above, individuals who pay taxes only make a difference to the stock of guns procured *if they act collectively with others*. More broadly, it is not implausible to think that the actions of many who do contribute towards structural injustices, do not – in fact – yield counterfactual-sensitive differences: even if they had acted otherwise, the exact same outcomes would have followed.

Indeed, unlike the criterion concerning radical coercion, this criterion seems to ubiquitously hold across both authoritarian and non-authoritarian contexts – we can easily imagine instances in democratic societies where unjust outcomes are overdetermined by prior events, and cannot be attributed in a counterfactually sensitive fashion to the actions of any particular individual.

Bringing the Two Together

Why should counterfactual non-difference and radical coercion be jointly *sufficient* for the suspension of our assigning forward-looking responsibilities to individuals? When assigning forward-looking, non-blame-centric responsibility, there are two considerations we are seeking to balance: the first constitutes the amelioration of *long-standing injustices*; the second involves our being fundamentally *fair* in our assignment of responsibility, to avoid unjustifiably burdening individuals who should not – in fact – be deemed responsible.

The assignment of responsibility cannot be an *ad hoc* exercise that disregards the weight of individual agency, or the fact that we should not impose moral demands on agents in relation

to actions that they cannot reasonably be expected to *regret*, let alone withdraw or refrain from carrying out. Individuals experiencing radical coercion as they commit particular actions, cannot be deemed to have possessed *sufficient minimal* agency for them to *acquire* reparative responsibilities through these actions. Provided that – on top of this – the individual in question does not make any counterfactually sensitive causal difference to the outcome, I posit that it would be reasonable for us to weigh the second consideration as more significant over the first.

Both conditions are *necessary* for letting individuals off the responsibility hook altogether. *Neither* counterfactual non-difference *nor* radical coercion *alone* is a sufficient condition for us to exempt individuals from the Youngian sense of forward-looking responsibility. That is, if one is radically coerced and induces a counterfactually significant difference, one could still, in theory, possess *some* (albeit reduced) forward-looking responsibilities to right one's wrongs, on grounds of a quasi-strict liability principle[27] resulting from the severity of one's impacts – such that one's experiencing radical coercion cannot wholly and fully let one off the hook of forward-looking responsibility.[28] On the other hand, if one is not acting under radical coercion, even if one yields no counterfactually-sensitive difference to the course of events, one could still accrue forward-looking responsibilities under the Youngian-McKeown contributory-causal interpretation of "connection", which applies to cases where counterfactual-sensitive causality does not hold.

Claims I and II highlight different contexts in which the SCM mistakenly holds individuals to be responsible, even where they are not. Note, we are not unamenable to claims concerning *general duties* to provide assistance to victims in need of humanitarian assistance (e.g. Singer's Rescue Principle[29]) or even more general utilitarian duties. Yet we should not conflate such duties – which apply to everyone, causally connected or not to injustices – with the specific kind of responsibility envisioned by Young and McKeown.

5.4.2 The Empirical Question – on Authoritarian States

[27] Jules L. Coleman, 'The Morality of Strict Tort Liability', *William and Mary Law Review*, vol. 18, no. 2, 1976, pp. 259-286.

[28] One may reasonably object here and suggest that so long as individuals are radically coerced, they do not, in fact, accrue any *remedial responsibility*; I am sympathetic to this view, yet in acknowledging the virtues of Young's account, I am willing to grant her account the benefit of doubt, and accept that so long as a counterfactual sensitive is made, her account of *political responsibility* would still apply to the agents in question, even if they bear no *remedial responsibility*. Note, I take it that remedial and political responsibilities are not interchangeable.

[29] Singer, 'Famine', pp. 235-240.

Having laid out the theoretical case via I and II, let us consider the empirical question. Note, radical coercion and counterfactual non-difference, qua morally salient features, could well exist in non-authoritarian settings. The submission here is not that state authoritarianism is a necessary condition for radical coercion to exist in the state. Hence the criticisms raised above concerning the SCM, can also be applied to non-authoritarian settings. However, for the purpose of this thesis, I am interested in making the argument that authoritarian states are likely to feature both individuals whose acts result in counterfactual non-difference and who act under radical coercion – and that the SCM is flawed and ill-suited in accounting for these individuals.

Trivially, under authoritarian states, the vast majority of individuals' decisions or actions end up making very little difference to the end outcomes of state-perpetrated injustices. Even if the tax-payer above – alongside ten others – opts out of paying taxes to their government, the administration would still have enough liquidity to bankroll its military and oppressive operations. Taking modern slavery as an example, McKeown notes that, "[…] it may even be impossible to work out what the causal connections are, or to work out which agents they could put pressure on to do something about it."[30]

As Zakaras[31] notes, authoritarian settings often present significant constraints to individuals who aspire to elude, challenge, or withdraw from the oppressive structures that hold together the state. A vast majority of individuals lack the ability to significantly influence or negate the actions of their states, especially in relation to rampant and egregious injustices committed by a small minority of powerful actors.

Furthermore, tradeoffs between individuals' moral obligations towards other actors, and the individual's duty to refrain from participating in or causing injustices, are very common in authoritarian contexts, where states often resort to threats concerning one's significant others and others to whom one owes moral responsibilities, as a means of coercing one to accept particular state policies. Consider, the threats of having one's family members and friends tortured during the Cultural Revolution.[32]

[30] McKeown, 'Youngian Approach', p. 267.

[31] Alex Zakaras, 'Complicity and Coercion: Toward an Ethics of Political Participation' in David Sobel, Peter Vallentyne, and Steven Wall, *Oxford Studies in Political Philosophy* (Oxford: Oxford University Press, 2018), pp. 192-218.

[32] Mok, *Civilian Participants*, pp. 110-113; one may reasonably challenge the view that the Cultural Revolution ought to be classified as an episode of authoritarian, as opposed to totalitarian politics. In response and defense of my characterisation of it as constituting the former, I follow the view of more recent literature such as Joel Andreas, *Rise of the Red Engineers: the Cultural Revolution and the Origins of China's New Class* (Stanford: Stanford University Press, 2009); Andrew Walder, *China Under Mao* (Cambridge and London:

Episodes of coercion obviously exist under both authoritarian and non-authoritarian states alike. Yet authoritarian states – in relation to injustices perpetrated by the state – often enact significantly more *frequent* and *disproportionate* sanctions against their citizens for non-compliance. Additionally, given the unique absence of transparent information flows and significant state presence over the media, it is far more likely that citizens under authoritarian states would have reasonable grounds to *subjectively* believe the credibility of threats made.

5.4.3 Takeaway

The takeaway from the above is this: the contributory-causal variant of the SCM erroneously holds responsible radically coerced agents who do not contribute – in a counterfactual-sensitive manner – towards state injustices. These individuals should not be deemed responsible.

This does fundamentally suggest that the SCM's capacity in accounting correctly for our responsibilities for injustices to which we are connected under conditions of radical coercion is, at best, significantly limited. In so doing, the SCM unduly *overshoots* in its identification of responsible agents.

5.5 Agency Challenge

Having established that the SCM erroneously holds responsible individuals who are radically coerced into contributing, in a non-counterfactually-sensitive manner, towards structural injustices under authoritarian states, we now turn to the second objection – which concerns the SCM's inability to account for a *different group of individuals*. I argue that the SCM undervalues the extent to which we should hold powerful actors *liable* for their voluntarily engendering and maintaining structural injustices in authoritarian contexts (cf. Criteria 1 and 2, concerning descriptive accuracy and explanatory precision).

Young has long come under attack for her disregard for the role of individual and corporate agents in causing injustices. As noted by a chorus of critics[33], Young's SCM does not take

Harvard University Press, 2015), pp. 280–81, in noting that civilians residing under Mao's regime had moderate levels of agency and reasonably significant political agency in resisting central state edicts.

[33] See Jeffrey Reiman, 'The Structure of Structural Injustice', *Social Theory and Practice*, vol. 38, no. 4, 2012, pp. 738-751; Martha Nussbaum, 'Foreword' in Young, *Responsibility*; Christian Neuhäuser, 'Structural Injustice and the Distribution of Forward-Looking Responsibility', *Midwest Studies in Philosophy*, vol. 38, 2014, pp. 232-

seriously the liabilities of actors such as large multi-national organisations, political autocrats, and repressive social leaders in perpetrating structural injustices. Critics argue that the SCM unduly lets individuals off the hook of moral responsibility, including powerful agents within structures who can and should be blamed for their role in injustices, both *structural and non-structural*.[34]

In response, Young suggests that all agents within structural processes are bound by objective sociological constraints, and so should not be deemed morally responsible for the injustice caused by the structures of which they are a part. Yet such an account is reductionist, in that it ignores the additive value of these powerful agents in bolstering established norms, and the extent to which individual agents can and do shape social norms; it is over-simplistic, too, in passing over the question of the degree of discretion that these individuals *could have* exercised yet failed to do so through their voluntary actions. Indeed, as argued by Beck[35] and Nussbaum [36] , Young's SCM, lets blameworthy individuals off the hook far too easily – especially under authoritarian states. It problematically *undershoots*.

5.5.1 Agency under Authoritarian States

Individuals should be held morally responsible *for* their role in creating, sustaining, and supporting structural injustices; they should be responsible for repairing – on grounds of their being *morally liable* to do so – the harms resulting from their actions. The authoritarian state offers a particularly informative setting in which citizens occupying such roles possess significant capacity to cause and, correlatively prevent injustices occurring under the state.

Consider *Marcos' Philippines*. Ferdinand Marcos' rule over the Philippines was characterised by his highly repressive deployment of the state apparatus in persecuting opponents, enforcing martial law, and enriching his family and associates at the expense of the Filipino public. [37] Amongst the civilians that had supported Marcos, a particular group – later known as "Marcos

51; Robert Goodin and Christian Barry, 'Responsibility for structural injustice: A third thought', *Politics, Philosophy, and Economics*, vol. 20, no. 4, 2021, pp. 339-356.

[34] Robin Zheng, 'What Kind of Responsibility Do We Have for Fighting Injustice? A Moral-Theoretic Perspective on the Social Connections Model', *Critical Horizons*, vol. 20, no. 2, 2019, pp. 109-126.

[35] Valentin Beck, 'Two forms of responsibility: Reassessing Young on structural injustice', *Critical Review of International Social and Political Philosophy*, 2020, pp. 1-24.

[36] Nussbaum, 'Foreword'.

[37] Myles A. Garcia, *Thirty Years Later… Catching Up with the Marcos-Era Crimes* (location undefined: MAG Publishing, 2016).

Cronies" [38] – benefited substantially from their friendships with Marcos, via designated government projects, funds, and embezzled funds.

Marcos' were clear perpetrators, maintainers, and supporters of structural injustices, ranging from ordinary citizens being denied access to drugs and energy they could not afford (price gauging), consumers paying hefty prices in order to purchase domestically produced cigarettes (protectionism and unfair competition), and Filipino nationals taking up large sums of foreign loans, incurred without their consent or involvement by Marcos' associates.[39]

When applied to authoritarian states, then, SCM's failure in accounting for individuals' moral responsibilities seems only all the more striking – given that individuals wielding influence in these contexts are very often associated with, if not members of powerful, rent-seeking cliques that collectively comprise the state's effective selectorate.[40] Ideally, accounts of justice can be cognizant of how frameworks, norms, and structures could be products of historically developed *habitus* and the long-standing interactions between millions of individuals, whilst concurrently acknowledging how they have been influenced and shaped through individual agents' deliberate design. The SCM does not do that.[41]

5.5.2 Rescuing the SCM under Authoritarianism?

How could the SCM respond to the above criticisms concerning authoritarian states? I

suggest that there are two possible pushbacks – neither of which succeeds:

1) *Epistemic indeterminacy*: there are "complex structural processes through which social injustice is generated" [42] , which would be too epistemically difficult to accurately disentangle to allow for justified assignment of liabilities;

[38] George Lopez and Michael Stohl (eds.), *Dependence, Development, and State Repression* (Westport: Praeger, 1989), p. 6.

[39] Ricardo Manapat, *Some are smarter than others: the history of Marcos' crony capitalism* (New York: Aletheia Publications, 1991).

[40] Milan Svolik, *The Politics of Authoritarian Rule* (Cambridge: Cambridge University Press, 2012).

[41] Christian Barry and Luara Ferracioli, 'Young on Responsibility and Structural Injustice', *Criminal Justice Ethics*, vol. 32, no. 3, 2013, pp. 247-257.

[42] Christian Barry and Kate Macdonald, 'How should we conceive of individual consumer responsibility to address labour injustices?', in Yossi Dahan, Hanna Lerner, and Faina Milman-Sivan (eds.), *Global Justice and International Labour Rights* (Cambridge: Cambridge University Press, 2016), pp. 96-97.

2) *Normative over-individuation*: in holding individual agents morally responsible, we inadvertently neglect the role contributed by structural and non-individual factors in the society at large.

Epistemic indeterminacy

The first response, drawing upon Young's criticisms of liability-centric models, is that seeking to hold individuals liable for their actions under authoritarian states would run into the plethora of epistemic hurdles involved in our accurately assessing who is to blame, and for what. As Neuhäuser notes, Young is troubled by the difficulty of unpacking complex patterns of causal connection[43] when it comes to liability-centric accounts – authoritarian states, too, are not immune from the bare social fact that structural injustices are sustained and reproduced by individuals adhering to normally accepted rules and practices; it is only understandable to think that such structural processes may not be easily attributed to the decisions, actions, and wills of any single actor. Whilst Marcos' cronies may be clearly liable for the actions committed by them and their subordinates, most cases of injustices under authoritarian states remain far less clear-cut – to assign liabilities would be to risk unduly over-ascribing blame to certain actors, whilst under-acknowledging the role played by others in relation to the very same outcomes.

With this view, Zheng concurs in the context of past and historical structural injustices, in arguing that "it is simply not possible for anyone to ever 'clean' her slate"[44], given the ubiquity and persistence of injustices at large; to hold individuals liable for their ostensible wrongdoings, we must have reasonable evidence to believe that they are indeed to *blame* for particular injustices – such evidence is hard to come by, given the interactions and interconnectivity between different individuals' choices and behaviours.

I find this objection unconvincing. Context matters. Authoritarian states – given the significant concentration of unbridled, unchecked power in the hands of powerful rent-seekers, patrons, and cliques in close affiliation with the state (or other sources of significant power) – are ones in which we can identify individual actors to deem *morally responsible* for their roles in creating and sustaining structural injustices. Empirical studies[45] suggest that even under

[43] Neuhäuser, 'Structural Injustice', pp. 232-233.

[44] Zheng, 'Kind of Responsibility', p. 120.

[45] For literature and discussion on authoritarian states in post-USSR Eastern and Central Europe, see Christian von Soest and Julia Grauvogel, 'How do Non-Democratic Regimes Claim Legitimacy?: Comparative Insights from Post-Soviet Countries', *German Institute for Global and Area Studies Research Report*, 277, 2015. For literature on Indonesia, see Marcus Mietzner, 'Authoritarian elections, state capacity, and performance legitimacy:

authoritarian states with substantial state-centric power concentration, actors such as local and mid-tier bureaucrats, wealthy businesses, and civilians with significant influence over mass and popular opinions can exert pressure upon those governing – to the point that they must placate and incorporate the demands of these actors in their decision-making. In non-authoritarian states, it may be more difficult to identify and hold liable actors in states where power is more diffused, and the public has a greater role to play in curbing or steering the decisions of the power elite[46] - this, however, is clearly not the case under authoritarian states.

Furthermore, even if it is difficult to exactly identify the moral responsibilities at hand, this does not render impossible our *approximating* such responsibilities. Picking out and holding responsible *some individuals* who are liable for injustices, is preferable to not holding liable *anyone at all*. Holding Marcos' cronies liable for repairing their wrongs may not be sufficient in rectifying *all* of the structural injustices in relation to their actions – yet at least goes some way in bridging the gap between the flawed state of total non-reparation, and the unrealistic ideal state where all injustices are adequately accounted for and redressed.

Normative over-individuation

The second pushback, is that I am excessively *individualistic* in my approach to reparative justice. After all, structural injustices are injustices where individuals' causal contributions remain inherently indeterminate, and the extent to which they are thus responsible for these structural injustices is equally unclear. In authoritarian settings, and in reference to the variety of reasons outlined in our earlier critique of liability-centric models (e.g. coercion, manipulation of information, falsified preferences, and other responsibility-exempting conditions) in Chapters 2 -- 4, we may have good grounds to think that there could well be *no single individual* who ought to bear distinctive blame-centric liabilities for the unjust outcomes resulting from broadly permissible actions.

In response, note that we can also hold individuals liable and/or collectively responsible in virtue of their being collaborators in *collectives, corporations, and groups* that are, in turn, perpetrators of injustices, as Neuhäuser[47] suggests.

Phases of regime consolidation and decline in Suharto's Indonesia', *International Political Science Review*, 65, 2017, pp. 1-14. For literature on China, see Jane Duckett and Guohui Wang, 'Why do Authoritarian Regimes Provide Public Goods? Policy Communities, External Shocks and Ideas in China's Rural Social Policy Making", *Europe-Asia Studies*, vol. 1, 2017, pp. 92-109; Daniel Bell and Pei Wang, *Just Hierarchy: Why Social Hierarchies Matter in China and the Rest of the World* (Princeton: Princeton University Press, 2021).

[46] Cf. Charles Mills, *The Power Elite* (Oxford: Oxford University Press, 1956).

Group agents – e.g. political collectives, bureaucratic organs, and companies – can also be held liable for actions they commit collectively.

It is reasonable to think that at least *some* individuals in authoritarian settings can be held responsible in such a manner - for instance, those who voluntarily participate in, support, and lend credibility to political associations and organs that threaten violence against innocent civilians at the expense of defenceless individuals. Frameworks of justice can eschew individualism without exclusively considering structural injustice.

5.5.3 Takeaway

The above discussion is also perfectly compatible with the discussion we conducted over the *Over-expansiveness Challenge* – I suggest that whilst a) some individuals (discussed under the first prong of attack) are *neither liable nor politically responsible for repairing the wrongdoings committed*, b) individuals (discussed under this second prong of attack) who indeed *possess the capacity* to influence such structures in which they are situated are *both* liable and politically responsible for repairing the wrongdoings.

Uniquely, authoritarian states present instances where the distribution of capacity is so fundamentally bifurcated, that groups a) and b) remain largely disjoint sets of individuals. Given this bifurcation, the SCM, as it stands, is too demanding on the former group, and too lenient towards the latter group.

5.6 Structural Injustice Accounts beyond the SCM

There is more to SIF, than merely the SCM and its modified versions. In the following section, we shall firstly, explore Zheng's Role-Ideal Model, prior to turning to hybrid accounts featuring both liability and forward-looking responsibilities in their approaches to reparative justice. Here is the payoff: whilst both accounts distinctly outperform Young's SCM on certain dimensions, they fall short of what we are looking for here, as a sufficiently comprehensive

[47] Neuhäuser, 'Structural Injustice', pp. 235-240.

theory of reparative justice under authoritarian states. We need something different from the SCM.

5.6.1 The Role-Ideal Model

Zheng's Role-Ideal Model [48] seeks to articulate a duty-oriented, role-based conception of responsibilities that shares many of the features of Young's account, including an orientation towards tackling and ameliorating structural injustices, a commitment to eschewing a purely backward-looking conception of responsibility, and the upholding of the constitutive link between individual responsibility and agency.

Yet the Role-Ideal Model also departs from the SCM in key ways. It argues that we are "each responsible for structural injustice through and in virtue of our social roles, i.e. our roles as parents, colleagues, employers, citizens, etc., because *roles are the site where structure meets agency*."[49] Zheng's primary motivation stems from the "difficult(y) to establish" our attributive responsibilities and consequent blame/punishment for structural injustice, and our need to hold individuals responsible for injustices even if they are structurally constrained.

In lieu of social structures (per SCM), however, the foci of Zheng's model rest with *roles* – defined as such:

> A social role R is a set of expectations E – predictive and normative – that apply to an individual P in virtue of a set of relationships P has with others […], and where E is mutually maintained by P and others through a variety of sanctions.[50]

Social roles can manifest in many forms, and individuals occupy a plurality of roles at any time, ranging from the specific and context-sensitive (e.g. Uber rider, or the witness to an accident), to the persistent and enduring. The Role-Ideal Model seeks to decouple the mode of individual 'action' from involvement in causal processes underlying structural injustices, and peg it instead to *role fulfilment.* Zheng posits that individuals *enact* structures through performing their *social* roles. Individuals are responsible for injustices because their role

[48] Robin Zheng, 'What is My Role in Changing the System? A New Model of Responsibility for Structural Injustice', *Ethical Theory and Moral Practice*, vol. 21, 2018, pp. 869-885.

[49] Zheng, 'My Role', p. 869.

[50] Zheng, 'My Role', p. 873.

performances *make up* structural injustices – that is, their performing these roles is integral in *sustaining* the processes and institutions that perpetrate deeply undesirable states-of-affairs.

The Role-Ideal Model also posits that the individuals in question must thus discharge their responsibilities *through* their roles. Consider, for instance, a policeman working in a systemically racist police force, who uses his position of relative resourcefulness to call out the implicit racism of his colleagues, as well as to report instances of overt racism exhibited by his supervisors towards detainees of colour. For the policeman to oppose injustice within their roles, is far easier and feasible than having them oppose injustice outside their formal positions – e.g. as an activist on the street, or as a social commentator.

5.6.2 Authoritarian Contexts: Role-Ideal Model and the Over-expansiveness Challenge

Recall the *Over-expansiveness Challenge*, which suggests that there are no reasonable grounds for holding *certain* individuals under authoritarian states *politically responsible* for repairing state wrongdoings, given the distinctive radical coercion and counterfactual non-difference to which they are subjected. We should not presuppose that individuals *must* be held responsible – but could there be a way of identifying a morally significant relationship connecting the individual agent with the injustice – that can reasonably bypass the aforementioned critiques?

The Role-Ideal Model seems to provide an answer via recentring accounts of justice around domains in which individuals indeed do possess and wield control over their own decisions: domains that are only indirectly related to the perpetration of injustices (by comprising constituents of structures engendering such injustices), yet also ones where the individual can make direct, autonomous impacts. Here, the nature of the connection between individuals and structural injustices at hand is not so much about contribution *ad simpliciter*, but that *through the roles they enact*, they are contributing in a *sui generis* fashion towards injustices perpetrated by their states.

Zheng cites as an example a college professor, and their ability to shape students' beliefs, access to financial institutions and political capital, or their ability to request the university administration for meetings: such wherewithal is deeply engrained within the role itself – there exists a "bundle of expectations about what a 'professor' is, such that it is intelligible and appropriate […] to act in these ways"[51].

In performing their roles with voluntary discretion, the professor is constitutively *involved* in the networks of academic administration and education that collectively perpetrate injustices – even if they are not, themselves, perpetrating said injustices.

Hence the Role-Ideal Model also supplies a robust defence of why individuals residing under such states – despite their radical lack of freedoms – nevertheless do possess responsibilities to contribute to "structural transformation". [52] The Role-Ideal Model notes that in order to transform the structures individuals inhabit, pressure must be applied *everywhere* in the system, and, secondly, it is *everyone's job* to fight injustice, given that it is already their job *to perform their roles well*. Indeed, Zheng encourages individuals to *push the boundaries of their social roles*. At least superficially, then, Zheng's vision that individuals must strive towards a *role-ideal* does potentially offer a helpful justification for forward-looking responsibility, even under authoritarian conditions.

5.6.3 Two Significant Objections

There are nevertheless two objections to the role-centric approach under authoritarian states.

Involuntary Roles

The first worry is that Role-Ideal Model ignores contexts in which individuals are coerced into taking up and accepting particular roles assigned to them. This way, the model ends up violating the Limit Criterion within Criterion 2 – e.g. concerning setting clear limits to the range of individuals ruled as responsible by the proposed normative framework. Individuals may not often get to choose their roles – whether it be due to structured expectations, incentive structures, or prevalent norms guiding social discourses and decision-making. Why should individuals be expected to discharge responsibilities – e.g. *forward-looking ones* – that stem from roles into which they are coerced?

To this charge of coercion, Zheng's argument is that whilst the individual may indeed be coerced to accept or take up their role, they can still exercise considerable discretion within their role – for instance, the professor does have agency over what exact contents they choose to teach; how they teach it; the extent to which their teachings overtly or explicitly support the

[51] Zheng, 'My Role', p. 877.
[52] Zheng, 'My Role', p. 878.

authoritarian state. Hence that a particular role results from involuntary assignment should not nullify the agent's responsibilities stemming from the role.

Yet this only kicks the can down the road. What of instances where individuals' actions within their roles are overdetermined through a combination of structural coercion and limitations to their capacities? Suppose such roles remain unavoidably coercive – would individuals, here, still derive responsibilities in virtue of roles where they have little to no discretionary authority? Zheng seeks to side-step this issue, by suggesting that "everyone is bound to care about *some* social role or other"[53], citing humans' need for relational nourishment and ties as a core component of individual flourishing. In doing so, she subtly shifts the question from one concerning *responsibility* to one revolving around *interest* – individuals possess strong internalist reasons to pursue some *role-ideals*, and thus the absence of initial or subsequent consent should not matter.

Now, having healthy relations with one another is one matter; bearing and maintaining relations through the lens of strictly stipulated roles is another; being required to adhere to *the specific roles* that Role-Ideal Model wants individuals to accept on purely the basis that they *have them*, is further a wholly different matter. We may (not necessarily!) benefit from having *some roles* to anchor us; we may even be motivated to find and adhere to such ventures – yet why such should the specific roles be *these* roles, into which many are forced? Authoritarian states regularly force civilians to take up roles they do not want for themselves – whether it be spying on their families and friends; participating in activities benefiting solely powerful state actors, or, indeed, lending support to the surveillance and incarceration apparatus. Taking up these roles does not strike me as reflective of particularly *healthy relations*. Indeed, individuals may even possess positive interests in *defying* or *rejecting* their roles, to bring about more just outcomes, or simply in protest[54] against the injustice permeating their roles.

Of course, the claim in favour of defying one's roles is prudential – defying one's roles and transgressing all of their boundaries is not easily practicable or implementable. Yet such prudential reasons for status quo deference clearly do not amount to a definitive case for role-based responsibilities. Therefore, either Zheng weakens her thesis to merely the conditional that *if involuntary role-fulfilment brings about overall/further moral and prudential gains*,

[53] Zheng, 'My Role', p. 883.

[54] See Goodin and Barry, 'Third Thought' for a more detailed discussion on the importance of individuals' taking a public stand against injustice.

individuals ought to fulfil their roles; or she must accept that her model cannot provide a *plausible case* for fulfilment of involuntarily assumed roles.

Unjust Roles

A second objection concerns the following: some roles are inherently unjust, and it appears that Role-Ideal Model would require individuals to perform morally problematic acts, in order to 'fulfil' their roles. Under authoritarian states, this concern is of particular relevance – for failing to discriminate between unjust and just roles, again, seems to lead to identification of individuals as responsible, even where they should not be (ergo no justification).

Consider the spectrum of authoritarian states – on one end are highly functional states, often capable of preserving the status quo and state continuity; on the other end are highly dysfunctional or barely functional states, with minimal or incomplete institutions that possess ill-defined roles for individuals to fill. Examples of the former may include Indonesia under Suharto[55] or Rwanda under Kagame[56]. Examples of the latter could include Myanmar under the presently ruling Tatmadaw[57], and China during the Cultural Revolution.

Term the former *high-functioning authoritarianism*; the latter *low-functioning authoritarianism*. There is a continuum, and as we move towards either of these ends, one prong of the following *dilemma* would become increasingly salient, thereby posing a fundamental challenge to the applicability of the role-based approach.

Towards the high-functioning end, the roles taken up by individuals often bolster the state in question. Performing one's roles to one's maximum would reinforce and support the state in enacting subsequent injustices, thereby reifying such injustices. Such forms of reinforcement could be direct – for instance, an engineer that performs their role to the maximum may effectively produce the torturing devices employed to extort information from ordinary citizens. Role fulfilment can thus be deeply unjust, by feeding into structural injustices enacted by authoritarian governments.

[55] Michael Vatikiotis, *Indonesia Politics under Suharto,* (New York: Routledge, 1999).

[56] Hilary Matfess, 'Rwanda and Ethiopia: Developmental Authoritarianism and the New Politics of African Strong Men', *Cambridge Core*, vol. 58, no. 2, 2015, pp. 181-204.

[57] Karl Hack and Tobias Rettig, *Colonial Armies in Southeast Asia* (New York: Routledge, 2011); Andrew Selth, *Burma's Armed Forces: Power without Glory* (Norwalk: EastBridge, 2002).

Now, a potential reply is this: given that it is in favour of individuals' contesting the boundaries of their work, they should also challenge the relevant authorities over their roles, using the resources offered to them by their roles. Yet it remains unclear how much of such 'contestation via unjust work' approach is centered around *roles* per se. If Zheng's prescription is that we *ought to do whatever it takes*, given *whatever the resources we possess* – through our roles, relations, status, or otherwise – to bring about justice, this would be a significantly more plausible thesis for agents under authoritarianism, yet also a significantly *less novel* argument than her model claims to be. We should call a spade a spade: roles here serve, at best, as *useful heuristics in guiding individuals.*

On the other hand, of course, there are low-functioning authoritarian states where few such roles *exist* in the first place. Consider states that lean predominantly upon brute-force, militant violence, in sustaining their rule. These states could well lack the very conventional roles that we would take as integral to a minimally well-ordered society.[58] Role fulfilment in these states hence does not cause or constitute much of an injustice – indeed, doctors (trivially) do not *harm* their patients, because there are *no designated public hospital doctors in the first place*. Here, the Role-Ideal Model runs into a separate problem. For authoritarian states that are *too* dysfunctional, citizens would also struggle to meet the requirements of this model, for individuals cannot rely upon *non-existent* roles to guide their actions. Note, the Role-Ideal Model does not stipulate how new roles can be established where none exists.

There may, of course, be an equilibrium – where the roles assigned to individuals are neither too unjust nor too loosely maintained: they exist, are minimally just, and allow individuals to engage in a reasonable range of injustice mitigation *via their roles*. How large this subset is, however, is an empirical question – though I remain somewhat skeptical towards the quantity of such cases that fit the description here. Either the Role-Ideal Model must accept that in instances of non-existent or truly unjust roles, its arguments do not apply; or it must provide a better rejoinder in upholding its explanatory scope and ambitions.

Hence the Role-Ideal Model, at best, offers a defective theory for contexts with state-perpetrated structural injustices under authoritarian states. Across many authoritarian contexts, it either fails to account for why individuals' roles should give rise to any kind of responsibility, or is redundant (in the resulting responsibilities having little to do with roles per se).

[58] John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), pp. 44-82.

5.7 Hybrid Approaches to Structural Injustice

We now consider a final, third variant of the SIF – one that advances a duality of liability and political responsibility as complementary notions of responsibility *under* a framework centred around mitigating structural injustice. The common contention advanced by accounts that argue along such lines is this: whilst individuals accrue *political responsibilities* through their being *connected* (under the right conditions) with structural injustices (per SCM), they also acquire additional *liabilities in relation to structural injustices* through two distinctive means – individuals are liable if they a) knowingly and voluntarily perpetrate or enable structural injustices[59], or b) fail to discharge their forward-looking responsibilities *accrued in the past*[60].

5.7.1 Perpetration Amendment

On point a), hybrid accounts recognise the role agents can play in perpetrating and reinforcing structural injustices. Individuals are morally liable for their contribution towards structural injustices, provided that their contribution is made a) with sufficient awareness of the possible consequences, and b) not under coercion. It would not be implausible to think that if individuals contribute towards structural injustices with sufficient awareness of the implications of their actions, not acting under coercion, they also bear some backward-looking liabilities to repair the intentional and inexcusable injustices resulting from their actions.

Indeed, McKeown seeks to establish the case for this viewpoint in her forthcoming work[61], where she disaggregates structural injustice into three different categories. Structural injustices are *deliberate* if powerful agents are deliberately perpetuating unjust background conditions for their own gain; *avoidable* if powerful agents possess the capacity to change unjust structures, yet fail to do so; *pure* if the injustice results from no identifiable perpetrator's actions, and is merely the sum of multiple agents' non-blameworthy actions. Young's SCM erroneously conflates the cut between *structural/non-structural injustice* with the cut of blameworthiness. McKeown's typology, on the other hand, allows for us to assign blame to individuals if they are involved in producing *deliberate* or *avoidable* structural injustices. Only

[59] McKeown, 'Structural Injustice', p. 7; Sangiovanni, 'Structural Injustice'.

[60] Reiman, 'The Structure'; Nussbaum, 'Foreword'.

[61] Maeve McKeown, *With Power Comes Responsibility* (London: Bloomsbury Academic, *forthcoming*); also see McKeown, 'Structural Injustice'.

pure structural injustices would generate wholly blameless responsibilities – i.e. the kind of responsibility Young espouses in her account.

Independently, Reiman[62] makes the case that the *failure* to correct structural injustices can also be treated as a reasonable ground for moral liability – in face of the injustices resulting from the structural processes in which they are involved, individuals *should have known and acted otherwise* – their failure to monitor or rectify such processes renders them liable for the harms resulting from their neglect. Indeed, as Powers and Faden[63] highlight, what is oft termed structural injustice is often *not* the outcome of the morally benign decisions of a diverse number of agents – instead, and especially under contexts where a small minority of individuals wield disproportionate power (authoritarian states), individuals are to blame.

This specific amendment thus allows for identifying blame in liable actors – specifically, those who possess sufficient power and wherewithal to influence the structures shaping other individuals' actions at large in producing injustices. Under authoritarian states, political actors and powerbrokers who sign off on mass deprivation of their citizens' human rights; who shape and engineer distributive structures to ensure that they accrue a majority of the dividends; who pass and enshrine laws supporting unjust institutions – these are individuals who can now be held liable *and* politically responsible under the hybrid structural injustice approach.

5.7.2 Non-Compliance Amendment

Per b), the argument here is that individuals should be held morally responsible for *intentionally* failing to discharge their political responsibilities in relation to structural injustices. Lu argues that whilst individuals should not be held guilty for structural injustice, they can be blamed for failing to act on their political responsibility.[64] Intentionality here is taken as follows: the individual is cognizant that they bear such responsibilities, yet consciously opt to neglect them. The virtues of holding morally responsible those who *intentionally* fail to discharge their duties in addressing injustices (cf. Nussbaum's critique of Young[65]) are two-fold. Firstly, this view offers a more accurate picture of what is at stake when individuals make the active choice to *ignore* structural injustice-related political responsibilities. It makes no sense to say that

[62] Reiman, 'The Structure', p. 745-747.

[63] Madison Powers and Ruth Faden, *Structural Injustice: Power, Advantage, and Human Rights* (Oxford: Oxford University Press, 2019), Chapter 2.

[64] Catherine Lu, *Justice and Reconciliation in World Politics* (New York: Cambridge University Press, 2017), p. 259.

[65] Nussbaum, 'Foreword'.

individuals should be given what is effectively *carte blanche when* they opt to deliberately neglect their political responsibility.

Secondly, this approach also ensures that practically speaking, there is *motivation*, on the part of agents involved, to discharge their structural responsibilities. As Lu[66] notes – drawing upon theories of collective responsibility, by dissolving (partially) the separation between backward-looking moral responsibility and forward-looking responsibility, we can *incentivise* individuals who are unwilling to comply with structural responsibilities to take more seriously their affiliation and connection with the injustices at hand.

Whilst the SCM only goes so far as to *criticise* agents who fail to live up to the goal of eliminating structural injustice, the hybrid approach uniquely imposes a more forceful and binding judgment upon these individuals – they are to be faulted for their dereliction of responsibilities. One may reasonably question the extent to which the blame/criticism cut in fact makes a substantial empirical difference in changing how people behave – but this partially misses the larger point: that at the very least, third-parties commenting on the agents in question would be permitted to deploy more forceful language carrying normative weight in doing so.

A Clarification

Such dualism – with both backward-looking liability and forward-looking political responsibility components – is *not internally contradictory*. Even in picking out the agents responsible for forward-looking justice, Abdel-Nour [67] notes, most political responsibility accounts do take seriously the extent to which individuals were causally connected to the injustice, as one amongst various bases for assigning responsibility. This is because those who have been previously involved with wrongdoings would still develop *unique* reasons to repair wrongdoings, given they have contributed towards the injustice. The backward-looking component of this account *complements* its forward-looking angle.

5.7.3 Hybrid Approaches and the Agency Challenge

Recall that the Agency Challenge argues that the SCM struggles to identify liable agents who must bear moral responsibility in authoritarian contexts. The dualism of liability and political

[66] Lu, *Justice*, pp. 110-111.

[67] Abdel-Nour, 'Responsibility', pp. 15-17.

responsibility clearly helps greatly with our pinpointing what is at stake when it comes to powerful actors – not only those in the government, but also others who derive protection and support from, and access to, governmental institutions, through their association with the state – under authoritarian states. These actors are indeed blameworthy for their roles in creating and maintaining structural injustices, and – even if they are not, in fact, responsible – for failing to redress the injustices left standing.

None of this need contradict the assignment of forward-looking, political responsibilities to *all individuals* – in theory – that fit the criteria for such responsibilities' being assigned. Both the assignment of blame and forward-looking responsibility must, in turn, be qualified by and based upon the various factors outlined above constraining and conditioning their applicability. The *Agency Challenge* is thus resolved – structural injustice-centred frameworks can also accommodate acknowledgment of individuals' liabilities, without giving up their fundamental commitments to forward-looking responsibilities as a key component of justice.

5.7.4 Hybrid Approaches and the Over-expansiveness Challenge

A more fundamental issue remains, however – that is, whilst the hybrid approach may indeed adequately address the *Agency Challenge*, it remains susceptible to the previous objection, the *Over-expansiveness Challenge*.

As previous sections have shown, under instances of radical coercion and counterfactual non-difference, individual agents should not be deemed politically responsible per the SIF. The same issue applies to the hybrid account, which struggles to make sense of why such individuals should be held responsible in the first place. Short of convincing elaboration, given the normative foundations (e.g. causal involvement in structural injustices suffices in generating forward-looking responsibilities) the hybrid model cannot satisfactorily justify why we should assign forward-looking political responsibilities to those who are *radically coerced and make no counterfactual difference to injustices*, or who are, indeed, only *merely causally connected to injustices*.

5.8 Recap

Structural Injustice Frameworks (SIF) offer a novel, significant contribution to the field of redressing injustices. Amongst them, Young's SCM counts amongst the most significant. Overarching worries nevertheless exist with respect to the SCM's applicability to authoritarian contexts. We looked at two possible alternatives to the SCM within SIF as a means of rescuing structural injustice-centric accounts' applications to the context at hand – firstly, Zheng's Role-Ideal Model; secondly, hybrid approaches that acknowledge the role played by liability in structural injustice accounts. Both, especially the latter, offer marked improvements over the SCM along one of the two dimensions raised above. Yet both suffer from problems of their own – Zheng's attempt to shift from connection to role as the core basis of responsibility assignment, whilst innovative, is vulnerable to concerns over unjust or involuntary roles.

On the other hand, incorporating liability – to a greater degree – into structural injustice accounts, does enable hybrid accounts to reckon with the agency and blameworthy conduct of actors who willfully and voluntarily contribute towards structural injustice. Yet such an amendment remains inadequate in face of the persisting challenge that under conditions where citizens are coerced into, or are unaware of possible alternatives to, compliance, they should not bear any forward-looking responsibilities. Unless SIF can reasonably address the challenge here, they cannot sufficiently process the injustices committed under authoritarian states. A full, independent alternative to SIF is thus needed. The conditions stipulated by SIF are neither necessary nor sufficient in grounding responsibilities to repair injustice.[68]

[68] I am immensely grateful for the advice and comments from Cécile Fabre and David Miller on this section during the Confirmation process.

6 Authorisation Frameworks (AF)

6.1 Roadmap

This chapter looks specifically at Authorisation Frameworks (AF) – an approach to reparative justice that is heavily influenced by literature on authorisation. Much of the recent work on applying authorisation theories to distributing responsibilities for state injustices has advanced by two theorists – Anna Stilz, via her conception of *democratic authorisation*[1], and John Parrish, with his *Authorised State View*.[2]

This chapter begins with outlining a categorical definition of authorisation, thereby providing a substantively neutral basis upon which this section's exposition will build. We then outline the tentative case for us to believe that AF – as a general approach – can provide a more promising basis of responsibility assignment than both the Perpetrator and Liability Model (PLM) and Structural Injustice Frameworks (SIF), across *democratic* contexts. In line with this, we consider Stilz's Democratic Authorisation Principle (DAP) – an influential account proposed by Stilz in her earlier writings[3], prior to examining this view's structural issues.

Firstly, the DAP is wrong in restricting its scope to purely democratic contexts – its undergirding principle could also be applied to authoritarian contexts. Democraticity – the extent to which a state is *formally democratic* – is neither necessary nor sufficient for citizens to authorise their state, indeed. Secondly, Stilz's 2011 interpretation of what authorisation entails is fundamentally misinformed. I outline three particular contexts – empirically grounded and most common under authoritarian states – in which the Neo-Stilzian account developed above (as well as Stilz's original DAP) wrongly deems particular *individuals responsible* for repairing injustices, even where they should not be.

These contexts comprise instances where individuals are deprived of access to *vital information* concerning the occurrence of such injustices under their states; where their state commits morally egregious violations that are *non-excusable* even whilst invoking their citizens' rights

[1] Anna Stilz, 'Collective Responsibility and the State', *Journal of Political Philosophy*, vol. 19, no. 2, 2011, pp. 190-208.

[2] John Parrish, 'Collective Responsibility and the State', *International Theory*, vol. 1, no. 1, 2009, pp. 119-154.

[3] This is in juxtaposition to her more recent writings, to which we shall refer shortly.

as a defence, and where citizens are *manipulated* into transferring to their state their right to make decisions on their behalf.

Through numerous critiques of Stilz's DAP, we make the case for the need for a different and more encompassing account of authorisation-centric responsibilities. We then proceed to outline the contours of a nascent, dualist account of authorisation, drawing from elements of both Parrish's Authorised State View[4] and more recent literature on political authorisation (including Stilz's recent writings in 2016 and 2019 on self-determination and territorial sovereignty). After applying the account to an empirical context and considering an objection rooted in the non-domination literature, we conclude.

Across this chapter, and Chapters 7 and 8, we will be articulating an authorisation-based account of reparative responsibilities for injustice. Per the capacious and comprehensive account set forth as follows, authorisation is a *sufficient* condition for a reasonable allocative state when it comes to identifying and holding individuals responsible for repairing state wrongdoings. I would not defend the view that authorisation is *necessary* – given that other accounts obviously exist; yet I would submit that it is a definitively *preferable* account to the others we have surveyed thus far, and is likely to be the best candidate for the ideal RJAR.

6.2 Why Authorisation? – A Foundational Defense

6.2.1 Defining Authorisation

Undergirding the structure of Authorisation Frameworks is the belief that the relationship between citizens of a particular state – and the state itself – holds the key to unlocking the answer to the question at hand. Prior to delving into the substantive accounts on offer, however, we must clarify some conceptual fundamentals – what is authorisation? Much of the following set-up is rooted in Hobbesian[5] theory, as Stilz explicitly notes – the basic structure of the Hobbesian account is compatible with a range of interpretations concerning what authorisation specifically looks like in practice:

[4] Parrish, 'Collective Responsibility', pp. 128-130.

[5] Quentin Skinner, 'Hobbes and the Purely Artificial Person of the State', *The Journal of Political Philosophy*, vol. 7, no. 1, 1999, p. 8; also see Stilz, 'Collective Responsibility', pp. 195-198.

Firstly, authorisation constitutes a relation – one that connects an *authoriser* and an *authorised agent*. Both the authorising (henceforth authoriser) and authorised (henceforth authorised) agents here could be an individual, a plurality of individuals, a collective, or the administration that governs a state. This relation, in turn, gives rise to the need on the part of the authoriser to "own up to the actions they have authorised".[6] The authoriser transfers to the authorised the right to perform particular actions; the authoriser must in turn bear responsibility for the outcomes that follow from such actions.

Secondly, when authorising the authorised agent, the authoriser is essentially *transferring* their rights to act over a particular sphere of affairs, to the authorised. For instance, if I, as a teacher, authorise the class prefect to discipline their mischievous classmates, I am essentially transferring (a perhaps-caveated version of) my disciplinary rights to the prefect within the domain of maintaining class order. The authorised hence acts with the "License from him whose right it is."[7] The license is granted by the authoriser – whilst most accounts concur that such a license cannot be revoked flippantly, the rescinding of such authorisation is indeed possible if the 'authorised' behaves in ways that violates the scope of what they have been authorised to do. In other words, the transfer of the rights is conditional upon particular conditions obtaining – in the event that such conditions (to be delved into later) are violated, the transfer can be reversed, such that authorisation ceases.

Thirdly, and importantly, the concept of *transfer* can be decomposed into two exhaustive components. The first constitutes direct *mirroring* – e.g. the authorised actor possesses exactly the same right as the authorising agent (if I authorise someone to fully take care of my paintings, they essentially have the same rights in relation to my paintings as I do, save from rights to transfer or destroy the paintings). Yet if transfer is purely captured by mirroring, then citizens cannot transfer to other agents rights they do not have, e.g. in cases where these agents are *perpetrating injustices*.

The second component of rights transfer hence constitutes *normative entailment* – e.g. the authorised actor may accrue rights that the authorising agent does not have. Here, however, such contingent *pro tanto* 'rights' can nevertheless be justified through tracing through to *the interests* of the authorising agent. Such justification maps onto what Stilz dubs "reasonable

[6] Skinner, 'Artificial Person', p. 8.

[7] Thomas Hobbes, Richard Tuck (ed.), *Hobbes: Leviathan* (Cambridge: Cambridge University Press, 1996), p. 112.

public interpretations", so long as "some minimal threshold [of reasonable correlation between the authorising agent's interest and the contingent rights of the authorised agent] is passed".[8]

There are several ways in which this occurs. The first, is when citizens do not possess rights on an individual level, yet when they come together in a *collective* manner, these rights can be used to justify rights held by the collective, which do not *mirror* those held by the individuals, For one, a group of private citizens do not have the right to arrest fellow citizens whom they suspect have potentially broken the law. Yet through authorisation by all resident private citizens of their state's right to uphold the laws, the police force under the state comes to accrue the very rights to search, arrest, and prosecute for justice – rights that do not mirror, but are normatively entailed by, the rights to self-defense and security of private citizens.

The second, is when citizens do not possess the requisite capacities in question, yet the agents acting on their behalf possess said *capacities* to exercise and act in an instrumentally effective manner that ensures the upholding of these citizens' rights. Consider, for instance, a parent's right to enroll their children in minimally decent education; the parent does not, as a parent, have a right to issue punishments (e.g. detention) and grade examinations in the school. Yet they can authorise teachers and principals at said school, such that *these* individuals possess and can exercise the rights to punish and grade examinations within the school.

Finally, the third, is when upholding the rights of the public instrumentally *necessitates* the state to undertake particular actions. Consider taxation. The individual citizen does not possess the right to tax other citizens – at least, not against others' will or volitions. Yet the citizen also possesses the right to basic healthcare, a well-maintained police force, and reasonable basic education. Such rights *necessitate* the state's provision in virtue of the failures of the private market to do so; this, in turn, gives rise to *instrumentalist rights* on the part of the state to collect taxes. See Simmons[9] for arguments along this vein for the case for a tax-collecting state despite his philosophical anarchism.

These mechanisms establish that *even if* I do not possess a right, I can authorise someone else and – through this – they come to acquire a related right, on the grounds of prior rights and interests that I possess as an individual. Rights are thus 'transferred' in authorisation through

[8] Stilz, 'Collective Responsibility', p. 200.

[9] A. John Simmons, 'Philosophical Anarchism' (independent article), Feb 16 2009, https://ssrn.com/abstract=1344425.

both *mirroring*, where the rights borne by the authorised mirror those of the original owner, and *entailment*, where there exists a discrepancy, which can be rationalised through the above.

Let us now consider the *precise means* through which authorisation occurs. Hypothetical consent theories[10] posit that authorisation – e.g. of the state, of other agents – can occur without individuals' subjectively, voluntarily embracing the transfer of their rights to the subject they purportedly authorise; in other words, the presence of strong reasons for the individual to authorise, would suffice in rendering the individual as having authorised said agent. As I shall argue subsequently in this chapter, I am of the view that this conception of authorisation is, whilst partially correct, perhaps *insufficient* in capturing all there is to authorisation. Indeed, in his commentary on Hobbes, Skinner suggests that "to be [authorised] is to have been granted a commission or license to perform an action by some person or persons who must possess the right to perform it themselves. The grant must take the form of a *voluntary* transfer of right, since commissioning and licensing are names of *voluntary* acts."[11]

I want to explicitly suggest an amendment. On this particular front, I agree with complicity/citizenship-centric theorists such as Jubb[12] and Pasternak – see the latter's recently published account on intentional citizenship [13] – that individuals' *mental states* should be considered in determining whether they are indeed responsible for repairing state wrongdoings. If citizens mentally *delegate* to their state the capacity to exercise discretion on behalf of the citizens' rights, this process of delegation alone *suffices* – without further actions on the part of these individuals – as grounds to conclude that the state has been authorised by these individuals. Given this view, authorisation does not necessarily have to involve a conscious *act* – though there are very particular conditions, which we shall unpack in Chapter 7, that must be satisfied in order for such delegation to occur via mental states alone.

To recap, let us, for now, adopt this intentionally open-ended starting foundational claim[14]:

[10] Arthur Ripstein, 'Foundationalism in Political Theory', *Philosophy & Public Affairs*, vol. 16, 1987, p. 133.

[11] Skinner, 'Artificial Person', p. 9.

[12] Robert Jubb, 'Participation in and Responsibility for State Injustices', *Social Theory and Practice*, vol. 40, no. 1, 2014, pp. 63-65.

[13] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), pp. 93-105.

[14] See Andrew Volmert, 'The Puzzle of Democratic Authorization', *Political Studies*, vol. 60, no. 2, 2011, pp. 287-305 for a similar attempt in defining authorisation – though this account notably diverges from Volmert in whether we view an active act of consent as necessary for authorisation. We submit that such an act is not necessary.

Authorisation is a relation between two sets of agents. The authorising agent transfers rights of theirs to the authorised – which the authorized agent can *exercise* on the former's behalf; such transfer occurs either through an active *act* or, in absence of an act, a very particular mental state that satisfies specified conditions. Authorisation is *necessarily* conditional and limited – only if the individual's rights are mirrored by, *or* entail, the authorised agent's exercising of rights, could the agent be said to be authorised by the individual.

6.2.2 Affirming the Authorisation Turn

The view that individuals who authorise the state should bear some kind of responsibility for the state's actions, is well established. Indeed, Nagel notes that the ideal candidate that fills the explanatory gap for assigning reparative responsibilities is likely to be "a special involvement of agency or the will that is inseparable from membership in political society" [15] – this connection, in turn, grounds citizens' responsibility for state acts, "whether we individually played a part in the wrongs or not". Hobbes argues that the actions of the authorised agent can be attributed to the authoriser, for the latter "own" the actions of the former, as "authors" of the decisions undertaken by and outcomes that follow from the authorised.[16] Stilz notes that "a member's will is implicated in his state when that state counts as "authorized" [and hence the member] has a reason to "own up" to what an authorized state does".[17]

If we authorise our state in relation to certain rights we hold, we should also, *prima facie*, bear responsibilities for at least some of the actions it undertakes in securing such rights. Per his Authorised State View, Parrish suggests that not only should authorising agents bear responsibility for the state they authorise, they are also responsible for the "consequences of the form of their state"[18] – e.g. the specific decisions and policy commitments undertaken by the government, in order to uphold what it takes to be the rights of its citizens.

There are four reasons for us to embrace this turn towards authorisation, vis-à-vis our prior efforts at identifying a convincing account of reparative justice.

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[15] Thomas Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs*, vol. 33, no. 2, 2005, p. 128.

[16] Hobbes, *Leviathan*, pp. 110-120; Skinner, 'Artificial Person', pp. 9-10.

[17] It remains somewhat unclear what *owning* up constitutes – and if the move from ownership of particular rights to *owning up to* the consequences of the rights' being exercised is in fact warranted; see Stilz, 'Collective Responsibility', p. 197.

[18] Parrish, 'Collective Responsibility', p. 132.

Firstly, as Stilz [19] argues elsewhere, there exists a fundamentally coercive element in our relationship with our state. one that could well hamper the efficacy of any attempt at basing our responsibilities upon ostensible *voluntary involvement* with injustices. We do not determine the state in which we are born or live; nor do we possess the capacity, on our own, to drastically shape the way its political arrangements came about and affect us. Given this, Stilz posits that coercion wielded by the state, so long as *authorised* by the state's citizens, is thereby legitimate.

Secondly, there exists a practical need to remedy the harms that have befallen, and are continually affecting, the victims of state wrongdoings. Given the overwhelming remainder of harms to victims that require immediate and urgent redress, Huseby[20] notably argues that the *Responsibility Shortfall* undergirding accounts centered around strict moral responsibility (what we term liability-centric accounts) would require there to be a clear alternative candidate in parcelling out responsibilities to tackle the pressing remainder of unredressed injustices.

Elsewhere, Pasternak[21] notes that in cases where the moral costs incurred by non-compensation for state wrongs outweigh the moral costs associated with distributing the burdens evenly (non-proportionally) amongst state citizens, citizens of the state ought to prioritise the compensative task over the potential costs incurred by them. The urgency of the victims' needs calls for the uptake of responsibility – this is a morally weighty practical prerogative.

Thirdly, authorisation-based accounts circumvent most of the epistemic, causal, and normative quagmires that afflict most liability-centric and – as we have seen in Chapter 5 – structural injustice-centric frameworks. Determining whether individual citizens have authorised their state is far more straightforward than attempting to disentangle individual contributions from the complex, overlapping chains of difference-making causality (though, as we have seen in Chapter 3, such causal "entanglement" may not in fact be necessarily prohibitive in our quest for *collective* responsibility).

An authorisation-based account, in this respect, is less empirically and conceptually contingent than accounts premised upon holding responsible those who have contributed directly or

[19] Anna Stilz, *Territorial Sovereignty: A Philosophical Exploration* (Oxford: Oxford University Press, 2019), pp. 121-125.

[20] Robert Huseby, 'How should citizens' collective liability for state action be grounded?', *Journal of Global Ethics*, vol. 13, no. 3, 2017, p. 369

[21] Pasternak, *Responsible Citizens*, pp. 126-129.

indirectly towards the injustices, or who are constituents of collective agents implicated in the perpetration of injustices. Indeed, authorisation-based approaches conform with the intuition Parrish identifies some of us as harbouring, "[the] a belief that *as a citizen of the United States* I am responsible specifically for what *my state* [the United States] does."[22]

Fourthly, and importantly, citizens rarely have the ability to precisely dictate or determine the exact contents of their government's actions – indeed, trivially, in states with large populations, this proposition would be infeasible to realise for most citizens, unless they wield despotic control over domestic affairs. Uniquely, then, the *entailment* variant of our account of transfer above highlights how authorised governments possess a reasonably significant degree of discretion – so long as their decisions, made under their discretion, are normatively entailed.

To further specify this, we should take normative entailment as equivalent to justifiability based purely on citizens' rights, and instrumental considerations concerning how such rights are best upheld. For instance, a citizen alone may not have the right to wage war against a foreign population that poses a reasonable threat to their lives; yet a government representing a group of citizens could well acquire the right to go to war against said population, on grounds that doing so is *entailed* by a practical need to uphold their citizens' rights to security. This, in turn, means that citizens can be held responsible for state actions that they, on an individual basis, do not possess the rights to individually engage in – e.g. taxation schemes (the government has the pro tanto right to tax its citizens, individual citizens do not, in relation to one another); law enforcement (the government has the right to enforce the law through a monopoly of violence, individual citizens do not).

To conclude the above, consider:

Authorisation-Responsibility Link. Provided that citizens *authorise* their state in carrying out acts that result in particular injustices, citizens should bear (parts of) the *responsibility of repairing* these injustices.

6.3 Democratic Authorisation Principle

[22] *Italics mine*; Parrish, 'Collective Responsibility', p. 150

We now turn to Stilz's Democratic Authorisation Principle (henceforth DAP).[23] The DAP posits that individuals in *democratic legal states* ought to take up *task responsibilities*, a particular kind of responsibility centered around the discharging and fulfilling of particular tasks and practical demands, in a forward-looking manner[24], in repairing the outcomes resulting from unjust acts by their states, on grounds that they have *authorised* their states to perform such acts. Despite its intuitive appeal, I submit that Stilz's *sui generis* conception of the DAP is not the best authorisation-based principle there is, and that it is especially inhibited by significant weaknesses in authoritarian contexts.

6.3.1 Two Particular Premises underlying the DAP

Let us consider the two fundamental premises undergirding Stilz's argument:

1) *Specific Authorisation Premise*. That *authorisation* of acts committed by their state, is best understood as when the state interprets, enforces, and upholds citizens' rights beyond a satisfactory minimum. Citizens authorise their state to act over a significant range of state decisions, if the state upholds their core rights *and* is perceived by its citizens as credibly doing so.

Stilz's conception of authorisation relies upon the view that the state is the natural – and the sole – authority that can duly uphold individuals' civil freedoms. Given all persons' rights against others' arbitrary interference and duty to respect all others' freedoms, there exists a need for a joint political authority – one that structures, coordinates, and guides individuals' actions through a consistently enforced set of common laws.

What rights is she speaking of here? In her view, the freedoms in contention are necessary for the upholding of a "personal conception of happiness", justified on grounds of "private autonomy".[25] Using freedoms and liberties interchangeably, she suggests that citizens enjoy broadly intact claims to personal security, freedom of conscience and private property, freedom of thought, and association, as well as freedom to move. Some of these individual rights may

[23] Stilz, 'Collective Responsibility', p. 191, pp. 198-200.

[24] See Robert Goodin, *Utilitarianism as a Public Philosophy* (Cambridge: Cambridge University Press, 1995), pp. 100-13; David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), pp. 81-109.

[25] Stilz, 'Collective Responsibility', p. 202.

be absent – but the citizens must be capable of acting autonomously by and large within the societies over which the state presides. Apart from instances where the state "clearly and obviously fails to interpret [their] rights",[26] citizens should be treated as authorisers of all of their state's actions – including the unjust ones.

To be clear, so long as "some minimal threshold is passed, we are bound to act in accordance with the authority's judgment, since by accepting such a procedure we 'do better' overall in securing our rights"[27], as compared with acting on the basis of our own judgments.

How is this minimum threshold defined? Stilz proposes the following three conditions: *freedom, equality, and citizen independence*.

Firstly, the *freedom* condition denotes the fact that the state grants its citizens a reasonable "sphere of private freedoms".[28] Stilz terms such freedoms *civil freedoms* – a concept to which we shall return in subsequent sections.

Secondly, the *equality* condition requires that individuals be treated equally before the law – as moral equals, citizens should enjoy an equality of opportunity, with reasonable limits on the accumulation of wealth and privileges across generations. This concept is distinctly relational – it denotes the mode of interaction and relationship *between* citizens.

Thirdly, the *citizen independence* condition requires that citizens must be consulted and featured in the decision-making processes the state adopts. Stilz moves swiftly from this guiding principle to the *particular* interpretation, that citizens must be afforded and granted equal *democratic* rights by their government. We shall revisit these criteria in due course.

2) *Democraticity Premise*. Only *democratic* states satisfy the stipulation that the state must be a *credible interpreter* of citizens' rights. Here, Stilz suggests that equal democratic rights are critical in ensuring *and* convincing individuals that the state is a *credible interpreter* of their rights.

What does Stilz mean by the *credible interpretation* of citizens' rights? There are two distinct senses at play, between which she hovers with ambiguity. The first sense is the *substantive* –

[26] Stilz, 'Collective Responsibility', p. 200.
[27] Stilz, 'Collective Responsibility', p. 200.
[28] Stilz, 'Collective Responsibility', p. 202.

that these states in question in fact *do practically uphold* their citizens' civil freedoms, whether it be direct incorporation of them into the decision-making processes, or indirect obtainment of them via reliable and capable means of governance. To this effect, Stilz does argue that where a political structure prioritises particular individuals over others in the decision-making process, it is both *unjust* (in that the disenfranchised should not be expected to accept this treatment of them as inferior), and likely to sow seeds of *resentment* in those alienated from the system. [29] Democratic equality is necessary to preclude individuals from feeling, and actually being estranged from the system.

The second sense is the *perceptual* – it is not sufficient for these states to deliver upon these rights, it must be the case that they are *seen* to be upholding these rights consistently and fairly, too. Citizens need to *appreciate* that they are treated equally in states, and democraticity is necessary in order for citizens to feel that they have a meaningful say over political decision-making. Hence Stilz views democraticity as *necessary* for any state to be authorised in the way she stipulates authorisation as functioning – this is because democraticity renders the state a *credible interpreter* of its citizens' rights.

Furthermore, she also sees democraticity as *sufficient* for authorisation: she holds citizens of democratic legal states as bearing good *reasons* to affirm their membership of said state, even when they do not actively express such affirmation, given that the system offers them a fair and consistent set of rules through which they can exert influence over state decisions. These reasons, in turn, are sufficient for reason-bearing agents to be said to have authorised their state.

6.4 The Case for Rejecting the Democraticity Premise: What the DAP gets wrong about Authoritarian States

The following section shall show that Stilz's scope stipulation – that her account of authorisation *only* applies to democratic legal states – is unjustified. As we shall come to see through independent reasoning, democraticity is *not* a necessary condition for her account of authorisation.

6.4.1 Evaluating Stilz's View on Authoritarian States – And Its Flaws

[29] Stilz, 'Collective Responsibility', p. 203.

Stilz argues that democraticity is both *necessary* and *sufficient* for the state to credibly understand, enforce, and uphold (henceforth summatively encapsulated by "interpret") citizens' rights. Stilz argues that non-democratic states, with coercive political structures and rules, are unlikely to possess a sufficiently potent connection between the will of most citizens and their state.[30] She therefore concludes her model is inapplicable to authoritarian contexts.

This view, I suggest, is mistaken. Whilst Stilz does explicitly rule out non-democratic states, the *rationale* for her restricting the scope at hand to democracies – one that views authorisation as built upon the democratic state's being a credible interpreter of citizens' rights – does not, in fact, systematically preclude the inclusion of authoritarian states within the scope. Stilz is too quick in dismissing the prospects for authorisation-based accounts of reparative responsibilities under authoritarian states. By debunking this assumption, we thus pave the way for introducing an authorisation-based account that applies to such contexts.

To do so, let us turn more closely to the two aforementioned variants of credible interpretation – the substantive, and the perceptual.

Substantive

Could there be authoritarian states that credibly interpret their citizens' freedoms? Recall from our characterisation of authoritarian states that whilst they may violate the basic rights of those within their citizenry that *oppose* the state, they do not therefore actively violate basics rights of *most* of their citizens. Amongst citizens are individuals whose civil freedoms, I suggest, are recognised, tolerated, and even advanced (conditionally) under the state. Hence, for at least these individuals of which particular rights (cf. the ones stipulated above) are upheld by the state, it could be said that the state does *credibly interpret* their rights.

A particularly illustrative case study here would be Singapore. Singapore is an example of an authoritarian regime that is highly functional and effective in ensuring that its citizens' core civil freedoms are upheld through the provision of a robust safety net, satisfaction of critical indicators of quality of life, yet at the expense – arguably – of advanced democratic and

[30] Stilz, 'Collective Responsibility', p. 197.

electoral liberties.[31] Singapore consistently ranks very highly amongst international rankings for its quality of life and level of human development.

For a vast majority of Singaporean citizens - not just the supporters and voters of the ruling People's Action Party, but also citizens that express sympathies for the opposition - the government has and continues to deliver upon upholding their core freedoms. Singaporean citizens are afforded not only access to an abundance of socioeconomic rights in one of the most developed economies in the world, but are also capable of pursuing their moral beliefs, religions, and values in ways that are largely un-interfered with by the state.[32]

Perceptual

Are authoritarian states *perceived* by their citizens to be credible interpreters of their citizens' rights – more precisely, their civil freedoms? As Pasternak[33] notes, non-democratic states, such as Cameroon, Uganda, Russia, and China, tend to enjoy a very high level of support for their governance from their own citizens. Granting that surveys indicating such support may be skewed by the inherent challenges of collecting data on public opinion under authoritarian states, it nevertheless holds that *some* authoritarian states are widely viewed by their publics as capably delivering upon their core pledges.

The question remains, of course – are these delivered-upon pledges to be equated with civil freedoms? Perhaps the state is popular, but this does not imply that their citizens perceive themselves to be free. Here, Guriev and Treisman [34] , in their comparative survey of the popularity of authoritarian leaders across 51 non-democracies, find that "drivers of political approval […] vary across different types of authoritarian order"[35] – whilst some states (e.g. what the authors term overt dictatorships) rooted in repression and indoctrination of citizens tend to maintain stability through solely terror, threats, and coercion; others (e.g. informational autocracies) feature citizens that view themselves as both capable of critically reflecting upon their reasons for supporting (or not) their government, and able to derive specific benefits such as perceived economic performance, perceived safety, and market freedoms from their state.

[31] Bilveer Singh, *Understanding Singapore Politics* (World Scientific, 2017); Cherian George, *Singapore, Incomplete: Reflections on a First World nation's arrested political development* (Singapore: Ethos Books, 2017).

[32] George, *Singapore, Incomplete,* Chapters 2-3.

[33] Pasternak, *Responsible Citizens*, pp. 113-115.

[34] Sergei Guriev and Daniel Treisman, 'The Popularity of Authoritarian Leaders: A Cross-National Investigation', *World Politics*, vol. 72, no. 4, 2020, pp. 601-638.

[35] Guriev and Treisman, 'Popularity', p. 603.

Such benefits, in turn, do respectively have statistically significant positive coefficients with government approval: one standard deviation increase in the proportion of respondents perceiving economic prosperity tracks a 7-8% increase to approval ratings.

What does this mean? As Weyland[36] argues – citing Fujimori's rule over Peru, authoritarian states can, on occasion, win the *rational* backing of a large number of their citizens through providing material benefits in form of economic growth, public services, and additional benefits. Hence a causal relationship can tentatively be established: citizens' support for their state stem from their recognition/subjective belief that their governments are *effectively* upholding their civil freedoms through delivering reliably upon key indicators of governance performance. Both substantive and perceptual components of *credible interpretation* are hence satisfied by at least *some* authoritarian states, for *some* of their citizens.

6.4.2 An Objection rooted in Proceduralism

A potential objection is this: my expansionary move seemingly neglects the procedural differences between democracies and non-democracies concerning *how* decisions are made. An implication of this is that whilst authoritarian states may *coincidentally* serve the interests and uphold the rights of *some* citizens, this arises out of chance, and is not guaranteed substantively by robust procedures. As Parrish[37] puts it, non-democracies often lack formal procedures through which citizens can articulate their voices in a free and consensual manner, without fear of repercussions. Hence it would be erroneous, he suggests, to argue that authoritarian states' discretion over "voluntary spheres of policy choice – e.g. military aggression or internal oppression" is authorised by their citizens.

Along similar lines, recall that the authorised state Stilz envisions here must satisfy three distinctive criteria: *freedom, equality*, and *citizen independence*.[38] At first glance, then, Stilz does have a point in excluding authoritarian states – given it seems that authoritarian states do not respect the civil freedoms of *all of their citizens* (1); given the persecution of minorities and political opposition, it is not the case that *all citizens* are equal before the law and enjoy

[36] Kurt Weyland. "The Rise and Decline of Fujimori's Neopopulist Leadership,", in Juan F. Carrión, ed., *The Fujimori Legacy: The Rise of Electoral Authoritarianism in Peru*, (Pennsylvania: Pennsylvania State University Press, 2006), pp. 13–38.

[37] Parrish, 'Collective Responsibility', p. 142-143.

[38] Stilz, 'Collective Responsibility', p. 202.

ample opportunities (2), and – finally and trivially – the absence of (institutionalised) democracy directly contradicts the third criterion (3). In short, authoritarian states seemingly do not make the cut, given their failure to satisfy the conditions.

I disagree with both Stilz's and Parrish's views on this very specific front concerning authoritarian contexts. In response to the first (1) and second (2) prongs, we could concede that authoritarian states are unlikely to satisfy these conditions for *all of their citizens* – but neither, as Pasternak[39] argues, do a *vast majority of* democratic legal states. Many real-life states regularly violate these conditions with respect to at least significant subsets within their populations. Consider, for one, the American police's treatment of African-American and other racial minorities[40], or, alternatively, the subjugation of non-Hindu religious minorities under the Citizenship Amendment Act and other discriminatory practices that grant favourable treatment to Hindu populations in India[41]; indeed, the fates of ethnic and political minorities across racially and ethnically divided democracies – e.g. Bangladesh[42], as well as institutionally flawed democracies with significant advantage afforded to the incumbent – e.g. Mexico[43] – suggest that Stilz's criteria do not apply to the lived experiences of vast numbers across countries in the world.

In short, if we are to adhere to Stilz's conditions stringently (i.e. it must be the case that the state meets the stipulated criteria for *all its citizens*), then Stilz's DAP would apply to a *very* narrow set of democratic countries, excluding many that motivated her initial analysis.

As a rejoinder, Stilz could make two moves. The first is to bite the bullet, and argue that for many democratic states out there, they do not meet these minimal thresholds, and thus cannot possibly be deemed as being *authorised* – thus the intactness and integrity of her account are

[39] Pasternak, *Responsible Citizens*, p. 137, "As we saw, Stilz's account is restricted to states that are committed to certain standards. Many states in the real world, even democratic states, violate these standards with regard to some portions of their populations (e.g., racial minorities)."

[40] Tommie Shelby, 'Justice, Deviance, and the Dark Ghetto', *Philosophy & Public Affairs*, vol. 35, no. 2, 2007, pp. 126-160; Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997).

[41] Praskanva Sinharay, 'To Be a Hindu Citizen: Politics of Dalit Migrants in Contemporary West Bengal', *South Asia: Journal of South Asian Studies*, vol. 42, no. 2, 2019, pp. 359–374.

[42] Minority Rights Group International, 'Under threat: The challenges facing religious minorities in Bangladesh', *Minority Rights Group International*, November 2016, available at: https://minorityrights.org/wp-content/uploads/2016/11/MRG_Rep_Ban_Oct16_ONLINE.pdf.

[43] Vanda Felbab-Brown, 'The Ills and Cures of Mexico's Democracy', *Brookings Institute*, March 2019, available at: https://www.brookings.edu/research/the-ills-and-cures-of-mexicos-democracy/.

preserved. The trouble with this move, however, is that it blatantly contradicts her somewhat-optimistic view that "democratic membership is a sufficient condition for authorization".[44]

As a concession, and as a second move, Stilz herself suggests that "even a state that reaches threshold capacity for being an authorised state can fail to realise that potential with respect to some portion of its population"[45]. The implicit claim that follows, is that even if the state does meet the *general* threshold stipulated, it could still fail to meet the threshold of authorisation in relation to *particular* segments of the population.

More reasonably, perhaps, the authorisation-centric account should analytically partition populations into groups, in accordance with the extent to which the way the state treats the individuals within *these respective groups* satisfies the three conditions (freedom, equality, and citizen independence). For groups such as members of the ethnic majority, associates and beneficiaries from state endowment, or powerful businessmen and middle-class actors under authoritarian states, the above three criteria are often empirically satisfied, and thus it would be reasonable for Stilz to accept that they are indeed authorisers of their states, on the grounds that they do live with respected rights, equality before the law, and the capacity to influence their state's decision-making.

In contrast, groups such as structurally oppressed minorities, subjugated and excluded populations, and the deeply persecuted groups are likely to (though not always) fall outside the set of individuals encompassed by the above three conditions. For those who belong to neither of these 'extreme' cases, the extent to which they can be said to have authorised the state will vary on a case-by-case basis.

Per this view, then, Stilz's conception of authorisation can and indeed should be applied across democratic and authoritarian contexts alike, though it would only identify as responsible the post-partition groups of agents to whom the specific three-fold criteria apply. This interpretation makes more sense than the *all-or-nothing* approach advanced by Stilz in her original conception of authorisation-based responsibilities. Indeed, Huseby[46] adopts a similar position, in differentiating between *enfranchised* and *disenfranchised* parts of the population, and holding only the former responsible on grounds of authorisation.

[44] Stilz, 'Collective Responsibility', p. 204.
[45] Stilz, 'Collective Responsibility', p. 205.
[46] Huseby, 'Citizens' collective liability', p. 371.

What of criterion 3)? Stilz moves swiftly from making the case for *Citizen Independence* at large – i.e. the need for genuinely reflective consultative processes that include the voices of citizens into the decision-making processes -- to the cut of democraticity. Empirically, however, it is not the case that *only* liberal democratic states can *reliably* include the voices of *some of their citizens* into their decision-making processes. As Rawls puts it, there exists a "consultation hierarchy"[47] across many non-democratic states that translates *their* citizens' preferences and opinions into policies – even though such mechanisms do not amount to electoral democratic processes that are fair and open for all. In his diagnosis of authoritarian resilience in China, Nathan[48] points out that post-1989, the Communist Party's rule has been vastly strengthened by its installation of broadly meritocratic systems of personnel promotion and appointment, the partial cooptation of grassroots dissent and voices through village elections and democratic municipal elections, and the establishment of channels of political protest and appeal within the country. Electoral authoritarian regimes in East Asia throughout the second half of the 20th century – e.g. Taiwan under Chiang Ching-kuo, South Korea under Chun Doo-hwan and Roh Tae-Woo[49] – incorporated popular dissent through managed elections that, whilst favourable to the incumbent, would also promote internal competition within the party, with mass appeal being a primary basis for stringent internal evaluation.

What follows is this: we should reject Stilz's DAP for its assumption that democraticity is necessary for authorisation. Yet we should tentatively retain the broader framework of authorisation she espouses – one rooted in credible interpretation of citizens' rights, which can nevertheless be applied to authoritarian contexts. The three criteria she stipulates are not *exclusively*, nor – indeed, *comprehensively* applicable to liberal, democratic states.

Hence consider:

Neo-Stilzian View. Provided that any state – on both *substantive* and *perceptual levels* – credibly interprets the rights of any particular citizen x in its actions, and satisfies criteria of *Equality, Freedom, and Citizen Independence* in relation to x, then this state could be said to have been authorised by x over its actions.

[47] John Rawls, 'The Law of Peoples', *Critical Inquiry*, vol. 20, no. 1, 1993, p. 44.

[48] Andrew Nathan, 'China's Changing of the Guard: Authoritarian Resilience', *Journal of Democracy*, vol. 14, no. 1, 2003, pp. 6-17.

[49] Daniel Bell, 'A Communitarian Critique of Authoritarianism: The Case of Singapore', *Political Theory*, vol. 25, no. 1, 1997, pp. 7-9.

This offers a tentative account of why certain citizens residing under authoritarian states *do* authorise their governments in their unjust actions.

6.5 Rejecting the Specific Authorisation Premise: What the Neo-Stilzian View and DAP Alike Get Wrong about Authorisation

From our exposition of the *general form* of authorisation in 6.2, we can deduce the following: for some x to authorise y to perform acts Z, x must transfer some of x's rights to y, for y to Z. This is accomplished through an act (e.g. the express acknowledgment of y's right) *or* the possession of a particular mental state (e.g. the clear and unambiguous embracing of the fact that y possesses such rights) by x. Note, that x has authorised y does not imply that x must agree with – on a first-order basis – every decision y makes under authorisation. The whole point of authorisation is that x bestows y with a range of rights – including the discretionary rights concerning how x's rights are best reflected in y's actions, and the right to override x's personal judgments on such grounds. The authorised y has discretion over the domain of Z over which they are authorised.

Given this, I suggest that the Neo-Stilzian View gets authorisation only partially right. In the following, we consider three relevant features of authoritarian states – three critical contexts in which the Neo-Stilzian View falls short.

6.5.1 Three Relevant Features of Authoritarian States

Whilst the following features do present themselves in some democratic states, they are empirically far more likely to arise in authoritarian contexts:

Information deprivation. Firstly, authoritarian states are more likely to harbour a greater number of policy domains and decisions over which citizens have limited to no *awareness* or access to *information* at all. Recall what Pasternak terms "deep secrets"[50] – instances where citizens will not even be aware of the potential risk that the state is behaving in clandestine ways (which thus deprive citizens of access to core information) that depart radically from the understandings of citizens. Consider the hugely sophisticated systems of information manipulation and distortion implemented by the Russian state apparatus, in shielding state

[50] Pasternak, *Responsible Citizens*, p. 121.

decision-making processes and outcomes from public oversight and access.[51] Authoritarian states are thus likely to be acting *clandestinely* when enacting unjust policy decisions.

Extreme injustices. Secondly, authoritarian states are more likely to behave in ways that amount to causing extreme injustices, with such injustices being inexcusable (more on this later). As Pasternak[52] notes, the United States *before* the civil rights era – plausibly an authoritarian state given its disenfranchisement of women, African-Americans, and other excluded minorities – had featured significant racial discrimination against African-Americans, and sexist discrimination against women. Now when it comes to contemporary authoritarian regimes, take the unjust internal or external wars, violent crackdowns upon opposition, and targeting of civilians with disproportionate violence by their political and military leaders. Such inexcusable injustices obviously occur under democratic states as well – yet the probability of them recurring is much lower.[53]

Manipulation. Finally, and as discussed extensively in Chapters 2 and 3, authoritarian states tend to be highly manipulative in shaping their citizens' preferences and decisions. Pasternak warns of the possibility that individuals' acceptance of their citizenship in non-democratic states may be the result of extreme coercion and manipulation. Authoritarian states frequently resort to "brainwashing" – as exemplified by Marcos' regime in the Philippines (through invoking Marcos' imagery as a potent, strong man), the present-day Russian regime (through stoking nationalism and anti-Western sentiments)[54] – in convincing their citizens that they are indeed credibly upholding their rights. By extension, even if the authoritarian state does indeed interpret, and is *seen* to interpret a certain segment of its citizens' rights sufficiently, such perceptions may well be the products of deliberate manipulation.

6.5.2 How These Three Features Inform Us of the Limits to the Authorisation Premise in Authoritarian Contexts

The question now, is – how do these empirical features bear on the justifiability of the *Specific Authorisation Premise* (which the Neo-Stilzian View shares) in authoritarian contexts? Recall from the previous section that for a non-trivial segment of the population residing under

[51] Mikael Wigell, 'Mapping "Hybrid Regimes"', *Democratization*, vol. 15, no. 2, 2008, pp. 230-250.
[52] Guriev and Treisman, 'Popularity of Authoritarian Leaders', p. 615.
[53] Endre Begby, 'Collective Responsibility for Unjust Wars', *POLITICS*, vol. 32, no. 2, 2012, pp. 100-108.
[54] Wigell, 'Mapping', pp. 230-235.

authoritarian states, the state does serve as a tentatively *credible interpreter* of their rights – both in the sense that the state delivers substantively upon these rights, and that it is perceived to be credible. Indeed, this segment of the citizenry are largely *internally* (amongst and between them) free, equal, and possess capacities to influence decision-making on the part of their state – despite the relative lack of formal institutions to enshrine these characteristics, such deficiency does not preclude them from enjoying *de facto* access to these conditions.

None of this need be contradictory with our earlier conceptualisation of authoritarian states – such states may not ensure *pluralism* (competitive opposition) and *liberalism* (liberties) for a vast majority of their citizens, but for those amongst their populations for whom the trifecta is met, they should be deemed as having *tentatively authorised* their states in their actions – including unjust ones.

Amongst *Information Deprivation, Inexcusable Injustices,* and *Manipulation*, the first two characteristics lend support to the critique that the Neo-Stilzian account *is insufficiently fine-grained* concerning the scope for which individuals ought to bear responsibility (*Scoping Challenge*). The third, additionally, reveals a more structural defect in the Neo-Stilzian view: it does not take into consideration whether individuals have *genuinely and meaningfully* transferred their rights to the state via authorisation (*Manipulation Challenge*).

6.5.2.1 Scoping Challenge (I) – on Knowledge and Awareness

When it comes to the information deprivation, I suggest that citizens who lack *the minimal level of* access to information concerning particular actions by their state – even if they fulfil all of the criteria stipulated by Stilz as sufficient for them to be *tentatively authorising* – should not, in fact, be deemed as having authorised these actions. Authorship is an intentional concept[55] – it requires that the authorised acts as a representative of the authoriser, in a manner that at least renders it tenable for the authoriser to be said to *own* the decisions undertaken on their behalf. A citizen residing under an authoritarian state that discreetly operates mass concentration camps and successfully represses public knowledge of such camps (such that the citizen is *wholly* ignorant), cannot possibly be said to have authorised such camps, given that the existence of such camps does not appear – in both direct or indirect (e.g. through the transfer of discretionary rights to the state) ways – in the citizen's consciousness. Stilz's account – or, indeed, the extrapolation from it in authoritarian contexts – fails to take into consideration

[55] Skinner, 'Artificial Person', pp. 8-10: the key is that the individual must be capable of *owning* up to what is advanced by their authorised representative; individuals should not be expected to own up to what they have *never* accepted or intended to own up.

fundamental ignorance as a potential *excusing condition*.

Intuitively, if citizens do not even know that their state will or is carrying out such acts, how could they have *really* authorised their state over such acts? Recall Jubb's exposition of the Porter gerrymandering case in Britain (Chapter 4).[56] An objection may be raised towards Jubb's argument: even if the citizen did not possess full knowledge of state policies, surely, so long as it is reasonable to expect that the citizen *should* be aware of at least the possible injustice, they should hence be held task-responsible. In other words, the test to adopt here should not be one involving subjective ignorance – but an 'objective test' instead.

Let us grant this broadly reasonableness-centric move: *either* subjective awareness of the state's actions and why they are morally problematic, *or* objective reasonableness concerning the individual's awareness of both the actions and why they are morally problematic suffices as a ground for assignment of responsibility on grounds of authorisation.

Even then, the worry persists. In contrast to their democratic counterparts, authoritarian states often engage in unjust acts beyond the public's *reasonable* inference – it is this feature that renders even tentatively authorisers *non-authorisers*. Pozen terms such acts, to be of "deep secrecy"[57]. Where there exists a complete lack of information over the deeply secret acts of injustice perpetrated by the state, it would be unjustified for us to hold citizens *task-responsible* for state actions over which they have no first-order or second-order knowledge. This is because that there is *no meaningful delegation* underlying these citizens' transfer to their states their rights to decide over such affairs. For one, these citizens may have authorised their state only to manage their day-to-day affairs, but not to enact gross atrocities of which they have little to no prior or subsequent awareness. Hence the prospective scope of authorised acts, in Stilz's 2011 account, is far too *broad* – such that it would be grossly unfair for tentative authorisers to accept the ensuing reparative responsibilities.

A possible challenge is this: presumably, even where there exists divergence between the authorising and authorised agents, the authorising agent must bear the costs as a natural implication of the risks to which they open themselves up as they authorise other agents to act on their behalf – that is the whole point of *authorisation*. We are not discussing whether the

[56] Jubb, 'Participation', p. 63.

[57] David Pozen, 'Deep Secrecy', *Stanford Law Review,* vol. 62, no. 2, 2010, p. 262.

individual citizens *actively acquiesce to* decisions undertaken; the power of authorisation as an explanatory concept is such that, citizens must bear the *risks* of moral costs and responsibilities that authorisation exposes them to, and which should consequently bind them.

In response, it is true that individuals should *sometimes* bear the risks associated with their authorisation. Yet the contentious crux lies in where the line is drawn. Do we draw no lines at all, and accept that the individual citizen authorises any and all actions undertaken by their state; that anything goes? This seems as implausible as positing that the citizen only authorises acts that they would *consent to* on the first-order basis. Just as the latter is too narrow a conception of the scope of authorised acts, the former is far too expansive. In my view, the crux lies in whether citizens do (*subjective*), *or* could have at least reasonably *anticipated* such injustices as following from their state's actions (*objective*), *beyond* the satisfaction of what Stilz terms to be the criteria for authorisation.

6.5.2.2 Scoping Challenge (II) – on Unreasonable Expansiveness

Additionally, upholding citizens' rights cannot serve as a *carte blanche* for states to engage in certain behaviours that we would intuitively take to be beyond the scope of the states' realm of discretion, and that cannot allow for the state *to claim or appeal to* the view that they are acting in name of citizens when enacting such injustices.

Here, Stilz argues that states can be acting within their mandates even when they are acting in ways that invoke rights that their citizens do not possess, provided that they are engaging in a "reasonable interpretation" of their citizens' rights. I agree with the broad approach adopted here – indeed, this resonates with the *entailment* variant of rights transfer in the definition of authorisation broached above. The trouble with this view, of course, is that reasonable interpretation of rights is itself a rather nebulous notion that Stilz does not sufficiently clarify.

The concept of reasonableness embeds expectations concerning how states ought to behave, in accordance with what is morally obligatory, permissible, or, indeed, impermissible. To expand the notion of what is reasonable to encompass acts that are morally impermissible – or, indeed, unjustifiable – requires there to be some *kind* of additional justification, even if eventually defeasible, from the state, as for its actions. *Sans* such justification, acts that foreseeably cause injustices – e.g. the mass killings of innocent civilians, blatant transgressions of international law – are *not* reasonable interpretations of citizens' rights and what is required for them to be upheld. Indeed, Huseby concurs, in suggesting that "established international law

and the core principles of the just war tradition surely make out some of the relevant constraints"[58] to the state's mandate.

There are two subsets of cases that are *not relevant* to our enquiry here, that we should systemically exclude from discussion. Firstly, if all-things-considered, the actions undertaken are overall permissible and justified, then there *would* be no injustice to speak of in the first place – e.g. justified retaliatory strikes aimed at preventing further warfare, targeted imprisonment campaigns aimed at preventing civil strife and mass-initiated killings.[59] These are not the occasions we are discussing here – cases where the state cannot invoke robust defenses such as the right to self-defense or collective security to justify its actions. Secondly, we are also not, presumably, engaging with cases where states are performing actions that are neither mirroring nor entailed by the rights of their citizens.

Indeed, we are interested here in cases where, whilst individual citizens do not possess the rights to engage in certain behaviours, their states seem to at least have a *pro tanto* case in favour of engaging as such, on grounds based upon their citizens' rights – i.e. instances where seemingly unjust actions are committed, and appear to be *entailed* by the states' prerogatives of upholding their citizens' rights, per the three distinctive modes of entailment discussed in 6.2.1. Consider the state's killing of innocent civilians in a broadly justified war as collateral damage, imprisoning opposition activists to uphold social order and stability, and other 'gray area' cases of a similar nature.

Now consider the plethora of injustices committed under authoritarian states. Authoritarian states often posit that their oppressing the opposition, cracking down upon dissent, curtailing certain citizens' civil freedoms are *necessary* in order for social order to be maintained.[60] Even if these states are indeed motivated to uphold their citizens' rights – as opposed to acting out of narrow political self-interest; even then, what these states view as nominal explanations is one thing – whether such explanations in fact conform with the objective test of reasonableness advanced above (they do not), is another. Our neo-Stilzian account of authorisation – as it

[58] Huseby, 'Citizens' collective liability', p. 369.

[59] See Michael Walzer, *Just and unjust wars: A moral argument with historical illustrations* (New York: Basic Books, 2015); Cécile Fabre, *Cosmopolitan War* (Oxford: Oxford University Press, 2012) for more detailed discussions here. I take the discussion concerning just war to be exogenous to the core issue at hand.

[60] José Antonio Cheibub, Jennifer Gandhi, and James Vreeland, 'Democracy and Dictatorship Revisited', *Public Choice*, vol. 143, 2010, pp. 70-73.

stands – lacks the resources to differentiate maturely between cases of *reasonable and unreasonable* interpretations of citizens' rights.

The inherent *expansiveness* of Stilz's envisioned scope of authorised acts would open up excessive leeway for states to engage in highly morally questionable behaviours – far beyond the scope of what citizens could reasonably be construed as having authorised in the first place.

6.5.2.3 Manipulation Challenge

We now turn to the third objection, one that shows that even if in some cases, certain citizens do *perceive* their state as a credible interpreter of their rights, we should not hold them responsible, on grounds that their perception is the product of (historical) manipulation.

If a citizen's decision to transfer their right to the state is the product of *manipulation*, they should not be seen as having authorised their state. Christman argues that citizens' legitimate acceptance of membership must be "historic"[61] – it must be the case that if an agent accepts their membership in a state, it should also be the case that they are able to (under idealised conditions) reflect on the process by which their attachment to the state arose, and *not* regret or resent this process. I apply the same logic to the context of authorisation. If citizens' ostensible "authorisation" is in fact produced through processes that cause them to develop first-order preferences that are incongruent or non-conforming to their second-order interests, then it would be unfair to impose reparative responsibilities upon them on the ostensible grounds that they are authorisers. Indeed, Parrish[62] suggests that the presence of manipulation of citizens should serve as a vital mitigating factor to authorisation-centric responsibility: State manipulation – in ways that engineer the citizens' compliance with it – renders citizens unable to truly author or be represented by their states' actions.

Our Neo-Stilzian framework clearly fails to address this problem. Stilz herself notes that "as a historical matter, shared political wills are often the product of prior acts of illegitimate political coercion. But this genesis does not necessarily render a shared will illegitimate."[63] The issue is this: authorisers, even if their state does indeed uphold a vast majority of their rights in the Stilzian sense, should not be treated as having *in fact authorised* the state – given that these

[61] Pasternak, *Responsible Citizens*, p. 78.
[62] Parrish, 'Collective Responsibility', p. 130.
[63] Stilz, *Territorial Sovereignty*, pp. 128-130.

authorisers' *perception* of their state as a credible interpreter is the product of extensive manipulation.

The *Specific Authorisation Premise* is hence fundamentally flawed; its weakness undermines the efficacy of both the DAP and the Neo-Stilzian Model developed above. We now consider a superior model that draws inspiration from both the Neo-Stilzian Model and our discussion so far, as well as Parrish's Authorised State View, in resolving the residual worries here.

6.6 Towards A Dualist Model of Authorisation

6.6.1 A Formal Statement of the Dualist Model

Authorisation need not be purely rooted in the characteristics of the state satisfying objective criteria that render it authorised by its citizens. Citizens' subjective mental states, their knowledge and perception of their relationship with the state, and whether their relationship is founded upon genuine, non-manipulative grounds, should and do matter in determining the extent to which the state is authorised to act on their behalf. This observation cuts across both democratic and authoritarian contexts, though is of particular importance to the latter, given the above exposition.

Moreover, to the extent we want to say that citizens can authorise their state to behave in particular ways even where there is *no* perception of the state as a credible interpreter of their rights, it is imperative that we develop an independent account of authorisation rooted in the state's ability to *substantively* deliver upon their citizens' core liberties. Such an account must be differentiated from the *perception-based* account of authorisation.

Hence consider the ***Dualist Model*** – explanation as follows:

Citizens who *authorise* their state to act in ways resulting in injustices, should be held responsible for repairing such injustices.

A citizen authorises their state over a particular set of acts in particular domains *iff* they transfer their rights to act in such domains to their state.

In analysing authorisation, we should hence partition members of the population in accordance with whether they, *qua individuals*, satisfy conditions required for authorisation to hold.

Either one of the following sets of conditions is *sufficient* for a relation of authorisation to be ascribed to citizen x and x's relationship with the state.

Firstly, it is the case that the *objective* condition holds: that it is the case that x's core civil freedoms are, in fact, upheld by the state, such that x is *free*, *equal to one another* (within the group of *authorising agents*), and capable of *influencing state decision-making.*

Secondly and alternatively, it is the case that the *subjective* condition holds: x, *free of manipulation, deception, or coercion*, voluntarily and consciously affirms their state as the agent that exercises their rights on their behalf.

Additionally, cutting across both the objective and subjective variants of authorisation, citizens' authorisation of the state must be bound by two sets of considerations pertaining to *reasonableness*:

First, the state's actions must be *excusable* in relation to the interests of the purportedly authorising agent x – in other words, where injustices result from its actions, they must be normatively *justifiable, in some ways,* by x's rights. Per the objective variant, only *excusable* actions from the state stemming from its credible interpretation of x's rights can be deemed to be authorised by x, even without their subjective delegation. This view is echoed by what Viehoff terms the "right to err"[64] that government officials and state actors bear; so long as governmental actors are acting under sincere good faith that their (unjust) actions are instrumental in ensuring the interests of citizens, they should not be required to take up *specific* compensatory burdens – instead, the burdens should be evenly distributed throughout the population at large.

Correspondingly, per the subjective variant, *unless* x subjectively holds the view that the state's enacting these inexcusable injustices through its actions *is a reflection of* x's core rights and interests, x cannot be deemed to have authorised the state for gross violations of others' rights that are *inexcusable* per this conception. Term this the *excusability requirement*.

Second, and this will be unpacked shortly, citizens should only be construed as having authorised the state to act within particular *policy domains* over which citizens are either *subjectively aware* of the state's discretion (*subjective prong of argument*), or in which citizens

[64] Daniel Viehoff, 'Legitimacy as a Right to Err', in Jack Knight and Melissa Schwartzberg (eds.), *NOMOS LXI: Political Legitimacy* (New York, 2019), pp. 173-199.

are *free*, *equal with one another* (within the group of *authorising agents*), and capable of *influencing state decision-making* in this particular policy domain (e.g. foreign policy, home affairs, education etc.) (*objective prong of the argument*). Otherwise, citizens cannot be said to have authorised the acts in question, for they fall beyond the authorised policy domain. Term this the *policy domain requirement*.

6.6.2 How can the Dualist Model respond to the above challenges?

How does the proposed model address the *Manipulation* and *Scoping Challenges* proposed above? Answering this question also allows us to understand the arguments for adopting it.

Manipulation Challenge

Firstly, in response to the *Manipulation Challenge*, we should grant the following – no citizen could be said to have authorised their state to act on their behalf in these policy domains, if they *do not* transfer to their state their rights, or only do so as a result of extensive *manipulation* by their state. In other words, there needs to be a level of *genuine* alignment on the part of the citizen with the proposition that their state can exercise their rights on their behalf. Individuals' judgments must be developed through *free formation* – i.e. not due to manipulation by third-parties, such as the state. This thereby rules out instances where individuals are subject to manipulation in *perceiving* their state to be a credible interpreter of their rights.

Information Deprivation

Secondly, in response to the *Scoping Challenges*, note that under the Dualist Model, citizens can be said to have authorised (or not) their state over specific domains (e.g. national security, foreign policy, domestic policy, healthcare etc.). Citizens can only be said to have authorised their state *in general* if the state upholds their core civil freedoms *and* is perceived by its citizens as credibly doing so across *all policy domains* within the ambit of the state.

How could this be the case? Only when citizens are sufficiently aware of i) the *existence* of these policy domains, as well as ii) the potential *discretion* wielded over them by the state (i.e. what the state does within them are *shallow secrets*, as opposed to *deep secrets*,[65]), and iii) that

[65] Pasternak takes shallow secrets to be secrets where "citizens are aware of their existence and the processes by which they are excluded from public knowledge"; deep secrets, on the other hand, are secrets that are not known as such to the public. See Pasternak, *Responsible Citizens*, p. 121. Also see Chapter 4.

the state *only performs acts* that are clearly *morally impermissible* for the individual citizens (e.g. killing individuals) with the *express approval from the citizens*, *then* citizens could be said to have authorised their state in acting in these policy domains – even if they disagree with the first-order decisions made by the state within these domains. From this, it follows that citizens must bear reparative responsibilities for the injustices that are caused by their state's actions within these domains.

Why draw the line at policy domains? The line is drawn here for three reasons: a) empirically, the way ordinary citizens usually make sense of their government's decisions is frequently couched in terms of specific policy domains (e.g. "The government [the welfare bureau] is in charge of the unemployment benefits and hardship stipends here where we live.", or "The government [the police] is responsible for the safety and security of us citizens.") – provided that there is cognizance of the state's authority over such domains, it is usually the case that citizens *can* deduce the specific scope of acts over which the state possesses discretion; b) furthermore, it would be *reasonable* for external observers to expect an individual citizen who is *aware* of the policy domain over which the government has discretion, to possess the minimal knowledge of what the state may opt to do within the domain. Finally, c) prudentially, there exist practical reasons to believe that this test – even if imperfect – amounts to an ideal compromise between what is normatively *accurate*, and what is practicably *implementable* for us to hold responsible the right individuals.

Unreasonable Expansiveness

As for the worry of unreasonable expansiveness – the Dualist Model crucially draws two lines where citizens are exempt from bearing responsibilities: that is, at cases where i) such injustices are *inexcusable* by the state in relation to the objective interests of citizens, *and* ii) citizens *do not subjectively authorise* [66] the acts resulting in inexcusable injustices being committed (i.e. i and ii are necessary conditions for exempting individuals from bearing responsibilities).

On condition i), I suggest that so long as the state committing acts resulting in injustices can offer reasonably well-formulated arguments that it is *acting in upholding the rights of their citizens,*

[66] I take acceptance here to denote both retrospective and forward-looking acquiescence.

then such actions can be deemed as a reasonable interpretation on its part of what is entailed by the prerogative of upholding citizens' rights, and therefore *excusable*, albeit not justified.

Consider, for instance, a state drone-striking a site that it deems to be harbouring bio-weapons of mass destruction. Suppose it turns that no such bio-weapons in fact exist – such that the attack was not justified. It could nevertheless be that the citizens should still be said to have authorised the strike and its damages, given that the state had *ex ante* good reasons to view this as an all-things-considered justified act.

Here, Begby[67] suggests that we could draw upon a distinction between what is excusable, and what is justified, to dispel the murkiness at stake. Per Watson's theory of moral responsibility[68], acts could be unjustified, whilst remaining *excusable*, and here is how:

On an individual level, individuals are excused if they act in ways that do not reflect a *poor quality of will* – e.g. they do not harbour ill intentions. On a state-centric level, then, excusable acts are acts that the state has reasonably *robust grounds* to believe should be deemed morally permissible, given their prerogative of upholding their citizens' rights at large.

As Begby[69] points out – in empirical practice, the scope of excusable but unjust acts is likely to be substantially smaller than Stilz would need it to be for her account to possess *sufficient traction* empirically. The US-led invasion of Iraq, for one, was *not* excusable through invoking "weapons of mass destruction" as a concern – given that the perception of the grave risk, even contextually, is wholly unjustified from a state-intelligence perspective.[70]

The justifiability of the intentions of the government (and specific government actors), at the time of committing such actions, contributes towards determining whether the government could be excused in its behaviours, and if its citizens should be held responsible on grounds of having authorised their government. Excusability is a sound ground for differentiation.

On condition ii), I have introduced this as a 'fail-safe' clause for instances where even though the state may not be behaving out of a genuine desire to uphold its citizens' rights, its

[67] Begby, 'Unjust Wars', pp. 103-104.

[68] Gary Watson, 'Responsibility and the Limits of Evil: Variations on a Strawsonian Theme', reprinted in Gary Watson, *Agency and Answerability* (Oxford: Clarendon Press, 2004), p. 256.

[69] Begby, 'Unjust Wars', pp. 105-6.

[70] Begby, 'Unjust Wars', pp. 105-7.

citizens are genuinely acquiescent and/or in possession of mental states that affirm the egregious transgressions committed by the state.

Consider cases where citizens are in fact positively *in favour* of the egregious transgressions by their state, with both awareness of the transgressions perpetrated by their state, as well as the fact that these actions are morally problematic. Here, it does seem that whilst the state, on purely legalistic or normative grounds, *ought* to refrain from carrying out the injustices, its enactment of such injustices does align with the *subjective will* of its people. For instance, genuine supporters – who were *non-threatened, non-manipulated, and acutely aware* that many of his actions were unjust – of Marcos' abuses against the Filipino people[71], should indeed bear reparative responsibilities on grounds of subjective authorisation.

Fundamentally, if there exists no objective *or* subjective authorisation from their citizens, then the state – on grounds that their citizens do not possess the rights in the first place, and that such morally egregious conduct cannot be *excused* through appealing to the special quality of the will held by decision-makers within the state – is clearly *not* authorised to act by their citizens per the Dualist Model. This account does allow for a modicum of desirable, *necessary flexibility* – if individuals genuinely believe their state's wrongdoings are a manifestation of the state's duties towards the public (subjective), *or* if the state is reasonably deliberating and acting per an intention to uphold citizens' rights through such unjust acts (objective), then citizens can and should be held as responsible for *repairing* such wrongdoings on grounds of authorisation.

6.6.3 The Stilzian Case for the Dualist Model – On Political Autonomy and Legitimacy

The following section examines how the Dualist Model is not only reconcilable with, but can in fact be grounded in Stilz's more recent theorisation since her 2011 paper. Over recent years, Stilz has increasingly shifted towards a hybrid view of the conditions required for a particular *state* to possess territorial jurisdiction – that is, one that extends beyond a minimalist requirement that she characterises as necessary but insufficient for citizens to reasonably affirm their state in her 2016 article.[72] In elaborating upon her notion of state legitimacy, Stilz[73] argues

[71] Myles A. Garcia, *Thirty Years Later… Catching Up with the Marcos-Era Crimes* (location undefined: MAG Publishing, 2016), pp. 1-15.

[72] Anna Stilz, 'Decolonization and Self-determination', *Social Philosophy and Policy*, vol. 32, no. 1, 2015, pp. 1-24.

[73] Stilz, 'Decolonization and Self-determination', pp. 15-18.

that there are two necessary and jointly sufficient conditions for the state to possess the rights to *specify, interpret, and enforce* its subjects' occupancy claims; to exercise *compulsory adjudication over disagreements between citizens*, and to provide public goods via *drawing upon the resources of its citizens* – these conditions are:

Firstly, the state must protect certain essential private rights for *all of its subjects*, and respect these rights in outsiders. Individuals must be able to subsist and enjoy personal security, as well as developing and expressing political opinions securely. Stilz terms this the *Minimal Justice* criterion.

Secondly, the state must reflect the *shared will* of the population, as to *how* and *by whom* these individuals ought to be ruled. A particular rendition of this claim, is that citizens must *actually* affirm their political cooperation together, against the minimal conditions raised above. Stilz terms this the *Subjective Legitimacy* criterion.

In her more recent writings[74], Stilz accords significant value to self-determination and citizens' political autonomy as vital components of political legitimacy. Much of her defense stems from the recognition that individuals' subjective judgments – and the extent to which they are in fact reflected in their states' decisions – are important, *independent of* whether the state satisfies further, separate objective requirements. What, then, constitutes sufficient evidence to suggest that the state reflects the shared will of its population?

Stilz proposes three criteria measuring the state's *reflection of the shared will:*[75]

1) Firstly, individuals residing under these institutions must come to their political judgments through *free formation*. Stilz argues that "if rulers instead 'implant' their subjects' political judgments – through manipulation, deception, brainwashing, or the like – then correspondence will not promote their autonomy".[76] Individuals must not be coerced, deceived, or have their judgments forcefully engineered to render them accepting of their state's authority to act on their behalf;
2) Secondly, political autonomy can only be achieved if the correspondence between individuals' and their political institutions' judgments is guaranteed through a *causal relationship* – this causal relationship must in turn be grounded in *free deliberative*

[74] Stilz, *Territorial Sovereignty*.
[75] Stilz, *Territorial Sovereignty*, pp. 100-112.
[76] Stilz, *Territorial Sovereignty*, p. 109.

reasoning, where individuals can engage in open, unfettered discussion concerning their and others' judgments, with sufficient access to information. Political autonomy is *limited* in cases where individuals lack knowledge or sufficient understanding of the decisions being undertaken;

3) Thirdly, the state only reflects the will of a *restricted domain* of constituents – more specifically, only to individuals who are willing to recognise and respect others as claimants to rights to private independence, and to coordinate under political institutions that enshrine this claim. In other words, the relation of correspondence does not map onto, nor does it seek to include, individuals who *continually and consistently* refuse to cooperate within these political institutions.

Stilz appears to employ authorisation and legitimacy of the state interchangeably – the state is legitimate if it is authorised by a vast majority of its people to act on their shared will (i.e. to exercise their rights on their behalf); a state is authorised if it fulfils criteria that would thereby render it the legitimate ruling authority over a particular territorial jurisdiction. Indeed, such criteria for political legitimacy provide ample grounds for us to subscribe to the Dualist Model outlined above. The first criterion corresponds with the Dualist Model's stipulation concerning *absence-of-manipulation*; the second is correlated with, albeit somewhat different from, the Dualist Model's need for sufficient *awareness* and *knowledge* of policy domains.

6.6.4 The Dualist Model in Action – Suharto's Indonesia

President Suharto's rule over Indonesia for over thirty years (1966-1998) featured a regime spearheaded by a coalition of intellectual reformists, military generals, and business-friendly bourgeoisie.[77] Indonesia's poverty rate dropped from 50.6% in 1970 to 11.3% in 1996[78], with a continued GDP growth rate of over 5% per year between 1966 and 1997[79]. Suharto led the country to weather through global crises – including the 1980s oil glut and the Cold War. A significant number of Indonesians – estimated by Schwarz as "tens of millions"[80] – benefited

[77] Michael Vatikiotis, *Indonesian Politics under Suharto* (New York: Routledge), 1999.

[78] James Fox, 'Poverty Reduction in Indonesia: 1965 to 1997', *Nathan Associates Inc*., submitted to USAID as testimony on November 29 2002, p. 2.

[79] Fox, 'Poverty Reduction', p. 7.

[80] Adam Schwarz, 'Indonesia after Suharto', *Foreign Affairs*, July/August 1997 Issue, available at: https://www.foreignaffairs.com/articles/asia/1997-07-01/indonesia-after-suharto

vastly, and greatly appreciated the ruler's economic legacy. Suharto did improve the welfare and civil rights of at least a large number of Indonesians.

Additionally, Suharto also enjoyed a considerable level of approval from his citizens – many genuinely *accepted* that he and his government were exercising their rights on their behalf, and were in subjective alignment with the government's wielding discretionary control over decisions in policy domains ranging from foreign to domestic affairs. Vatikiotis notes that politics under Suharto was characterised by a "a feeling of security [...which] made people more complacent towards the regime. [...] The power of the state to provide [substantive goods] overcame efforts to question its form [authoritarianism]".[81]

These successes played out alongside the *inexcusable injustices* his regime committed, which featured extensive killings of his opponents and critics. Suharto presided over three decades of systematic human rights abuses, including media censorship, widespread torture and killing of opponents, and imprisonment without trial. Indonesia also invaded East Timor, days after the territory declared independence from Portugal; the occupation of East Timor was marked by pervasive violations of human rights and persecution of local citizens.[82]

From the above, Suharto's regime was both subjectively and objectively authorised by large swathes of citizens, whose civil freedoms were upheld by Suharto – but who also perceived Suharto's administration to have effectively ensured and protected their freedoms as such. Whilst some amongst these citizens were indubitably manipulated, coerced, or deceived into holding such attitudes, others were not. I submit that the Dualist Model above allows us to reasonably hold those who did *authorise* Suharto, but also authorisers of similar authoritarian regimes as Suharto's across the world, responsible for repairing the respective wrongdoings.

6.7 An Objection from Non-Domination

Consider the following objection:

[81] Vatikiotis, *Indonesian Politics*, p. 109.

[82] Human Rights Watch, 'Indonesia: Suharto's Death a Chance for Victims to Find Justice', January 27, 2008, available at: https://www.hrw.org/news/2008/01/27/indonesia-suhartos-death-chance-victims-find-justice#?

One may argue, per Pettit's account of non-domination and republican freedom[83], that even some objectively authorising citizens remain dominated by authoritarian states. Domination here refers to "the capacity [of another agent] to interfere in [an individual's] affairs on an arbitrary basis".[84] y dominates x if it is a) possible that y can interfere with x's decisions, preferences, values, and actions (henceforth DPVA), b) for reasons that are morally arbitrary – e.g. against x's actual interests. Empirically, even though their governments do not – or, have yet to – engage in express persecution against them, it is *possible* that through intimidation, social engineering, and other means of communal control, governments *can* come to interfere with their citizens' actions, speech, or decisions.

One could argue further, that non-domination is a necessary condition for authorisation. Individuals that are dominated – who live under constant fears of potential interference – do not appear capable of genuinely authorising any agent to act on their behalf, especially if said agent is the very actor that wields such arbitrary potential influence over them. If valid, this argument would drastically constrict the explanatory power of the account above.

6.7.1 Two Responses

The first response to this challenge is to draw a distinction between *partial* domination and *total* domination. Consider, x is *totally* dominated by y if it is possible for y to arbitrarily intervene in *each and every domain* of x's desires, preferences, values and attitudes (DPVA). The domination is total, for it encompasses all aspects of x's life. Indeed, totalitarian states tend to *totally dominate* vast tracts of their citizenry, including even those endowed with supposed privilege. Authoritarian states, on the other hand, are unlikely to achieve such a level of totality in relation to their actualised *interference* and non-actualised, potential *domination* of their citizens.

On the other hand, x is *partially* dominated by y if it is possible for y to arbitrarily intervene in only *some domains*, and highly improbable (albeit not impossible) for y to intervene in *other domains*. The domination is selective and limited: it covers only certain segments of x's DPVA – thus such domination is not total or complete. Thus, if citizens of authoritarian states are only

[83] Philip Pettit, 'The Freedom of the City: A Republican Ideal', in Alan Hamlin and Philip Pettit (eds.), *The Good Polity*: *Normative Analysis of the State* (Oxford: Blackwell Publishers, 1989); Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, Clarendon Press, 1997).

[84] Philip Pettit, 'Republican Freedom and Contestatory Democratization', in Ian Shapiro and Casiano Hacker-Cordon (eds.), *Democracy's Value* (Cambridge: Cambridge University Press, 1999), p. 165.

partially – and not totally – dominated by their state. If the policy areas in which they purportedly authorise their state correlate with reasoning that is unaffected by both a) the objective potentiality of interference by their state, and b) their subjective fear that their state could potentially interfere, *then* I would argue that they plausibly *do authorise* their states in behaving the way they do (provided that the other relevant criteria stipulated above are met).

The existence of *partial domination* thus does not suffice in eliminating the room for authorisation, even under authoritarian states. Note, I do not deny that authoritarian states do totally dominate some of their citizens – such cases, I suggest, ought to be ruled as instances where no authorisation occurs, for the same reasoning that applies to cases of coercion: the citizens involved do not *voluntarily transfer* their decisional rights to their state.

The second response draws upon Kramer[85]'s argumentation, in noting that there are many instances of domination that are – upon closer scrutiny – in fact merely more complex manifestations of interference, per classical negative liberty-centric accounts of interference. This is important, because so long as we can establish that some levels of interference are present, we can simply resort to the *anti-coercion caveat* above to rule out such episodes. Kramer outlines two ways as to how Pettit's view can be subsumed under interference.

Firstly, under what Kramer terms "tyrannical" [86] states, a) x is precluded from exercising particular conjunctive combinations-of-liberties, specifically ones that would contravene the stipulations of the ruling state. This is because x's exercising of a right at t_1 would lead to x's inability to exercise other rights at some later point t_2 (e.g. x cannot exercise both i) a right to freedom of movement and ii) a right to freedom of speech in conjunction, for x could be imprisoned *for* offering oppositional speech deemed impermissible by the state). This explanation, I suggest, makes sense.

Secondly, coercion can also manifest through the instilling of the *possibility* for interference. Consider a gentle giant who possesses the full capacity to trample upon the ordinarily sized humans around him, yet opts not to, on grounds of benevolence. Pettit and Skinner[87] alike make the case that even though the giant is incredibly unlikely to retaliate in the event of transgressive behaviour from the humans, there remains nevertheless a (theoretical) possibility of this

[85] Matthew Kramer, 'Liberty and Domination', in Cécile Laborde and John Maynor (eds.), *Republicanism and Political Theory* (Oxford: Wiley-Blackwell, 2009), pp. 31-57.

[86] Kramer, 'Liberty and Domination', p. 36.

[87] Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998).

occurring – and thus the giant dominates the humans around him, and the humans are not truly free, even though there is no interference. Kramer disagrees, in noting that so long as the humans around the giant act in active *anticipation* of possible interference with their actions; that they are motivated out of a desire to avoid triggering possible – though unlikely – retaliation from the giant in question, they are indeed subject to constrictions upon their liberties, in ways that could amount to interference.

Now, Pettit could object that even where there exists no reason for individuals to *subjectively* believe that they would be interfered-with by the giant, there remains nevertheless – *objectively* – a distinct but extremely unlikely *possibility* that the trampling occurs. These individuals are thereby *purely dominated*, without any coercion, in these cases. To this, a fundamental question is: why should we care about such instances of domination that cannot be reduced to any form of coercion? If individuals are neither precluded from exercising large sets of conjunctions of liberties, nor subjectively intimidated and apprehended by the potentiality of retaliation, why should the fact that they are *purely* dominated in the puritan sense described above trouble us? I would suggest that these purely dominated individuals can still be deemed as having authorised their state's actions.

In short, Kramer's intervention provides us with a helpful bifurcation – either it is the case that instances of domination are in fact instances of interference, which can be treated as a category of *coercion* that precludes attribution of authorisation-based responsibility; or it may indeed be the case that most agents residing under authoritarian states are *trivially dominated*, but such mere domination does not suffice in letting them off the hook of responsibility altogether, provided that the other prerequisite conditions for responsibility are indeed fulfilled.

6.8 Recap

I began this chapter with an exploration of Stilz's Democratic Authorisation Principle – a principle that we swiftly showed could, in theory, be applied beyond democratic contexts, and yet is deficient in its failure to capture accurately our deep judgments and conception of authorisation. The link between authorisation and reparative responsibility has shown to be promising and attractive, on both normative and meta-theoretical grounds. We hence embraced this link, and combined it with Stilz's recent writings in generating an alternative authorisation-based account of reparative responsibilities. The proposed Dualist Model features both fulfilment of the set of objective functionalist conditions Stilz deems to be necessary under

DAP, as well as the subjective belief that the state is acting upon rights transferred to it on the part of citizens. Both are independently sufficient for genuine authorisation. In the next chapter, we shall be exploring in more detail the *objective prong* of the Dualist Model, by developing a further, supplementary variant that complements the above variant.[88] We would also be delving further into the *subjective prong,* which has been cursorily flagged above – yet requires significantly more explication.

[88] I am immensely grateful to the advice and comments from Cécile Fabre and David Miller on this chapter during the Confirmation process.

7 Comprehensive Authorisation Model (CAM)

7.1 Roadmap

The following chapter articulates – in full – the Comprehensive Authorisation Model (CAM). Extending further the Dualist Model examined in Chapter 6, we evaluate the dualism-grounded approach to responsibility, concluding with versions of subjective and objective authorisation as both, on their own, sufficient conditions by which citizens accrue reparative responsibilities for injustices committed by their state.

This chapter begins by delving into subjective authorisation, building on the material explored towards the end of Chapter 6. Subjectively authorising agents will be shown to be justifiably taking up the responsibility to repair the effects of their state's actions – with subjective authorisation defined as constitutive in at least four distinctive ways by which individuals can relate to their state in a normatively significantly manner. We thus turn then to the mediating parameters that shape the extent to which such authorisation generates distinctive reparative responsibilities, and apply this subjective prong to empirical contexts through a cross-sectional examination of authoritarian states and their publics' attitudes.

This chapter proceeds to develop further the objective authorisation prong to the CAM. Here, the strand of *particular* authorisation discussed in the previous chapters is augmented by a separate, new principle of *general* authorisation that builds off Parrish's 'Authorized State View', introduced briefly in Chapter 6.[1] The upshot of this additional section is that objective authorisation can occur in two forms: *the particular,* with the mechanics justifying responsibility largely explored in Chapter 6; and *the general*, in which under certain conditions, authoritarian states can satisfy the prerequisites to be *generally authorised* by particular citizens to act on their behalf *in general*, and where such authorisation – whilst distinct from *legitimacy* – would bind authorising agents to the actions the state undertakes within *reasonable limits*.

Note, these two prongs are *complementary* and *independently grounded* accounts of objective authorisation. This chapter closes with a range of supplementary parameters shaping the extent

[1] John Parrish, 'Collective Responsibility and the State', *International Theory*, vol. 1, no. 1, 2009, p. 132.

to which objective authorisation generates reparative responsibilities. We shall conclude that the Comprehensive Authorisation Model is sufficient, but non-necessary as a RJAS.

7.2 The Subjective Variant

Let us recap concisely the *subjective* variant of the Dualist Model.

Subjective Variant. x authorises their state, if x, *free of manipulation, deception, or coercion*, voluntarily and consciously affirms their state as the agent that exercises their rights on their behalf. The *reasonableness* and *policy domain requirements* must be satisfied.

Provided that x authorises their state in perpetrating injustices, x bears responsibilities to repair the outcomes of such injustices.

Of course, what is needed here is a more comprehensive justification as to why individuals' subjective beliefs and mental states *should* matter in determining whether or not they authorise their state in carrying out particular actions. This is the purpose of the following section.

7.2.1 The Case for Subjective Authorisation

In his discussion of systems of accountability and connections between political representatives and citizens, Waldron invokes the concept of 'agent accountability', which:

> denotes the duty owed by an agent to his principal, whereby the principal may demand from the agent an account of the work the agent has been doing in the principal's name or on the principal's behalf, enabling the principal if she sees fit to sanction or replace the agent or terminate the agency relationship.[2]

Waldron's conceptualisation here is reasonable: in a relationship of accountability, the principal possesses the right to demand explanation and justification from their agent, as well as the broader right to sanction or replace the agent should the agency relationship be undermined by the latter's failure to meet their end of the bargain. In short, citizens residing under particular states may contingently, subjectively authorise their states – thereby transforming their relationship into one of 'accountability' (between people and state), yet

[2] Jeremy Waldron, *Political Political Theory: Essays on Institutions* (Harvard: Harvard University Press), p. 168.

should the conditions for authorisation no longer obtain, then it would be reasonable to conclude that citizens here do possess the rights to withdraw their authorisation.

Yet what remains unsatisfactorily absent here is some clarity concerning what would grant the citizen, *qua* principal, the right to demand from the state, *qua* agent, a robust account of the work that the latter is performing. Indeed, whilst intuitively the relationship should be one over which the principal has autonomous control in determining, this concept of autonomous control requires more unpacking.

7.2.2 Towards An Identification-Uptake-based Account of Subjective Authorisation

There are two necessary prerequisites for individual citizens (principal) to be deemed responsible for the actions perpetrated by their state (agent) per the subjective account. Citizens must:

i) *identify* and recognise their states as agents that must *act on behalf of them* (identification premise), *and*
ii) *voluntarily embrace* that they must take up a portion of the state's moral responsibilities, duties, and general prerogatives (uptake premise).

On the first criterion, there are several ways in which citizens could be said to identify and recognise their states as agents acting on their behalf – thereby authorising their states (per the definitions introduced in Chapter 6). In other words, provided any of the following four conditions obtains, the individual can be said to satisfy the identification premise:

First, the individual (e.g. citizen, or non-citizen authoriser) views the state and/or its individual leaders and political figures as a *direct representative* of the individual's intentions and preferences. The state's role, as a direct mirroring of said citizen's intentions and preferences, must be openly accepted as true by the citizen, e.g. the citizen believes that the state will act in whatever ways they intend for them to act. So long as this subjective perceptual link holds, then the citizen could be said to have identified their state as representative of their intentions and preferences.

Second, then, the identification premise can be satisfied if the individual views their state and/or its individual leaders and political figures as an *indirect representative* of the individual, through acting substantively in accordance with and to ensure overall preservation of their interests

(even if this requires overruling the citizens' preferences under particular circumstances). Here, the relation of authorisation is more holistic and outcome-oriented – citizens authorise their state under this condition, to the extent that they find the state useful in bringing about desired outcomes, even if the state does not – as they view it – directly reflect their intentions and preferences. The citizen may believe that the state can sometimes act in ways that are incongruous with their exact intentions and preferences, yet still believe that such discrepancies are in line with the citizen's overall interests. Consider, for instance, the Burkean[3] argument that political representation may call for deviation by the individual politician from their constituency's direct and immediate preferences – in order to secure their overall interests. In the eyes of the citizen, the state is indirectly representative of their interests.

Third, the individual identifies themselves with the specific *values* that the state claims to represent. These values could pertain to a particular *nation* (in the case of a nation-state, whereby the governing authority co-opts and asserts official representativeness of that nation and its distinctive identity and history) nested within the state; a set of *civic values* that straddle a multitude of fragmented nations (e.g. in a multi-national state, citizens may identify themselves with disparate nations, only to accept concurrently that they fall under the same umbrella when it comes to statehood and values associated with said statehood), or broader sentiments and ethos espoused by the state's leaders – e.g. narratives of political strength, possession over territorial sovereignty, and willingness to pursue external, international hegemony. I will return to why I have opted for a state-centric, as opposed to a nation-centric, ontology shortly.

Fourth, the individual *views themselves* as *closely involved* with the specific *policies* adopted by the state in the following manner: they come to view themselves as an active participant or *interested stakeholder*, in the policy decisions enacted, even if they are not in fact *causally involved* in relation to these state processes. Here, the link of authorisation is generated through the assent and agreement that citizens feel towards their state's policies and decisions. Such policy-based perception of proximity and involvement may be restricted to particular domains only (e.g. fiscal policies, for someone who is highly preoccupied and concerned with their income taxes), or straddle multiple policy areas.

[3] Edmund Burke, *Select Works of Edmund Burke*, Liberty Fund, vol. 4, 1774.

Finally, cutting across all four modes of association is the following. Recall the *policy domain* restriction highlighted in Chapter 6. The Dualist Model requires that citizens must be subjectively aware of the state's possession of discretion within the particular policy area in which they are said to subjectively authorise the state. If the citizen engages in 'subjective authorisation' without any cognisance or awareness of the discretion over policy outcomes that their state possesses, then such authorisation should not be deemed as established. In contrast, suppose the citizen is well aware that their state possesses discretion across a multitude of policy domains, and still identifies with the state, then the *identification criterion* is thus satisfied. This caveat is – whilst perhaps rendering the account more complex – also necessary to prevent over-identification of purported instances of authorisation.

The above four modes of subjective identification with the *state* can thus be summarised as:

i) *Direct representation connection;*

ii) *Indirect representation connection;*

iii) *Value embodiment connection;*

iv) *Policymaking identification connection.*

I do not envision the above four connections as being collectively exhaustive, but I would posit that they come rather close to capturing most of all there is – as far as I am aware – to the possible manifestation of subjective identification. Empirically, it is likely that citizens residing under most states would feel more than one of the above kinds of connections with their state. Any one of i) to iv) is individually *sufficient* for a relation of *identification* to be ascribed.

These four processes can be differentiated from those that underlie participatory citizenship approaches (cf. Pasternak[4]). None amongst i) – iii) above requires that the citizens in question view themselves as (co-)participants in the state; individuals can authorise without being participants – and vice versa (consider those who partake in state activities yet neither subjectively nor objectively authorise their state in so doing). As for iv), whilst there certainly is some overlap with Pasternak's participatory approach, I would posit that the focus here is different – the actions of citizens here are relevant because they are *signs and processes of authorisation,* as opposed to because they involve *joint participation in the state*.

[4] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), pp. 93-105, 126-135.

7.2.3 The Uptake Premise

In *identifying with their state*, citizens must also voluntarily *take up* the moral responsibilities, duties, and prerogatives that are associated with their state, which is *acting as their recognised agent*. In other words, individuals must *accept* that in their identifying with their state, there are certain associated responsibilities, e.g. repairing their state's wrongdoings.

It is not implausible to imagine those identifying with their state, also potentially holding strongly principled conviction that they must *take up the mantle* of discharging responsibilities accrued by their state, on at least two central grounds.

The first ground concerns *pride*, which "allows modern individuals to be something in the world, to have a certain standing in it".[5] Individuals may feel a strong sense of belonging and political resonance with their state, or the security stemming from the understanding that the state acts on their behalf and represents their interests, as well as the subsidiary and unique benefits that flow only to those who subjectively identify themselves as aligned with the state through the above means. The distinctive, subjective bond between citizen and state in turn may render the citizen *proud* of being a member of the state's community, and *proud* of bearing the potential responsibilities that come associated with their subjective identities.

This is not an argument rooted in objective claims concerning reciprocity – instead, it is rooted in *subjective* evaluative claims over the citizen's mental states. National pride constitutes "a demand for dignity, or as a penchant for glory", providing a connection between the "individual's sense of her place in the world with the nation".[6] Similarly, and perhaps more controversially, we may think that individuals who feel proud of their connection with the *state*, are thereby also conceptualising at least parts of their place in the world through the lens of the state structure. Abdel-Nour writes "an individual's pride in the achievements of others is the key"[7] to national responsibility; we could substitute in the place of others the *specific actor of the state* – e.g. individuals taking pride in the achievements and actions of their *governments* – to unlock the state-centric variant of Abdel-Nour's argument.

[5] Farid Abdel-Nour, 'National Responsibility', *Political Theory*, vol. 31, 2003, p. 700.

[6] Abdel-Nour, 'National Responsibility', p. 701.

[7] Abdel-Nour, 'National Responsibility', p. 702.

The second ground constitutes *shame* – individuals may feel *shameful* over the actions committed by a state they identify with, and thus voluntarily *embrace* the need to 'do their due shares' and assist with the discharging of these outstanding responsibilities. In *The Reader*, Schlink seeks to capture the post-WW2 German collective guilt and shame shared by vast swathes of the population, rooted in the belief that they were affiliated with a state that had perpetrated wanton atrocities during WW2.[8] More contemporarily, Tarnopolsky[9] highlights the instrumental importance of shame in shaping democratic deliberation. Alweiss differentiates between guilt and shame, in noting that whilst guilt is "limited to our personal deeds", shame "extends to the deeds performed by people with whom we identify in one way or another"[10].

Shame, especially on behalf of actors whom we have authorised in the past, serves as a most powerful moral sentiment, in propelling individuals to recognise their belonging to a community that is vastly tainted by its association with the embedded injustices. An individual who feels shameful of their association with a tainted state, could *opt to* take up a portion of the reparative responsibilities for the injustices in question – *even if* they have played no causally significant role in engendering such injustices. Indeed, as Miller and Ali[11] note, individuals who feel more personally attached to their country, may also feel personally shameful in relation to this state acting wrongly. I suggest that the sentiments of shame can be appraised as a valid basis for uptake of responsibilities.

Both shame and pride offer powerful accounts of how citizens residing under a particular state choose to relate to their governments. In short, subjective authorisers – given their unique relationships with the state – are in a position to *voluntarily take up* reparative responsibilities. Where there exists no such uptake, on the other hand, we should not hold these individuals responsible *qua* subjective authorisers. Indeed, accepting that subjective authorisation suffices in giving rise to reparative responsibilities, uniquely preserves a level of much-needed flexibility in the CAM, which is – as pointed out by Pasternak[12] – lacking in the earlier Stilz and Stilzian accounts concerning democratic authorisation. More recent works by Stilz have left precipitously more room for the role played by individuals' mental states and intentions --

[8] Bernhard Schlink, *The Reader* (USA: Vintage Books, 1997).

[9] Christina Tarnopolsky, 'Prudes, Pervents, and Tyrants: Plato and the Contemporary Politics of Shame', *Political Theory*, vol. 32, no. 4, 2004, pp. 468-494.

[10] Lilian Alweiss, 'Collective Guilt and Responsibility: Some Reflections', *European Journal of Political Theory*, vol. 2, issue 3, 2003, p. 314.

[11] Sundas Ali and David Miller, 'Testing the National Identity Argument', *European Political Science Review*, vol. 6, no. 2, 2014, p. 238.

[12] Pasternak, *Responsible Citizens*, p. 137.

specifically, how individual citizens engage with and view their state. It would thus be reasonable for us to take subjective authorisation here as a sufficient condition for responsibility generation.

Three further clarifications are needed. First, even if an authorising citizen decides, at some point in time, to cease subscribing to the *uptake premise* – and no longer views themselves as associated with the moral responsibilities, duties, and prerogatives of their state, this does not obviate the fact that they did, at *one point in time*, opt to take up such responsibilities. Some may worry that this is unduly harsh to individuals who believe that they may have been mistaken in their prior authorisation of the state, and later come to regret their subjective authorisation of the state. Yet, provided that they were not under duress, manipulation, or deception, we can still hold them reparatively responsible for *past* subjective authorisation (given identification and uptake premises).

Second, there may be the worry that my account is redundant: if individuals genuinely see themselves as needing to help and assist their state with discharging left-over responsibilities that their state has opted to not fulfil, then why do we need an account of their duties? Why not just term this *agent-relative prerogatives* that are *supererogatory*[13]*?* The answer is simple – it is because such reparative responsibilities *are not supererogatory*, but *obligatory* in virtue of the very particular relationship cultivated between citizen and state.

Third, there remains a question of *how much we can extend this concept of uptake.* A relatively uncontroversial starting point would be one where an individual – in fully understanding the implications and justifications for subjective authorisation, *views themselves* as a subjective authoriser who must take up any and all responsibilities associated with their state's actions. In these cases, parcelling reparative responsibilities seems uncontroversial.

In instances where the strength of such embracing of uptake is more vague, undefined, and under-specified, I would suggest that there should be a corresponding reduction in the level of responsibility apportioned on subjective authorisation grounds. Consider, for instance, someone who feels sufficiently ashamed (over the injustices) and generally proud of their state to speak up and apologise on their state's behalf – yet they may not view themselves as responsible for their actions. This is fine: so long as there remains a degree of openness to

[13] David Heyd, 'Supererogation' in Edward Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Winter 2019 ed.), Stanford University, 2019.

sharing the moral record of their state, the uptake premise still holds, and thus the subjective authorisation account does work.

7.2.4 On the Nation-State Cut, and Non-Citizen Authorisers?

An obvious worry with this subjective authorisation account may be that individuals can only identify with nations, but not with states. After all, literature on responsibility such as Miller, Abdel-Nour, and Greenfeld[14] focus predominantly on the nation, as opposed to the state.

I dispute this nation-only limit to our search for an account of responsibility: provided that individuals genuinely identify themselves with their state – directly or indirectly, via value affinity or qua their involvement in policymaking and governing, then their state could be said to have been subjectively authorised by these citizens. Such ties of identification may not apply to most citizens – e.g. those who may find their state anathema to their interests, or hold the strong view that their state is behaving in a manner that undermines their interest; nor are these ties exclusionary – one may identify with both state and nation concurrently. Lippert-Rasmussen lodges in a reply to Miller the question of whether we would grant that non-citizens are also responsible for injustices, in virtue of their identifying with a particular nation-state:

> People in Western Europe who for political reasons identified with China during the Cultural Revolution may have to account for their sympathies, but given that they were causally irrelevant to what happened during that tumultuous period of Chinese history identification cannot render them responsible for those events.[15]

Lippert-Rasmussen's *reductio ad absurdum* at face value does hold some force, in explaining the challenges we might encounter when it comes to cases of non-citizen authorisers. It does seem rather bizarre to think that someone residing in Malta or Luxembourg, with no causal connection whatsoever to Maoist China, could – in virtue of their beliefs – develop reparative responsibilities towards victims of the Cultural Revolution.

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[14] David Miller, 'Holding Nations Responsible', *Ethics*, vol. 114, no. 2, 2004, p. 261; Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge: Harvard University Press, 1992), p. 6; Abdel-Nour, 'National Responsibility'

[15] Kasper Lippert-Rasmussen, 'Responsible nations: Miller on national responsibility', *Ethics and Global Politics*, vol. 2, no. 2, p, 114.

Yet this is not a compelling challenge. What is needed – and available – here is further specification and refinement to the *kind of subjective attitudes* we are examining. The kind of subjective attitudes that we seek, required for subjective authorisation to hold, are *specific* and *sui generis* – e.g. it must be the case that the individual views and actively endorses the purportedly authorised actor in question as *their state.* The authorising agent must view the authorised agent as representing and facilitating their interests *qua their state*.

Without this stipulation, I could, in theory, nominally authorise a plethora of entities (e.g. the Oxford Union, a multinational company in Barbados, or the municipal government of Nice), and such purported authorisation would give rise to subjective authorisation-centric responsibilities. This would clearly present an overpopulation of responsibilities. Similarly, the sullen Maoists residing in Western Europe may agree with much of what Mao had to say, yet such resonance alone did not render them subjective authorisers, unless they happen to believe that the Maoist state is *their state*.

If it is the case that individuals genuinely harbour strong identification attitudes with the Chinese state *qua their state* during the Cultural Revolution *and* embrace actively the moral responsibilities and burdens affiliated with their identification, *and* somehow such beliefs do not reflect fundamental deception, manipulation, or coercion, *then* I shall bite the bullet. These individuals should indeed come to shoulder some of the responsibilities for repairing the wrongdoings committed during the period by the state. Note, this account can apply to *silent, inactive Maoists,* e.g. Maoists who do not, in whatever shape or form, contribute causally and meaningfully to the atrocities at hand. It is not causal connection, but the particularity of the mental state, that is performing the legwork here; furthermore, it goes without saying that subjective authorisation here must be temporally sustained and persistent over a period of time – it cannot be merely a one-off "thought" that crops up in one's mind.

If anything, this reply helps elucidate a further argument in favour of expanding the ties-of-identification account to encompass *states*, as opposed to only *nations*. Much transnational support for China during the Cultural Revolution had much less to do with an identification with the *Chinese nation*, than with the particular governing ideology espoused by the *Chinese government* – transnational Maoist activists around the world saw the then-Chinese regime as the leader of a political movement that liberated China, and would do the same the world over,

from feudalistic constraints.[16] The transnational Maoists' fanatic zeal was oriented towards the political entity of the (Maoist) *state*, as opposed to the Chinese *nation* at large.

7.2.5 Necessary Clarifications

Two further comments on this account are needed.

Firstly, I want to address head on the worry that by expanding my scope concerning bases of authorisation beyond merely acts, to also include *particular mental states* (as flagged in Chapter 6), I am casting my net way too wide by allowing for mental states to qualify as a form of authorisation.

In response, I would note that the scope expansion is tolerable, indeed ideal, insofar as we are looking at *specific kinds of mental states*. If I merely held the view that victims of persecution by an authoritarian state 'deserved it', yet did not in any meaningful sense identify myself with the state in question *and* accept that I must bear associated responsibilities as a result of such identification, then it is clear that I lack the *necessary mental state* (of uptake) in question to be held responsible. However, once the uptake premise is satisfied, there need not be an *act* from me in order for me to qualify as having subjectively authorised the state. I believe the line should not be drawn at the act/mental state cut, but instead a cut between generic mental states/specific uptake.

A thought experiment can elucidate this. If the act is genuinely a necessary *and* sufficient condition of qualifying one as having authorised another actor, then, trivially, we could imagine a one-off act that hypothetically renders one as having authorised the other actor. Per this, raising one's left eyebrow, for one, would be sufficient in authorising a state. This would be rather implausible. Presumably, we would want to say here that this trivial 'act' alone cannot amount to a form of authorisation, unless there is some significant mental state attached to the 'act' – but in which case, it would be the mental state (e.g. 'Raising my eyebrow expresses my intention to support the state') that is performing the legwork here. If that is indeed the case, it appears that trivially, an act *without this* mental state is *insufficient* for authorisation; correlatively, we could argue that the mental state – given its importance and weightiness

[16] Michael Schoenhals and Roderick MacFarquhar, *Mao's Last Revolution* (Harvard: Belknap, 2008); Julia Lovell, *Maoism: A Global History* (New York: Vintage, 2020), pp. 450-480

in how we appraise the individual's relationship with the world around them – would *suffice* in exemplifying authorisation.

Secondly, such a self-identification-based account of authorisation for responsibility is not un-caveated – individuals often do include caveats in their identification with their state; for one, conscientious individuals may actively vow that they cannot identify with a government that murders innocent children and women in war. Alternatively, citizens may refuse to identify with governments that cease to recognise their religious rights and rights to assembly. It is precisely at these moments that the subjective authorisation account ceases to yield the conclusion that these individuals authorise their state – and thus, purely on subjective authorisation grounds, no responsibility for such actions is accrued.

The specification and illustration of what subjective authorisation constitutes, as provided by the above, offers a notable improvement upon the Dualist Model – it renders the subjective prong of authorisation more concrete, as well as more easily identifiable and distinguishable in individuals' behaviours and attitudes. Where the Dualist Model strains to explain when and why to draw a line between subjective authorisation and reparative responsibility, the above steps in with an answer.

7.2.6 The Four Parameters determining the Extent of Responsibility

Recall that in Chapter 6, we established that the subjective variant of authorisation *does not obtain* when citizens are operating under coercion, blatant deception, and manipulation that engenders problematic adaptive preferences.

One further clarification is needed – per the subjective variant of the authorisation account, individual citizens *can* opt out of their relationship of authorisation in relation to their state, but only provided that a) their prior authorisation has expired temporally (e.g. they had authorised their state to act on their behalf for no more than two years, or five months etc.), or b) the citizen undertakes a *reasonably costly act* in order to disavow their authorisation of the state. The need for a reasonably costly act serves to both rule out and deter *facetious withdrawal of authorisation* – e.g. in ways comparable (though not equivalent) to contractual agreements and commitments, citizens cannot opt in and out of these agreements in accordance with their momentary whims.

There are several further caveats specifically to the subjective variant, which we should note:

First, *the degree of specificity* in the exact agents authorised by the citizen, does matter in determining the *scope of actions* for which the citizen is responsible. Recognise that states come with many parts – with individual bureaux, departments, policy domains, but also with different levels of government, straddling the local, municipal, provincial, to national. Citizens may subjectively authorise particular officials or organs of the state, without authorising the state (at least, in the subjective variant of authorisation). This should be reflected in commensurate adjustment to the scope of acts for which we assign reparative responsibilities to the individuals in question. Term this the *scope-specificity consideration.*

Second, suppose the citizen in question is themselves *a victim of injustice* perpetrated by the state – e.g. the persecuted minorities in Tatmadaw-controlled Myanmar, the targeted opposition in Suharto's Indonesia [17] and Marcos' Philippines [18] . Lu's account of historical structural injustices[19] offers a compelling description as to how individuals may come to be both victims and victimisers, oppressed and oppressors in the complex and intertwined dynamics under unjust circumstances. Suppose these victims of state injustices are i) uncoerced, ii) un-manipulated, and iii) possess sufficient information (recall the threefold criteria introduced in Chapter 6) to be deemed as having subjectively authorised their state for their injustices, do they still possess reparative responsibilities towards *other* victims of the state's actions? I would posit the answer is yes – that is, if there exists no coercion, manipulation, and if perpetrators are sufficiently informed about their actions, then perpetrators who are also themselves victims of state injustices ought to bear responsibilities to repair the wrongdoings done to other individuals. Term this the *double victimisation consideration.*

Third, *motivations and rationale* matter. Certain citizens may subjectively authorise their state, on grounds that they view the state as upholding the general good for the society at large, and that the benefits brought about by the state outweigh the harms (including the highly perverse injustices dealt to minorities). Even if it turns out that such attitudes and judgments are empirically misinformed or erroneous, the citizens here are – ceteris paribus – *less* responsible for the actions committed by the state, than those who actively authorise their state *because of*

[17] Michael R J Vatikiotis, *Indonesian Politics under Suharto* (New York: Routledge, 1999).

[18] Ricardo Manapat, *Some Are Smarter than Others: The History of Marcos' Crony Capitalism* (Aletheia Publications, 1991).

[19] Catherine Lu, *Justice and Reconciliation in World Politics* (New York: Cambridge University Press, 2017), pp. 259 - 265.

the injustices in question (e.g. consider a Bamar nationalist, whose predominant motivation for supporting the Tatmadaw is that it is 'ridding Myanmar of Rohingya people'). The extent to which individuals' actions manifest good (or less bad) will does and should matter in terms of determining whether they are to be held responsible, and *how significant* the burden of responsibility assigned to them ought to be.[20] Term this the *motivational consideration.*

Fourthly, we should also take into consideration – where it is logistically and informationally feasible to identify such – the *background conditions* that historically precipitated and continually reinforce the coercion, manipulation, and ignorance of citizens in question. To what extent could such conditions be attributable to these citizens' own negligence – e.g. on information access, are they ignorant as a result of circumstances that they could not have possibly altered, or would it have been reasonable to expect that they have sought out the information actively on their own; on coercion, could these citizens possibly escape the coercion they confront, or would doing so impose significant costs on them; on manipulation, are there practices of epistemic resistance and resilience[21] (e.g. better critical thinking, cross-checking and corroborating sources' testimonies) available to these individuals – and, if so, is/was it possible for these individuals to have opted out of the manipulative practices to which they are subject? Individuals who *could have* been less coerced, manipulated, and/or ignorant, and yet have *chosen* to remain in such conditions – should be deemed less excusable in their authorisation, and thus more reparatively responsible for the acts perpetrated by their state, as compared with their counterparts who could not have escaped such constrictive conditions. This observation also coheres more broadly with existing literature on culpable inability and diachronic infeasibility.[22] Term this the *background conditions consideration.*

To recap, the four parameters determining the extent to which subjective authorisation holds between individuals and their states over injustices flowing from the state's acts are:

i) *scope-specificity consideration*;
ii) *double victimisation consideration*;
iii) *motivational consideration*;

[20] Matthé Scholten, 'A Kantian Quality of Will Account of Excuses', *Inquiry: An Interdisciplinary Journal of Philosophy*, forthcoming, pp. 1 – 27; Claudia Blöser, 'Degrees of Responsibility in Kant's Practical Philosophy', *Kantian Review*, 2015, pp. 185 – 187.

[21] José Medina, *The Epistemology of Resistance: Gender and Racial Repression, Epistemic Injustice, and Resistant Imaginations*, Oxford University Press, 2013.

[22] Alex King, 'The Culpable Inability Problem for Synchronic and Diachronic "Ought Implies Can"', *Journal of Moral Philosophy*, vol. 16, no. 1, 2019, pp. 50-62.

iv) *background conditions consideration*.

7.2.7 Empirical Applicability to Authoritarian States

We should do away with the *prima facie* presumption that merely because the citizens in question are not members of 'liberal democracies', they therefore *cannot* subjectively authorise their state. As intuitively argued by Fleming, "It is not obvious that the subjects of present-day Oman, for example, would accept the legitimacy of a 'democratic legal state', which is an essentially Western construction [...] There are countless examples of authorized governments that represent unjust states."[23] Whilst the framing of 'democratic legal state' as a Western construction may – perhaps on balance – be too hasty a generalisation, Fleming's broader point, that authoritarian states' citizens' understanding and conception of what constitutes a state worthy of their subjective acceptance may well differ from the 'democratic norm', *is applicable across a multitude of contexts***.**

In their survey of what sustains authoritarian regimes at times of crises, Neundorf et al.[24] argue that citizen support for authoritarian rule – as measured by regime and political leader popularity (direct) or voter turnout, controlling for electoral manipulation (indirect) – can be explained invoking both *instrumental* and *normative* explanations.

The instrumental explanation emphasises the "quid-pro-quo relationship in which the citizens support the system as long as it delivers". [25] Treisman [26] and Mauk [27] find that economic performance and trust in authoritarian institutions, respectively, bolster citizen approval ratings under authoritarian settings and regime survival. Guriev and Treisman note that amongst the "new form of autocracy" that is "better adapted to a world of open borders, international media", including "the Peru of Alberto Fujimori, the Hungary of Viktor Orban, and the Russia of Vladimir Putin", are regimes that at times enjoyed popular support in accordance with their

[23] Sean Fleming, *Leviathan on a Leash: A Theory of State Responsibility* (Princeton: Princeton University Press, 2020), p. 88.

[24] Anja Neundorf et al., 'A Loyal Base: Support for Authoritarian Regimes in Times of Crisis', June 2022 Working Paper, available at: https://osf.io/an9q6/download

[25] Neundorf et al., 'A Loyal Base', p. 5.

[26] Daniel Treisman, 'Income, Democracy, and Leader Turnover', *American Journal of Political Science,* vol. 59, issue 4, 2014,

[27] Marlene Mauk, *Citizen support for democratic and autocratic regimes* (Oxford: Oxford University Press, 2020).

ability to deliver "good economic performance and public service provision". [28] Even whilst Guriev and Treisman posit that many of these regimes' leaders tend to disproportionately amplify their economic successes at the expense of failures, in order to maintain the public facades of competence, there exist significant portions of the populations who find themselves favourably disposed to their regimes – and who view them as representatives of their interests – given particular economic successes.

Of course, one can raise a worry to this argument, charging that the 'instrumental support' claim fails to differentiate between, specifically, whether citizens vote or express their popular support for particular leaders due to genuine acceptance and, in particular, authorisation of their regime; or if they do so out of pure practical self-interest (e.g. in ensuring that the goods and services in question remain continuously readily available).

Hence, suppose we are to reject instrumental support as a sign of subjective authorisation, we must look towards alternative forms of support that demonstrate a fundamental affirmation of the regime as the authorised agent. This is where the *normative framework* kicks in – normative support refers to "citizens' principled support for the norms, values, and principles of authoritarian regimes"[29]. Looking specifically at authoritarian modern Turkey, Neundorf et al. find that at times of economic downturns and crises, whilst government voters primed on the economy would exhibit 3.1 points – on a scale of -6 to 4 – lower *instrumental support* as compared with the control group (no crisis), the level of *normative support* – as discerned through designated questions concerning their *moralized* attitudes towards their governments – remains the same as the support at non-crisis times. There is thus a level of stickiness in the Turkish government's supporters' affirmation of their state, such that the support remains potent (and constant) even during what we would expect to be a serious hit to the performance legitimacy of the Erdogan regime.[30] Indeed, despite the drastic decline in Lira valuation, Erdogan's approval remained unchanged – hovering around 40% -- 50% throughout the currency crisis.[31]

[28] Sergei Guriev and Daniel Treisman, 'A theory of informational autocracy', *Journal of Public Economics*, vol. 186, 2020, p. 1.

[29] Neundorf et al., 'A Loyal Base', p. 2.

[30] Dmitar Bechev, 'Turkey under Erdoğan: How a Country Turned from Democracy and the West', *Carnegie Europe*, February 22 2022, https://carnegieeurope.eu/2022/02/22/turkey-under-erdo-how-country-turned-from-democracy-and-west-pub-86045.

[31] Neundorf et al., 'A Loyal Base', p. 3.

Individuals may opt to subjectively authorise their states because they feel, as with the Turkish case, a sense of religious and nationalistic pride that contributes towards their affinity for the state – e.g. "How proud are you to be a [citizen of this country]?", a question posed by the survey. Neundorf et al.'s specific and varied question set allows for the appraising of citizens' attitudes via their reactions to propositions such as "The Ottoman Empire period is the most glorious period in Turkish history", "Approval: Strong leader who does not need to bother with the parliament", and "Recep Tayyip Erdogan is an inspiring political leader".[32] Affirmative answers to these questions in turn enable us to identify the (sizeable) subset of individuals who feel a sense of pride in the distinctive political arrangements of the authoritarian country – and thus back their regime given such "normative convictions" [33] . Despite the then-economic downturn, Putin's approval ratings remained as high as 89% in 2015 – even with discounting applied for potential data manipulation and intimidation, it is clear that a significant number of Russian citizens were convinced that Putin was genuinely representative of their interests.[34]

Now, there remains a further methodological worry, that mass attitudes and judgments under authoritarian regimes merely reflect the outcomes of 'brainwashing' and manipulation by deeply entrenched state structures.

Hence a supplementary move to establish the subset of relevant cases where the subjective authorisation account is relevant, would be to turn to *previously authoritarian* states that have since become democracies; as a result of the transitions in regime types here, citizens are able to reflect upon, modify, and develop alternatives to their original preferences should they so prefer. To the extent that their fealty and affinity for the prior regime remains potent and endures in these cases, then, we could safely conclude that there exist(ed) at least some degree of subjective authorisation and responsibility uptake between these individuals and the previous regime that had ruled over them.

Two prime examples for the shame-centric manifestation of the *subjective authorisation* argument, and that involve post-authoritarian transitions, would be post-Suharto Indonesia and post-Marcos Philippines. The recent apology by President Jokowi Widodo for the atrocities

[32] Neundorf et al., 'A Loyal Base', p. 13.

[33] Neundorf et al., 'A Loyal Base', p. 3.

[34] Denis Volkov, 'How Authentic is Putin's Approval Rating', *Carnegie Moscow,* July 27 2015, https://carnegiemoscow.org/commentary/60849.

committed during Suharto's tenure[35], and the compensatory moves by Aquino for victims of Marcos' martial rule, were respectively backed by strong domestic, homegrown political movements that genuinely captured the sense of collective guilt that inhered and persisted through shared commemoration.[36] The palpable sense that "Our government did it", and that "We must bear responsibility" persists throughout both case studies, harking back to the mechanism of state-oriented shame discussed above.

With such evidence, we could now reasonably justify the allocation of reparative responsibilities towards the many citizens in the states of the case studies we have surveyed thus far, who fulfil the criteria per the subjective variant of authorisation, for accruing reparative responsibilities for their states over the latter's unjust acts. The claim is not that there is a majority of citizens who conform with these standards, but merely that there exists a sizeable and significant proportion that hold such attitudes.

7.2.8 Practical Applicability Objection

I want to close by addressing a methodological-normative hybrid concern: how many individuals are truly immune from the conditions of manipulation, coercion, and deception raised in Chapter 6? More practically, how can we tell if individuals are indeed sufficiently independent of such conditions, such that their subjective wills should be taken seriously in relation to authorisation?

In response, firstly, whilst there may not be all that many individuals who are wholly free of such impacting conditions, we need not adopt an all-or-nothing approach to responsibility – it is not unreasonable to think that the *more* manipulated, coerced, or deceived an individual is, the *more* it is that they should be exempt from being deemed responsible *qua* authorisation. As compared with models centered around liability for *individual instances of injustices*, or accounts rooted in notions of collective responsibility, the subjective authorisation account has a distinctly lower threshold for when authorisation kicks in: it is much easier for individuals to come to an overarching, holistic judgment over whether they view their state as a representative of their interests, than particular policy decisions and moves adopted by the state.

[35] Kelly Ng, 'Jokowi acknowledges Indonesia's past human rights violations', *BBC*, January 12 2023, https://www.bbc.com/news/world-asia-64245668

[36] BBC, 'Philippines law gives compensation to Marcos victims', *BBC*, February 25 2013, https://www.bbc.com/news/world-asia-21571051.

A further rejoinder, and a conceptual pushback, is that political participation in formal electoral institutions (qua democracies) is not a *necessary condition* for individuals to cultivate the right kinds of mindsets as to be subjective authorisers. That is, individuals can be uncoerced, unmanipulated, and have access to adequate information so as to make informed decisions concerning identification and uptake in relation to their regime, even if their regime is non-democratic.

As such, whilst identifying these individuals is by no means straightforward, we may resort to two straightforward heuristics. The first, is to identify groups that are clearly and distinctively autonomous in their decision-making and behaviours, with a high degree of affinity with the state qua convergent interests (e.g. the wealthy power elite endowed by the state, resource-rich rent-seekers, and members of the upper-middle intelligentsia that may work in tandem with the state), or through ideological resonance (e.g. they genuinely share the vision and ethical doctrines espoused by the state). The second, is to look at the behaviours exhibited by actors subsequent to the end of authoritarian rule – consider, for instance, diehard apologists of the Soviet rule in contemporary Russia, or individuals who reminisce the Apartheid rule in South Africa. These are individuals who clearly have persisted in their support for their previous authoritarian regimes despite having been granted (numerous, generous) opportunities to reflect upon their prior support. It would thus be reasonable to assign to them reparative responsibilities for at least some of the injustices caused by the now-toppled regimes.

7.3 Broadening the Objective Variant – Towards A Second Prong

Having established the subjective variant of the CAM, we now turn to considering a rather different part of the argument: the objective variant – building on the progress we made in Chapter 6. The following variant acts as a complement to the objective variant inspired by Stilz's work surveyed in the previous chapter.

A quick recap of the objective prong of the Dualist Model presented in Chapter 6 is as follows:

An individual objectively authorises their state in relation to a particular *policy domain* if it is the case that x's core civil freedoms are, in fact, upheld by the state, such that x is *free*, *equal*

with one another (within the group of *authorising agents*), and capable of *influencing state decision-making* within said policy domain. Provided that such conditions hold, the individual bears reparative responsibilities for unjust acts committed by the state – so long as such injustices are not *inexcusable* qua their being unreasonable interpretations of citizens' rights.

I maintain that this variant of the objective account holds, and is a reasonable manifestation that should be incorporated into our eventual account - given the Chapter 6 discussion. However, further to this version of this argument, we shall spend the remainder of this chapter evaluating the case for a second prong of argument pertaining to objective authorisation. This new strand draws upon Parrish's Authorized State Model and Klosko's account of political obligation[37], whilst offering additional qualifiers and justificatory reasoning to the arguments in applying them specifically to authoritarian states. Whilst Parrish is himself clearly reluctant and wary of extending his account to non-democracies (see Chapter 6), his broad methodology – in seeking to track responsible agents through authorisation – is both justified and effective.

There are two reasons why this expansion is valuable and necessary: the first, is that whilst the objective prong of the Dualist Model raised above performs an admirable job in instances where we can indeed gauge, with some modicum of accuracy, that citizens are *free*, *equal with one another*, and *capable of influencing state decision-making*, in low-information contexts where such appraisals may not be possible, we would naturally want alternative accounts that possess comparatively lower information thresholds, to facilitate us with the task of identifying and holding responsible citizens in what Pasternak terms a non-proportional manner.

The second, is that whilst objective authorisation is itself a *pluralist* process – it is vital on grounds of explanatory accuracy (and fullness of our explanations) that we capture in full what authorisation is. The objective prong of the Dualist Model (per Chapter 6) maps neatly onto cases of *particular authorisation*, where the citizen authorises their state in relation to particular policy domains in which decisions are made; yet there are also other cases when individuals are *general authorisers* of their state, in ways that cannot be reduced simplistically to the threefold criteria amounting to particular authorisation. We now turn to, and revise in due course, an additional principle of objective authorisation.

[37] George Klosko, *Political Obligations* (Oxford: Oxford University Press, 2005).

I term the following argument the *Presumptive Benefits Objective Authorisation* view (PBOA) – a core component of the CAM. It is to be disaggregated into several premises:

1) If a particular state's existence is both *sufficient* and *necessary* for *some of its citizens* to access particular *presumptive benefits*, and provided that its citizens are *net-beneficiaries* from the state, it is (objectively) authorised by said citizens;
2) Empirically, under authoritarian states, the state is both *sufficient* and *necessary* for some of its citizens to access particular *presumptive benefits,* and for these individuals to be *net-beneficiaries*.
3) Citizens should only be held *responsible for injustices* committed by the state they authorise, provided that these injustices fall under a scope of *reasonable interpretation* of what is instrumentally necessary for them to net- and presumptively benefit;
4) Objective authorisation, paired with the crucial caveat per Premise 3, suffices in foisting upon these authorising agents *reparative responsibilities* for state-perpetrated injustices in authoritarian states.
5) Conclusion: Citizens residing under authoritarian states are reparatively responsible for the injustices perpetrated by their state, in virtue of authorisation, if it is reasonable to interpret such injustices as instrumentally necessary for the net and presumptive benefiting of these citizens. Yet such authorisation *does not* amount to rendering the state thereby *politically legitimate.*

7.3.1 The Benefiting-Authorisation Premise

A significant number of individuals *need*, and do in fact *receive from* their state the "collective self-defence, law enforcement, economic coordination, and basic social services"[38] that Parrish flags as integral to the functioning of the modern state. These goods could in turn be defined more precisely as the *presumptive benefits* per Klosko's nomenclature.[39] These are goods that most individuals would – without exception and as a typical norm – prefer to be in possession of as opposed to be without.

In many cases, the maintenance of the (authoritarian) state is both sufficient and necessary for such goods to be obtained. The state could command vast resources and coordinate them

[38] John Parrish, 'Collective Responsibility and the State', *International Theory*, vol. 1, no. 1, 2009, p. 131.
[39] Klosko, *Political Obligations*, Ch. 2.

accordingly, in generating the requisite infrastructure, economic basis, and systems of norms and regulations to sustain such goods. Indeed, only an entity of the magnitude, comprehensiveness, and organisation as the state could suffice in reaching the thresholds needed in order for such goods to be provided. These claims appear to be rather uncontroversial – even philosophical anarchists take it that a limited minarchy is, in practice, necessary for individuals' private rights, security, and other primary goods to be upheld and guaranteed.

What remains more contested, however, is the seeming assertion that the mere provision of presumptive benefits alone, per Parrish, suffices in rendering the state *objectively authorised*. I do not believe Parrish sufficiently explains why Klosko's account of political obligation sufficiently captures all there is to the "objective features of […] citizens' social and strategic situation" that render them authorising agents. His attempt to move from the state's being an *authority* established through a particular social contract, to the claim that the state is thereby *authorised*, is incomplete.

Now, individuals derive *pro tanto benefits and costs* from particular events (e.g. policy implementation, decision, and/or processes) that affect them. An individual pro tanto benefits from the state, if their wellbeing in a world with the state, is greater than their welfare in the nearest possible world without the state; an individual pro tanto loses under the state, if their welfare in a world with the state, is less than their welfare in the nearest possible world without the state. If the pro tanto benefits outweigh the pro tanto costs (assuming bare quantifiability) of the state, then the said individuals could be deemed as being *net-beneficiaries* of the state.

Here I introduce a further condition – that in order for them to be objectively authorising their state, the citizens in question must not only a) *derive presumptive benefits* from their state, but must also b) be comparative *net-beneficiaries* from their state's existence. Citizens are net-beneficiaries if they are better off under this state, *as compared with* the nearest possible world in which there exists a *well-ordered society*, in the Rawlsian sense of the term.[40]

There is a reason why the *net-beneficiary* caveat is introduced. As Huseby rightfully points out in his 2017 critique of both Parrish's and Stilz's accounts, the bars both accounts adopt as the counterfactual to the state in question appear to be far too low: that is, in evaluating whether a particular state is authorised, we should not compare it with a counterfactual where there is no

[40] Dominic Welburn, 'Rawls, the Well-Ordered Society and Intergenerational Justice', *Politics*, vol. 33, issue 1, pp. 56 - 65.

state whatsoever, but where there exists a *well-ordered society* – per Rawls, the society must be "peaceful and gain[s] its legitimate aims through diplomacy, trade, and other ways of peace", the system must "impose moral duties and obligations on all persons within its territory", and the "political institutions of well-ordered (hierarchical) society constitute a reasonable consultation hierarchy".[41]

Note, this is also a state that fulfils the minimal criteria for functional provision of the presumptive goods outlined above, and which may also bring about additional benefits for citizens residing in the state. Therefore, the net-beneficiary caveat stipulates that *only* if citizens are net better off under the authoritarian state than they would be in a well-ordered society, should they be deemed objective authorisers.

Given the plurality of possible *well-ordered societies* that could exist as alternatives to the present one – which of these should be chosen as the counterfactual? My suggestion is the *nearest possible world* where there exists a well-ordered society. Intuitively and compellingly, arms manufacturers, autocrats involved in religious indoctrination and harassment of political prisoners, and propagandists closely affiliated with the authoritarian regime perhaps best epitomise the interest groups and categories of individuals that are indeed net-beneficiaries, given that they would not have prospered in a well-ordered society.

In sum, the existence of the authoritarian state must be both necessary and sufficient in 1) yielding presumptive benefits for their citizens *and* 2) net-benefit their citizens, in order for the state to be objectively authorised by these citizens. This modified condition helps refine Parrish/Klosko's relatively understated premise concerning the link between the state's authority and objective authorisation, by precluding instances where despite the state's providing for their citizens' presumptive benefits, it is also involved in heinous violations of their core interests in ways that render them far worse-off than they would be otherwise.

This benefiting-centric conception of objective authorisation is more minimalist than the conception underpinning the other objective variant we previously advanced. Individuals may not be free, equal with one another, or capable of influencing governmental decision-making and *still* qualify as having objectively authorised their state. We shall turn to considering and addressing the objection that this account of objective authorisation is *over-expansive* shortly.

[41] John Rawls, 'The Law of Peoples', *Critical Inquiry*, vol. 20, no. 1, 1993, p. 50.

7.3.2 The Empirical Premise

This empirical premise is relatively straightforward. I hereby begin by outlining ways by which some citizens residing under certain authoritarian states *do* receive *presumptive benefits* and are *net-beneficiaries* under the state.

Note here that I am not suggesting that *a majority of citizens* residing under *all authoritarian states* indeed accrue such benefits. Looking at the many exploitative, corrupt, kleptocratic authoritarian states across the world would yield the opposite conclusion. This argument, however, is concerned with purely illustrating that there indeed exist individuals who do meet these criteria.

On the presumptive benefits claim: many citizens residing under authoritarian states do distinctively accrue significant economic gains and security through their state. Indeed, through particular decisions seen through and adopted by their states, select citizens also acquire broader *executive goods* crucial in fostering broader economic stability and life security. We have previously examined Suharto's New Order.[42] Other examples could be found in Korea under Park Chung- hee[43], or Mustafa Atatürk's heavily centralised albeit economically liberal and reformist rule over Turkey, which saw significant reduction to poverty, improvement in mass literacy rates, and an upholding of secularist commitments amidst pushbacks from religious conservatives. Atatürk brought about the enfranchisement of women, though also notably maintained a firm grip on power through embracing single-party rule.[44]

As for the comparative benefits claim, establishing this claim is vital in engaging with the potent criticism that *without* this very state, individuals would in fact be much *better off* in *well-ordered* societies.[45] It would also be fair to conclude that in instances of deeply unaccountable, incompetent authoritarian states, the margin they may possess vis-à-vis democratic states of material welfare and economic growth could well be so insignificant as to be outweighed by the countervailing harms to the economic or psychological wellbeing of the public. Yet even taking this objection at its best, it is reasonable to posit that there exists a fairly large and easily

[42] Edward Aspinall and Greg Fealy, *Soeharto's New Order and its Legacy: Essays in honour of Harold Crouch*, Canberra: ANU Press, 2010.

[43] Dani Rodrik, "The 'paradoxes' of the successful state", *European Economic Review*, vol. 41, 1997, pp. 411-442.

[44] Andrew Mango, *Atatürk: The Biography of the Founder of Modern Turkey* (Overlook Press, 2002).

[45] Larry Diamond, 'Economic Development and Democracy Reconsidered', *American Behavioral Scientist*, 35, 2017, pp. 450 – 499.

identifiable group of captive interests that, through rent-seeking, profiteering off state structures and cronyism, or alternative mechanisms of resource accruement uniquely tethered to authoritarian states, come to benefit comparatively off the non-democratic nature of their ruling governments. Our account already succeeds if it can convincingly show that these individuals, qua beneficiaries under authoritarianism, should be held reparatively responsible given that they are objective authorisers of this very state.

7.3.3 Reasonable Interpretation Premise

A worry persists. Parrish's account does not seem to offer very helpful prescriptions concerning where authorisation *ends.* Consider, for instance, the very problems discussed by Pasternak and Jubb in previous chapters – even in democratic regimes, there exist blatantly egregious (inexcusable) injustices that should fall outside the scope of broadly authorised states. We need further fine-graining of the principle at hand in order to avoid counterintuitive implications – e.g. objective authorisers residing under authoritarian states authorise their states in pursuing genocidal acts, triggered by the whims and preferences of purely their leaders.

To this challenge, let us recall the earlier discussion in Chapter 6, in which we discussed the relationship between *excusability* and *responsibility.* As it turns out, it is not the egregiousness of injustices that constitutes a problem, but whether the injustices perpetrated can be justified as an instrumentally necessary means of upholding the rights of citizens. If such justification holds, then the injustice can be 'excused' – not in the sense that no responsibility arises, but in the sense that the state's responsibility must also be *borne* by citizens; if no such justification exists, then the injustice is clearly *inexcusable* – i.e. the citizens should bear no responsibility to repair the ensuing injustices.

In line with these caveats we have introduced for both of the existing subjective and objective prongs of authorisation thus far, where acts producing injustices are *not in fact* (objective), and cannot be *reasonably perceived as* instrumentally necessary (subjective) for the purported authorisers to *net-benefit* and *presumptively benefit*, the acts pursued by the state *cannot be deemed to have been meaningfully authorised by citizens in ways that give rise to reparative responsibilities.* In other words, there is no responsibility to compensate for acts that cannot be reasonably traced to the benefits received by individuals.

Let us consider the following two examples:

Arbitrary persecution. If an authoritarian state opts to persecute individuals with green eyes with no clear benefits to a vast majority of the comparative and presumptive beneficiaries residing in the population, then the state cannot be termed as engaging in *excusable injustice.* Non-green-eye citizens should not be held responsible for the plight of those with green eyes.

Non-arbitrary persecution. If an authoritarian state opts to persecute individuals from a minority race, with clear benefits accruing to those in the ethnic majority following from actions such as land expropriation, excess taxation, and permission of racist hate-fuelled violence, then the state can clearly be termed as engaging in *excusable injustice*.

That the injustice is 'excused' does not imply that the state is free of responsibility, but that the responsibilities to repair the wrongdoings must be at least partially borne by citizens whose interests are advanced by the asymmetrical persecution. *Non-arbitrary persecution* could well map onto both egregious or non-egregious injustices – yet it is not the egregiousness of the injustice that is doing the legwork, but whether the injustice can be viewed as the normative entailment of citizens' interests. As such, the 'reasonableness' of the state-perpetrated injustice does matter in determining whether citizens should bear responsibilities in virtue of the PBOA.

7.3.4 The Responsibility Premise

Prior to sketching out why objective *general authorisation* is a sufficient condition for the generation of reparative responsibilities, consider here an objection that Parrish himself proffers on applying his account to non-democratic states:

> The authorized state account of collective responsibility does not claim that the causal role that individuals play in a policy process or the attitudes and preferences they have about those policies are irrelevant to questions about their collective responsibility. […for the] subjects of non-democratic states […] their responsibility for their states' actions is likely to be significantly mitigated by their lack of voice within their community.[46]

Yet his rationale here alone does not directly disprove the argument we developed above. What Parrish notes is of course true to some extent – citizens living under non-democracies are often

[46] Parrish, 'Collective Responsibility', p. 143.

victims of structural alienation and disenfranchisement, as well as suffering from retaliation and punishment for challenging governmental policies. Yet this claim is a probabilistic one; it does not negate the phenomenon that particular populations remain substantially better-off and enriched by their state. These are considerations that can be incorporated as parameters (as we shall do so shortly), as opposed to eliminating the objective authorisation account altogether.

A more fundamental question is this: even if we grant that there exists 'objective authorisation' between some citizens and their states, why does this relation suffice in justifying the assignment of responsibility for state-perpetrated injustices to individual, authorising citizens? Parrish's argument fundamentally revolves around the view that individuals must bear the *risk* that come with their accruing benefits from the state they authorise. When applied to authoritarian states, this risk-centric argument plays out as follows:

To start off, where authoritarian states carry out actions that *all states do* in advancing the interests of their citizens (e.g. arresting thieves, stopping embezzlement, tackling environmental degradation), the citizens who authorise the state in virtue of their being net- and presumptive beneficiaries, ought to perform their *fair share* in shouldering parts of the moral costs that might come with these actions – which can be rationalised across all states, authoritarian or non-authoritarian. The innocuous nature of these actions renders them squarely and well within the *mandate* of the state – and thus even if they do not consent to taking up these responsibilities per se, individuals should be held responsible.

Then there are actions that the states undertake as *means* of ensuring that their authorising citizens can access the presumptive and comparative benefits they derive, e.g. collecting taxes, maintaining physical infrastructure through potentially coercive means. The exact means by which authoritarian states prosecute such action may not be themselves legitimate – indeed, they may feature transgressions of legal and moral norms. Yet this does not thereby negate the fact that the state *de facto* acts on behalf of the objectively authorising agents, to secure their interests in a way that cannot be substituted by *another state* in *a well-ordered society*. We can thus extend the above principle: objective authorisers should be open to bearing some of the reparative responsibilities in these contexts, too.

I believe this moral risk-centric argument goes some way in demonstrating why individual citizens, qua authorisers, should be held responsible for state injustices. A potential worry may be that this argument proves *too much* – per the *taintedness* line of argument, might we not

come to the conclusion that any individual who comes into contact with wealth, benefits, property, or even job opportunities that are *tainted* in virtue of their unjust origins[47], must thereby relinquish control and disgorge such benefits? If so, is this not far too demanding on citizens residing under authoritarian states – including those who could barely subsist?

There are two rejoinders. First, the *net-benefiting and presumptively benefiting* criteria effectively render it the case that the citizens ruled as responsible in these cases must most certainly be above a certain threshold of wellbeing (demarcated by the presumptive benefits provided by the state) – as such, those living on subsistence levels do not fall into the scope.

Second, note that reparative responsibilities are but one amongst many responsibilities and prerogatives at large, which can contextually outweigh reparative responsibilities for particular instances of net- and presumptive beneficiaries. We are not prescribing the verdict that all-things-considered, the *only* just or permissible outcome for beneficiaries is for them to focus on reparative justice. In some cases, it may be *supererogatory* of them to do so, but by no means obligatory.

7.3.5 A Brief Note on the Conclusion

Premises 1, 2, 3, and 4 collectively produce the conclusion that objective authorisers residing under authoritarian states must also take up reparative responsibilities for state-perpetrated injustices. Yet this does not, in any shape or form, imply that these authoritarian states are thereby *politically legitimate*, all things considered.

For one, political legitimacy requires that for a *vast majority of citizens*, the state in question satisfies the particular set of conditions needed for legitimacy[48]; for another, a state may be *authorised* to carry out actions on behalf of its citizens, without thereby being *accepted and endorsed* as the legitimate territorial authority.[49] Whether authoritarian states are legitimate and could give rise to political obligations on the part of individual citizens, is a matter separate

[47] Robert Goodin, 'Disgorging the Fruits of Historical Wrongdoing', *The American Political Science Review*, vol. 107, no. 3, 2013, pp. 478-491.

[48] Parrish, 'Collective responsibility', p. 139: "To ground political obligation, we need to show that each of our various actions-in-concert imply our individual consent to obey the state's every command, which is tenuous."

[49] If we take a more voluntarist, consent-based account of political legitimacy (e.g. A. Simmons, *Boundaries of Authority*, New York: Oxford University Press, 2016), this clearly would drive a wedge between authorisation and legitimacy; yet even if we subscribe to less forceful accounts of legitimacy (e.g. Margaret Moore, *A Political Theory of Territory*, Oxford University Press, 2015), there should still be plenty of room for differentiating between legitimacy and authorisation.

from whether it is *sufficiently authorised* as to generate responsibilities that some of its citizens possess to rectify its wrongs.

7.4 Two Further Objections to the PBOA

We now turn to two final objections to the PBOA.

The first charge, as inspired by Huseby's criticism of what he takes to be democratic authorisation-centric models of responsibility assignment, is that the PBOA suffers from *conceptual self-effacement.*

Consider a state that treats *some* of its members in one way, whilst treating the remaining segments of the population in another. Suppose such differential treatment cannot, in fact, be justified through appealing to any substantive reasoning. Huseby hence argues there exists a dilemma. Either 1) only the enfranchised citizens could be said to authorise the state, in which case this "puts a strain on the notion of legitimacy inherent in the theories […] If laws are such that citizens can be said to authorize them, this suggests that the state passes some legitimacy threshold." This, he suggests, does not seem particularly plausible; or 2) the enfranchised citizens do *not* authorise the state, and thus we culminate in an episode of severe responsibility shortfall – e.g. few states around the world possess the requisite authority for their citizens to take up reparative responsibilities for their wrongdoings.

To this *conceptual self-effacement* objection, I would suggest that this dilemma can be resolved through our embracing the first prong), and rejecting the second prong). This is because I do not believe that under 1), the notion of legitimacy is indeed unreasonably 'strained'. We must draw a distinction between a state that is selectively authorised by some and not all of its citizens (e.g. a discriminatory state that is authorised by solely the enfranchised); and a state that is universally authorised and/or politically legitimate (we do not weigh in here with a substantive account of the connection or link between authorisation and legitimacy). *Even if* we are to assume that authorisation is a necessary and sufficient condition for political obligation (again, beyond the scope of this project), it would not be implausible to argue that only enfranchised segments of the population bear *political* obligations to abide by the laws they authorise, whilst disenfranchised segments have no such comparable *political* obligations. Those who bear no political obligations may have moral duties that coincide with such obligations in content – yet the basis for such duties would be markedly different, and independent from the state.

Indeed, we ought to embrace a segmented conception of political legitimacy, and treat different citizens' relationships with the state in a *sui generis* manner. There is hence no dilemma at hand, and Huseby's challenge does not pose a serious concern.

The second objection, is the seeming difficulties of establishing and ascertaining what, exactly, the counterfactual looks like – can we, in fact, *reasonably approximate*, how much and who would in fact be better (or worse) off in a world with the authoritarian state, as compared with a well-ordered society? This sounds like it could run into the very epistemic problems with which I have criticised alternative accounts.

To this, note firstly, there exist individuals that clearly benefit from the distinct distributive patterns and promotional mechanisms under authoritarian regimes; consider, for instance, those who engage in economically lucrative and revenue-generating activities thanks to the patronage and support from actors in power. Secondly, many of these significant beneficiaries may – had it not been for *this* authoritarian regime – be nowhere near the wealth and wherewithal that they do in fact possess. Determining this would require an assessment of how transferable or universally utile their skillsets and traits are – this does require approximation, but not to an extent that is infeasible or stretches imagination. Finally, we need not know *exactly* who these individuals are: the value in approximation is that *demographic categories* that are sufficiently fine-grained (e.g. gun manufacturers residing in a leading city) could be employed to demarcate those who are likely better-off in this world (than in the counterfactual), from their complementary group. The slight difficulty in gauging the exact contents of counterfactuals call for rational heuristics – not jettisoning the approach altogether.

7.5 Parameters and Qualifiers

A worry may persist. Chapter 6 outlined a *particular* variant of objective authorisation. Chapter 7, here, has just offered a *general* variant of objective authorisation. Why not stick to one?

The answer is straightforward: I maintain a *pluralist view* concerning objective authorisation – e.g. that there exist more than one possible ground for objective authorisation, such that each of the two grounds proposed thus far is individually sufficient for authorisation. The objective variant of the CAM hence features two different strands. The first, is the account of authorisation developed in Chapter 6, through critiques of and revisions to the Neo-Stilzian Account. The second, is the PBOA, developed through 7.3.

Of course, the two-prong objective variant requires further qualification and caveating through the establishment of particular parameters – in order to be maximally robust. The following parameters bear significance, in that they reflect specifically how the responsibilities generated by objective authorisation ought to be constrained and sensitive to a range of circumstances. In particular, we need such constraints to help us make sense of the limits and caveats to the *general authorisation variant*, introduced above.

First, the *extent to which individuals benefit from the counterfactual difference between this state (vs. a well-ordered society at large)* matters. Agents who are vastly enriched by the state are, all things considered, more reparatively responsible than their counterparts who are less so, for a number of reasons. Individuals who are benefited significantly are likely to have more that they ought to repair, and can afford to repair more (without contravening their core, vital interests). The more individuals are enriched by their state, the greater the case is that they repair the injustices promptly – consider, for instance, the juxtaposition between a Russian oligarch who has derived much from Putin's kleptocratic rule, as compared with a middle-class family that has been benefited as side beneficiaries under the policies of the current Russian administration. Term this the *benefiting parameter* (i).

Second, whether these objective-benefiting authorisers have sought to undertake *socially beneficial actions* through sharing some of their pre-existing benefits derived from the state, also matters. That is, the more these authorisers have sought to provide general beneficence and support to existing members of their community – specifically those who are most vulnerable and/or worthy of the most urgent support[50] – the less they would be required to do on reparative grounds. This is because, to a certain extent, the community and public service of these authorisers do matter in offsetting a portion (albeit not the entirety) of the authorisation-generated responsibilities that they have towards those who suffer under their state. The more these individuals give back at large, the more discounting there is to the volume of reparative responsibilities they bear. This vitally helps account for our intuitions concerning *exonerated* individuals, as discussed in the Complicity literature – e.g. individuals can be *exonerated* from responsibility[51] in virtue of their being complicit in unjust systems solely in order to tackle and oppose injustices. Chances are, they will have made sufficiently significant contribution in virtue of their responsibility-generating actions in the status quo, such that their remaining

[50] Richard Arneson, *Prioritarianism* (Cambridge: Cambridge University Press, 2022).

[51] See Chapter 4.

responsibilities to repair are vastly reduced as compared with non-exonerated individuals. Term this the *contribution parameter* (ii).

Third, *the more civil freedoms and the more influence citizens wield in the decision-making processes* (over particular policy domains), the more they could be said to have objectively authorised the outcomes that follow – and thus the more responsible they are.[52] Both freedom and influence are continuous variables that vary, though there exist clear 'cut-off' thresholds of agency beneath which citizens *cannot be said to be authorisers*. This is why significantly *coerced citizens could never be objective authorisers*.

It is reasonable to argue that beyond such minimal thresholds, the greater the capacity of citizens to shape policies, the greater the extent to which they must bear the reparative responsibilities for unjust outcomes that follow. A case in point is this – a prominent columnist with a national platform and relatively uncensored speech, who actively speaks out in favour of gross human rights abuses by the state, should be deemed to possess greater reparative responsibilities towards the victims of such abuses, than, say, a more junior journalist whose words are granted far less weight in state decision-making processes. Here, the columnist is more reparatively responsible than the academic-intellectual. Term this the *freedom-influence parameter* (iii).

Fourth, it is possible for individuals to rescind their objective authorisation through an act of *radical withdrawal.* Provided that – and only if – the authorising citizen withdraws themselves completely from engaging with the state apparatus, institutions, and benefits, the authorising citizen can be said to have formally renounced their authorisation, and should no longer be bound by reparative responsibilities on grounds pertaining to objective authorisation. The opt-out parameter is designed to capture what Pasternak takes to be a sufficient condition for *tacit acquiescence* – e.g. "Tony accepts his mobster status if he would have incurred only trivial costs were he to leave the Mafia (e.g. free lunches at his favorite restaurant), or even if leaving the mafia is unreasonably costly for Tony, that is not, or not only, the reason why he stays".[53] So long as individuals incur costs that are not merely *trivial*, then, with the intention of *withdrawing themselves* from their state, they could be said to have *opted out of* such authorisation. Term this the *opt-out parameter* (iv).

[52] Parrish, 'Collective responsibility', p. 143.

[53] Pasternak, *Responsible Citizens*, p. 64.

To recap the above briefly, then, there are at least four significant parameters determining the extent to which objectively authorising individuals are responsible for state injustices:

i) *benefiting parameter;*
ii) *contribution parameter*;
iii) *freedom-influence parameter;*
iv) *opt-out parameter.*

7.6 Interactions between the Subjective and Objective Components

How do the subjective and objective variants of authorisation interact with each other?

Consider the citizen x, in relation to a state R, and that we are evaluating whether x bears responsibilities in relation to state-perpetrated injustice I.

I hereby break down the possible scenarios into four categories:

7.6.1 Positive Convergence

If there is *positive convergence*, this is to say that x – on both subjective and objective accounts – does authorise their state R, in carrying out the actions that have resulted in I. Therefore, x is reparatively responsible for I, and must act accordingly. That x is an authorising agent on both counts renders x, ceteris paribus, *more* reparatively responsible than a counterpart who is only responsible on grounds of objective or subjective authorisation. Subjective and objective authorisations are mutually reinforcing grounds for responsibilities.

Now, the extent to which x is responsible for repairing I may vary across the subjective and objective variants. Furthermore, the precise reasons are of course different – yet even if the prescriptions are the same (that there exists such a responsibility), tracking the different reasons and justifications feeding into this conclusion is vital, in order to better enliven and enrich our understanding of the ethical architecture and stakes at hand. It is thus not superfluous, but in fact informationally and normatively valuable, to know that the subjective and objective strands can coalesce at particular points.

7.6.2 Negative Convergence

If there is *negative convergence*, this is to say that x – on both subjective and objective accounts – *does not* authorise their state R, in carrying out the actions that have resulted in I. This is not to say that there may not be other non-authorisation-related reasons for x to be responsible for remedying or repairing the deleterious effects of R's actions – recall that we did not argue for authorisation to be a *necessary* account, but a *sufficient* account for the assignment of responsibilities. Yet this is to say that the CAM here would suggest that the individuals in question do not possess *authorisation*-related responsibilities to repair the wrongdoings.

7.6.3 Objective Authorisation, without Subjective Authorisation

We now turn to two 'hard cases'. The first constitutes instances where x meets the criteria for objective authorisation – x is free, equal with other authorising agents, and capable of influencing decision-making processes. x is thus an objective authoriser, in accordance with the objective variant of the account presented in Chapter 6. Yet x concurrently harbours strong feelings of antipathy towards the state R – x has repeatedly and consistently declared, and holds vigorously in private, that R is an illegitimate and unlawful state that cannot represent x. In this case, should we still deem x as reparatively responsible on grounds of authorisation?

The answer is to the affirmative. Merely because x subjectively resents and repudiates the state and its actions, does not render x non-involved (i.e. x remains entangled) in the objective authorisation processes sketched out previously. Objective authorisation does not require subjective acceptance in order to stand.

Now, to the worry that my account may be over-rigid and neglects instances of coercion and/or manipulation that compel individuals into circumstances in which they objectively authorise their state – note that I explicitly rule out coercion in my sets of caveats concerning both prongs of objective authorisation. For the *particular authorisation* prong, this is self-explanatory: coerced individuals are not free, equal with (non-coerced) individuals, or capable of influencing state decision-making processes. As for the *general authorisation* prong, which may be rightfully criticised for perhaps lacking the theoretical resource to completely *rule out coerced individuals*, the rejoinder here is that the normatively troubling nature of coercion and manipulation could still render it a heavily *discounting factor* in the way authorisation is attributed to individuals, such that we hold coerced general objective authorisers as *less responsible* than their non-coerced counterparts.

Indeed, given parameters ii) and iv) in 7.5 above, it is clear that once-objective authorisers do possess reasonable agency in pushing back and opting out of the processes of authorisation that bind them. We should not allow the absence of subjective authorisation to lead us to overlook responsibilities that should bind objective authorisers.

7.6.4 Subjective Authorisation, without Objective Authorisation

Finally, consider instances where individuals subjectively authorise, and yet do not do so on an objective level. These individuals may be i) unfree, ii) unequally treated, and/or iii) unable to influence governmental policies; they may also fail to derive iv) comparative and v) presumptive benefits from their government – yet so long as they, vi) free of manipulation, vii) free from coercion, and vii) *sans* deception, arrive at the subjective attitude determining that the state has the right to act on their interests' behalf over particular policy domains, I submit that these individuals should be treated as having authorised the actions, all-things-considered.

It is clear that, as with objective authorisation, there will be significant variations across countries as to the level and extent to which subjective authorisation exists. CAM's ability to accommodate such heterogeneity is a strength, not a defect – pending the sizes, substantive commitments, and governance logics of different states, some authoritarian states could be authorised by more of their populations than others.

7.7 Recap -- A Statement of the Comprehensive Authorisation Model

The above thus concludes the two-chapter effort at articulating a nascent, comprehensive, and robust authorisation-centric RJAS, the CAM:

1. *Subjective Authorisation*: an individual x is said to have *subjectively* authorised their state R over actions producing injustice I, if x – under conditions of *no manipulation, coercion, or information deprivation/deception* – comes to the view that R can *act on behalf of their interests* over actions producing I. There are two necessary conditions:
    a. The *identification premise* between the individual x and the state R should come in at least one of the following four forms: i) direct *representation connection, ii) indirect representation connection, iii) value embodiment connection,* and *iv) policymaking identification connection*;

i. Through any of these four connections, the state's actions are *perceived to be sound reflection of x's core rights and interests* (per the Dualist Model in Chapter 6);
ii. Furthermore, citizens' identification with the state can be limited to particular policy domains – though can straddle multiple domains;

b. The *uptake premise*, whereby individual x embraces the responsibilities, duties, and prerogatives that are associated with their membership of the state R;
c. The subjective authorisation account is in turn mediated and constrained by four separate parameters: i) *scope-specificity consideration*, ii) *double victimisation consideration*, iii) *motivational consideration*, and iv) *background conditions consideration*;

2. *Objective Authorisation*: an individual x is said to have *objectively authorised* R if:
   a. EITHER x is *free*, *equal* with other (potentially) authorising agents, *and capable of influencing decision-making processes* in R, over the *particular policy domains* in which I is produced (**Prong I**), OR
   b. x is a *net-beneficiary* of AND receives *presumptive benefits from* R, where net-benefiting is defined in relation to (an approximation of) the baseline counterfactual of a well-ordered society (**Prong II)**;
   c. The objective authorisation account is in turn mediated and constrained by four separate parameters: i) *benefiting parameter*, ii) *contribution parameter*, iii) *freedom-influence parameter,* iv) *opt-out parameter.*
   d. Across both prongs, the actions of R must be *traced* to EITHER the rights of x (**Prong I**), through *mirroring* or *entailment* mechanisms, where mirroring constitutes possessing exactly the same rights x does, and where entailment constitutes reasonable justifiability invoking purely the rights in question and instrumental considerations concerning how such rights are to be upheld; or the comparative and presumptive benefits accrued to x (**Prong II**), whereby the actions must be reasonably interpreted as instrumentally necessary in order for such benefits to flow to x;
3. Authorisation, per *either* 1 *or* 2 above, is sufficient in grounding reparative responsibilities. The following are guidelines concerning the interactions between the subjective and the objective prongs of this model:

a. Where both Subjective and Objective Authorisation-centric accounts converge, the citizen is either to be deemed as having authorised (positive), or to not have authorised (negative), and thus responsible/not responsible.
b. Where these two accounts diverge, on the grounds that either one of these prongs is sufficient for authorisation to be reasonably inferred, the submission is that the citizen should be treated as having authorised their state in relation to the acts in question, and thus reparatively responsible.
c. However, *ceteris paribus*, purely objective or subjective authorisers are *less responsible* for repairing their state's wrongdoings, as compared with those who both objectively and subjectively authorise the state.

In conclusion, the Comprehensive Authorisation Model has expanded and built upon the Dualist Model, and completes the theoretical contribution of this very thesis. In the next and final chapter, we shall turn to the question of praxis, implications, and the path forward – what follows from all of this, and how can citizens residing under authoritarian states truly actualise reparative justice?[54]

[54] I am immensely grateful to the Nuffield Political Theory Workshop (January 31 2023) for pressing me on many of the finer points and arguments in this chapter.

8 Praxis, Comparisons, and Conclusion

8.1 Roadmap

Any sound theory of reparative justice under authoritarian states (RJAS) must possess the ability to prescribe actions that can be effectively adopted in the real world, in order to meaningfully contribute towards the achieving of justice at large. In this chapter, I thus examine the questions of praxis – how do citizens living under authoritarian states discharge relevant responsibilities under the Comprehensive Authorisation Model (CAM)? What are the consequences if they fail to do so? Are there particular responsibilities unique to the CAM that cannot be attributed to alternative accounts?

This chapter begins by setting out both the scope and nature of reparative responsibilities borne by agents who are responsible qua authorisers – and makes the case for a *hybridised* category of responsibility: authorising agents develop *task responsibilities* for repairing the wrongdoings of their state. Their failure to do so could result in either *criticisability* or *blame,* or a combination of both.

I then outline four distinctive categories of responsibilities that can be attributed to the CAM, and that all individuals should take up a fair share of, with cognizance of costliness and feasibility considerations – first, to compensate victims and/or their significant others for the injustices; second, to oppose present and future injustices; third, to commemorate and apologise for past injustices, and fourth, to engage in structural reforms to ensure that the three prior objectives are (eventually) taken up by official state structures.

Three subsequent objections will be considered. The first, is that the prescriptions outlined here are fundamentally infeasible – that no such reparative actions can be undertaken under authoritarian states. The second, is that such prescriptions do not map specifically onto the CAM, and are thus generic recommendations. The third is, by prescribing reforms – as opposed to state changes – my theory of change is unduly restrictive. I address and counter all three.

Finally, this chapter concludes by comparing the CAM to three other accounts that have shown the most promise in our search for RJAS. The first constitutes Pasternak's Intentional Citizenship Account (Chapter 4); the second, List and Pettit's Revised Collective Responsibility Model (Chapter 3); the third, the Dualist Structural Injustice Model (Chapter 5). Whilst each of these models has its virtues and strengths, I conclude that the CAM outperforms

all three in authoritarian contexts, according to the criteria we established in 1.6: descriptive accuracy, explanatory precision, external coherence.

8.2 What Kind of Responsibilities?

The jigsaw pieces are now largely in place. A remaining question lingers: what kind of responsibilities are we speaking of here? It is reasonable to conclude that on the grounds of authorisation, citizens residing under authoritarian states possess *reparative responsibilities.* Yet do such responsibilities arise from *moral liabilities*, for which individuals are blameworthy? Should we further accept the claim that the failure to discharge them would also amount to something for which individuals are *blameworthy?* Or are such responsibilities *forward-looking, political responsibilities*, as per structural injustice literature, with no innate blameworthiness, but possible blameworthiness for failure to discharge? Finally, could these responsibilities be *task responsibilities*, as we have surveyed earlier on in our discussion?

I am strongly convinced that multiple kinds of responsibilities have a role to play. The CAM's view of responsibility should be pluralist. The primary object of prescription by CAM constitutes *task responsibilities*, with *moral responsibilities* as a key supplement in instances of non-compliance.[1] Through authorisation, subjective or objective, authorising citizens come to acquire *task responsibilities*[2] to repair the injustices committed by their states. Such task responsibilities are not, in and of themselves, blame-correlated: citizens are not blameworthy for authorising their states in relation to the injustices. Even if blame is to be assigned to these individuals on alternative grounds, such blame cannot and does not spill over to the domain of authorisation-based responsibilities. Indeed, such citizens possess non-liability-centric responsibilities – arising from their authorisation of said authoritarian states over particular policy domains of relevance – to repair the wrongdoings committed.

A few nomenclatural refreshers are needed prior to delving into the substantive argument. Per Watson's interpretation [3] of Strawson, individuals can be *excused* or *exempted* from responsibility for their actions. Exempted agents refer to those who are significantly impaired

[1] This is somewhat similar to Reiman's approach in Jeffrey Reiman, 'The Structure of Structural Injustice', *Social Theory and Practice*, vol. 38, no. 4, 2012, pp. 738-751.

[2] Robert Goodin, 'Vulnerabilities and Responsibilities: An Ethical Defense of the Welfare State', *The American Political Science*, vol. 79, no. 3, 1985, pp. 775-787.

[3] Gary Watson, 'Responsibility and the Limits of Evil: Variations on a Strawsonian Theme', in Ferdinand Schoeman (ed.), *Responsibility, Character, and the Emotions: New Essays in Moral Psychology* (Cambridge: Cambridge University Press, 1987), pp. 256 - 286.

in relation to interpersonal interactions – e.g. they are "wholly lacking… in moral sense"[4] or suffer from "peculiarly unfortunate… formative circumstances"[5]. These are individuals who do not possess the capacity to improve their behaviour, due to inherent defects in their action-guiding judgments. Excused agents, on the other hand, are agents who possess neither the intention nor understanding of the act in question, in carrying out the act. Individuals who are neither excused nor exempted over the harmful actions they commit, are tentatively *liable* for their actions. We discussed this in Chapter 2. Now recall further from Chapter 5, that an individual may be *criticised* for their actions if they contribute towards, or fail to rectify, structural injustice, per the Youngian conception of responsibility. Such criticism does not come with blame – e.g. it neither embodies nor stems from the reactive attitudes Strawson identifies in instances of moral liability and responsibility. [6]

My hybrid view of responsibility is thus, if citizens intentionally fail to act in ways that are neither excusable nor exemptable, and where they fail to discharge such reparative task responsibilities, they could indeed, tentatively, be deemed morally responsible for their failure to do so. On the other hand, even excused and exempted individuals could still be *criticisable* - in a blameless fashion - for their failure to act. Criticism, per above, does not carry blame, but instead action-guiding force in the sense that it would be *reasonable* for third parties, if absolutely necessary in order to mitigate *significant injustices*, to impose further costs of rectification and reparation upon those who are *criticisable* for their failure to take up the reparative responsibilities.

Where there exists a significant *remainder* in addressing an urgent injustice engendered by their state or state-affiliated actors, excusable or exemption-worthy authorising agents should still take up the blame-less reparative responsibilities in these instances, on grounds that they are connected to the injustices in question through a robust relation of authorisation. Where the remainder is more limited, such imposition would neither be necessary nor justified.

On the other hand, should citizens fail to discharge their reparative responsibilities, with neither exemption-worthy nor excusable reasons, then such citizens will accrue *blame*, as opposed to criticizability, from their failure to act. The approach I adopt here is resonant with post-

[4] Peter Strawson, 'Freedom and Resentment', in John Martin Fischer and Mark Ravizza, *Perspectives on Moral Responsibility* (Ithaca: Cornell University Press, 1993), p. 58.

[5] Strawson, 'Freedom and Resentment', p. 52.

[6] Such reactive attitudes include not only the personal ones directed towards another on one's own behalf, but also "sympathetic or vicarious" attitudes felt on behalf of other individuals, and "self-reactive attitudes" directed towards oneself. (Strawson, 'Freedom and Resentment', pp. 56 - 7.)

Youngian literature on responsibility that seeks to incorporate blame into structural injustice accounts. [7] Individuals who undertake active decisions to *not* uphold their responsibilities towards rectifying injustices, should be held responsible for their *conscious omission*. This argument extends to encompassing the CAM, too. Should the responsibilities assigned under the CAM be ignored, sidelined, or de-prioritised unduly, the CAM should possess the theoretical recourse to identify, explain, and prescribe actions pertaining to the *blameworthy* conduct of the responsible agents in question.

Finally, on the subject of external parameters that shape the extent to which individuals should be assigned responsibility – and that have yet to be covered by both the subjective and objective components discussed above, I suggest that the following two dimensions should be factored into consideration:

First, the *feasibility*[8] for the agent in question to undertake relevant reparative actions (contents to be discussed below) – is it possible for the agent to discharge their responsibilities? To what extent does the agent's discharging their responsibilities require others' participation and compliance? Is it possible for the injustices to be neutralised, or victims to be compensated and restituted, or are there substantial impediments that render this not particularly feasible?

Second, the *costs* for the agent in question to undertake the relevant actions – how economically, psychologically, politically, or physically (and beyond) risky would it be for the agent to carry out such responsibilities? To what extent would the discharging of such responsibilities involve significant sacrifices on the part of the agent? The costlier reparative acts are, *ceteris paribus*, the more the relevant grounds for the agent to appeal to when it comes to opting-out of, or refraining from, the required actions. If reparation inflicts substantial costs upon individuals that would force them to experience grossly unjust or deprived circumstances, we may have grounds to think twice concerning the level of responsibility that we assign to individuals.

8.3 Towards A Pragmatic Theory – Specifying the Contents of Such Responsibilities

Relatively little has been said thus far as to what citizens can *do* in order to discharge the reparative responsibilities highlighted above. Pasternak's account, whilst substantive, opts to

[7] Reiman, 'The Structure'; Martha Nussbaum, *Foreword* in Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).

[8] Pablo Gilabert and Holly Lawford-Smith, 'Political Feasibility. A Conceptual Exploration', *Political Studies*, vol. 60, no. 4, 2012, p. 813.

focus predominantly on "international actors' design of their response to rogue states", and the sphere of international legal institutions and norms.[9] I am instead interested in the question of what actions, if any, citizens ought to undertake in order to discharge said responsibilities.

There are broadly three *direct* categories of responsibilities that require uptake, where possible – such responsibilities in turn guide the ideal *praxis* in response to state-perpetrated injustices.

8.3.1 Compensation

The first category constitutes *compensation* – both direct and indirect – of victims[10], victims' descendants[11], and/or heirs to their property[12], in instances where the injustice features a clear and unambiguous unjust loss, transfer, and corresponding benefit, Where possible, citizens should seek to rectify injustices through identifying, targeting, and providing active adjustments to said victims, in a way that would enable (as far as is possible, whilst taking into account the difficulties of compensating for certain kinds of injustices) restoring victims to the states-of-affairs they would have been experienced had it not been for the initial injustices.

Per the compensative prong of reparative justice, the primary prerogative for the repairing agent should be to offset the effects of injustices, through providing immediate relief to those who are adversely affected by state actions. [13] An example for this would be for Burmese citizens who have – in the past – authorised the Tatmadaw over the latter's home security policies (which engendered extensive persecution of the Rohingya people) – to financially compensate victims of their state's policies, as well as to lobby for the Rohingya people's right to settle without interference or violence in Myanmar. [14] Citizens can compensate directly through settling their responsibilities in relation to those who merit compensation; they could

[9] Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), p. 157.

[10] Victor Tadros, *Ends of Harm: The Moral Foundations of Criminal Law* (Oxford: Oxford University Press, 2013).

[11] George Sher, 'Transgenerational Compensation', *Philosophy and Public Affairs*, vol. 33, no. 2, 2005, pp. 181-200.

[12] Janna Thompson, 'Historical Injustice and Reparation: Justifying Claims of Descendants', *Ethics*, vol. 112, no. 1, 2002, pp. 114 - 135.

[13] Zosia Stemplowska, 'Duties to the Dead: Is Posthumous Mitigation of Injustice Possible?', *Oxford Studies in Political Philosophy,* vol. 6, 2020, pp. 32-58.

[14] A. K. M. Ahsan Ullah, 'Rohingya Crisis in Myanmar: Seeking Justice for the "Stateless"', *Journal of Contemporary Criminal Justice*, vol. 32, issue 3, 2016, pp. 296 - 298.

also compensate indirectly through paying taxes and contributing towards their governments' schemes of compensation – should they exist.

Compensation of victims does not *have* to occur *with an explicit acknowledgment of* wrongdoing/injustice's having occurred. Firstly, in instances where the state itself is refusing to take up compensative duties and turns to deny its responsibility, is that in these contexts, it is often logistically and politically difficult for individuals to be explicit and complete in outlining the substantive contents of the injustices perpetrated. Indeed, authoritarian regimes may opt to whitewash their historical and present injustices [15], as well as systematically "gaslighting" their populations, for individuals to openly *declare* that they are seeking to repair those who have suffered under the state's crushing weight.

Secondly, compensatory gestures are most effective when they in fact result in materially improved conditions for victims of state injustices; this may require that individuals operate in a manner that grants them plausible deniability over whether their actions are 'reparative' gestures, so as to not jeopardise the viability of their undertaking. For example, community organisers in authoritarian states may be required to vocally denounce and distance themselves from dissidents towards the states – and partake in the public ostracisation of those who are subjugated by the state apparatus. These organisers can and may still compensate such dissidents discreetly, despite not being able to expressly acknowledge the nature of their actions.

Note, compensation can occur in a plurality of forms – whether it be through restituting to victims or their significant others titles that they had originally possessed and made use of (material, object-based compensation[16]), or providing monetary and financial compensation that *substitutes for* or *approximates* the original loss.[17] The former is evidenced by injustices where individuals have items of vast personal significance taken from them without their consent, and where no volume of monetary or substitutive compensation could make up for the lost items (e.g. a handwritten letter from a deceased love one). Here, restitution – e.g. returning the letter to the original victim – is an integral component of compensating that victim.

[15] Joshua Yaffa, *Between Two Fires: Truth, Ambition, and Compromise in Putin's Russia* (New York: Tim Duggan Books, 2020), Chapters 2 and 3.

[16] Thompson, 'Historical Injustice', p. 120 - "[…] the forebears rightly possessed the property being claimed and that the descendants would have inherited it if the injustice had not been done"; Bernard Boxill, 'A Lockean Argument for Black Reparations', *The Journal of Ethics*, vol. 7, no. 1, 2003, pp. 63 - 91.

[17] Adam Slavny, 'Negating and Counterbalancing: A Fundamental Distinction in the Concept of A Corrective Duty', *Law and Philosophy*, vol. 33, no. 2, 2014, pp. 160 - 161, on rendering individuals "identically off" through discharging corrective duties.

Twenty-seven years after Marcos' ousting in the 'People Power' revolution, Filipino Senator Francis Escudero sponsored a bill in favour of monetary and non-monetary compensation directed towards victims of Marcos' reign. The bill was subsequently signed into effect by then-President Benigno Aquino in 2013, granting over $224 million USD of reparations[18] to individuals identified as victims under the Marcos administration.

The above shows that political lobbying for compensation remain feasible under states with deeply entrenched systemic corruption and enduring legacies from their prior authoritarian days.[19] The pursuit of compensation – where and if feasible – remains an urgent task, for compensation *can* be successfully lobbied and pressed for, even if not immediately after the initial injustices were committed.

Where such measures are implausible on grounds that systemic obstacles are too vast, those seeking to discharge reparative responsibilities should be prepared to turn towards more *structurally oriented* solutions. Note, such structural solutions need not involve the state apparatus – citizens who are responsible can bypass the state apparatus altogether, in pushing for or offering compensation on *their own accord*. Examples of such solutions can be found in measures empowering present and future generations of victims and/or their descendants. Whether it be through pressing for reduced political disenfranchisement, increased access to transfer payments and welfare provision, or improving victims' legal representation in legal systems that are likely flawed, if not downright skewed against their interests, morally motivated agents with reparative responsibilities should act more proactively in bringing about overdue – but fundamentally significant – restitution for victims of state atrocities.

These acts, I suggest, would constitute *broadly compensatory* acts: whilst it is not the case that the victims' initial losses are strictly offset, there exists at least some significant attempt on the part of reparative agents to *improve the wellbeing* of victims with the *intention of compensating them in relation to prior injustices*. To clarify this concept of broad (as opposed to exact) compensation further, let us consider what Slavny notes to be the distinction between counterbalancing and negating. The counterbalancing of harms renders individuals *broadly* as well off as they would have been had it not been for the harm – such that their welfare levels are approximately as they would be in the counterfactual; negating harms, on the other

[18] BBC News, 'Philippines law gives compensation to Marcos victims', February 25 2013, available at: https://www.bbc.com/news/world-asia-21571051.

[19] I take it that Presidents Marcos and Aquinos respectively helmed two regimes that belonged to the same state - the post-independence Republic of the Philippines.

hand, requires precisely neutralising the harm experienced by the individual – in ways that replace exactly what the individual has lost, e.g. the individual is *exactly* as they would have been had it not been for the harm.[20]

Consider, for instance, an individual whose 100,000GBP-worth antique vase is stolen from them. For the individual to be given 100,000GBP, would be an instance of *counterbalancing* (e.g. they are broadly as well as off as they would have been otherwise); for the individual to regain the lost vase, would be an instance of *negation*. Goodin[21] and Stemplowska[22] also embrace similar typologies, in outlining distinctions respectively between *ends-based* and *means-based* modes of compensation, and between "narrow" and "permissive" forms of compensation (Stemplowska terms this "mitigation").

I would suggest that *broad* compensation need not be negating, but must be counterbalancing.[23] This is for two reasons: first, to restore individuals to *exactly* as they would have been had it not been for the injustice, is often logistically and practically impossible – damages could be physically irreversible, or politically irrecoverable; this does not eliminate the room and need for the individual to be compensated. Second, even if it is the case that the individual could never be *the same* as they would have been without the injustice, they could still be made *sufficiently comparable* to the counterfactual under *broad compensation.* Only negation would count as *exact compensation*.

The absence of compensative acts from actors who perpetrated the injustices in the states, in these instances, does not preclude the victims or their descendants from being at least broadly compensated by *other actors* who are responsible per the authorisation logic previously established. Hence it is possible that, for instance, Marcos' victims are fully compensated by those who are responsible *qua* authorisers of Marcos' injustices, without it being the case that Marcos has himself discharged his long-standing compensative burdens.

8.3.2 Opposition

[20] Slavny, 'Negating and Counterbalancing', p. 144.

[21] Robert Goodin, 'Theories of Compensation', *Oxford Journal of Legal Studies*, vol. 9, no. 1, 1989, p. 60 on "Two Kinds of Equivalence".

[22] Stemplowska, 'Duties to the Dead', pp. 41-43.

[23] Sandy Steel, 'Defensive and Remedial Liability', in Paul Miller and John Oberdiek, *Oxford Studies in Private Law Theory* vol. 2 (Oxford: Oxford University Press, 2022).

The second category involves *opposition* to the injustices – both present and future. Such opposition comes with three necessary components: first, a recognition that the injustices are morally unjustifiable (*normative judgment*); second, a mental-state commitment to opposing such injustices, and the entailed consequences (*commitment*), and, third, the undertaking of actions that can effectively – where possible – prevent the occurrence of future injustices, and/or tackle existing injustices by targeting the relevant actors in question (*action*).

To be very clear, the argument here is not that under all circumstances, citizens should be required to *negate* (the effects of) present and/or past injustices and *eliminate* future injustices altogether. That ask, given the realities on the ground as outlined in Chapter 1, would be over-demanding. A more reasonable demand here, is that citizens should embrace duties to *try* and to *approximate* (as discussed by Southwood and Wiens[24]), as much as is within limits of foreseeability, a state where injustices are minimised.

Whilst there obviously exist reasons for individuals to seek to oppose injustices[25] in general, the proposed CAM argues that authorisation generates an additional layer of reasons for individuals to take seriously the task of opposing injustices. As Aspinall[26] details, civil society under Suharto had sought to employ a mixture of superficial compromise and fundamental resistance as strategies directed towards transforming the state and curtailing its excesses. Non-governmental and legal aid organisations sought to stifle state programmes through offering information counteracting propaganda concerning ethnic minorities, providing legal support to victims of localised corruption, as well as supporting parallel institutions of aid for groups excluded from the kleptocratic state. Student activists sought to mobilise local populations – culminating in the successful campaigns that precipitated Suharto's downfall and the end of the 'New Order' era. These actions were in turn vital in mitigating the worst excesses of state incarceration, intimidation, and alienation of opponents to the Suharto regime.[27]

[24] Nicholas Southwood and David Wiens, 'Devoting ourselves to the manifestly unattainable', *Philosophy and Phenomenological Research*, vol. 104, no. 3, 2022, pp. 696 - 716.

[25] E.g. Duties of samaritanism, responsibilities to protect (in international humanitarian law) and other possible accounts of general repudiation of injustices.

[26] Edward Aspinall, *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia* (Stanford, California: Stanford University Press, 2005).

[27] Benedict Anderson (ed.), Violence and the State in Suharto's Indonesia (Ithaca, New York: Cornell University Press, 2001).

One may argue that opposing state-perpetrated injustices is an incredibly costly process under authoritarian states. Indeed, it is the prohibitive downsides and associated risks that render the authoritarian context so distinctive in the first place – agitating against the state may be logistically difficult in democratic states, but the existence of broadly unfettered access to free media and speech, robustness of legislative checks and balances, and the direct role played by mass opinion in governmental decision-making, often render opposition to injustices in democracies comparatively straightforward and broadly low-cost. [28] The same cannot be said of authoritarian states, who turn to measures including "military repression of internal dissent, [operation] almost exclusively in isolation from the domestic population" and severing of ties between their domestic and international populations.[29]

There are two responses to this charge. The first, is the caveated concession that there may well be instances where any and all opposition to state-perpetrated injustice is too prohibitively costly; we need a reasonable balance. Singer states that, "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it."[30] We may seek to introduce a comparable guard-railing principle in the context of reparative justice, in noting that individuals only develop duties to oppose injustice, if such opposition does not inflict upon them a sacrifice of any moral significance. That is, opposing injustice can and should be done – there exists room for more pragmatic and results-oriented agency than is commonly imagined for individuals under authoritarian states.

A worry may be that this requirement does not ask enough of individuals – after all, an alternative version of Singer's principle is that individuals ought to prevent something very bad, provided that they are not required to sacrifice anything of *comparable* moral significance. This comparative view of significance would ask that, for example, we must accept having one of our fingers or even a hand chopped off, to save five lives.

My assessment of this alternative proposal is, whilst it is *supererogatory* of citizens under authoritarian states to comply with this more stringent 'demand', their acting as prescribed

[28] This is obviously a generalisation, yet also one that is rooted in the explication concerning authoritarian regimes' distinctive features (see Section 1.4.3).

[29] Francesco Cavartota (ed.), *Civil Society Activism under Authoritarian Rule: A Comparative Perspective* (New York: Routledge, 2013), p. 5.

[30] Peter Singer, 'Famine, Affluence, and Morality', *Philosophy and Public Affairs*, vol. 1, no. 3, 1972, p. 231.

should not be viewed as *obligatory*, given that such sacrifices are highly costly and demanding – beyond what is reasonably expectable of individuals in relation to reparative justice.

The second response, is the potent second-order duties on the part of authorising citizens in the society to seek to lower the costs for individuals opposing injustices. Acknowledging the value and moral force of reparative duties requires all agents to act in ways that lower the costliness and raise the feasibility for these reparative duties to be discharged. Consider the setting-up of safe spaces in border regions by civil society groups, coupled with the dissemination of digital-technological communicative methods amongst the Burmese diaspora[31], as means of reducing the risk of dissident activists' being caught and imprisoned under the Tatmadaw; or, indeed, the rise of parallel, private economies under the Soviet Union – as a means of both economic relief for impoverished populations, but also off-setting the losses induced upon those who seek to openly contest and reject the state through the student and intelligentsia activist movements in the 1980s.[32]

8.3.3 Commemoration and Acknowledgment

The third category of reparative responsibilities involves responsibilities of *commemoration* and *acknowledgment of the wrongdoings conducted towards* victims for whom direct compensation is – for a range of reasons – no longer possible. Notably, this is perhaps the only category out of the three where there exists an explicit expressive component to the moral demand – those who are required by CAM to undertake reparative justice, should *openly* acknowledge the harms inflicted upon prior victims, as well as the virtues, strength, and character of such individuals in face of the state-perpetrated injustices they had faced.

Why commemorate and acknowledge, in order to repair? The link between the two, I submit, has to do with the *respect* to which victims of state-perpetrated injustices are entitled. Victims are entitled to an accurate and unadulterated version of their life-stories – as well as the abuses and wrongdoings they endured – being passed on and recognised by subsequent generations. Here we can draw inspiration from Stemplowska's discussion of duties that could be owed to deceased victims, for which it would be reasonable to consider "preference to be

[31] Adam Simpson, 'Building an 'activist diaspora' as a response to authoritarianism in Myanmar: the role of transnational activism in stimulating political reform', in Cavartota, *Civil Society Activism*, pp. 181 - 219.

[32] Robert Service, *A History of Modern Russia* (Cambridge, Massachusetts: Harvard University Press, 2010).

remembered" and "preference for one's work to be commemorated" [33] as significant – individuals hope to honoured even after their death, by individuals who would take their legacy seriously. These preferences outlive the individual persons – in that they continue to have binding effects on others even subsequent to the persons' deaths. A firm position on posthumous rights here need not be taken here – one could be ambivalent towards whether dead persons presently hold any rights, [34] without foregoing the concession that their preferences hold at least a modicum of moral significance. We could argue that respecting these individuals' preferences is integral to social fabric and a sense of communal continuity[35]; alternatively, it may be that such preferences are themselves morally significant in supporting transgenerational contracts with gains accrued to not just the deceased, but also present generations.

One seemingly straightforward view is that responsible agents should *apologise* to victims of historical and present injustices, on behalf of their state. The act of apologising, as Gill[36] notes, possesses significant "moral import" – in order for it to be effective and meaningful, however, the apology must reflect a commitment to truth, upholding of moral standards and principles, and a willingness on part of the apologiser to acknowledge and regret their own moral failures. Whilst Gill focusses her account on the judge – as a vicarious representative of the community's interests, I suggest that her framework could also be extended to agents who, per CAM, authorise and are thus responsible for the injustices perpetrated by their state, in specific domains. Such apology to the victims may not come in the form of, "I apologise for what *I* have done." Yet, uniquely given the relation of authorisation binding these responsible agents to their states, the apology *can* play out in the form of, "I apologise for what I have authorised my government to do." On the other hand, it is clearly non-obligatory (and far less meaningful), albeit certainly not impermissible, for non-authorising citizens residing under authoritarian states to apologise on their government's behalf – given that they do not authorise their states' unjust actions towards the victims in question.

[33] Stemplowska, 'Duties to the Dead', pp. 38 and 49.

[34] See existing debates on posthumous rights - e.g. Cécile Fabre, 'Posthumous Rights', in Matthew Kramer (ed.), *The Legacy of H L A Hart: Legal, Political, and Moral Philosophy* (Oxford: Oxford University Press, 2008); Stephen Winter, 'Against posthumous rights', *Journal of Applied Philosophy*, vol. 27, no. 2, 2010, pp. 186-199.

[35] Joan Callahan, 'On Harming the Dead', *Ethics*, vol. 97, no. 2, 1987, pp. 341 - 352.

[36] Kathleen Gill, 'Moral Functions of Public Apologies', *The Proceedings of the Twenty-First World Congress of Philosophy*, vol. 1, 2007, pp. 105 -- 110.

As a corollary to duties to apologise, there are also broader duties on part of agents to express or act *in solidarity*, as Scholz argues.[37] Members of political communities in solidarity should cooperate and align in ensuring that their personal relationships with other individuals (e.g. attitudes, actions, speech) reflect the kind of ideals consistent with the undergirding cause. In the context of commemorative and acknowledgment-centric justice, then, we may posit that moral agents should express sympathies, support, and a willingness to empathise with victims of injustices, as a way of living up to their commitment to solidarity. An example of this would be designated hand-gestures that are taken as metonymies for ongoing protests against injustices – consider, for instance, the scissor-like gesture employed by protesters[38] in defiance of the Iranian regime, and the message of solidarity embodied by that act.

Beyond apology as the primary mode of *acknowledgment*, we should also recognise a further, distinctive kind of responsibilities – to commemorate victims of injustice. Firstly, responsible agents may have responsibilities to *privately commemorate* the injustices – through ensuring that they retain and maintain sufficient memories of the suffering endured by victims. As Stemplowska compellingly argues, "Many people -- while alive -- care that they be remembered after they die. This sometimes goes beyond wanting to be remembered exclusively by one's close friends and family."[39] Posthumous remembrance, then, could be an important – albeit by no means exclusive – means of mitigating the injustice that has been perpetrated against the individual whilst they are alive, especially if what is remembered is an accurate and comprehensive rendition of the suffering and injustice they experienced – at the hands of the perpetrator(s) of injustice. Secondly, and on the more socially oriented, expressivist level, agents deemed responsible under CAM may bear responsibilities to preserve and pass on memories concerning the injustices in question – through transmission, education, communication, and narrative preservation efforts.

There are also second-order duties to advance commemoration, as an instrumentally important prerequisite for the compensation for victims and opposition to injustices. A case in point is Moscow Pride, which has, over recent years, been as much a celebration of LGBTQIA+ diversity in Russia, as a championing of justice for victims who had historically

[37] Sally Scholz, *Political Solidarity* (Pennsylvania: Penn State University Press, 2008).

[38] Stuart Williams, 'Iranian in Protest Solidarity Gesture after Match-winning Goal', *Barron's*, November 7 2022, URL = https://www.barrons.com/news/iranian-in-protest-solidarity-gesture-after-match-winning-goal-01667819407.

[39] Zosia Stemplowska, '"Go Tell the Spartans, Passerby": Whom to Remember Ahead of Whom?', *Journal of Applied Philosophy*, vol. 39, issue 5, p. 828.

been subjected to haranguing and systemic exclusion on the basis of their sexuality.[40] These are pathways through which commemorative duties can and should be efficaciously discharged. The accurate documentation and preservation of history is pivotal in sustaining more systemic efforts at rectifying historical and enduring injustices – whether it be in providing rhetorical and evidential ammunition, fostering a sense of transgenerational solidarity and devotion to the cause, or applying constant political pressure on the relevant bureaucratic stakeholders.

8.3.4 The Pluralism Caveat

Some may rightfully raise the worry that the above typology does not capture all there is to what we may ascribe to citizens under authoritarian regimes as responsibilities. What about other forms of forward-looking responsibilities that may matter, e.g. duties to serve one's fellow countrymen, or prioritarian duties towards individuals that are most vulnerable? One could argue that it is not the case that citizens are bound by merely either responsibilities stemming from reparative justice, or to enact regime change. This is a false binary.

This observation poses no problem for my account. To be very clear here, I am a broad pluralist when it comes to the responsibilities of citizens – there can be a multitude of grounds and types of responsibilities borne by individuals. My view is that whilst reparative justice is an integral component of the normative landscape of authoritarian regimes, it is by no means the only kind of justice – or responsibilities at large – that ought to matter. With that said, the above responsibilities intuitively strike me as rather compelling and urgent, even relative to competing, alternative responsibilities.

8.4 Two Direct Objections to the Praxis of the CAM

8.4.1 An Objection from Infeasibility

A glaring objection to the above, is whether the above prescriptions are in fact feasible. Given that a primary objective undergirding this project – and criterion by which frameworks are assessed – concerns feasibility, it is imperative that the CAM yields duties that can in fact be feasibly discharged.

[40] Francesca Stella, 'Queer Space, Pride, and Shame in Moscow', *Slavic Review*, vol. 72, no. 3, 2013, pp. 458-480.

To this challenge, I would note that the plurality of actions and responses to injustice encompassed by the three categories above – compensation, opposition, and commemoration – enables most reparatively responsible agents to at least pursue *one* out of these three categories of duties.

A model of feasible government-oriented action to consider constitutes the advocacy and implementation of *localised and contained* reparative measures under authoritarian settings – that is, reparations that do not necessarily invoke the direct confrontation of the national or central government (hence localised) and that are limited in scope and remit to the particular reparative mission (hence contained). O'Brien[41] invokes the concept of 'rightful resistance' to describe how activists in rural China drew upon a combination of state-endorsed rhetoric, appeal to legal institutions and advocates, and semi-open conflict as means of pressuring provincial and local governments in making significant policy concessions. Alternatively, as Duckett and Wang[42] note, when the demands and needs of populations are framed through lenses of policy innovation that is vital to the sustenance of state legitimacy and stability, authoritarian governments would have the natural incentives to take seriously public opinion and reflect such opinion in their policymaking decisions and processes, even if such opinion cannot – through elections or formal institutions – shape the identities of decision-makers and resultant policies.

Additionally, much can be advanced through non-governmental channels: it need not be that the state is the sole site of political action, especially in the reparative realm. Private citizens can opt to donate towards causes, fund and support efforts at correcting common misunderstandings of past and ongoing atrocities, and work collaboratively in building safe spaces for victims of persecution. Such efforts inevitably come with risks and costs – yet this is also where the aforementioned parameters governing the degree and nature of responsibilities come in. The above has hopefully demonstrated that even under authoritarian conditions, significant differences can still be made by individual, ordinary citizens – let alone those in positions of power and privilege.

8.4.2 An Objection from Non-specificity

[41] Kevin J. O'Brien, 'Rightful Resistance', *World Politics*, vol. 49, no. 1, 1996, pp. 31-55.

[42] Jane Duckett and Guohui Wang, 'Why do Authoritarian Regimes Provide Public Goods? Policy Communities, External Shocks and Ideas in China's Rural Social Policy Making', *Europe-Asia Studies*, vol. 69, 2017, pp. 92-109.

An alternative objection is this: the range of contents to responsibilities cited above does not appear to necessarily be exclusively justified on grounds of authorisation alone, per the Comprehensive Authorisation Model (CAM). For one, duties to compensate may also apply to individuals who possess the capacity to compensate, who benefit from injustices, and/or who may be required to assist victims in dire need (prioritarianism) or who suffer from unequal relations of subjugation. The above categories of responsibilities do not seem to be uniquely 'pegged' to authorisation-centric responsibilities.

To this charge, I offer two rejoinders:

Trivially, it need not be the case that the contents of the responsibilities are *exclusively applicable* to authorisation-centric accounts: it is possible for the CAM, and other accounts of reparative justice, to share similar, even overlapping conceptions concerning what individuals ought to do, in order to reflect the requirements of justice.

More substantively, I submit that there are indeed certain kinds of responsibilities that uniquely bind onto – at least most strongly and conspicuously – individuals who are responsible in virtue of their having authorised unjust state acts. The primary candidate I focus on here is the *duty to reform state institutions*.

Such a duty to reform institutions requires individuals to i) *act in ways that most reliably and effectively* bring about ii) *positive changes* to *state/governmental institutions*, along the aforementioned threefold criteria of *compensating, commemorating and apologising to, or mitigating and preventing further injustices to victims*. Underpinning this is a thought that directly addresses Criterion 3 as raised in 1.6 – the importance and need for practical efficacy in addressing the residual responsibilities that cannot be straightforwardly discharged. Here, i) is a requirement of efficacy – it would be fatuous for individuals to claim they are serving reparative justice, if their actions do not translate to actual changes on the ground, with measurable, material improvements to the wellbeing and fortunes of victims, past, present, or future. This applies, in particular, to the seeking of political and institutional changes, given the potential for substantial benefits to be accrued from a successful transformation of these institutions, thus bringing about significant changes to how such institutions operate.

It is the institutional focus, per the second component, that merits more unpacking. ii) is very important, in that it requires the individuals in question, responsible qua authorisers, to take on the challenge of reforming the state under which they reside. This is a unique responsibility that maps onto the authorisation logic. Citizens who are deemed responsible under CAM, possess *pro tanto* duties to seek to influence, reshape, engineer, and force through changes to the institutions undergirding authoritarian states.

Why does this duty stem distinctively from the authorisation-centric approach that I have employed, and not, say, complicity-centric or structural injustice-oriented accounts, as have been surveyed previously? The reasoning is relatively straightforward: the nature of authorisation as a relationship between state and citizen, renders it the case that authorisation, as a concept, is inextricably intertwined with the *normative status* of particular governmental institutions. When individuals authorise their state to act on their behalf, whether it be subjectively or objectively (or both), this generates a unique connection that links together the authorising and the authorised. This link opens the individual up to the prospective range of benefits that come with the authorisation – but also correspondingly imposes upon them the risk that they are at least somewhat responsible for the normative characteristics and outputs of their states, as manifested under the current states. The inevitable entanglement that individual citizens have with their states in authoritarian conditions is thus not a defect – but a feature – of my account: it is in virtue of their authorising the state, that they come to cultivate such reformist duties.

What kinds of changes to institutions are we speaking of here? Note, per our pragmatic conception of political change, such shifts need not be seismic and totalistic – they could manifest through the gradual cessation of violent persecution of minorities, the enfranchisement and inclusion in soft cooptation mechanisms of disempowered groups[43], and improving checks and balances against corrupt officials that engage in kleptocratic behaviours. Alternatively, consider, for instance, efforts at completing, renewing, and preserving archives of the exploitation that Korean comfort women endured under Japanese occupation during World War 2[44], where the improvements to the infrastructure of record-keeping have translated into critical momentum in the push for reparations from the Japanese government to

[43] Duckett and Wang, 'Authoritarian Regimes', p. 92.

[44] Catherine Lu, 'Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress', *Journal of Political Philosophy*, vol. 19, issue 3, p. 263.

the original victims, or their descendants.

Reforming institutions under authoritarian states is a messy, treacherous, and costly process.[45] Such duties may well yield prescriptions with complex moral legacies and ambiguous characters. There are good grounds to think that in a non-trivial set of cases, changes for the better for the victims can only come about, through citizens' opting to work within the system; through their drawing upon a combination of sabotage, subdued critique, tactful advocacy, and result-oriented campaigning and horse-trading (e.g. "slow resistance" through staggered, strategic actions that indirectly challenged governmental prerogatives; or careful engagement of the liberal elite in supporting their overthrowing military-driven dictatorships[46]), in order to bring about more just outcomes for past and future victims.

8.5 The Case against Non-Transformative Reform?

A further objection to my view, is that I am far too permissive towards what some view as inherently *illegitimate* states – i.e. any account of reparative responsibilities would be incomplete, and over-permissive, if it fails to provide a substantive theory concerning how these illegitimate states should be toppled. Indeed, there looms the greater concern that those seeking gradualist reforms, are inevitably ensnared, coopted, and corrupted by the entrenched authoritarian state apparatus, which maintains its grip on power through maintaining the fiction that there exist *no alternative* to their rule.

To paraphrase Fraser, the reforms I am proposing here are at risk of problematically failing to be *transformative*[47] – whilst they do correct "inequitable outcomes of social arrangements", they do so "without disturbing the underlying social structures that generate them". The criticism here is that I am allegedly failing to grapple with the fundamental structural features that render the authoritarian state susceptible to committing injustices against its own citizens,

[45] Yaffa, *Between Two Fires*, Chapters 4 -- 6; Karl O'Connor, Saltanat Janenova and Colin Knox, 'Open Government in Authoritarian Regimes', *International Review of Public Policy*, vol. 1, issue 1, 2019, pp. 65-82.

[46] Zali Fung and Vanessa Lamb, 'Dams, Diversions, and Development: Slow Resistance and Authoritarian Rule in the Salween River Basin', *Antipode*, 2023, URL = https://onlinelibrary.wiley.com/doi/full/10.1111/anti.12939; Nadesan Ganesan, 'The Collapse of Authoritarian Regimes in Indonesia and Thailand: Structural and Contextual Factors', *Asian Journal of Social Sciences*, vol. 32, no. 1, 2004, pp. 1 - 18.

[47] Nancy Fraser and Mark Hrubec, 'Towards Global Justice: An Interview with Nancy Fraser', *Czech Sociological Review*, vol. 40, no. 6, 2004, p. 880; also see Nancy Fraser and Axel Honneth, *Redistribution or Recognition?: A Political-Philosophical Exchange* (London: Verso, 2003).

and more. Short of a radical overhaul to the governing system, this criticism alleges, there could be no genuine solution to the problem.

In response, as explained previously, this thesis does not seek to propose a comprehensive theory of political legitimacy and regime change[48] – defined here as a fundamental overhaul to the *state*, e.g. its institutional arrangements, rules of interplay, and leadership structures. I am open to suggestions that more radical solutions, with greater regime-changing focus than the ones outlined above, may well be justified in some authoritarian contexts. Indeed, there may even be certain cases where without a fundamental regime overhaul, it would be infeasible to pursue compensation, opposition, and commemoration for injustices.

Yet, beyond the meta-observation that we are seeking to develop a theory of *reparative justice*, and not *political legitimacy*, there are three further reasons as to why we should indeed remain open towards a more status quo-affirming stance, when it comes to the particular question of toppling or replacing the regime in question. If there is indeed a spectrum of cases – with one end being ones where regime change is obligatory and permissible, and another end where regime change is non-obligatory, even impermissible, I would posit that most cases stand in the *latter end*, for three reasons. Undergirding all three is the thought that at least through the particular lens of reparative justice, the seeking of regime change is ill-advised, even impermissible in some cases. Here are the reasons:

8.5.1 The Efficacy Consideration

The first consideration involves *efficacy* in bringing about *reparatively just outcomes*. Aiding victims of state-perpetrated injustices requires a significant volume of resources – economic, financial, political, or otherwise. Those seeking to aid these individuals would often find themselves intertwined with those who are resistant to accept attempts at overthrowing altogether the political system. Goodin and Lepora[49] delve into a multitude of instances where complicity and engagement with authoritarian state authorities is vital in the administering of

[48] Henry Hale, 'Regime Change Cascades: What We Have Learned from the 1848 Revolutions to the 2011 Arab Uprisings', *Annual Review of Political Science*, vol. 16, no. 1, pp. 331 - 353.

[49] Chiara Lepora and Robert Goodin, *On Complicity and Compromise* (Oxford: Oxford University Press, 2013), Chapter 2.

humanitarian aid to refugees and populations in need. In practice, this often would require the foregoing of explicit, open principled opposition to the state.

Indeed, one of the most prominent humanitarian workers and poverty relief activists in contemporary Russia, the late Elizaveta Glinka, accepted state accolades and interacted closely with the Kremlin and Russian state. [50] Elsewhere, in Tatmadaw Myanmar, liberal local community groups and religious associations often work in tandem with district branches of the military junta government, in delivering relief and resources to impoverished communities, including those that the military government would not have served in the absence of these local community pressure groups and associations.[51] Reparative justice may in fact necessitate collaboration with state structures – even authoritarian ones. I would submit that these are *necessary* measures in order for genuine amelioration to victims' and their significant others' circumstances to be achieved.

Perhaps the challenge here is that this reply is too unambitious about the counterfactual: perhaps in a world where the state undergoes democratic transition, the ends of reparative justice would be equally, if not better, served.

The issue here is that in pursuing state overthrow – which clearly does not necessarily guarantee the successful toppling of the state – individuals may in fact render it harder for reparative justice to be delivered. There are salient tradeoffs between the seeking of regime overthrow/change, and reforms that would bring about greater reparative justice on the ground.

Consider, first and foremost, the scarcity and limited volume of capital (political, financial, psychosocial) available to those agitating for change – individuals are often, circumstantially compelled to choose and prioritise between regime change and reparative justice.

Of course, one may argue that regime change is *a part* of reparative justice – that some victims of state injustices can only be fully repaired if the regime is overhauled altogether; yet those making this argument must explain how either a) regime change is a necessary part of what is owed towards these victims (as opposed to the financial and material compensation, restoration of political liberties, active acknowledgment of their past sufferings and lived experiences, and the other entitlements discussed above), or b) where if regime change is only part of the

[50] Yaffa, *Between Two Fires*, pp. 272-274.

[51] Maung Aung Myoe, 'The soldier and the state: the Tatmadaw and political liberalization in Myanmar since 2011', *South East Asia Research*, vol. 22, no. 2, pp. 233-249.

reparation made towards *some* and not *all* victims, it is these victims' entitlements to regime change that ought to be prioritised over the claims of others.

I do not deny such theoretical possibilities. However, we should look at the hard facts on the ground. Failed attempts at regime change have often been accompanied by crackdowns, repression, and violence (see Turkey in 2016[52]; Syria since the Arab Spring[53]); even where such attempts succeed in removing previous authoritarian states, there is little guarantee that the incoming administrations would have much interest in condoning or undertaking reparative actions – see, for instance, the succession of governments in Egypt[54] since the Arab Spring, or the post-Shah Iran under the Revolutionary Guard.[55] Regime change without institutional transformation and overhaul could well result in worse consequences across the board, including in the sphere of reparative justice.

Now, one may suggest that the seeking of a transition into a more *democratic* and *constrained* state is not, in and of itself, prone to causing the problems discussed above. To this, I have two rejoinders, which show that even merely seeking (or aspiring towards) *regime change*, with the intention of introducing a democratically and openly elected state in succession – in authoritarian states – would often *not* be an advisable course of action when it comes to reparative justice. The claim advanced through the following is not that the seeking of regime change is always impermissible, but that there are many cases, where doing so would be impermissible given feasibility and costliness constraints.

The first revolves around the substantial barriers to success, which makes regime change an infeasible course of action to pursue – authoritarian regimes possess extensive access to security, surveillance, and extensive repressive apparatus, with which they crack down upon both collective and individualised dissent; they may also be highly effective at coopting and incorporating viable challengers to power, such that no tenable coalition of opponents could be formed in resisting their rule. Above all, the *low-information* and *high-uncertainty* environment in which individual citizens operate, renders it difficult for citizens to politically

[52] Zafer Yilmaz and Bryan S. Turner, 'Turkey's deepening authoritarianism and the fall of electoral democracy', *British Journal of Middle Eastern Studies*, vol. 46, 2019, pp. 691 - 698.

[53] Zachary Laub, 'Syria's Civil War: The Descent into Horror', *Council on Foreign Relations*, February 14, 2023, URL = https://www.cfr.org/article/syrias-civil-war.

[54] Bruce K. Rutherford, 'Egypt's New Authoritarianism under Sisi', *Middle East Journal*, vol. 72, no. 2, 2018, pp. 185 - 208; Hani Awad, 'Egypt's new authoritarianism from an institutionalist perspective: formal-informal interactions before and after the Egyptian revolution', *British Journal of Middle Eastern Studies*, 2022, pp. 1 - 20.

[55] Michael Axworthy, *Revolutionary Iran: A History of the Islamic Republic* (London: Penguin, 2023).

mobilise in challenging state grip on power: there is thus a collective action problem. Yaffa points to the organisational difficulties for activists and journalists seeking to systematically push back against the Russian state through spurring infra-elite defection, in the aftermath of Putin's entrenchment of powers and cult of personality.[56] Snyder writes of the vast challenges experienced by those seeking to topple the government, whose families and loved ones – alongside themselves – face prohibitive threats to personal safety under the Russian state; this, in turn, renders it unlikely that attempts at pursuing regime change would gain much public sympathy and support.[57] Pressing for contextual concessions and granting of material welfare from local authorities, on the other hand, remains distinctly more feasible and less costly – for such advocacy is neither perceived to be an existential threat to the regime, nor requires the navigation of sizeable bureaucracy and vested interests.[58] Geddes' theory of elite defection and fragmentation[59] points to the need for the elite within the governing coalition to observe sizeable benefits associated with defection away from the regime, as well as relatively limited costs in so doing. This is less likely to occur under instances where mass protests and pressures render the elite convinced that defection would cause them to lose it all[60], proverbially, as compared with an alternative world where gradualist, pro-democratisation reforms pave the way for transitions away from authoritarian institutions by aligning segments of the elite with the reformist movement at large.

A potential pushback, is that authoritarian states would move naturally towards greater entropy and disintegration in the long run (though there is a substantial volume of evidence[61] suggesting that this is not the case), so in some cases, efforts at driving regime change could in fact converge with the natural forces pulling apart authoritarian states.

In response, the second reason concerns the dangers of incomplete democratisation, as observed by Walter in her discussion of anocracies and rushed transitions from authoritarianism.[62] It is vital that in the event we are contemplating regime change, we must be hyper-selective in only pursuing such in contexts where the change is likely to be towards a

[56] Yaffa, *Between Two Fires.*

[57] Timothy Snyder, *The Road to Unfreedom: Russia, Europe, America* (New York: Crown, 2018), pp. 16 - 17.

[58] Duckett and Wang, 'Authoritarian Regimes', pp. 95 - 99.

[59] Barbara Geddes, Joseph Wright, and Erica Frantz, 'Authoritarian Breakdown and Regime Transitions: A New Data Set', *Perspectives on Politics*, vol. 12, no. 2, 2014, pp. 313-331.

[60] Hyung Baeg Im, *Democratization and Democracy in South Korea, 1960 - Present* (London: Palgrave Macmillan, 2020), pp. 75 - 94.

[61] Changdong Zhang, 'A Fiscal Sociological Theory of Authoritarian Resilience: Developing Theory through China Case Studies', *Sociological Theory,* vol. 35, no. 1, 2017, pp. 39 - 63; Steven Levitsky and Lucan Way, *Revolution and Dictatorship* (Princeton and Oxford: Princeton University Press), pp. 9 – 12.

[62] Barbara Walter, *How Civil Wars Start: And How to Stop Them* (New York: Crown, 2022), Chapters 2 -3.

more stable, democratic state in the long run. Incidentally, recent manifestations of regime change under authoritarian states – most notably as evidenced by the Arab Spring[63] – point to the need for prudential consideration and reflection upon the ideal course of action to take when it comes to dismantling authoritarianism. Whilst the transition towards democratisation may certainly be – in principle – in the interest of large swathes of populations residing under authoritarian states, on grounds pertaining to both participatory and substantive justice, we must be wary of committing to excessively impetuous moves towards democracy that culminate at substantial destabilisation and geopolitical spillover effects. This is not to say that authoritarianism ought to be celebrated or preserved through active effort – but that any and all attempts to transform the state logic must be made with broader interests and overarching stability in mind. Post-transition states may well relapse into authoritarianism, on grounds of poorly defined institutions, absence of a well-formed and robust civic culture, and due checks and balances between different arms of the government; consider, for instance, the Philippines under Rodrigo Duterte, and Myanmar's repivoting from the flawed democracy under the National League of Democrats, into a military state under the Tatmadaw.[64]

8.5.2 The Costliness Consideration

The second consideration is costliness. Recall the previous discussion concerning the need for accounts of reparative justice to strike a reasonable balance between demands placed upon responsible agents, and the reparative duties that have been accrued. Excessively costly courses of action – even where there exist no alternatives – should not be pursued *simpliciter*. To be clear, agents have every right – and should be praised qua *supererogatory* acts – to pursue such course of events, at their own (substantial) expense. Yet it should not be deemed a *requirement*, in the way that the hybrid kind of responsibility sketched out above is, that all responsible agents do the same.

The pursuit of regime overthrow is most costly for those pursuing it. None of the above is to say that those agitating and pushing for full democratisation under authoritarian states are *unjustified* in their pursuing this course of action – yet the above does suggest that extra caution must be exercised over the means and steps by which political states democratise, if at all. Whether or not regime overthrow or reform are mutually exclusive, and – if so – which one is preferable to the other, are both context-sensitive questions. More generally speaking,

[63] Khalifa A. Alfadhel, *The Failure of the Arab Spring* (Cambridge: Cambridge Scholars, 2016).

[64] See Chapter 1.

individuals have no inherent duty to *oppose* the actions of others who are seeking to induce regime change – *unless* it is specifically and reasonably clear that the regime change-inducing behaviours will yield substantial costs, e.g. instability, warfare, and violence that undermines the viability of the reparative project.

Fundamentally, prerogatives of democratisation – and other associated reasons or justifications for regime change – should not be conflated with duties of reparative justice. They may well come into conflict, and it is my view that reparative justice is just as, if not more, important in the weighing-up. Recognise that the duties of reparative justice span compensation, opposition, and commemoration: whilst duties to reform institutions for greater democratisation may overlap somewhat with the duties to oppose injustices, both the duties of compensation and commemoration are distinctive, and stand apart from general duties of democratic reform. The upshot is that citizens' responsibilities to repair injustices under their states do not entail a duty to pursue regime change; instead, such responsibilities' discharging should be *pragmatically oriented* – citizens must do whatever they can, wherever is feasible, to the extent that they do not incur significant costs, in order to compensate and commemorate victims of, as well as prevent and stop state-perpetrated injustices.

8.5.3 From Affirmative Reform to Transformative Reform

The final reason is that reforms that seemingly 'affirm' dominant structures in the status quo, may in fact pave the way for future, fundamental transformations to these structures, including the type of government at large – reform and regime change need not be mutually exclusive. That is, genuine changes to the state are more likely to emerge through piecemeal and gradualist agitation for changes, as opposed to sweeping, one-off changes. Here, Fraser's theorisation is in fact most helpful. In an interview conducted by Hrubec, she notes that, "Reforms that appear to be affirmative in the abstract can have transformative effects in some contexts, provided they are radically and consistently pursued."[65]

When applied to the reparative project at hand here, we could expand the scope of transformative reforms to encompass more than total regime overhaul – such reforms could also take the form of new political leadership, significant devolution and decentralisation in

[65] Fraser and Hrubec, 'Towards Global Justice', p. 881.

governance, or the introduction of meritocratic and technocratic norms in personnel appointment and selection under authoritarian states.[66] The advancing of reforms that may – at least upon first glance – reinforce the status quo, could well precipitate a cascade of internal movements culminating structural concessions from the state. Indeed, it may turn out to be inefficacious and unwarranted for us to actively seek out regime-changing disruptions to the status quo, given that doing so undermines a course of action that has a higher probability in succeeding.

8.5.4 Upshot

From the perspective of reparative justice, the seeking of regime change is permissible if it can be reasonably ascertained that doing so has a reasonable chance of success, does not result in substantial disruption to reparative justice, and does not impose excessive costs on individuals other than those pursuing the regime change, e.g. the public at large. Fundamentally, however, seeking regime change is ill-advised, more generally, if the expected outcomes of the pursuit of regime change are the bolstering of authoritarian state apparatus and further state perpetration of injustices. This is not to say that regime change must always be ruled out; yet we must be very prudent and cautious when addressing the possibility.

We can hence specify the CAM's particular theory of responsibility as follows:

1. Responsible citizens under this account bear task responsibilities to engage in reparative justice. Excusable and/or exemption-worthy failure to discharge such responsibility renders one criticisable. Non-excusable and -exemption-worthy failure, on the other hand, renders one blameworthy.
2. The responsibilities can be discharged through three predominant means: *compensating* victims of injustice, *committing to* stopping present and preventing future injustices conducted by the state, or *commemorating and apologising to* victims of injustice. Additionally, citizens must be *pragmatic* in seeking to transform state institutions in bringing about such outcomes.
3. Uniquely, agents responsible under the CAM should also seek to reform the state institutions under which they operate – such reforms could well be non-transformative,

[66] Fung and Lamb, 'Dams, Diversions, and Development'; Andreas Pickel, 'Authoritarianism or democracy? Marketization as a political problem', *Policy Sciences*, vol. 26, 1993, pp. 139 -- 163.

on grounds that the radical *pursuit of the overthrowing* of the state is *either* normatively *or* prudentially unwarranted.

8.6 Comparisons with Other Models and Relative Strengths of CAM

We now turn to a comparative assessment of the CAM: to what extent does the CAM supersede in authoritarian contexts the various other accounts that we have considered at length throughout the various chapters? I shall be applying the three criteria we developed in 1.6 in accounting for why CAM proves to be a superior model than three of its most prominent and promising 'rivals': the Revised Collective Responsibility Model inspired by List and Pettit (Revised CRM), Pasternak's Intentional Citizenship Account, and the Dualist Structural Injustice Model (e.g. the modified post-Youngian model incorporating elements of blame).

These three models are chosen for comparison with the CAM on two primary grounds: first, in terms of internal logic and justification, they supersede their closest and comparable contenders in each of their respective 'fields' in reparative justice. This is evidenced by the discursive and dialectical developments throughout Chapters 3, 4, and 5. Second, they tend to be relatively externally applicable to the context of authoritarian states: and this has indeed been reflected in our analysis and deconstruction of them. Given all of this, then, let us recall the three desiderata that we established in 1.6. Any competent RJAS must fulfil the following criteria (abridged):

1. Descriptive accuracy – minimising *undershooting* and *overshooting*;
2. Explanatory precision – providing the right *reasons* and assigning the right *kind of responsibility*;
3. External coherence – commensurability with external considerations, such as resolving the *Responsibility Remainder*, and feasibility.

Let us consider each of these criteria in turn.

8.6.1 Descriptive Accuracy

The CAM does minimise both overshooting and undershooting – especially the former. On overshooting, recall that the Revised CRM (3.3) struggles to explain why individuals who face

coercion when it comes to *membership of their groups* are – fundamentally – responsible for the acts perpetrated by said group. Attempts to appeal to a shift away from blame as the *kind* of responsibility, as well as the prudential benefits associated with the development rationale (3.5.1.1) remain unpersuasive. Pasternak's Intentional Citizenship Account certainly fares better, but does have the tendency to overshoot when it comes to the precise *scope of acts* for which individuals are held responsible, and the conditions under which such responsibilisation is in fact deemed justified (4.4). Finally, the Dualist Structural Injustice Model touted by those who seek to reintroduce blameworthiness for perpetrators to accounts of structural injustice, does work in capturing culpable actors who intentionally perpetrate injustices – yet strains to make sufficient leeway for individuals who are so *radically coerced* (5.4.1.3) that they should be let off the hook altogether.

The CAM overcomes all these objections. First, the CAM makes it explicit that the presence of radical coercion is a necessarily disqualifying condition for the uptake of responsibility; additionally, coercion, to the extent that it demonstrably interferes with an individual's ability to a) meaningfully satisfy the criteria for objective authorisation, or b) meaningfully authorise – in the subjective sense – the acts committed under their state, would prove to be sufficient to negate the existence of reparative responsibilities. The critic may argue that I am too *lenient* in these cases; yet given the back-and-forth exposition and discussion in the previous chapters concerning how and why coercion ought to justify the exemption of individuals from responsibility, I do not believe this is a fair allegation. The CAM hence outperforms both the revised CRM and structural injustice model outlined above.

Second, the CAM offers very specific stipulations concerning what the relevant scope of acts is – by leveraging *policy domain* (inspired in part by Pasternak's critique of Stilz) as a primary divisor, this effectively translates to a useful partitioning principle in determining both the range of relevant state-perpetrated injustices in responsibility assignment, and the identity of agents who must bear reparative responsibilities for such injustices. There is thus no undue overshooting stemming from unclear or over-expansive line-drawing over the scope. The CAM hence supersedes Pasternak's model according to these particular dimensions.

Indeed, the CAM further excels in two ways: firstly, the CAM is robust in its capturing of those who should be deemed responsible; by rendering responsibility incredibly sensitive to two co-extensive dimensions – the subjective states of mind of the individual, or the particular benefits and capacity to influence decision-making between the state and the individual – the CAM

effectively rules non-responsible those who should not be. For one, individuals who are neither objective nor subjective authorisers, intuitively should not be held responsible on reparative grounds – they may bear general Samaritan duties to assist, but such duties are not reparative in kind.

Secondly, the CAM incorporates a wide range of parameters, that seek to capture in a more refined manner the relationship between the *quality of will*, *costs imposed upon individuals by the discharging of reparative demands*, and the reparative responsibilities they possess. The sensitivity of the model thus ensures that it is not overdemanding – or overshoots in the *level of responsibilities* assigned to individuals. These parameters also help elucidate and differentiate between agents with different degrees and scopes of responsibilities, which is something that Pasternak's account strains to do as clearly, as Francis[67] notes.

What of concerns over undershooting? Trivially, the revised CRM undershoots in authoritarian contexts given that most individuals involved in injustices under authoritarian states may not constitute – per the stipulated criteria – members of collective agents as envisioned by List and Pettit (3.5). Pasternak's model does not undershoot, in my view, though it has residual epistemic-evidentiary problems concerning whether individuals indeed harbour such participatory intentions (4.4). The dualist model still struggles to make room for acknowledging the extent to which individuals' varying levels and degrees of involvement with injustices – both in mental states and action-centric terms – could play a role in determining the scope and extent of their responsibilities. That is, whilst it captures adequately instances where individuals refuse to take up structural responsibility – and assigns blame to them accordingly (a logic that is mirrored by the model of responsibility embraced by CAM), it does not sufficiently account for how individuals' mental states can shape the level of responsibility they should take up: there is a dearth of fine-graining, so to speak.

The CAM is far more expansively applicable to authoritarian contexts than the other theories above. The following seeks to establish two claims – first, that the CAM's scope is far wider, and second, that the wideness of the CAM here does not result in its overshooting (e.g. a wide scope is only useful insofar as it reflects, in substantive terms, whom are or are not responsible).

[67] Bennet Francis, 'Citizenship as strict liability: a review of Avia Pasternak's *Responsible Citizens, Irresponsible States*', *Ethics and Global Politics*, vol. 15, issue 4, pp. 109 - 111.

To the former, the objective authorisation component – inspired by Stilzian methodology – can capture a wide range of individuals who are not directly involved or indirectly implicated in the *causation* of the state-perpetrated injustices, and yet are, in virtue of their having derived significant presumptive and comparative benefits from their states, thereby responsible. The subjective authorisation component, on the other hand, draws upon recent developments in the literature on self-determination, in supporting our holding responsible individuals who possess the right sentiments to ground *uptake* of responsibilities rooted in their particular relationships with their state – thus expanding the scope of agents who can be assigned reparative responsibility.

Neither of these two strands overshoots. The rationales for their holding were extensively discussed in Chapter 7. The epistemic barriers for determining if individuals are indeed *better off* under this authoritarian regime (as compared to alternatives that are non-authoritarian) (objective), or do, in fact, *identify strongly with their state qua a state*, are not particularly substantial. It may be difficult at the margins to determine if individuals are indeed comparative beneficiaries (especially where the baseline metric for comparison is unclear), yet such ambiguities are by no means structural or overriding at large. As such, the CAM can indeed circumvent many of the issues that afflict its rival accounts, under authoritarian contexts.

8.6.2 Explanatory Precision

None of the defects in the respective accounts – e.g. the revised CRM, Pasternak's account, or the dualist structural injustice account – renders them thereby fundamentally flawed at large. We have predominantly oriented our analysis over whether such frameworks could be *applied well* to the authoritarian context. As such, I do not dispute the fact that each of these models is explanatorily precise – and indeed, most powerful – for at least a sizeable subset of cases of injustices at large, albeit perhaps not under authoritarian contexts.

Within the authoritarian context – the primary focus of this thesis – there are two dimensions that we should consider under this criterion. Firstly, does the account provide the right *reasons* for which individuals are responsible? Secondly, does the account assign to individuals the right *kind* of responsibility? All of the models surveyed in this sub-section perform well on the first front. Yet I do not believe the right kind of responsibility is captured by the Revised CRM or Pasternak's model. The revised CRM – given its roots in List and Pettit's account – remains

firmly wedded to notions of moral blameworthiness. For all the reasons outlined in 3.4 and 3.5, I do not believe this is a valid approach to responsibility. Moral responsibility should not, and cannot serve, as the basis for collective responsibility.

Pithily, Pasternak's approach emphasises the forward-looking responsibility that individuals accrue in virtue of their participatory intentions in their state. I believe this is a helpful bedrock for accounts of responsibility under authoritarian states, but it does not go far enough in taking seriously the secondary responsibilities that arise in instances of non-compliance with the forward-looking responsibilities. It remains unclear, therefore, as to where lies the normative bite and urgency in individuals' taking up such forward-looking responsibilities – especially if the failure to discharge comes with no substantial moral cost or reactive attitude on the part of others. What is needed here is a fine balance: individuals should not be assigned reparative responsibilities that carry with them blame *simpliciter* – there are good grounds to think that doing so ignores the constraints – both informational and motivational – under which individuals operate. Yet concurrently, for individuals who repeatedly refuse to undertake their reparative responsibilities, there should be a mechanism by which others can enforce responsibilities and hold them responsible for their refusal.

This is where the CAM excels. The hybrid account of responsibility advanced means that individuals who fail to discharge their forward-looking reparative responsibilities can come to be *criticised* by others (in the same way as the dualist structural injustice account proposes) for their omission. This crucially reflects our intuitions that those who do not take up reparative responsibilities *are* behaving in a faulty manner that merits *more scrutiny* than is perchance offered by Pasternak's view. Having a pluralist range of responsibilities – forward-looking for straightforward authorising agents, criticism-attached remedial for authorising agents who fail to discharge their responsibilities – allows for a more refined responsibility-distributive pattern.

A worry drawing upon Pasternak's logic may be this: one of the most powerful arguments for a non-proportional approach to parcelling out reparative responsibilities is that in seeking to establish the intentions and mental states of individuals (per the proportional approach) could well be epistemically difficult, if not infeasible.[68] To pursue this hybrid model of responsibility seems to require that we possess an accurate understanding of why and how individual agents

[68] Pasternak, *Responsible Citizens*, Introduction.

are failing to discharge their reparative responsibilities. Does this not thwart the applicability and practicability of the prescriptions offered above?

To this, I make two observations. Firstly, the reasons and motivations for which individuals fail to comply with these reparative responsibilities can be, in many cases, relatively transparent, e.g. they do not feel that they are responsible, or they may believe that someone else 'should be doing the job', and such reasons are cited in defense of their inaction. In such cases, where the failure to discharge responsibilities is intentional and voluntary, it is clear that we can and should assign blame to these non-complying agents.

Secondly, I am by no means advocating that we disregard the costliness and infeasibility of accurately gauging the intentions and mental states of each and every responsible actor out there – the solution, however, rests not with dropping this stipulation altogether, but a calibrated incorporation of considerations of (in)feasibility and costliness into the process of reparative justice.

8.6.3 External Coherence

The final metric for comparison revolves around external coherence. Essentially – does the account proposed do enough in addressing the Responsibility Remainder, and how costly will undertaking the responsibilities set out in fact be? The Remainder question, at face value, seems to collapse into the desideratum of avoiding undershooting – yet there is more to it. Recognise that the Remainder poses a practical question of the *burden* of redress. Independent of whether individuals should in fact be deemed responsible (undershooting/overshooting), there exists the further concern that we end up – even in the aftermath of holding everyone who should be responsible, responsible – falling short of the amount needed to redress persisting injustices.[69]

The CAM, Pasternak's account, and the dualist structural injustice accounts all outperform the revised CRM here. The revised CRM strains to explain how much individuals should be responsible for – and fails to provide a cogent theory of feasible action that can be undertaken to remedy past and present injustices. In contrast, each of the former three accounts makes a powerful case for citizens taking up reparative responsibilities, especially where there exists a residual amount of unresolved and non-discharged responsibilities – in relation to outstanding

[69] Pasternak, *Responsible Citizens*, Chapter 1.

and continued injustices. Pasternak's non-proportional account cuts through the epistemic and normative barriers of proportional accounts, and provides a helpful set of heuristics concerning whom should do what, in order to repair injustices. The dualist structural injustice account draws heavily upon Young's notion of political responsibility in calling for wide-ranging solutions to 'correct' the remainder of responsibilities. The CAM, of course, would posit that the Remainder should be taken up by all those who authorise their state in a subjective or objective way (a rather sizeable population), but also – that where such responsibilities cannot be adequately discharged, the solution is for all authorising agents to press for improvements to feasibility and possibility sets (see 8.5 concerning non-transformative reform). Therefore, the revised CRM pales in comparison.

What of feasibility considerations in prescriptions, then? Here, I suggest that structural injustice-centric accounts tend to be the weakest, when it specifically comes to engaging with the authoritarian context at hand here. Both CAM and Pasternak's accounts provide prescriptions concerning how non-democratic state-perpetrated injustices ought to be repaired for by their citizens – the former points to practical prescriptions concerning individual citizen action; the latter focusses more heavily on the ethics of international engagement and interaction with said states, but also the internal pressures and domestic processes within such states on a collective-societal level[70]. In contrast, dualist structural injustice accounts tend to zoom in on the importance of pressing for radical structural overhaul through a combination of grassroots activism, deliberative democracy[71], and political speech and agitation[72]. These forms of transformative change – whilst certainly bold and significant in their confrontational approaches – may be less effective under authoritarian circumstances, where repression and alienation run rampant, and where coordination between opposition dissidents tends to be logistically and informationally difficult. The upshot is that we cannot count on dualist structural injustice accounts in showing us a way out. Better answers must be sought elsewhere.

Note, Pasternak's intentional citizenship account and CAM are both reasonably robust in accordance with this third metric – so this is not a differentiating metric, *per se*, between Pasternak's and my accounts.

[70] Pasternak, *Responsible Citizens*, Chapter 4.

[71] See the roster of structural injustice accounts we surveyed in Chapter 5 of this thesis, especially Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011), Chapter 4.

[72] Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).

8.7 Conclusion

It is high time for political theorists and theory to take seriously authoritarian states – not just in light of their purportedly inevitable transition to democracy, or their structural features and internal logics. What is needed here, is a fundamental cognizance of how individuals residing under such states ought to act – especially in face of the wrongdoings and injustices perpetrated by their governments. From pillaging and looting to war, from persecution of ethnic minorities to kleptocratic rule, authoritarian states have been involved in many of the most egregious episodes of injustices in contemporary human history.

The above account has hopefully dismantled two fundamentally flawed misconceptions – the first, is that agents residing under authoritarian states have no capacity or responsibility whatsoever to bring about reparative change; the second, is that the individual circumstances, intentions, values, and preferences of agents do not matter in terms of what responsibilities, if any, they bear. Both of these have been demonstrably disproven through the Comprehensive Authorisation Model, which draws from a number of preexisting accounts in devising an independent, practically applicable, and balanced assessment of reparative responsibilities.

This model does not render all other accounts of reparative responsibilities obsolete in authoritarian contexts – and certainly not across all contexts. However, it has hopefully offered an alternative, distinct, and compelling view concerning how responsibilities can be attributed and justified, in authoritarian contexts. The above can hopefully serve as the first step to exploring how reparative justice ought to proceed under non-ideal circumstances, as well as delineating a part of the full set of responsibilities borne by those residing under authoritarianism. To live, to breathe, and to act in accordance with what is right, to do right by those who are owed it, to right past wrongs and prevent future injustices, is by no means easy. This is especially the case when it comes to authoritarian states.

I can only hope that this has made a helpful foray into establishing the distinctive political responsibilities and moral agency of citizens residing under authoritarian states. There is much to learn, to reflect upon, and that merits nuanced deconstruction and analysis in regimes extending beyond the usual idealised realm of liberal democracies, around which theorisation is often done. Indeed, there is every reason to think that the world is larger than that. Those who live beyond boundaries of conventional, idealised theorisation, deserve better.

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